

Code of Student Conduct

MC assumes that students govern themselves in terms of appropriate behavior with emphasis on self-respect and respect for others. The purpose of the Code of Student Conduct is to provide fair and reasonable rules and procedures to promote educational development and to ensure that students do not engage in conduct that interferes with the mission or the daily operation of the College.

Prohibitions

For the College to carry out its responsibilities and to provide students with the most beneficial educational experience, the following actions have been deemed as violations of the College's Code of Student Conduct: (This is not an exhaustive list of prohibited conduct, but merely guidelines as to the type and nature of conduct that is prohibited. Any conduct that the Executive Director of Human Resources/Ombudsman determines could endanger the safety of security of members of the College community or is harmful to the College environment is also prohibited.)

- All forms of academic dishonesty, including but not limited to circumventing testing and/or assessment procedures, cheating, plagiarism, forgery and alteration or unauthorized use of College documents, records or instruments. (Please see the Academic Honesty Policy for details.)
- Engaging in conduct that interferes with, disrupts or obstructs teaching, the performance of institutional duties or the pursuit of educational, administrative, or other authorized College activities; or occupying College buildings or property after due and legal notice to depart has been given.
- Abuse, damage, or vandalism (including all forms of graffiti) to, or theft of College property. Unauthorized entry to College facilities. Theft of College property includes theft of College services and products and includes but is not limited to software licensing infringements and illegal copying/downloading of copyrighted materials.
- Abuse, damage, or vandalism (including all forms of graffiti) to, or theft of the personal property of a member of the College community on campus or at an official College activity off campus.
- Tampering with or disabling fire and safety equipment, systems or posted instructions on their use, as well as causing false alarms of fire or emergency systems; failing to exit College facilities when an alarm is sounded; failing to comply with emergency procedures as directed by College officials or those acting in their stead.

- Unauthorized possession or duplication of keys or key cards to College property or passwords to College information technology systems and the distribution of such keys and/or passwords to other persons.
- The possession of, use of, or being under the influence of illegal drugs, controlled substances, narcotics, or alcoholic beverages, without an authorized prescription issued by a medical authority, while on campus or at an official College activity off campus; the sale or distribution of illegal drugs, controlled substances, narcotics, or alcoholic beverages while on campus or at an official College activity off campus; the intentional misuse of legally prescribed drugs or medications and/or the sale or distribution of these drugs to other people.
- Verbally, in written form, or physically abusing, harassing (including but not limited to harassment on the basis of sex), threatening, assaulting (including but not limited to sexual assault) or endangering the health, safety or well being of any person on campus or at an official College activity off campus. This includes (a) a student who threatens to cause harm to himself/herself, and (b) all conduct or communications that a reasonable person would interpret as a serious expression of intent to cause physical or mental harm to a person or damage to a person's property.
- Hazing, stalking, creating a hostile environment, and any other behaviors which intimidate, threaten, coerce, or endanger the safety of others, or which interfere with the safety of any member of the College community or its guests.
- Unauthorized use of College facilities, equipment, and services including but not limited to telephones, e-mail system, internet, computer networks, photocopy machines or fax machines.
- Denying a trustee, employee, student or guest of the College freedom of movement or use of the facility.
- Loud, abusive or offensive language; loitering; gambling; indecent exposure of the body including but not limited to urination or defecation in public, and lewd or obscene conduct.
- The use and/or possession of firearms, ammunition, explosives, explosive devices, fireworks, other weapons or dangerous chemicals on College premises or at an official College activity off campus; the intentional misuse of chemical or flammable substances normally used in the educational process on College premises or at an official College activity; Firearms are never permitted to be carried on the College campus by students; an enrolled student who may be otherwise authorized to carry a firearm (such as employment as a police officer) is strictly prohibited from bringing his/her weapon on to College premises, or to any official College activity off campus.

- Smoking within any College facility or within twenty-five (25) feet of an entrance, open window, or ventilation intake.
- 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.
- Unauthorized use of the College's name or logo or an attempt to defraud another person through unauthorized representation as an agent of the College.
- Abuse of computer time including but not limited to unauthorized entry into a file to use, read or change the contents; unauthorized transfer of a file; unauthorized use of another individual's identification and password; unauthorized use of copyrighted material received or transferred over the network; use of computing facilities to interfere with the work of another student, faculty member or College official; use of computing facilities to send or receive obscene or abusive messages; use of computing facilities to access obscene Internet sites; use of computing facilities to interfere with normal operation of the College computing system; and use of computing facilities for personal profit or gain.
- Inciting, aiding, or encouraging others to engage in a behavior which violates the Student Code of Conduct.
- Violation of local, state and federal laws, regulations and policies on campus or at an official College activity off-campus.

Students shall assume responsibility for their own conduct. All students involved in apparent acts of misconduct will have the right of due process as set forth in detail below.

Reporting Violations of the Code of Student Conduct

All members of the MC community including faculty, staff and students must work together to protect the integrity of the institution. Together they share the responsibility for reporting violations of the Student Code of Conduct. Except as otherwise provided herein, as in the case of Academic Dishonesty, the following process should be followed for reporting violations of the Code of Student Conduct: Reports shall be made in writing and submitted to the Executive Director of Human Resources/Ombudsman. A written report must include the date and approximate time of the violation of, where the violation took place, a brief description of the violation or incident, and the names of witnesses, if any. It is preferred that reports be submitted within forty-eight (48) hours of the alleged violation. Individuals who submit a violation report will be informed that information from their report (including their identity) may be shared with the accused student during the investigatory and/or due process hearing stage.

Academic Honesty Policy

MC treats ethical violations affecting course work with the utmost seriousness. Cheating of any kind will result in an Academic Penalty and may result in further disciplinary action.

Academic dishonesty in all modes of instruction (in or out of class) includes, but is not limited to:

- Copying someone else's work or answers.
- Putting your name on a paper written by someone else and handing it in for credit.
- Allowing another student to copy your work or answers for assignments.
- Using materials or information hidden on one's person during quizzes and examinations.
- Obtaining and using teacher's editions of textbooks, instructor's manuals, tests or test answers in an unauthorized fashion.
- Providing course materials such as papers, lab data, reports, or answers to be presented by another student as his or her work.
- Making up or falsifying information for the purpose of completing an assignment, quiz, exam or presentation.
- Taking an exam in place of another student or having someone take an exam in your place.
- Turning the same paper in to two different instructors without first receiving permission from both of them.
- Presenting a paper as a speech in a public speaking course which had been submitted as a paper in another course without first receiving permission from both instructors.
- Copying a computer program for unauthorized use.
- Breaking into or utilizing College-owned computer files in an unauthorized manner.
- Altering a grade sheet or forging a signature on an academic document.
- Plagiarism (discussed below in more detail).

Plagiarism

Although in academic writing one often presents intellectual material gathered from sources, it is imperative that these sources be clearly identified in the student paper. Only then can students avoid plagiarizing. Plagiarism, then, refers to the act of representing someone else's words, ideas or data as your own. Here are some examples:

- Including passages from source material in a paper without using quotation marks and a reference to the source to indicate the borrowing.
- Including pictures, graphs, statistics or other data in a paper without referencing the source.
- Summarizing or paraphrasing any material (not recognized as common knowledge) in a paper without referencing the source.

- Purchasing a paper or having someone write a paper to submit as your own work. Students must also realize that the necessity to cite source material applies to any kind of source imaginable, including an interview with a person or persons, printed materials (newspapers, magazines, journals, books, etc.), and electronically accessed information (e-mail, chat rooms, databases, Web sites, etc.). The point is to recognize other people's work and their statements as their exclusive intellectual property. Students may borrow from it, but only as long as they acknowledge such borrowing and do so in ways recognized by the academic community.

Reporting Acts of Academic Dishonesty

All members of the MC community including faculty, staff and students must work together to protect the academic integrity of the institution. Together they share the responsibility for reporting acts of academic dishonesty.

Procedures for Handling Acts of Academic Dishonesty

If a student witnesses or learns of an apparent violation of the Academic Honesty Policy, he/she should report the incident to the appropriate faculty. That person will then meet with the student or students implicated by the(se) witness(es). Alternately, a faculty member who believes he or she has detected academic dishonesty on his or her own will meet with the student or students in question to discuss the situation. In all cases, the following procedures will apply:

- If the faculty member determines there is evidence of cheating, the faculty member will determine the Academic Penalty as it pertains to the course in question. A failing grade for the assignment and/or a failing grade for the course are the most likely Academic Penalties.
- The student's recourse for an Academic Penalty is to follow the Grade Appeal process.
- The faculty member will then document the violation and the Academic Penalty on an Incident Report and forward a copy of this report to the appropriate academic dean.
- The appropriate academic dean will forward notification of the incident and course-level penalty to the Executive Director of Human Resources/Ombudsman.
- The Executive Director of Human Resources/Ombudsman will meet with any of the principal parties necessary to determine whether further disciplinary action (over and above the Academic Penalty) is necessary. Such actions including but not limited to probation, suspension, or administrative withdrawal from an academic major may result. The imposition of further disciplinary action based on a violation of the Academic Honesty Policy is subject to the Due Process procedure set forth herein.

Disciplinary Action

Students shall assume responsibility for their own conduct. In keeping with the educational purposes of the College, disciplinary action, other than an action requiring dismissal, shall be intended to be developmental rather than punitive. Unless otherwise provided herein, a student violating the rules and regulations of the College may be subject to any of the following disciplinary actions depending on the nature and severity of the incident, the student's previous conduct record, the developmental needs of the student, the level of accountability and responsibility taken by the student, the interests of the community and those impacted by the conduct, any other aggravating, mitigating, or relevant factors. All disciplinary actions will be issued in writing.

1. Official Warning — Written notification that the student has committed an act(s) of misconduct and warning that another offense may result in the imposition of a more serious sanction.
2. Disciplinary Probation — A disciplinary status which does not interfere with the student's right to enroll in and attend classes, but which includes some restrictions, requirements, referral for professional aid or assistance as determined by the individual case, all which will be in writing.
3. Restitution — Reimbursement for damage to property including the cost of replacement of parts and/or labor.
4. Record Restriction — Restricting a student from utilizing an official record or service of the College (examples include but are not limited to transcripts, registration, etc.) until the student's obligation has been met.
5. Suspension — Separation from the College that denies the privilege of continuing enrollment for a definite period of time after which the student may be eligible to return. Suspension may include withdrawal from one or more classes. Students who are suspended for disciplinary reasons will still be held responsible for all tuition and fees incurred. Conditions for readmission may be specified.
6. Dismissal — Permanent separation from the College.

Disciplinary action will not be made part of the student's permanent academic record, but will become part of the student's confidential record maintained by the Executive Director of Human Resources/Ombudsman. These records will be made available to prospective employers or academic institutions only when a student has signed an authorization for a disciplinary background check.

Due Process

Disciplinary action against students may be initiated by any member of the College community by filing a complaint in writing to the Executive Director of Human Resources/Ombudsman. Upon receipt of a com-

plaint or a report of misconduct, the Executive Director will initiate a disciplinary action investigation by (a) interviewing the complainant and/or the persons who filed the report and who are identified in the complaint and/or report, (b) notifying the implicated student, in writing, of the misconduct charge, (c) requesting to interview and (d) interviewing the implicated student. The implicated student may decline to be interviewed. Thereafter, the Executive Director of Human Resources/Ombudsman may file formal charges of misconduct. If the Executive Director declines to file charges he must immediately notify the complainant and the person who filed report. The complainant and report filer may file charges within five (5) calendar days of the Executive Director's decision to not file charges.

Any student formally charged with committing an act of misconduct will be subject to the disciplinary procedure. All students are guaranteed the right of due process. The Disciplinary Board will conduct hearings for students accused of violating the Code of Student Conduct using the following procedures:

1. The student shall be notified that he or she is accused of violating a specific regulation. The notice shall provide a statement of facts that are of sufficient particularity to enable the student to evaluate the charge.
2. The student shall be notified that he or she may elect one of the following four (4) courses of action. The student must communicate his/her choice to the Executive Director of Human Resources/Ombudsman in writing within seven (7) calendar days of the student receiving notice of the misconduct charge. In the event the student fails to make a timely selection, the process will continue as though the student selected choice (2)(a).
 - a. The student may admit the alleged violation and place in writing to the Executive Director of Human Resources/Ombudsman any relevant and/or mitigating factors the student would like the Executive Director to consider in evaluating the appropriate action. The Executive Director of Human Resources/Ombudsman will then decide on the appropriate action and notify the student of said action in writing within five (5) calendar days of the meeting. The student, however, is entitled to appeal this disciplinary action to the Disciplinary Board.
 - b. The student may deny the alleged violation and request a hearing before the Disciplinary Board.
 - c. The student may admit the alleged violation and request a hearing before the Disciplinary Board.
 - d. If the student is involved in either civil or criminal proceedings arising out of the same incident giving rise to the

violation of the Code of Student Conduct, the student may plead “no contest” which means he/she neither admits nor denies the allegations but will accept the disciplinary action as decided by the Executive Director of Human Resources/Ombudsman.

3. When the student requests a hearing before the Disciplinary Board the student must submit to the Executive Director of Human Resources/Ombudsman information including the student’s name, address, e-mail address, and phone number.
4. At least fourteen (14) calendar days prior to the hearing of the Disciplinary Board, the student shall be entitled to:
 - a. A written notification of the time and place of the hearing.
 - b. A written statement of charges with sufficient particularity to enable the student to prepare the necessary defense.
 - c. A written notification of how the alleged violation was reported and by whom it was reported.
5. After receiving notice of the alleged violation but prior to the hearing date, the student has the right to ask questions of the Executive Director of Human Resources/Ombudsman regarding the disciplinary process and possible sanctions that could result. The student must put his/her request for such a meeting in writing to the Executive Director of Human Resources/Ombudsman.
6. At least seven (7) calendar days prior to the hearing before the Disciplinary Board, the student must submit to the Executive Director of Human Resources/Ombudsman relevant documentary evidence relating to the conduct violation that the student intends to introduce at the hearing, a list of witnesses the student intends to call at the hearing, and the student’s preferred outcome.
7. The student has the right to request a change in the date and/or time of the hearing if he/she is unable to attend due to a legitimate reason which constitutes good cause to change the meeting and submits the request in writing to the Executive Director of Human Resources/Ombudsman three (3) working days prior to the scheduled hearing. The Executive Director will decide if the request is warranted. Only one (1) change in date and/or time will be granted.
8. The complainant and the person who filed the charges shall be present at all parts of the hearing and present his or her charges to the Disciplinary Board in the form of (a) presenting opening and closing statements, (b) testifying, and (c) calling witnesses on his or her behalf.
9. The complainant may have advice during the hearing from an individual from within the College community selected by the complainant. The complainant must provide the Executive Director of Human Resources/Ombudsman the name of the advisor at least forty eight (48) hours prior to the hearing. The advisor’s participation is limited to offering advice.

10. The student shall be entitled to appear in person and be present at all parts of the hearing and present his or her defense to the Disciplinary Board in the form of (a) presenting opening and closing statements, (b) testifying, and (c) calling witnesses on his or her behalf. (Students are responsible for contacting their own witnesses to appear at the hearing.)
11. The student may have advice during the hearing from an individual from within the College community selected by the student. Representation by legal counsel is restricted to disciplinary hearings at which the College is utilizing an attorney. In this case, the student will be notified that the college intends to utilize an attorney within ten (10) calendar days of the hearing. The student must provide the Disciplinary Board Chair the name of the advisor and/or legal counselor at least forty eight (48) hours prior to the hearing.
12. If the student elects not to appear, the hearing shall be held in his or her absence.
13. The student or his/her legal representative shall be entitled to question the witness(es) through the Disciplinary Board Chairperson. At no time will conversation between the alleged offender and the alleged victim occur within the hearing.
14. The student shall not be required to testify against himself or herself.
15. The student shall be entitled to an expeditious hearing of his or her case.
16. At the onset of the case, the Disciplinary Board will introduce all Board members present, describe the alleged violation, identify the possible sanctions, and describe the hearing process.
17. A decision of the Disciplinary Board will be communicated to the student through the Executive Director of Human Resources/Ombudsman within ten (10) calendar days of the final hearing.
18. The decision of the Disciplinary Board shall state that the student has the right to appeal the decision of the Disciplinary Board. If the student appeals, any decision by the Disciplinary Board shall be held in abeyance until the case has been reviewed. The student must notify the Executive Director of Human Resources/Ombudsman of his or her intention to appeal the decision of the Disciplinary Board within fourteen (14) calendar days of issuance and transmittal of the decision to the student.

Disciplinary Board

The Disciplinary Board will consist of six (6) members as follows:

- two (2) students
- two (2) faculty members
- two (2) administrators

The Student Government Association will recommend the two (2) student members of the Student Government Association who will serve on the Disciplinary Board. The Executive Director of Human Resources/Ombudsman will select the two (2) faculty members and two (2) administrators from a pool of volunteers. A secretary will be provided to the Committee through the office of the Provost.

Every member of the Disciplinary Board is obligated to excuse himself or herself from service if he/she believes he is not qualified to evaluate a particular complaint, if he/she believes he/she could not render an objective opinion, or if he/she is aware of a potential conflict of interest.

The Disciplinary Board will hear all cases under due process procedures. It should seek all facts in the case and may request witnesses from the faculty, staff and/or the student body. The Disciplinary Board will determine the discipline to be imposed, if any.

Accurate and complete records shall be kept of all hearings by the Executive Director of Human Resources/Ombudsman's office and made available to a Review Committee in case the decision of the Disciplinary Board is appealed.

Appeal

The action of the Disciplinary Board shall be final unless the accused student exercises his or her right to an appeal to the Provost in writing within fourteen (14) calendar days of the decision of the Disciplinary Board. The Provost shall immediately provide a copy of any appeal to the complainant.

The issues to be reviewed on appeal shall be limited to whether: (a) the sanction is appropriate; (b) the proper due process procedures were followed; and/or (c) additional pertinent information is available which was previously not available as of the date of the hearing. If the student presents new information, the complainant may file a written response thereto within five (5) calendar days of the filing of the appeal.

If the student submits an appeal, the Provost will appoint a Review Committee, consisting of senior college leadership, to study the action taken by the Disciplinary Board. The Review Committee will consider the record of the hearing together with any written material in the file and the written appeal and any response thereto.

Every member of the Review Committee is obligated to excuse himself or herself from service if he/she believes he is not qualified to evaluate a particular complaint, if he/she believes he/she could not render an objective opinion, or if he/she is aware of a potential conflict of interest.

If the Review Committee and the Disciplinary Board disagree, the final decision will be made by the President.

No Retaliation

The College does not tolerate retaliatory behavior of any kind. While it may be understandable that students may express frustration or disappointment, if the Disciplinary Board does not find in their favor, behavior deemed by the Executive Director of Human Resources/ Ombudsman to be retaliatory in nature may result in the imposition of sanctions.

Exigent Circumstances

Notwithstanding anything contained herein, in an emergency situation where there is an immediate threat to the health and safety, any member of the College's faculty or staff is authorized to remove a student and/or guest of the College. In these situations, it is expected that the individual would exercise reasonable judgment when responding to such an emergency. Campus Safety involvement should be elicited as necessary and campus administrators should be immediately informed. In an emergency, the administrator and Campus Safety personnel present each have the authority to: (a) impose an immediate temporary suspension; or (b) immediately restrict access to designated areas of the campus, upon any student who, in the sole judgment of the Administrator, poses a threat to the safety or well-being of any member or guest of the College.