

MID MICHIGAN COMMUNITY COLLEGE STUDENT CONDUCT CODE

PREAMBLE

MMCC Mission: The purpose of Mid Michigan Community College is to provide educational and community leadership for the development of human ability. To this end the College provides post-secondary education and services to enable students and the community to achieve success in a global society.

As a member of this academic community, each student enjoys the right to learn. Mid Michigan Community College has a duty to promote this learning. The student, in turn, has duties and responsibilities to other members of the Mid Michigan Community College community. The most important is to refrain from interfering with the rights and responsibilities of others to learn, teach, and effectively manage the institution. Students are required to engage in responsible social conduct that reflects credit upon the College community and to model good citizenship in any community. Students are expected to act in a responsible manner that promotes the environment for learning. The three forms of misconduct subject to disciplinary action are 1) violations of civil/criminal law, 2) disruption of the educational process, and 3) violation of College rules, regulations and policies.

ARTICLE I: DEFINITIONS

The term College means Mid Michigan Community College.

The term “student” includes all persons taking courses at the College, either full-time or part-time, taking courses either for credit or not for credit. The term also includes persons who withdraw after allegedly violating the Student Code, who are not officially enrolled for a particular term but who have a continuing relationship with the College or who have been notified of their acceptance for admission, even though they are not enrolled in this institution. This Student Code applies at all locations of the College, and to off-campus locations related to College activities including, but not limited to, internships, study abroad courses, athletic events, etc.

The term “faculty member” means any person hired by the College to conduct classroom or teaching activities or who is otherwise considered by the College to be a member of its faculty.

The term “College official” includes any person employed by the College, performing assigned administrative or professional responsibilities.

The term “member of the College community” includes any person who is a student, faculty member, College official or any other person employed by the College.

The term “College premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College (including adjacent streets and sidewalks).

The term “organization” means any number of students/student groups who have complied with the formal requirements for College recognition/registration.

The term “Student Oversight Committee” means any person or persons authorized by the Executive Dean of Student and Academic Support Services to determine whether a student has violated the Student Code and to recommend sanctions that may be imposed when a rules violation has been committed.

The term “Disciplinary Records” means documentation of any student’s code violations, assessed sanctions, and completion of said sanctions. Disciplinary records are maintained separately from the student's academic record but are part of the student's overall educational record.

The Executive Dean of Student and Academic Support Services is that person designated by the College President to be responsible for the administration of the Student Code. The Executive Dean of Student and Academic Support Services is . . .

- Authorized on a case-by-case basis to impose sanctions upon any student(s) found to have violated the Student Code.
- Selects the members of the Student Oversight Committee and the Appeals Board.
- Authorizes designated College officials to impose sanctions in all cases.

The term “Appellate Board” means any person or persons authorized by the Executive Dean of Student and Academic Support Services to consider an appeal of a decision by the Student Oversight Committee.

The term “shall” is used in the imperative sense.

The term “may” is used in the permissive sense.

The term “policy” means the written regulations of the College as found in, but not limited to, the Student Code, the College’s Title IX Policy, the College web page and computer use policy, and the College Catalog.

The term “Academic Dishonesty” includes, but is not limited to: (1) use of any unauthorized assistance in taking quizzes, tests, or examinations; (2) use of resources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; (3) the acquisition, without permission, of tests or other academic material belonging to a member of the College faculty or staff (4) engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.

The term “plagiarism” includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

The term “Complainant” means any person who submits a charge alleging that a student violated this Student Code. When a student believes that s/he has been a victim of another student’s misconduct, the student who believes s/he has been a victim will have the same rights under this Student Code as are provided to the Complainant, even if another member of the College community submitted the charge itself.

The term “Accused Student” means any student accused of violating this Student Code.

ARTICLE II: STUDENT CODE AUTHORITY

The Executive Dean of Student and Academic Support Services shall determine the composition of the Student Oversight Committee and the Appellate Board and determine which group or College official shall be authorized to hear each matter.

The Executive Dean of Student and Academic Support Services shall develop policies for the administration of the student conduct system and procedural rules for the conduct of Student Oversight Committee Hearings that are consistent with provisions of the Student Code of Conduct and that work in concert with the policies of the Board of Trustees.

Decisions made by the Student Oversight Committee and/or Executive Dean of Student and Academic Support Services shall be final, pending the appeal process as described in this Student Code of Conduct.

ARTICLE III: PROSCRIBED CONDUCT

A. Jurisdiction of the College Student Code

The College Student Code shall apply to conduct that occurs on College premises, at College sponsored activities, and to off-campus conduct that adversely affects the College Community and/or the pursuit of its objectives. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded). The Student Code shall apply to a student’s conduct even if the student withdraws from school while a disciplinary matter is pending. The Executive Dean of Student and Academic Support Services shall decide whether the Student Code shall be applied to conduct occurring off campus, on a case by case basis, in his/her sole discretion.

B. Conduct—Rules and Regulations

Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions outlined in Article IV:

1. Acts of dishonesty, including but not limited to the following:
 - Cheating, plagiarism, or other forms of academic dishonesty.
 - Furnishing false information to any College official, faculty member, or office.
 - Forgery, alteration, or misuse of any College document, record, or instrument of identification.
2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other College activities, including its public service functions on or off campus, or of other authorized non-College activities when the conduct occurs on College premises.

3. Physical abuse, verbal abuse, bullying, threats, stalking, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any person.
4. Any sexual harassment or sexual misconduct or any other violation of the College's Title IX policy.
5. Attempted or actual theft of and/or damage to property of the College or property of a member of the College community or other personal or public property, on or off campus.
6. Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule.
7. Failure to comply with directions of College officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
8. Unauthorized possession, duplication or use of keys to any College premises or unauthorized entry to or use of College premises.
9. Violation of any College policy, rule, or regulation published in hard copy or available electronically on the College website.
10. Violation of the MMCC Smoking and Tobacco Use Policy, which states: To promote the health and well-being of its students, faculty and staff, and reduce involuntary exposure to second hand smoke, the College has established a smoke and tobacco free environment. Smoking and/or the use of any tobacco product is prohibited within or outside of all facilities, vehicles, and grounds owned, leased or operated by Mid Michigan Community College. No designated areas will be provided by the college for smoking or the use of tobacco products. Staff and visitors may continue to smoke and/or use tobacco products in their personal vehicles when working or visiting any MMCC campus location.
11. Violation of any federal, state or local law.
12. Use, possession, manufacturing, or distribution of marijuana, heroin, narcotics, or other controlled substances except as expressly permitted by law.
13. Use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly permitted by College regulations), or public intoxication. Alcoholic beverages may not, in any circumstance, be used by, possessed by or distributed to any person under twenty-one (21) years of age. Behavior must also comply with provisions of the College's Substance Abuse Policy.
14. Possession of firearms, explosives, other weapons, or dangerous chemicals on College premises or use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others.
15. Participating in an on-campus or off-campus demonstration, riot or activity that disrupts the normal operations of the College and/or infringes on the rights of other members of the College

community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.

16. Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College sponsored or supervised functions.

17. Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on College premises or at functions sponsored by, or participated in by, the College or members of the academic community. Disorderly Conduct includes but is not limited to: Any unauthorized use of electronic or other devices to make an audio or video record of any person while on College premises without his/her prior knowledge, or without his/her effective consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom.

18. Theft or other abuse of computer facilities and resources, including but not limited to:

- Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
- Unauthorized transfer of a file.
- Use of another individual's identification and/or password.
- Use of computing facilities and resources to interfere with the work of another student, faculty member or College Official.
- Use of computing facilities and resources to send obscene or abusive messages.
- Use of computing facilities and resources to interfere with normal operation of the College computing system.
- Use of computing facilities and resources in violation of copyright laws.
- Any violation of the College Computer Use Policy.

19. Abuse of the Student Conduct System, including but not limited to:

- Failure to obey the notice from a Student Oversight Committee or College official to appear for a meeting or hearing as part of the Student Conduct System.
- Falsification, distortion, or misrepresentation of information before a Student Oversight Committee.
- Disruption or interference with the orderly conduct of a Student Oversight Committee proceeding.
- Initiation of a student conduct code proceeding in bad faith.
- Attempting to discourage an individual's proper participating in, or use of, the Student Conduct System.
- Attempting to influence the impartiality of a member of a Student Oversight Committee prior to, and/or during the course of, the Student Oversight Committee proceeding.
- Harassment (verbal or physical) and/or intimidation of a member of a Student Oversight Committee prior to, during, and/or after a student conduct code proceeding.
- Failure to comply with the sanction(s) imposed under the Student Code.
- Influencing or attempting to influence another person to commit an abuse of the Student Conduct System.

20. Children on Campus Policy

The college environment is not well suited to the presence of young children; generally, bringing children to campus shall be discouraged. However, should circumstances arise that a child must be brought to campus the following expectations will hold:

- Children must be with a responsible adult (parent/guardian), which means at the adult's side.
- Children are not permitted in classrooms.
- Children must remain quiet, controlled, and non-disruptive.

Failure to comply with the above may result in a directive for the adult and the child to leave campus; further incidents may result in further disciplinary action against the adult student.

C. Violation of Law and College Discipline

College disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Student Code (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of Executive Dean of Academic and Student Support Services. Determinations made or sanctions imposed under this Student Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

When a student is charged by federal, state, or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also being processed under the Student Code, the College may advise off-campus authorities of the existence of the Student Code and of how such matters are typically handled within the College community. The College will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the College community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

ARTICLE IV: STUDENT CONDUCT CODE PROCEDURES

A. Charges and Student Oversight Committee Hearings

1. Any member of the College community may file a complaint against a student for violations of the Student Code. A complaint shall be submitted through the online reporting system (Maxient) or prepared in writing and directed to the Student Oversight Committee. Any complaint should be submitted as soon as possible after the event takes place.
2. The Executive Dean of Student and Academic Support Services may conduct an investigation to determine if the complaints have merit and/or if they can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Executive Dean of Student and

Academic Support Services. Such disposition shall be final and there shall be no subsequent proceedings. If the complaints are not admitted and/or cannot be disposed of by mutual consent, the Executive Dean of Student and Academic Support Services may later serve in the same matter as the Student Oversight Committee or a member thereof. If the student admits violating the Student Code, but sanctions are not agreed to, subsequent process, including a hearing if necessary, shall be limited to determining the appropriate sanction(s).

3. All complaints shall be presented to the Accused Student in written form. A time shall be set for a Student Oversight Committee Hearing, within fifteen calendar days after the student has been notified. Maximum time limits for scheduling of Student Oversight Committee Hearings may be extended at the discretion of the Executive Dean of Student and Academic Support Services.

4. Student Oversight Committee Hearings shall be conducted by the Student Oversight Committee according to the following guidelines except as provided by article IV(A)(7) below:

a. Student Oversight Committee Hearings normally shall be conducted in private.

b. The Complainant, Accused Student and their advisors, if any, shall be allowed to attend the entire portion of the Student Oversight Committee Hearing at which information is received (excluding deliberations). Admission of any other person to the Student Oversight Committee Hearing shall be at the discretion of the Student Oversight Committee and/or the Executive Dean of Student and Academic Support Services.

c. In Student Oversight Committee Hearings involving more than one Accused Student, the Executive Dean of Student and Academic Support Services, in his or her discretion, may permit the Student Oversight Committee Hearings concerning each student to be conducted either separately or jointly.

d. The Complainant and the Accused Student have the right to be assisted by an advisor they choose, at their own expense; however, such advisor is not required. The advisor must be a member of the College community and may not be an attorney. The Complainant and/or the Accused Student is responsible for presenting his or her own information, and therefore, advisors are not permitted to speak or to participate directly in any Hearing before the Student Oversight Committee. A student should select as an advisor a person whose schedule allows attendance at the date and time of the Hearing; delays will not be allowed due to the scheduling conflicts of an advisor.

e. The Complainant, the Accused Student and the Student Oversight Committee may arrange for witnesses to present pertinent information to the Student Oversight Committee. The Complainant and/or Accused Student must identify possible witnesses during the initial investigation; the College will try to arrange the attendance of possible witnesses who are members of the College community. Witnesses will provide information to and answer questions from the Student Oversight Committee. The Student Oversight Committee may consider suggested questions from the Accused Student and/or the Complainant; however, the Committee does not obligate itself to use any such questions. In the event that suggested questions are used, such questions shall be directed to the chairperson, rather than to the witness directly. This method is used to preserve the educational tone of the hearing and to avoid creation

of an adversarial environment. Questions of whether potential information will be received shall be resolved at the discretion of the chairperson of the Student Oversight Committee.

f. Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Student Oversight Committee at the discretion of the chairperson.

g. All procedural questions are subject to the final decision of the chairperson of the Student Oversight Committee.

h. After the portion of the Student Oversight Committee Hearing concludes in which all pertinent information has been received, the Student Oversight Committee shall determine (by majority vote if the Student Oversight Committee consists of more than one person) whether the Accused Student has violated each section of the Student Code which the student is accused of violating.

i. The Student Oversight Committee's determination shall be made on the basis of whether it is more likely than not that the Accused Student violated the Student Code.

j. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Code proceedings.

5. There shall be a single verbatim record, such as an audio recording, of all Hearings before the Student Oversight Committee (not including deliberations). Deliberations shall not be recorded. The record shall be the property of the College.

6. If an Accused Student, with notice, does not appear before the Student Oversight Committee Hearing, the information in support of the charges shall be presented and considered.

7. The Student Oversight Committee may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Accused Student, and/or other witnesses during the hearing by providing alternative methods of communications, where and as determined in the sole judgment of the Executive Dean of Student and Academic Support Services to be appropriate.

B. Sanctions

1. The following sanctions may be imposed upon any student found to have violated the Student Code:

a. Warning—A notice in writing to the student that the student is violating or has violated institutional regulations.

b. No Contact – A notice that a student or students are not to approach each other, speak to each other, contact using phone, email, text, social media, or third party individuals. Violation of the No Contact order can result in further sanctions.

c. Probation—A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary

sanctions if the student is found to violate any institutional regulation(s) during the probationary period.

d. Loss of Privileges—Denial of specified privileges for a designated period of time.

e. Fines—previously established and published fines may be imposed.

f. Restitution—Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

g. Referral/Assessment – Students may be required to arrange external assessment, counseling or treatment programs and to release results to the College. Continued enrollment may be dependent on the results of such referrals.

h. Contract – A student may be required to refrain from (or to perform) specific activities; continued enrollment may be dependent on reports of success in meeting the stated criteria.

i. Discretionary Sanctions—Work assignments, essays, service to the College, or other related discretionary assignments. For academic matters such as plagiarism or academic dishonesty, sanctions may include, but are not limited to, failure of the course, failure of the assignment, or resubmission of work.

j. Suspension—Separation of the student from the College for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified

k. Expulsion—Permanent separation of the student from the College.

l. Revocation of Admission and/or Degree—Admission to or a degree awarded from the College may be revoked for fraud, misrepresentation, or other violation of College standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

m. Withholding Degree or Transcript —The College may withhold awarding a degree otherwise earned or fulfilling a request for a transcript until the completion of the process set forth in this Student Conduct Code, including the completion of all sanctions imposed, if any.

More than one of the sanctions listed above may be imposed for any single violation.

(i) Other than College expulsion or revocation or withholding of a degree, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record. The student's disciplinary record may be expunged of disciplinary actions other than suspension, expulsion, or revocation or withholding of a degree, upon application to—and approval by-- the Executive Dean of Student and Academic Support Services.

(ii) In situations involving both an Accused Student(s) (or group or organization) and a student(s) claiming to be the victim of another student's conduct, the records of the process and of the sanctions imposed, if any, shall be considered to be the education records of both the Accused Student(s) and the student(s) claiming to be the victim because the educational career and chances of success in the academic community of each may be impacted.

2. The following sanctions may be imposed upon groups or organizations:

- a. Those sanctions listed above.
- b. Loss of selected rights and privileges for a specified period of time.
- c. Deactivation. Loss of all privileges, including College recognition, for a specified period of time, including permanently.

3. In each case in which Student Oversight Committee determines that a student and/or group or organization has violated the Student Code, the sanction(s) shall be determined and imposed by the Executive Dean of Student and Academic Support Services. In cases in which persons other than, or in addition to, the Executive Dean of Student and Academic Support Services have been authorized to serve as the Student Oversight Committee, the recommendation of the Student Oversight Committee shall be considered by the Executive Dean of Student and Academic Support Services in determining and imposing sanctions. The Executive Dean of Student and Academic Support Services is not limited to sanctions recommended by members of the Student Oversight Committee. Following the Student Oversight Committee Hearing, the Student Oversight Committee and the Executive Dean of Student and Academic Support Services shall advise the Accused Student, group and/or organization (and a complaining student who believes s/he was the victim of another student's conduct) in writing of its determination and of the sanction(s) imposed, if any.

C. Interim Suspension

In certain circumstances, the Executive Dean of Student and Academic Support Services, or a designee, may impose a College suspension prior to the Student Oversight Committee Hearing.

Interim suspension may be imposed when the Executive Dean determines such suspension is necessary:

- 1) to ensure the safety and well-being of members of the College community or preservation of College property;
- 2) to ensure the student's own physical or emotional safety and well-being; or
- 3) if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the College.
 - a. The student should be notified in writing of this action and the reasons for the suspension. The notice should include the time, date, and place of a subsequent hearing at which the student may show cause why his or her continued presence on the campus does not constitute a threat.

During the interim suspension, a student shall be denied access to the campus (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the Executive Dean of Student and Academic Support Services may determine to be appropriate.

The interim suspension does not replace the regular process, which shall proceed on the normal schedule, up to and through a Student Oversight Committee Hearing, if required.

D. Appeals

1. A decision reached by the Student Oversight Committee or a sanction imposed by the Executive Dean of Student and Academic Support Services may be appealed by the Accused Student(s) or Complainant(s) to an Appellate Board within five (5) business days of the decision. Such appeals shall be in writing and shall be delivered to the Executive Dean of Student and Academic Support Services or his/her her designee.

2. Except as required to explain the basis of new information, an appeal shall be limited to a review of the verbatim record of the Student Oversight Committee Hearing and supporting documents for one or more of the following purposes:

- a. To determine whether the Student Oversight Committee Hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and to present information that the Student Code was violated, and giving the Accused Student a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
- b. To determine whether the decision reached regarding the Accused Student was based on substantial information, that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the Student Code occurred.
- c. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code which the student was found to have committed.
- d. To consider new information, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original Student Oversight Committee Hearing.

If an appeal is upheld by the Appellate Board, the matter shall be returned to the original Student Oversight Committee and Executive Dean of Student and Academic Support Services for re-opening of Student Oversight Committee Hearing to allow reconsideration of the original determination and/or sanction(s). If an appeal is not upheld, the matter shall be considered final and binding upon all involved.

ARTICLE V: INTERPRETATION AND REVISION

A. Any question of interpretation or application of the Student Code shall be referred to the Executive Dean of Student and Academic Support Services or his or her designee for final determination.

B. The Student Code shall be reviewed every year under the direction of the Executive Dean of Student and Academic Support Services.