

MAINE COMMUNITY COLLEGE SYSTEM

**STUDENT AFFAIRS
Section 504**

SUBJECT: SPECIAL CONDITIONS OF ADMISSION, ENROLLMENT AND PARTICIPATION

PURPOSE: To express the authority of the colleges to establish certain conditions of admission, enrollment and participation

A. Introduction

The colleges of the MCCS offer education and services to individuals under a process of modified open admissions. Typically, this process enables applicants who meet the stated academic criteria for program or college admissions to attend as students and access the full offerings of the college. In some circumstances, however an individual's personal experiences may affect the individual's admission, enrollment or participation in a college's various offerings. The purpose of this policy is to express the authority of the colleges to handle such circumstances.

B. Definitions

For purposes of this policy, the following terms have the following meanings.

1. "Applicant" means a person who seeks to attend, but is not yet admitted to, or enrolled in, a college; "Student" means a person who has been admitted or enrolled; and "Individual" means both an applicant and a student.
2. "Admission" means entry into a college, off-campus site, program or course; "Enrollment" includes registration in online and on campus courses, regardless of location of course delivery; and "Participation" means involvement in any college service or activity including, for example, access to housing, financial aid, athletics or extra-curricular activities, as well as a general freedom of movement around campus.
3. "Circumstances warranting special conditions" or "special circumstances" mean those acts that raise reasonable concerns for community safety and community order. They typically involve prior personal misconduct that demonstrates a diminished reliability to comply with the reasonable rules and regulations of the college, and/or a greater likelihood of risk of harm to self, others or property. Such circumstances often include, but are not limited to, a:
 - a. Criminal conviction;
 - b. Condition of bail, probation, restraining order or other judicial or administrative order;

- c. Pending arrest, indictment or other criminal charge;
- d. Report or recommendation of a law enforcement, probation or parole officer that relates to the risks of harm or disruption that an individual may present;
- e. Report or recommendation of a mental health professional that relates to the risks of harm or disruption that an individual may present;
- f. Civil litigation whose allegations raise like concerns for a college; or
- g. Lack of evidence of an individual's ability to succeed academically or other evidence that the individual is unlikely to succeed. Such evidence includes but is not limited to the individual's prior performance at other educational institutions.

4. A "condition" can include either exclusion, restriction or both.

C. Completed vs. Evolving Matters

This policy applies both to those special circumstances that have been completed and those that are still evolving. For example, this policy applies to instances when an individual has been criminally convicted or facing criminal charges not yet proven. While this policy recognizes the presumption of innocence that attaches to the latter, this policy also recognizes, and adopts here the equivalent of, the prudent interim approach of courts in imposing reasonable restrictions on the individual until the process for finding guilt, innocence or other disposition is complete.

D. Authority to Exclude or Limit

A college may exclude or limit an individual's admission, enrollment or participation to the extent that an individual's special circumstance diminishes the individual's:

- 1. Likelihood of success in a program of academic study, particularly one for which admission is competitive;
- 2. Ability to be placed in a required internship or clinical experience;
- 3. Ability to qualify for a professional license after graduation;
- 4. Ability to qualify for financial aid, especially federal financial aid if there is a drug-related conviction;
- 5. Compatibility for placement in a college residence hall;

6. Trustworthiness for on-campus employment;
7. Reliability to comply with the reasonable rules and regulations of the college; and
8. Reliability not to present a greater likelihood of risk of harm to self, others or property.

E. Determining Whether to Exclude or Limit a Student

In determining whether to apply any conditions to an individual with a special circumstance, a college should:

1. Identify the specific nature of the individual's special circumstance. For example, a college should consider the following:
 - a. Whether the conduct underlying the special circumstance was admitted or proven, or is not yet admitted or proven;
 - b. When and how recently the conduct was committed or alleged to be committed, and whether the individual was a juvenile or adult at the time;
 - c. Whether the conduct was against a person or property; violent or passive; and intentional, reckless, negligent or grossly negligent;
 - d. Whether the harm actually or allegedly caused was minor and temporary or serious and permanent;
 - e. Whether the individual acknowledged the individual's responsibility by plea, or contested by trial and/or appeal;
 - f. What punishment, if any, was imposed on the individual; whether that punishment was satisfactorily completed; whether the individual is on bail, probation or parole, and, if so, the terms and conditions thereof; and the perceived degree to which the individual has been rehabilitated; and
 - g. Any other factor that is relevant and material.
2. Consult, as appropriate, with the MCCS General Counsel;
3. Weigh the individual's circumstances against the college's interests in, for example, those issues addressed in *Section D* above and determine the rational relationship between the facts of an individual's particular case and the college's interests in excluding or limiting the individual; and

4. Impose those conditions that by amount, scope and duration are reasonable under the particular circumstances.

F. Procedures

1. Admission

On questions of whether an applicant's special circumstances shall affect an applicant's admission to a college, the college Director of Admissions, Dean of Students or designee shall make that determination consistent with the provisions of this policy and impose any special terms and conditions necessary to address the applicant's circumstances

2. Post-Admission

The Dean of Students or his designee may impose special terms and conditions after admission for special circumstances that existed at the time of admission but were not known to the college until after the applicant was admitted.

3. Violation

Violation of a special term or condition imposed under this policy shall be subject to the MCCS Student Code of Conduct.

REFERENCES: 20-A M.R.S.A. §12706(1)

DATE ADOPTED: June 23, 2010

DATE(S) AMENDED: May 3, 2013; June 21, 2017