

MAINE COMMUNITY COLLEGE SYSTEM

STUDENT AFFAIRS Section 501

SUBJECT: STUDENT CODE OF CONDUCT

PURPOSE: To establish a uniform Student Code of Conduct

The colleges of the MCCS shall use the following Student Code of Conduct.

I. Purpose of Code

The College requires students to conduct their affairs with proper regard and mutual respect for the College and the members of its community. In seeking to encourage responsible conduct, the College will rely upon counseling and admonition. When necessary, the College will use this Code in a prompt, fair and impartial manner to: 1) ensure the orderly administration of the College's academic, athletic and social offerings; 2) secure the opportunity of all students to pursue peacefully their educational objectives; 3) protect the health, safety and welfare of the College and the members of its community; and 4) maintain and protect the real and personal property of the College and the members of its community.

This Code applies *in addition* to other College and System policies and regulations, local ordinances, and state and federal laws. Students whose conduct violates those authorities may also be subject to their sanctions and penalties. Finally, the Residence Hall Agreement between a student and the College imposes similar but additional responsibilities and obligations, and students whose conduct violates both that Agreement and this Code may be disciplined by the College under either or both.

II. Persons Governed by Code

As used in this Code, "student" means any person who a) has been notified of admission to a College; b) is taking courses or otherwise pursuing studies at or through a College; c) has a continuing relationship with a College even if not officially enrolled for a particular term; or d) has withdrawn from a College while a disciplinary matter is pending.

This Code applies to students and to organizations that are student organizations at the time of the alleged conduct. Students and student organizations are also responsible for the conduct of their guests, and this Code may be invoked against students and student organizations whose guests violate the Code. When a student is alleged to have violated the Code at a College other than the College in which the student is enrolled, the violation will be referred for disposition to the student's campus of enrollment.

III. Conduct Governed by Code

This Code applies to conduct, wherever it occurs, that: 1) involves the real property owned, occupied or otherwise used by the College; 2) involves the personal property owned, occupied or

used by the College community; 3) involves a College or College-related activity, event or function; 4) poses an imminent or substantial threat to persons or property in the College community; and/or 5) otherwise interferes with the objectives or adversely affects the interests of the College or members of its community. Examples of violations of this Code include, but are not limited to:

- A. **Fraudulent conduct**, which includes, but is not limited to: 1) supplying or assisting to supply false information to College personnel; 2) violating a professional code of conduct or ethics; 3) unauthorized representation of the College or its personnel; 4) failing to identify oneself to College personnel; and/or 5) tampering with or falsifying official documents or records.

Allegations of plagiarism, cheating and other forms of academic misconduct shall first be handled pursuant the M CCS policies on academic misconduct and/or student issues arising at clinical affiliates which provide(s) for specific procedures and sanctions. Once the procedures and sanctions of those policies have been applied, the provisions of this Code shall apply.

- B. **Conduct that disregards the welfare, health or safety of the College community**, which includes, but is not limited to: 1) assault, harassment or intimidation; 2) false reports of fire or other dangerous conditions; 3) unauthorized use or possession of weapons, explosive components or chemicals, including fireworks, firearms, explosives, gas or compressed air; 4) disturbing authorized activities or the peaceful operation of the College; 5) use, possession, sale or distribution of alcoholic beverages or drugs as prohibited by law or College policy; 6) being under the influence or knowingly in the presence of drugs or alcohol while on College property or at College related events; 7) action prohibited by health or safety regulations; 8) creation of a fire hazard or other dangerous condition; 9) restriction of vehicular or pedestrian traffic flow into or out of College property or facilities; 10) action that produces mental or physical discomfort, embarrassment, harassment or ridicule to any member of the College community; 11) intentionally placing a person or persons in reasonable fear of physical harm; 12) lewd or indecent behavior; 13) tampering with fire or safety equipment; 14) parking violations; 15) disobeying the lawful order of College personnel; and/ or 16) any other conduct that threatens or endangers the health or safety of one's self or others.

- C. **Improper use of property**, which includes but is not limited to 1) misuse, destruction, defacement or unauthorized requisition, removal or use of College or College community property; 2) unauthorized presence on College property; and/or 3) violation of College or System computer use policies.

- D. **Other conduct that interferes with the orderly business of the College**, which includes, but is not limited to 1) interference with or interruptions of classes and other college activities; 2) failure to comply with a sanction or special terms and conditions of admission, enrollment and/or participation imposed by the College; 3) interference or refusal to cooperate with an inquiry under the Code; 4) continuous

violations of the Code; 5) aiding, abetting or inciting others to commit or cover-up a violation of the Code; 6) retaliation against a person for reporting an alleged violation of the Code; 7) acts of discrimination in violation of College or System policy; 8) conduct prohibited by civil or criminal law; 9) conduct that constitutes “special circumstances” as set forth in MCCS Policy 504, Section B.3.a-g; and/or 10) conduct prohibited by College or System policy.

- E. Sexual misconduct and sexual assault**, as defined in and governed by MCCS Procedure 202.2.
- F. Sexual harassment**, as defined in MCCS Policy 202 and governed by MCCS Procedure 201.1/202.1 and MCCS Procedure 202.2.
- G. Dating violence, domestic violence and stalking**, as defined in and governed by MCCS Procedure 202.2.

The College will determine the applicable procedure for sexual harassment, sexual assault, dating violence, domestic violence and stalking after a review of the alleged conduct.

IV. Sanctions for Code Violations

Students who violate this Code may be subject to one or more sanctions which include, but are not limited to: 1) an apology; 2) reprimand; 3) probation; 4) work or service requirement; 5) restitution; 6) fine; 7) prohibition from College classes, functions or facilities; 8) special terms and conditions of enrollment and/or participation; 9) forfeiture of room fee, room deposit and security deposit; 10) suspension or dismissal from a portion of the College; 11) suspension or dismissal from the whole of the College; 12) revocation of admission or a degree; 13) withholding a degree; and/or 14) any other action as the College deems appropriate. The Dean of Students may suspend immediately a student if the Dean determines that the student’s presence at the College poses an imminent threat of harm to self or others, or to property in the College community. Such suspension shall take effect when so designated and may not be stayed pending appeal unless otherwise determined by the College President.

V. Procedure

A. General

In applying the provisions of this Code, MCCS accords students alleged to have violated this Code the following opportunities. First, students have the opportunities to be advised of the charges and the nature of the evidence against them, and be heard before an impartial decision-maker. Second, students have the opportunities to have sanctions based on substantial evidence (a standard of “more probable than not”); the decision explained in writing; and, in a Stage Two proceeding, have questions asked of opposing witnesses. Finally, students have the opportunities to be assisted by a person who may observe the proceeding and advise the student, but who may not speak on behalf of the student or otherwise participate in the proceeding. In cases where suspension or dismissal is likely

or where criminal charges are pending, such an assistant may be an attorney, but such an attorney shall not be at the college's expense.

B. Stage One

The College Dean of Students ("Dean") and/or Disciplinary Officer ("Officer") (collectively "Investigator") shall investigate alleged violations of this Code. Such inquiries shall include notice to the student of the: 1) complaint; 2) Code sections that may have been violated; and 3) possible sanctions that may be imposed. The student shall be given an opportunity to be interviewed. If a student does not reasonably respond to interview requests or does not attend a scheduled interview, the Investigator may continue with the investigation.

The Investigator may consider any information that the Investigator believes may be relevant and reliable information in determining whether it is more probable than not that the alleged conduct occurred, and that such conduct violated the Code. Upon concluding the inquiry, the Investigator shall notify the student in writing of the Investigator's findings of fact, Code provision(s) violated, if any, and a sanction(s), if any. The Investigator's decision shall take effect when so noted. Sanctions, other than interim suspension, may, in the discretion of the Dean, be stayed during any appeal. The Dean, but not an Officer, may at this stage impose a sanction of dismissal or suspension.

C. Stage Two

A student who does not accept discipline imposed at Stage One may request a Stage Two proceeding. A person materially affected by the alleged Code violation (such as the victim of the alleged conduct) may request a Stage Two proceeding in order to review a Disciplinary Officer's decision either to dismiss or impose a relatively low sanction in the case.

1. Request

A request for a Stage Two proceeding must be submitted in writing to the Dean within two (2) school days following the day the student receives the Investigator's written decision, and must state specifically the grounds for the request. A student who fails to file a proper and timely request may be deemed to have waived the right.

2. Committee

A Stage Two proceeding shall be heard by a Disciplinary Committee ("Committee") which shall consist of at least three and not more than five members, each appointed by the College President. At least one member should be a faculty member and one member may be a student. The President shall appoint a Chair.

3. Hearing

After receiving the student's request, the Committee Chair shall notify the student, Dean and/or Officer of the time and location for the hearing. A hearing shall be held as soon as practical and shall proceed as follows: The Committee Chair shall preside; the Dean and/or Officer will present the charges, information and findings against the student; the student will respond to the case presented by the Dean and/or Officer; and the Dean and/or Officer and student may then each summarize orally their position.

All or a portion of the hearing may, at the discretion of the Committee, be closed to persons other than those recognized by the Chair. If a student does not attend the hearing, the Committee may commence the hearing or continue the hearing to a later time or date. Only the members of the Committee may pose questions to the witnesses or parties. The Committee is not bound by court rules of evidence or procedure.

4. Decision

The Committee will convene in closed session to find facts and determine any Code violation(s). The Committee may consider any relevant and reliable information in determining whether it is more probable than not that the alleged conduct occurred, and that such conduct violated the Code. The Committee is not bound by the Investigator's findings and sanctions. The Committee may impose any appropriate sanction up to and including dismissal. Disciplinary sanctions imposed by the Committee take effect immediately unless otherwise specified. A majority of Committee members present and voting will prevail.

D. Stage Three

A student may appeal to the College President only a Committee sanction of suspension or dismissal from the College. Such appeal must be submitted in writing to the President within two (2) school days following the day when the student receives the Committee's written decision, and must state specifically the grounds for appeal. Such appeals shall be limited to the Committee's procedures and the appropriateness of the sanction. A student who fails to file a proper and timely appeal may be deemed to have waived the right to appeal. The President may also grant a request by a person materially affected by the alleged Code violation to review a decision of the Disciplinary Committee to dismiss a case or to impose a relatively low sanction. In all cases, the President shall issue a written decision as soon as practical after the hearing. The President is not bound by the decisions of either the Investigator or Committee.

VI. Notice and Receipt of Notice

A College may provide a notice under this Code to a student either in person or to the student's most recent electronic, campus or U.S. mail address on file at the College. A student will be deemed to have received such notice immediately when informed in person; within 24 hours when

notified by electronic or campus mail; and within 72 hours of the date of mailing when notified by U.S. mail. In all instances, a student has an affirmative duty to remain in contact with the College while a matter is pending under this Code.

VII. Coordination of this Code with the MCCS Policy on Special Conditions

When the student conduct at issue involves “special circumstances” as described in MCCS Policy 504, the College may seek guidance from the provisions of that policy.

VIII. Certain Athletic Determinations

The provisions of this Code apply to misconduct related to participation in athletics. The procedures of this Code do not, however, apply determinations of whether a student may be a member of, or receive playing time for, a college athletic team because the student has engaged in conduct detrimental to the team. Those determinations shall be made by the coach, provided that the affected student may appeal the coach’s decision to the College Dean of Students.

For purposes of this provision, “conduct detrimental to the team” includes, but is not limited to, conduct that is unsportsmanlike to fans, officials or opposing coaches or players; disruptive to practices and other team events; brings disruption or disrepute to the team through misconduct or violations of law, College or System policy; or is otherwise contrary to the principles taught through athletic competition, such as reliability, diligence, commitment, teamwork and the willingness to take seriously the duty to represent the College honorably during competition. Each College may adopt a more specific definition of “conduct detrimental to the team” that furthers the educational purposes of athletic competition.

IX. Traffic Violations

A student violation of a rule governing a moving, parked or standing vehicle on property owned, operated or under the control of the MCCS shall be processed under this Code only if the sanction sought by a college is suspension or expulsion from college for that violation. In all other cases, a college shall provide a process that permits a student an informal opportunity to contest the alleged violation before a person designated by the college to hear such contests.

X. Definitions

The following terms have the following meanings when used in this Student Code of Conduct, unless the context indicates otherwise:

“**Code**” means this Student Code of Conduct; “**College**” means a college of the Maine Community College System; “**College Activity**” means an activity under the auspices of the College, including activities of students and student organizations; “**College Community**” means any person or organization that attends, performs services for, is employed by, visits or otherwise uses the College; “**College Personnel**” means any instructor, administrator, employee, committee or contractor of the College or System; “**Course**” means any class of instruction, regardless of credit, offered by the College;

“President” means a College President; **“Property”** means the real and personal property controlled through ownership, rental, charter or other means by the System, College, State of Maine or a member of the College Community. “Property” includes written documents and computer programs, files and resources; **“School Day”** means a day that the College is open for instruction; **“Student Organization”** means an organization that acts or purports to act for a student in matters regarding the College; and **“System”** means the Maine Community College System.

REFERENCES: 20-A M.R.S.A. §12706(7); *MCCS Policy 504*

DATE ADOPTED: June 24, 2009

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