**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. Designated Officials**

**1. Pre-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.

**G. Excluding An Admitted Student Because of a Special Circumstance**

If a college is going to exclude (and not merely restrict) an admitted student (and not a mere applicant) from the college because of a special circumstance, the following procedure shall apply.

**1. Notice to Student.** The college shall inform the student of the special circumstance(s) that concern the college and the nature of the evidence related to the circumstance(s). A college shall provide such notice either in person or to the student’s most recent electronic, campus or U.S. mail address on file at the College.

**2. Student’s Response.** The student shall have an opportunity to respond within two (2) school days of receiving such notice. When responding, the student may be assisted by a person advising the student.

**3. Decision.** The college shall consider the student’s response, if any, and other relevant and reliable information in determining whether special term(s) or condition(s) should be imposed given the circumstances(s). The college’s decision shall be based on substantial evidence; that is, that is more probable than not that the college’s best interests are served by imposing the special term(s) or condition(s). The decision shall be in writing, provided to the student either in person or to the student’s most recent electronic, campus or U.S. mail address on file at the College, identify any special term(s) or condition(s), and take effect when so noted.

**4. Appeal.** Any appeal by the student must be filed with the college President or the President’s designee within two (2) school days following the date when the student receives the decision. An appeal must be in writing and state specifically the grounds of the appeal. The President shall issue a written decision as soon as practical after receiving the appeal.

**5. Time Calculations.** A student will be deemed to have received a notice or decision immediately when informed by in person, and within 24 hours when notified by college email, and within 72 hours of the date of mailing when notified by U.S. mail.

**6. Interim Suspension.** While this process is pending, the college may immediately impose an interim suspension if the college determines that the student’s presence at the college poses an imminent threat of harm to self or others, orderly operations of the college, or to property in the college community. Such suspension shall take effect when designated and may not be stayed pending appeal unless otherwise determined by the college President. During an interim suspension, a student may be denied or have limited access to college programs, facilities, and activities as deemed appropriate. If appropriate and practicable, a student may be permitted to continue the student’s academic work remotely.

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REFERENCES: 20-A M.R.S.A. §12706(1)

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