

5.71 STUDENT CONDUCT

NEW STUDENT DUE PROCESS POLICY

Approved by the Board of Trustees 8/12/2010, effective as of that date.

1. Mineral Area College and College Park Housing is dedicated to its pronounced philosophy and objectives. Whenever these purposes are threatened by student misconduct, appropriate disciplinary action must be taken. In essence, discipline shall be exercised when the student's misconduct adversely affects the college's pursuit of its educational objectives. When a student is charged with misconduct such charge shall be processed in accordance with the following policy and procedure in order to protect the student's rights and the college's interest.

2. Disciplinary action may be imposed on a student for violation of law, college rules and regulations, or policies and procedures. Provisions related to disciplinary action shall be published and available to students, faculty, and staff. Student's misconduct may result in disciplinary action by the college or criminal prosecution or both as these are not necessarily mutually exclusive. Student discipline may be imposed for acts occurring away from the College and which are not related to College activities where the conduct materially disrupts the educational process.

Academic: When the case is academic in nature, the Dean of Students or designee will refer the case to the Student Welfare and Conduct Committee who will follow student due process policy in accordance with the Academic Integrity Policy.

Behavioral: When the case is behavioral in nature, the Dean of Students or designee will render a decision, following student due process. In some instances, the case may be referred to the Student Welfare and Conduct Committee who will follow student due process. In the event the conduct is a violation of criminal law, the college reserves its right to refer action to the Criminal Justice System where the student will be afforded the same due process as any other citizen.

College Park: When the case is a result of an infraction of College Park Policies and Procedures, the Director or Assistant Director of College Park will render a decision and will follow student due process. In some instances, the Director or Assistant Director of College Park may refer the case to the College Park Appeals and Review Committee who will follow student due process.

In some instances, it may be necessary to consult with the instructional deans or the President of the College before making a final decision. If the student has acted against the best interest of the College or against College rules and regulations, or policies and procedures, they may be placed on disciplinary probation, suspended for a period of time, or dismissed from the College.

Programs operated under the authority of a third party governmental regulating body may have additional established guidelines on due process that may super cede Mineral Area College.

5.72 PROCEDURAL POLICY FOR DISCIPLINARY ACTION

I. Students are subject to disciplinary action for misconduct including but not limited to the following reasons:

A. Dishonesty, such as cheating, plagiarism, or knowingly furnishing false information to the College, or intentionally omitting or withholding information from the College.

B. Forgery, including but not limited to alteration, altering or issuing college documents or records of identification with intent to defraud.

C. Intentional obstruction or disruption of college functions or activities including but not limited to the following: teaching and standards of classroom conduct as established by the instructor, research, administration, disciplinary proceedings, or other College activities, including public service functions and other authorized activities on College premises.

D. Use of slander or libel in any way so as to cause defamation of character.

E. Conduct which threatens or endangers the health or safety of any person on College property or at College-sponsored events.

F. Theft or damage or unauthorized possession or use of property or equipment owned by the college or a member of the College community on College premises, including but not limited to defacing property.

G. Failure to comply with directions of College officials acting in performance of their duties, including but not limited to directions deemed necessary to insure the safety of the student or others, including but not limited to failure to identify oneself.

H. Gambling or extortion on College property or at College-sponsored events.

I. Disobeying traffic or parking regulations.

J. Illegal operation of a motor vehicle on College property.

K. Participating in any activity which might be classified as a hate crime, including but not limited to verbal or written slurs or threats or physical attacks or other acts of discrimination.

L. Willful or persistent smoking (or use of other tobacco products) in areas where the use of tobacco has been prohibited.

M. Use of, being under the influence of, possession of, or distribution of alcohol, or narcotics or other restricted drugs on any of the Colleges campuses or at College-sponsored events.

N. Unauthorized entry to or use of College facilities including all campuses and College Park student housing.

O. Disorderly conduct, or lewd, indecent or obscene conduct or expression on College property or at a College-sponsored events.

P. Possession or use of firearms, explosives, dangerous chemicals, or other weapons on campus or at College-sponsored activities.

Q. Violation of any College or College Park, rules and regulations campus policies or procedures as stated in the Board of Trustees Policy Manual, or other College publications such as, but not limited to the College Park Student Policies and Procedures, College Catalog, Student Handbook (Planner), or the Athletic Code of Conduct.

II. Sanctions

Students committing violations of College rules, regulations, policies and procedures as outlined in Section I. are subject to the following sanctions:

1. Probation: A written warning or reprimand.
2. Suspension: Exclusion from college classes, privileges and/or activities for a specified period of time.
3. Loss of college scholarship.
4. Expulsion: Termination of student status.

Students committing violations of College Park Policies and Procedures are subject to the sanctions outlined in the College Park Policies and Procedures Manual.

Except in extraordinary circumstances, the following guidelines will be used to determine the appropriate sanction. The Dean of Student Services or designee may temporarily exclude the student from College for a period of ten (10) working days to conduct an investigation of the alleged misconduct, or

indefinitely when the misconduct is a violation of a state or federal law or act, such as the Safe Schools Act.

1. A written warning or probation may result when the violation is the student's first known violation of College/campus policies; appears to be a mistake in judgment and is not perceived to be genuinely threatening in nature; and/or is limited in its negative effect on others. The student's acceptance of appropriate responsibility and expression of appropriate regret for his/her action may affect which sanction is imposed.
2. Suspension or loss of scholarship may result when the violation is not the first violation of behavior prohibited by College/campus policies; is a substantial mistake in judgment or a deliberate action; is perceived to be a significant threat; and/or has a substantial real or potential negative effect on others. The student's acceptance of responsibility and expression of regret may be a mitigating factor in the length of suspension.
3. A recommendation of expulsion may result when the violation is egregious in nature; is a serious violation of civil or criminal law; and/or is clearly beyond the bounds of acceptable and responsible student behavior.
4. Any level of sanction may also include a behavioral contract; restitution for damage; counseling; referral to outside agencies for specific purposes; and/or other directives designed to make amends and/or reduce the likelihood of repetition of prohibited behavior.
5. Students committing violations of College Park Policies and Procedures are subject to the sanctions outlined in the College Park Policies and Procedures Manual.

Student disciplinary action may be imposed by:

1. An instructor, who may temporarily exclude the student from class for the remainder of the class period.
2. The Dean of Students or designee, who may impose probation, suspension or recommend expulsion; and impose other disciplinary directives as set forth above.
3. Instructional Deans, the Vice-President or President of the college who may impose probation, suspension or recommend expulsion; and impose other disciplinary directives as set forth above.

The facts leading to all student disciplinary action must be documented by the person or body taking the action. All documentation must be submitted to the Dean of Student Services or designee. In the event the alleged misconduct falls under state or federal law, authorities will be notified by the Mineral Area College Department of Public Safety.

III. STUDENT DUE PROCESS

PROCEDURES

When the circumstances of the alleged violation are such that disciplinary action may be imposed, the following procedures will apply:

Academic: All complaints or violations of alleged academic integrity will be documented on the Academic Integrity Report by the instructor or Learning Center facilitator and forwarded to the Dean of Students or designee. The Dean of Students or designee will document the incident and forward a copy of the report to the appropriate Instructional Dean.

Behavioral: All complaints or violations of alleged behavioral misconduct made against a student shall be submitted to the Dean of Student Services or designee. These complaints or violations may be made verbally, but must be followed up in writing, specifying the time, place and nature of the alleged conduct. The Dean of Student Services or designee will provide in writing fair notice to the student, advising the student of the alleged misconduct and how it violates College policies. This notice will be hand delivered to the student on campus, if possible, or sent via certified mail to the address the student has on file. The Dean of Student Services or designee shall conduct such investigation of the reported violation as he/she considers appropriate. The Dean of Student Services or designee may also procure information relating to the alleged misconduct from the student and other persons. Whenever appropriate, the Dean of Student Services or designee shall assess damage to property or injury to persons. The investigation shall be treated as confidential and shall not be placed in the student's record unless disciplinary action is taken.

College Park: All complaints of misconduct or alleged violations of College Park policies and procedures made against a resident student or nonresident student shall be submitted to the Director or Assistant Director of College Park. These complaints or violations may be made verbally, but must be followed up in writing, specifying the time, place and nature of the alleged conduct, and may be in the form of an Offense/Incident Report for Mineral Area College Public Safety Department, College Park Parking/Traffic/Other Violations Ticket, or Resident Assistant Accident/Incident Report. The ticket received will serve as fair notice. The Director or Assistant Director shall conduct such investigation of the reported violation as he/she considers appropriate, and may also procure information relating to the alleged misconduct from the student and other persons. Whenever appropriate, the Director or Assistant Director will assess damage to property or injury to persons. The investigation shall be treated as confidential; however, all documentation will be placed in the student's College Park resident file, regardless of the outcome of the investigation.

SUBMISSION OF CHARGE

Academic: The Dean of Students will follow student due process in accordance with the Academic Integrity Policy. The Dean of Students or designee will mail a copy of the Academic Integrity Report to the student's address on file.

Behavioral: Following the investigation, the Dean of Student Services or designee may either find that the complaint or violations of misconduct lacks merit; deliver a written statement to the student charging that student with misconduct; refer the case to the Student Welfare and Conduct Committee.

College Park: Following the investigation, the Director or Assistant Director of College Park may either find that the complaint lacks merit; deliver a written statement to the student charging that student with misconduct; refer the case to the College Park Review and Appeals Committee.

The student may do either of the following:

1. Accept the sanction given by the Dean of Students or designee, College Park Director or Assistant Director and forgo an appeal; or after consultation with the appropriate instructional dean;
2. Notify the Dean of Students or designee within five (5) working days of receipt of the sanction that he/she does not accept the sanction and is appealing the decision.

APPEALS PROCESS

Academic and/or Behavioral Appeals:

1. In the case of an Academic or Behavioral Appeal, the Dean of Students or designee shall forward the student's request to appeal to the Student Welfare and Conduct Committee.
2. The Student Welfare and Conduct Committee membership is as follows:
 - a. Five faculty members (may include non-teaching faculty) appointed by the Faculty Forum President, with at least two members from each instructional division, selected on a rotating basis;
 - b. Two students appointed by Student Government (when requested by the student charged);
 - c. One administrative staff member.

Committee appointees may not have any relationship to the student charged or the complaint. Committee members shall select one of their members as chair.

College Park Appeals:

1. In the case of a College Park Appeal, the Director or Assistant Director shall forward the student's request to appeal to the College Park Appeals and Review Committee.
2. The College Park Appeals and Review Committee membership is as follows:
 - a. One member of the College Park staff;

- b. One College Park Resident Assistant;
- c. Two members of the Mineral Area College Public Safety Department;
- d. One Mineral Area College counselor; and
- e. One administrative staff member.

Committee appointees may not have any relationship to the student charged or the complaint. Committee members shall select one of their members as chair.

The Student Welfare and Conduct Committee and the College Park Appeals and Review Committee shall conduct the appeal hearing proceedings as follows:

- a. A summary record of the case and the decision on the disciplinary sanction to be imposed shall be provided by the Dean of Student Services or designee.
- b. The committee members may discuss issues; hear testimony, interview witnesses and consider available evidence pertaining to the charge.
- c. Both parties may present statements, testimony, evidence, and witnesses. Each party may question witnesses and hear testimony. The student charged may bring an advisor to the hearing; however, the advisor may not address anyone at the hearing, and may only advise the student.
- d. The student who is charged is presumed innocent until proven otherwise by a preponderance of the evidence.
- e. The committee shall submit its findings of facts and its decision to the Dean of Students or designee.
- f. The appeal hearing is closed to the public to protect student confidentiality.
- g. The committee's decision will be rendered within ten (10) working days after the day of the hearing.
- h. A summary record of the proceedings shall be kept in a confidential file by the Dean of Students and shall be available to the student charged.

FINAL ACTION/APPEAL

1. The Dean of Students or designee, upon receiving the finding of facts and decision of either the Student Welfare and Conduct Committee or the College Park Appeals and Review Committee shall notify the student charged in writing of the committee's decision and sanction. The decision may be delivered on campus to the student, or mailed by certified mail to the student's address on file.
2. Decisions of the committees are final with the following exceptions:
 - a. If the sanction imposed by the committee is a recommendation for expulsion, any such appeal must be filed with the college President within five (5) working days after the notification of the committee's decision. Five (5) working days is defined as five (5) days commencing the day after the decision was delivered on campus by Mineral Area College Public Safety, or after the postmark on the certified written notification.

Upon receipt of an appeal, the college President or designee shall review the proceedings, conduct such investigation as he/she deems appropriate, and take one of the following actions:

1. Dismiss the charge;
 2. Reduce the recommended sanction(s);
 3. Increase the recommended sanction(s);
 4. Concur with the decision of the Student Welfare and Conduct Committee.
 5. The college President or designee's decision is final and shall be rendered in writing to the student within ten (10) working days.
- b. If the sanction imposed by the committee is a recommendation for eviction from College Park, any such appeal must be filed with the college Vice-President within five (5) working days after the notification of the committee's decision. Five (5) working days is defined as five (5) days commencing the day after the decision was delivered on campus by Mineral Area College Public Safety, or after the postmark on the certified written notification.

Upon receipt of an appeal, the college Vice-President or designee shall review the proceedings, conduct such investigation as he/she deems appropriate, and take one of the following actions:

1. Dismiss the charge;
2. Reduce the recommended sanction(s);
3. Increase the recommended sanction(s);
4. Concur with the decision of the Student Welfare and Conduct Committee.
5. The college Vice-President or designee's decision is final and shall be rendered in writing to the student within ten (10) working days.