

METROPOLITAN COMMUNITY COLLEGE

DISTRICT PROCEDURE

CODE OF STUDENT CONDUCT

7.35010 DP

The purpose of the Metropolitan Community College Code of Student Conduct is to educate students on their rights and responsibilities as college community members to facilitate an understanding of the balance between individual and college rights; and to promote a safe and inclusive atmosphere conducive to student success.

Students agree to adhere to the rules, regulations, and policies set forth in the code. Students voluntarily assume the obligation to fulfill the responsibilities set forth in the code and to bear personal responsibility for their actions. The college has developed policies, procedures, and standards, which endeavor to protect the rights of each member of the college community.

Students should be aware that the student conduct process is different from criminal and civil court proceedings.

The Code of Student Conduct shall apply to any and all lands owned or leased by the college, as well as to any location where a student is engaged in a college related activity. The Code of Student Conduct may also apply off-campus, when the administration determines that the off-campus conduct affects a substantial interest to MCC or disrupts the learning environment including, but not limited to: activities such as college teams traveling to events off campus; Student Leadership Association and recognized clubs/organizations; any student or college sponsored group engaging in an event or activity off campus; off campus internships, community service, and study abroad.

Students will be responsible for their conduct, until the actual awarding of a degree or completion of their program of study. This code also applies to behavior that is a violation of city, state, federal or local laws and may have, or has had, an adverse impact upon the college community.

All formal complaints alleging a violation of this code shall be subject to the student disciplinary policies.

Any student who is found to have committed an act of misconduct may be disciplined in accordance with the rules of the code. If the student is suspected of violating a state or federal law, the incident may be reported to the MCC Police and the appropriate law enforcement agency. Civil or criminal charges may occur concurrently with code of conduct charges.

Students should be aware that any employee who observes a prohibited action is expected to intervene, seek administrative assistance to address the prohibited behavior, or report the behavior to the MCC Police Department.

MCC reserves the right to initiate disciplinary proceedings without a formal allegation by the victim or witnesses of misconduct.

I. Definitions

- A. College: The Metropolitan Community College District (MCC), any one of its campuses and other units that the district operates.
- B. Premises: Buildings or grounds owned, leased, operated, controlled or supervised by MCC, including facilities used for sponsored activities.
- C. Student: A person enrolled in, registered for, or auditing one or more courses or services at the college.
- D. Sponsored Activity: Any activity, on or off campus, initiated, aided, authorized, or supervised by a district unit.
- E. Student Organization: A group of students who have complied with the college requirements for establishing a club or organization.
- F. Weapon: Any object or substance described in 2.05130 BP Weapon Possession, Section II.
- G. College Official: Any employee of Metropolitan Community College

II. Expectations of Students

Students are expected to:

- A. Be accountable for information contained in the college course catalog, Code of Student Conduct, and any other published policy, procedure, or regulation relating to student responsibilities.
- B. Be respectful of the rights of others.
- C. Comply with the verbal and written directions of college officials.
- D. Respect and comply with all the laws and rights of good citizenship.
- E. Respect the freedom to teach and the freedom to learn.

III. Prohibited Conduct

On any campus or any MCC property, at any clinical or internship site, and at any college sponsored or college affiliated activity or event, the following acts of misconduct are prohibited. Official charges of Code of Conduct violations must be in writing and made

within thirty (30) days after the conduct is known or reasonably should be known by the college to have occurred.

- A. Disruption of, or interference with, any college activity, including teaching, administration, or other public service functions on or off campus, or other authorized non-college activities, when the act occurs on college premises;
- B. Violation of any college policy, prohibited behavior, a city, county ordinance or a federal or state misdemeanor offense involving bodily injury or threat of bodily injury to any person;
- C. Public intoxication or the use, possession, sale, attempted sale, barter, exchange, gift or distribution of alcoholic beverages except as expressly permitted by law and college regulations. Use of alcohol or being impaired while on district premises or property, while attending classes, or as part of any district activities is prohibited;
- D. 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 campus.
- E. Gambling, including unlawful games of chance for money or anything of value and the sale, barter, or other disposition of a ticket, order, or any interest in a scheme of chance by any name;
- F. At least five (5) or more incidents of violation of traffic rules while on college property;
- G. Failure to comply with the directions of college officials or law enforcement officers acting in the performance of their duties, and/or failure to identify oneself to these persons when requested to do so;
- H. Permitting another to use his or her college identification card, impersonating another, or misrepresenting authorization to act on behalf of another;
- I. Knowingly instituting a false charge against another person;
- J. Unauthorized use, alteration or in any way tampering with fire equipment, safety devices or safety equipment;
- K. Leaving minor children unattended while on campus.
- L. Physical abuse, verbal abuse, threats, intimidation, stalking, coercion and/or conduct that threatens or endangers the health and safety of any person;
- M. Use, possession, sale, attempted sale, barter, exchange, gift or distribution of narcotic or other controlled substances, or drug paraphernalia. Use of narcotic or other controlled substances or being impaired while on district premises or property, while attending classes, or as part of any district activities is prohibited;

N. Acts of dishonesty, including, but not limited to, the following:

1. Cheating, plagiarism, or other forms of academic dishonesty, including selling or providing one's work for the use of others;
2. Furnishing false information to a college official or faculty member;
3. Forgery, alteration, or misuse of any college document, record, or instrument of identification;
4. Tampering with the election of any college recognized student organization.

O. Hazing of any individual or organization as defined by the laws of the state of Missouri.

P. Theft or abuse of computer privileges, including, but not limited to:

1. Unauthorized entrance into a file to intentionally damage, disable, or impair computing or telecommunications equipment or software;
2. Acquisition or use of software that does not adhere to applicable software licenses and copyright laws or is not consistent with college computer use policies, including a major instance (multiple files, subsequent offense, receipt of multiple infringement notice or legal subpoena) of unauthorized acquisition, use, or distribution of copyrighted works, including but not limited to, music, video, software, images, files, trademarks, and logos, through MCC information technology resources and services or any violations of the MCC Computer & Computer Technology Usage Policy;
3. Introduction of viruses or other destructive software in college computer facilities;
4. Use of computing facilities to interfere with the work of another student, faculty member, or college official;
5. Unauthorized posting of video images, a person's photograph or video image in violation of privacy or other applicable law or college policy;
6. Use of computing facilities to interfere with the normal operation of the college computing systems;
7. Any violation of the MCC Computer Usage Policy.

Q. Unauthorized or fraudulent use of the college name, seal, or emblem;

R. Unauthorized entry and/or occupancy of college facilities, including unauthorized possession, duplication, or use of keys to any college facility;

- S. Harassment as defined by the Colleges' Student Discrimination and Harassment Grievance Policy;
- T. Trespass on college grounds;
- U. Use, possession, or carrying of firearms or weapons under Missouri law (including, but not limited to, pistols, rifles, shotguns, or ammunition), incendiary devices, smoke devices, knives over four (4) inches long, explosives or other dangerous weapons while on college owned or controlled property, or at college sponsored or supervised activities, except by college and other police officers and other persons specifically authorized by the college;
- V. Any action that causes or attempts to cause a fire, explosion, including bomb threats, or any intentionally false reporting of a fire, or any tampering with the safety devices or the failure to leave college buildings during a fire alarm;
- W. The denial of access to activities to an individual because of his or her race, religion, age, national origin, gender, sexual orientation, marital status, or disability;
- X. Commission of a hate crime. A hate crime is any traditional criminal offense that is motivated in whole or in part by the offender's bias toward the victim's race, religion, age, national origin, gender, sexual orientation, marital status, or disability;
- Y. Commission of bias-motivated offensive conduct, which is behavior that, whether or not criminal, constitutes a violation of behavioral standards and policies listed in the Code of Student Conduct, and that is motivated in whole or in part by the offender's bias toward the victim's race, religion, age, national origin, gender, sexual orientation, marital status, or disability;
- Z. Commission of a criminal act involving dating violence, domestic violence, stalking or sexual assault as defined in the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, as amended by the Violence Against Women Reauthorization Act of 2013, and Missouri State Statutes;
- AA. Violation of a federal or state felony offense law.

IV. Potential College Sanctions for Violations of Prohibited Behaviors

- A. Restitution: Restitution necessitates compensation for loss, damage, or injury and can take the form of service and or monetary/material replacement.
- B. Educational Sanctions: Educational Sanctions are the broadest category of sanctions used by MCC. Educational Sanctions typically include one or more of the following: work assignments, community service, behavioral contract, administrative referral, and other related educational assignments.

- C. Formal Warning: Formal Warnings emphasize to the student that further violations would result in progressive sanctioning. A student receiving a Formal Warning shall continue to exercise the rights and privileges of a student in good standing.
- D. Conduct Probation: Conduct Probation serves as a warning to students that they are not in good standing with MCC. Further violations of the Code of Conduct could result in suspension or dismissal.
- E. Facility Suspension: The student no longer has the privilege of entering or using a particular facility or building or college property for a specified period of time or until a specific condition is met.
- F. Facility Expulsion: Facility Expulsion entails the permanent loss of privileges to use a building or facility or college property for an unlimited period of time.
- G. Loss of Privileges: Loss of Privileges entails denial of specified privileges for a designated period of time.
- H. Barring from Class, Activity or Contact: The student is barred from attending a particular class, activity or from contact with specific students or employees.
- I. Suspension: Suspension entails the termination of a student's enrollment for a particular period of time, or until specific conditions are met. Suspended students may not be present on college property, or at college sponsored events.
- J. Expulsion: Expulsion entails the termination of a student's enrollment with MCC. Expelled students are prohibited from being present on college property, or at college sponsored events.

V. Academic Dishonesty

1. If objective evidence for academic dishonesty exists, the instructor may require the paper, assignment or examination be repeated; lower the grade for this work; assign a grade of F to this work, or assign a grade of F for the course.
2. The instructor will notify the student of a meeting to discuss the alleged academic dishonesty, the proposed penalty and that failure to respond to this notification will make the instructor's decision final.
3. If a grade of F is assigned for the course, the instructor will notify the dean responsible for instructional services and the division chair, in writing, within two (2) business days after the scheduled meeting with the student.
4. If in the opinion of the instructor, the alleged academic dishonesty supports disciplinary options, other than a grade of F, the instructor will report the incident to the dean responsible for instructional services within five (5) business days after the meeting with the student. The dean of instruction will ensure that the dean of students is notified of the instructor's concerns.

Any resulting disciplinary proceedings will comply with section VII of this procedure.

The documentation of the alleged violation, provided by the instructor or other complainant will be retained by the appropriate dean.

5. Within seven (7) business days by written communication which can include electronic communication, the dean of instruction will notify the student of the final grade assigned and the right of appeal.
6. The student may appeal the assignment of an F grade for the course by a written request to the dean within five (5) business days following receipt of the dean of instruction's notification. The student will continue to participate in a course in which academic dishonesty is alleged until the appeal is resolved.
7. Upon receiving this request, the dean will initiate an appeal using the hearing procedure beginning with section VII. In this case, the hearing committee will consist of the dean who will be the nonvoting member and chair and three (3) faculty appointed by the college faculty association president. The committee members must have no personal interest in the case and may consider more than one case during each term.

VI. Interventions

A. Summary Suspension

1. If the president determines that the student's presence would seriously disrupt the operation of the college, constitute a danger to the health, safety or welfare of the student or others, or to the physical property of the college, the student will be suspended for a period not to exceed five days. If a formal disciplinary procedure has commenced within this period and is diligently pursued, suspension may be continued until the procedure is concluded.
2. During this period, the dean responsible for instructional services will arrange for the student to receive class assignments, take examinations and maintain reasonable academic progress. The student cannot be dropped from a class, as a result of the suspension.

B. Threatening Behavior

There will be occasions when, in the opinion of the instructor, staff or other students, inappropriate behavior by a student involves an imminent threat to safety or threatens to disrupt seriously the classroom or educational process. In these circumstances, the instructor or staff member should immediately contact MCC Police and have the student removed from the class and notify the dean of students of the removal. MCC will develop an incident report and if the behavior is non-

criminal will forward the report to the dean of students for a Code of Student Conduct review.

VII. Discipline

- A. Within fifteen (15) business days after receiving notification of an alleged violation, the dean will request in writing that the student arrange a meeting to discuss the allegations and potential disciplinary action. Notification may be delivered in person and will be sent by regular mail and to the student's e-mail account.
- B. At the meeting, the student will be asked to respond to the allegations.
- C. If the student does not appear for the meeting, the dean may proceed to make a decision based on the information gathered.
- D. Following the meeting, the dean will decide whether the student violated the Code of Student Conduct.
- E. If the dean determines that the student violated the Code of Student Conduct, he or she will also determine a sanction, up to and including expulsion.
- F. Within ten (10) business days of the meeting, the dean will provide to the student written notification of the outcome of the case. Notification may be delivered in person and sent by regular mail to the student's last known address and to the student's e-mail account.
- G. Should the student choose to appeal the decision of the dean, the student must send the dean a written request stating this intention within ten (10) business days of the receipt of the letter.

H. Hearing, Recommendation, and Appeal

A student may appeal the decision pursuant to the following procedures.

Committee

1. Two (2) faculty chosen by the college faculty association president.
2. Two (2) students appointed by the Dean of Students.
3. Two (2) staff members appointed by the college staff association president.
4. An administrator not involved in the investigation or preparation of the case appointed by the president to serve as the chair.

Members chosen will have no personal interest or involvement in the case. For cases involving alleged sexual violence including dating violence, domestic violence,

stalking or sexual assault, committee members will have had training in these areas prior to participating in the proceedings.

I. Hearing Guidelines

1. The chair will convene an organizational meeting of the committee to receive the case file, review the hearing procedures, and schedule the hearing.
2. At least ten (10) business days before the hearing the dean will provide a statement of the charges, list of the committee members, written notice of the location, date and time of the hearing to the student and the complainant by U.S. mail, and to the student's e-mail account.
3. Before the hearing the student will be given access to the case file retained in the dean's office.
4. After proper notice, if the student fails to appear before the hearing committee, the sanction imposed by the dean will be implemented upon the recommendation of the dean and the approval of the president. If the student fails to appear before the hearing committee on an appeal of an F grade assigned for the course as a result of academic dishonesty, the penalty imposed by the instructor will be implemented.
5. Proceedings will be closed to all but members of the hearing committee, the student, the complainant, their advisors, and a witness giving testimony. The student may request an open hearing.
6. The hearing will be tape recorded and transcribed. The recording will remain the property of the college.
7. The complainant and respondent may submit questions to the hearing officer but may not question any witnesses directly.
8. The complainant and respondent will be informed that he or she may have other support person(s) and/or an attorney present at the hearing, but these persons will be observers only and cannot participate. Both must inform the dean at least two (2) business days prior to the hearing if any support persons or an attorney will be present. If the student is represented by counsel, the committee will have counsel for the college present. Neither counsel nor any advisor may examine or cross-examine witnesses or participate in the hearing.
9. The chair may exclude repetitious or irrelevant evidence or questions deemed improper.
10. The complainant and respondent will be given the opportunity to testify, and within five (5) days prior to the hearing introduce evidence and call up to five (5) witnesses, and question any witnesses for the complaining party. At the discretion of the College testimony may be provided remotely.

11. Upon request of the student, the complainant, or member of the hearing committee, the chair may call individuals as witnesses. MCC students and employees are expected to comply.
12. Neither the student nor any witnesses may be compelled to incriminate themselves. Refusal to testify is not a code violation.

J. Allegations Involving Alleged Sexual Harassment or Sexual Offenses or Sexual Violence

If the allegations relate to conduct involving alleged sexual harassment or sexual violence including dating violence, domestic violence, stalking or sexual assault the following additional procedures apply:

1. The college will protect the confidentiality of the victim (complainant) but will share information where necessary to provide accommodations or protective measures. Protective measures may include one or more of the sanctions listed in Section IV.
2. The complainant will be informed in writing if the dean determines that no grounds or insufficient grounds exist to believe that a violation occurred and dismisses the allegations.
3. The complainant will be informed in writing if a hearing is scheduled for the student against whom the allegations have been made and that he or she may attend the hearing. Upon request, the complainant will be provided with a copy of the written notice of the complaint sent to the student.
4. The complainant and student will be informed that he or she may have other support person(s) and/or an attorney present at the hearing, but these persons will be observers only and cannot participate. Both must inform the dean at least two (2) business days prior to the hearing if any support persons or an attorney will be present.
5. If the complainant believes that there are witnesses in addition to those listed in the tentative list of potential witnesses provided to the student who should testify at the hearing, he or she must notify the dean in writing of the identity of those witnesses and the expected nature of their testimony. The complainant may request to review copies of all written evidence that the dean has which may be presented at the hearing. If the complainant has additional written evidence that he or she desires to be presented at the hearing, he or she must provide copies to the dean. Any notice regarding witnesses or copies of written evidence must be provided to the dean at least five (5) business days prior to the scheduled date of the hearing. The dean will decide prior to the hearing whether to present the additional witnesses or written evidence suggested by

the complainant and inform the complainant of the decision as soon as possible prior to the start of the hearing.

6. If the complainant is a witness at the hearing, the student will not be permitted to directly question or cross-examine the complainant. If the student wants to present questions to the complainant, he or she must write the questions down and ask the chair of the hearing panel to ask them. The decision of whether to ask these questions shall be made by the chair.
7. Proceedings will be completed within ten (10) business days after the scheduled hearing date. If an extension is required to complete the proceedings for good cause written notice will be provided to the complainant and student with a reason for the delay.
8. The complainant will be sent a copy of the written decision of the hearing panel including the result stating both the sanctions and rationale for the result.
9. Any access, notice or other opportunities provided to the complainant under this section will be available to any legally identified survivors.
10. The access of the student and the complainant to information about the other may be limited by the Family Educational Rights and Privacy Act (FERPA), or other laws relating to confidentiality or privacy, and in some cases, these procedures may be adjusted to comply with such laws.

K. Deliberations

1. Deliberations of the committee will be closed.
2. The evidence presented supporting the alleged violation must more likely than not to be true, meaning there is a preponderance of the evidence that the allegation is true.

L. Recommendation

1. Within five (5) business days of the conclusion of the hearing, the written recommendation of the committee will be furnished to the dean who will deliver, by U.S. mail, and student e-mail a copy to the student. The complainant and the president will also receive these materials.
2. Within five (5) business days, the president will review the recommendation and choose one of the following:
 - a. Affirm the recommendation;
 - b. Affirm the findings and reduce, but not eliminate, the disciplinary action.

- c. Remand the case to the hearing committee for rehearing if errors in procedure or interpretation of board policy or regulation were so substantial as to effectively deny the student a fair hearing, or if new and significant evidence became available which could not have been discovered by a properly diligent student before or during the original hearing.

M. Appeal

1. Grounds for Appeal

The student or complainant may appeal the decision of the president to the chancellor for the following reasons:

- a. Failure to follow proper procedure.
- b. New evidence that could not have reasonably been discovered at the time the matter was originally considered has been discovered.
- c. The weight of the evidence does not support the sanction imposed

2. Notice of Appeal

Within ten (10) business days of receipt of the decision of the president, the party desiring to appeal will notify the chancellor and the other party in writing. If an appeal is not filed, the decision of the president is final.

3. Appeal Statement

- a. Within ten (10) business days after the written notice of appeal, the appealing party will submit a statement stating the basis for the appeal. This statement may be included in the notification to the chancellor.
- b. If the statement is not submitted within the allotted time, the president's decision is final.

4. Chancellor's Review

Within five (5) business days, the chancellor will review the record and the written statements, and choose one of the following:

- a. Affirm the recommendation of the hearing committee or the president.
- b. Affirm the findings of the hearing committee or the president and reduce, but not eliminate, the disciplinary actions.

- c. Remand the case to the hearing committee for rehearing if errors in procedure or interpretation of board policy or regulation were so substantial as to effectively deny the student a fair hearing, or if new and significant evidence became available which could not have been discovered by a properly diligent student before or during the original hearing.
- d. Dismiss the case.

If the allegations relate to conduct involving alleged sexual harassment or sexual violence including dating violence, domestic violence, stalking or sexual assault, the complainant will be informed in writing. If the student appeals they have the opportunity to provide a written statement setting forth why the student believes the decision should be upheld and that he or she may appeal the decision in accordance with the same time period and process as the student.

VIII. Re-Admittance Process

Following a suspension, students may request, in writing, re-admittance to MCC. The written request should be submitted to the office of the dean of students on the campus where the hearing was held. All sanction requirements must be documented and completed. The request will be reviewed and the student will meet with the dean.

IX. Failure to Complete a Mandatory Sanction

Failure to complete a required sanction is a serious offense. It is considered an additional violation of the Code of Conduct, and will usually result in more serious sanctions being imposed. Students failing to complete sanctions by the required deadlines may be suspended or expelled from the college.

X. Disciplinary HOLD on Student Record

Within two (2) weeks of a student's failure to complete a sanction, a HOLD will be placed on the student's records, and any pre-registration that the student might have already conducted. Thus, it is very important for the student to complete sanctions on time and avoid a HOLD being placed on his or her academic records or registration. A HOLD on a student's admission, registration, transcript access or financial aid is not an independent penalty, but may be utilized by the college as a means to either direct a student's attention to subsequent participation in a pending disciplinary proceeding or obtain the student's compliance with a sanction which has been imposed, or other action which has been taken, under the Code of Student Conduct.

XI. Confidentiality

Disciplinary matters are kept confidential to the extent required by law.

Reference: 1.10080 Appeal Board
2.05130 Weapon Possession
2.25050 Computer & Computer Technology Usage
3.30010 Employee Discrimination and Harassment
3.30060 Drug Free Workplace, Campus & Community
4.10050 Refund of Tuition & Fees
6.05010 Academic Standards
7.05010 Resident Status
7.30030 Student Discrimination and Harassment
5.10030 Tobacco Free

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