

ARTICLE V - STUDENTS

5.70 STUDENT ACTIVITIES

- A. Mineral Area College shall sponsor a variety of student activities ranging from cultural and social to recreational events.
- B. Such sponsored student club and/or organizational activities must be under the direction of faculty or staff personnel appointed by the appropriate administrator.
- C. All student club and/or organizational activities should be consistent with that club or organization's stated philosophy, purposes, and objectives.
- D. All student club and/or organizational activities/fundraisers must be approved by the Dean of Students.
- E. Policies and procedures for student activities, events, and fundraising guidelines are available upon request from the office of the Dean of Students or the Director of Student Activities.

5.71 STUDENT CONDUCT

- A. Mineral Area College is dedicated to the philosophy and objectives of providing a quality, affordable education to the community. The College places a high value on the safety of all students who attend, study, or reside at this College. Whenever these purposes are threatened by student misconduct, appropriate disciplinary action must be taken. Discipline shall be exercised when the student's misconduct adversely affects the College's pursuit of its educational objectives or infringes on the public safety concerns of the College.
- B. When a student is charged with misconduct based on a violation of College rules, regulations, policies, procedures, or criminal law, the charge shall be administratively processed in accordance with the following policy and procedure in order to provide for student due process rights, and to safeguard the College's interests.

The student due process procedure is administrative in nature. As such, a student may choose at their own expense to consult with an attorney outside the parameters of any administrative due process meeting or hearing, but legal representation may not actively participate within such student due process meetings or hearings. When the misconduct stems from a violation of College Park policies or procedures, it will be processed in accordance with Section XVIII, Resident Due Process Policy for College Park, and section 5.72(D) of this article. Violation of College

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Park policies or procedures may result in disciplinary action by the College, referral to the criminal justice system for prosecution, or both, as these functions are not mutually exclusive.

- C. Disciplinary action may be imposed on a student for
 - 1. Conduct that represents a violation of college rules, regulations, policies, or procedures, or otherwise jeopardizes the safety and good order of College and its students and staff and/or
 - 2. Conduct that represents a probable cause violation of criminal law.
- D. Provisions related to disciplinary action shall be published and available to students, faculty, and staff.
- E. A student's misconduct may result in disciplinary action by the College, or referral to the criminal justice system for prosecution, or both, as these are not necessarily mutually exclusive. In instances where the student misconduct represents a violation of one or more criminal laws, as well as a violation of College rules, regulations, policies or procedures, the College may elect to provide temporary student due process, withholding finalization of student due process until the adjudication of criminal charges through the criminal justice system.

Student discipline may also be imposed for acts occurring away from the College and which are not related directly to College activities, when it is determined by the College that the student's conduct materially disrupts the educational process, or as otherwise permitted by law.

The Dean of Students may at any time temporarily suspend or deny readmission to a student from pending formal procedures when the Dean of Students finds and believes from available information that the presence of a student on campus would seriously disrupt the College or constitute a danger to the health, safety, or welfare of members of the College community.

- F. Forms of Disciplinary Action

The following represent the range of disciplinary actions available to the College when a determination has been made that one or more students has committed an act or acts of academic and/or behavioral misconduct.

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At the discretion of the dean of the respective division initiating the disciplinary action, one or more of the following disciplinary forms may be invoked.

1. Verbal counseling;
2. Partial or complete suspension of participation in extracurricular events, clubs, and/or athletic practices/competitions;
3. Letter of Reprimand (with or without components of suspension as defined above);
4. Removal from College Park residency (if applicable);
5. Issuance of a Notice of Trespass (either specific to a particular premise of the College, or campus-wide). This may occur in conjunction with a suspension or expulsion as described in this section;
6. Suspension from the College, ranging from one day up to and including one calendar year. This suspension may take the form of a physical suspension from College property with privileges to utilize distance learning courses or total suspension from the College with no academic availability during the suspension period. At the end of the suspension, the student may reapply for admission in writing to the Dean of Students;
7. Expulsion from the College: this discipline represents complete removal of the student from the College for a period of no less than 3 calendar years, at which time the student may reapply to the Dean of Students for readmission to the College.

G. Forms of Student Misconduct

1. Academic Misconduct:

Academic misconduct includes but is not limited to the following examples:

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- a. Cheating;
- b. Plagiarism;
- c. Any form of conduct that seeks to gain, for the student or any other person, an academic advantage or advancement to which any person is not entitled;
- d. Attempting, aiding, abetting, conspiring, hiring, or being an accessory to any act prohibited within this section shall be considered the same as a completion of that/those violation(s).
- e. This College has an academic integrity policy which governs academic misconduct. See Article V, Section 5.92.

2. Behavioral Misconduct:

Behavioral misconduct includes but is not limited to the following examples:

- a. Knowingly furnishing false information to the College or its stakeholders, or intentionally omitting or withholding information from the College that is required as part of any administrative or procedural process or report;
- 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 or attempt to cause defamation of character;

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- e. Conduct which threatens or endangers the health or safety of any person on College property or at College-sponsored events;
- f. 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. Abuse of computing facilities or computer time, including but not limited to unauthorized entry into a file to use, read or change the contents or any other purpose; unauthorized transfer of a file; unauthorized use of another individual's identification or password; use of computing facilities to interfere with the work of another student, faculty member, or College official; use of computing facilities to interfere with a College computing system.
- h. Failure to comply with the 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. Failure to identify oneself to any College official requesting such identification;
- i. Unauthorized entry to, possession of, receipt of, duplication of, or use of the College's name, insignia, or seal;
- j. Engaging or attempting to engage in conduct which is defined as a violation of criminal or traffic law within the revised statutes of the State of Missouri, or violations of the traffic and/or parking regulations of the College;
- 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. Mineral Area College and its campuses are tobacco-free. Use of tobacco products including cigarettes, smokeless products, e-cigarettes, vaping devices, and any other

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innovative products allowing for tobacco consumption are prohibited;

- m. Use of, being under the influence of, possession of, distribution of alcohol, or narcotics or other restricted drugs on any of the Colleges campuses, at College-sponsored events, or away from the College and which are not directly related College activities, when it is determined by the College that the student's use of, being under the influence of, possession of, distribution of alcohol, or narcotics or other restricted drugs materially disrupts the educational process, or as otherwise is permitted by law. This prohibition shall also apply to paraphernalia associated with the use, possession, or distribution of alcohol, narcotics, or other restricted drugs;
- n. Participation in, or the commission of any act of hazing, which is defined as an abusive, often humiliating form of initiation into or affiliation with a group, including
 - i. Any willful action taken or situation created which recklessly or intentionally endangers the mental or physical health of another;
 - ii. Any willful act by any person alone or acting with others in striking, beating, bruising, or maiming; or seriously offering, threatening, or attempting to strike, beat, bruise, or maim, or to do or seriously offer, threaten, or attempt to do physical violence to another made for the purpose of committing any of the acts.
- o. Bullying, defined as the systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. Bullying also includes unwanted purposeful written, verbal, nonverbal, or physical behavior, including but not limited to any threatening, insulting, or dehumanizing gesture that has the potential to create an intimidating, hostile, or offensive educational environment or cause long term damage discomfort or humiliation or unreasonably interfere with the individual's

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school performance or participation, which is carried out repeatedly and is often characterized by an imbalance of power. Bullying may involve, but is not limited to the following examples:

- i. teasing;
 - ii. threats communicated by written, verbal, and/or physical means;
 - iii. intimidation;
 - iv. cyber-stalking and/or cyber-bullying;
 - v. any conduct or behavior which is defined as a violation of criminal law within the revised statutes of the State of Missouri;
 - vi. sexual, religious, or racial harassment;
 - vii. any conduct, behavior, or communication reasonably intended to cause public humiliation;
 - viii. knowingly spreading falsehoods and/or rumors that reasonably intend to cause harm or public humiliation to any student, faculty, staff, or person present at the College, regardless if such harm occurs;
 - ix. persistent public use of vulgar and/or offensive language.
- p. The operation on campus of student organizations not properly recognized and registered with Student 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, or the Athletic Code of Conduct.

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- r. Attempting, aiding, and abetting, conspiring, hiring, or being an accessory to any act prohibited within this section shall be considered the same as a completion of that/those violation(s).

5.72 STUDENT DUE PROCESS

A. Student Due Process for Academic Misconduct

1. When the incident in question is academic in nature, the instructor of the class where the alleged misconduct has occurred will contact the student and issue a writ of Academic Integrity within five business days of the incident.

Should the student contest the charge, the student may appeal within five business days to that department's Coordinator who will conduct an inquiry and who will issue a decision. Should the student wish to appeal the Department Coordinator's decision, the student may appeal within five business days to the Division Chair.

2. The Division Chair will conduct an inquiry into the alleged academic violation(s) and render a written decision based on those findings. In the event that the Division Chair determines no academic misconduct has occurred, a written notice of that conclusion will be issued to the student, and due process is thereby concluded. In the event that the Division Chair determines that academic misconduct has occurred, the student may appeal within five business days to the Provost.

3. The Provost will conduct an inquiry into the alleged academic violation(s) and render a written decision based on those findings. In the event that the Provost determines no academic misconduct has occurred, a written notice of that conclusion will be issued to the student, and due process is thereby concluded.

In the event that the Provost determines that academic misconduct has occurred, the Provost will determine the appropriate disciplinary action(s) that will be imposed. Any disciplinary decision below the level of suspension or expulsion is at the

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discretion of the Provost invoking that discipline and represents the completion of student due process.

4. In the event the Provost invokes suspension or expulsion as the disciplinary action, the student may elect to appeal that decision within the guidelines of the appeal process as identified within section 5.72 (C) Appeals within Student Due Process.

B. Student Due Process for Behavioral Misconduct

1. All allegations of student behavioral misconduct will be referred to the Dean of Students for resolution under the guidelines of this policy. In the event that the allegation of misconduct is so serious that in the discretion of the Dean of Arts and Sciences or Dean of Career and Technical Education it is believed that immediate temporary action is necessary to preserve the mission and/or public safety interests of the College while student due process is pending, then that authority is reserved to the judgment of that respective dean. In that event, final action will be referred to the Dean of Students under the guidelines of this policy.
2. When the allegation involves behavioral misconduct, student due process originates with the Dean of Students. In instances where the student misconduct represents a violation of one or more criminal laws, the Dean of Students may elect to provide temporary student due process, withholding finalization of student due process until the adjudication of criminal charges through the criminal justice system. This temporary student due process may involve discipline up to and including temporary suspension of a student from the College.
3. Upon notice and/or discovery of an allegation of behavioral misconduct, the Dean of Students will issue to the student(s) a notice of inquiry into an allegation of behavioral misconduct involving that student. The notice will identify the specific behavioral misconduct allegation(s) made against the student, will refer the student to Article V of the College Board Policy Manual for details of student misconduct and the due process procedure, and will provide the student with the opportunity to respond in writing to the allegations. The notice will also indicate that reasonable efforts to conclude the inquiry within fifteen (15)

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business days will be made, but this time period may be extended as necessary if, in the judgment of the Dean of Students, circumstances within that process warrant further time to reach its conclusion.

4. The Dean of Students will conduct an inquiry into the alleged behavioral violation(s) and render a written decision based on those findings. In the event that the Dean of Students determines no behavioral misconduct has occurred, a written notice of that conclusion will be issued to the student, and due process is thereby concluded. In the event that the dean of the respective division determines that behavioral misconduct has occurred, that dean will determine the appropriate disciplinary action(s) that will be imposed. Any disciplinary decision below the level of suspension or expulsion is at the discretion of the Dean of Students, and represents the completion of student due process.

C. Appeals within Student Due Process

1. Only disciplinary decisions involving suspension or expulsion are subject to appeal. All other forms of discipline invoked by a dean under Article V of the College Board Policy Manual constitute the completion of student due process.
2. When the decision rendered involves a suspension or expulsion, the student may be eligible to appeal that decision in writing as described within section 5.72(C) of this policy.
3. Grounds for Appeal:
 - a. All grounds for appeal of disciplinary decisions involving suspension or expulsion must meet one or more of the following criteria. Students electing to appeal under one or more of these grounds bear the responsibility for adequately demonstrating that this requirement has been met within the content of the student's written request for appeal. The filing of this appeal is the responsibility of the student who has elected to appeal the disciplinary decision of the dean, and that appeal must be filed with the dean originating the disciplinary decision within five (5) business days of notice of the disciplinary decision.

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- b. The grounds for appeal of disciplinary decisions involving suspension and/or expulsion are limited to one or a combination of the following grounds for appeal:
 - i. A procedural error has occurred, and if not corrected, will impact the outcome of the sanction.
 - ii. New evidence (not previously considered and germane to the issue) has been uncovered, and if introduced is likely to have an impact on the outcome of the proceeding.
 - iii. One or more of the sanctions handed down are outside the parameters of this policy or are unreasonable in light of the alleged conduct.

4. Student Responsibilities in Filing an Appeal:

The student is responsible for articulating in writing the grounds under which the appeal is being filed and must provide information of sufficient content, detail, and scope that justify the grounds for appeal used in this process. This appeal must be filed with the dean invoking the original discipline within five (5) business days of the notice of disciplinary action, or the student is deemed to have waived further right of appeal.

5. Review of Request for Appeal:

- a. In the event the request for appeal involves academic misconduct, the decision of the dean, with respect to the request for appeal, represents the completion of student due process.
- b. In the event the request for appeal involves behavioral misconduct that has resulted in suspension or expulsion, the Dean of Students will refer the request for appeal to the Chair of the Student Welfare and Conduct Committee (SWCC). The Chair of the SWCC is charged with the responsibility for determining if a reasonable belief exists that grounds for the appeal have been met, and that

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sufficient information is provided to justify granting the request for appeal. Dissatisfaction with the discipline invoked by the Dean of Students shall not be grounds for appeal.

- i. In the event the review by the Chair of the SWCC does not find adequate grounds for appeal within the written request, the appeal is denied. In that event, student due process is completed.
- ii. The hearing will be granted at the regular meeting date and time of SWCC as determined by the SWCC chair unless an emergency meeting date is requested by the Dean of Students. If an emergency meeting is requested, the SWCC chair will work in earnest to find a new meeting time that allows all necessary parties to attend as soon as possible.
- iii. The goal of the SWCC is to render a student due process decision that will take one of two forms:
 - The SWCC may find cause for the discipline, thereby upholding the decision of the Dean of Students, or
 - The SWCC may not find cause for the discipline, thereby reversing the discipline imposed by the Dean of Students. In that event, this represents the completion of student due process.
- iv. The appeal will be heard by a minimum of five (5) members of the SWCC committee: one faculty member from Arts and Science, one faculty member from Career and Technology, one full-time member from student services, one administrator other than the Dean of Students, and the SWCC Chair.

D. Student Due Process for Violations of College Park Policy:

1. When the alleged misconduct represents a violation of College Park policies and procedures, the Manager or Assistant Manager of College Park will issue a notice of inquiry within five (5) business

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days of the misconduct or discovery of the misconduct. This notice of inquiry may take the form of a citation or written letter, at the discretion of the Manager or Assistant Manager of College Park.

2. Definitions of misconduct and/or violations of College Park Policy are found within the College Park Policy manual, available to all residents of College Park through the Manager or Assistant Manager of College Park, and are provided to all residents at the orientation process for new residents.
3. The guidelines and student due process for violations of College Park policy shall generally follow those outlined in section 5.72(B) and (C), with the exception that qualified appeals of College Park discipline shall be referred to the Dean of Students, who will review the appeal for eligibility and merit, issuing a written decision to the student filing the appeal within five (5) business days of receipt of the appeal. Students filing an appeal of College Park discipline must meet the eligibility guidelines and time limits established under section 5.72(C). Only those disciplinary actions involving eviction from College Park are eligible for the appeal process, under the provisions listed in section 5.72(C)3b. i-iii. Appeal decisions by the Dean of Students are final and represent the completion of student due process under this section.
4. In instances where the student misconduct represents a violation of one or more criminal laws, as well as a violation of College Park policies or procedures, the Dean of Students may elect to provide temporary student due process, withholding finalization of student due process until the adjudication of criminal charges through the criminal justice system. This temporary student due process may involve discipline up to and including suspension of a student from residing or visiting the College Park premises, and/or temporary suspension from the College.

5.73 STUDENT COMPLAINT AND GRIEVANCE POLICY

The purpose of this policy is to provide a means for Mineral Area College students who wish to have a concern resolved regarding a process or person of the college community, not covered by existing policies, both a formal and informal process for doing so. The objective of this policy is to resolve concerns as