

McHenry County College

# **Student Code of Conduct and Disciplinary Process 2011-2012**

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## **ARTICLE I. PURPOSE**

McHenry County College (the “College”) students are expected to behave appropriately, with self-respect and respect for others. The College, in turn, respects the properly exercised rights of its students. The College recognizes students’ rights to freedom of speech, inquiry and assembly; to the peaceful pursuit of education; and to the reasonable use of College services and facilities.

This Student Code of Conduct (the “Code”) aims to maintain a learning environment of respect, civility, safety, and integrity for all members of the College community. In addition to the Code, students must also recognize and comply with the standards of classroom behavior stated in their individual course syllabi. Acts of academic dishonesty, disruptive student behavior in the classroom, and appeals to sanctions imposed in each case are under the jurisdiction of the faculty member, the department chair and the executive dean. Further, threats of violence are considered a serious infringement upon the learning environment and will be acted upon accordingly.

Whenever possible, sanctions for violations of the Code may be educational in nature. However, Code violations affecting the health and safety of the College community are deemed to be the most serious. Therefore, acts of violence, threats or dangerous behavior may result in suspension or expulsion from the College. Violations of the academic dishonesty policy may also result in suspension or expulsion from the institution and/or a reduced or failing grade.

## **ARTICLE II. CODE POLICIES**

No disciplinary action shall be initiated nor any sanction imposed against students or student organizations until they have been notified in writing of the charges against them and their rights under this Code, and given the opportunity to be heard, except in cases where interim suspension is warranted for the health and safety of the community.

All College regulations and policies pertaining to student discipline shall be published, distributed, or posted in such a manner as to furnish adequate notice of their contents to students or student organizations. Each student is responsible for knowledge of and compliance with the Code.

All policies found in the Board Policy Manual are subject to change from time to time as approved by the College Board of Trustees. The Office of the Student Conduct Officer disseminates hard copies of additions/revisions not more than three times each year. The web copy, located at [www.mchenry.edu/policy/studentcode.pdf](http://www.mchenry.edu/policy/studentcode.pdf) is updated annually, as needed. Prior to acting in reliance upon a specific board policy as it appears in any copy of the policy manual, please check to make sure that the board has not recently approved any additions/revisions to that specific policy.

## **ARTICLE III. STUDENT CONDUCT OFFICER**

The Student Conduct Officer is responsible for the administration of the Code. The Student Conduct Officer may designate other College officials to conduct student disciplinary hearings, if appropriate.

The Student Conduct Officer will insure that the best interests of students and student organizations are served, regardless of whether disciplinary action is taken, by making full use of the appropriate counseling and other professional services at the College.

The Student Conduct Officer shall serve as non-voting Secretary of the Conduct Review Committee and as advisor to all individuals and groups authorized to impose disciplinary sanctions.

## **ARTICLE IV. STUDENT RIGHTS**

Any student facing possible disciplinary action is entitled to the following procedural rights:

- The right to be notified in writing of the charges against him/her.
- The right to know the nature of the evidence against him/her (unless release of the evidence would endanger the health or safety of victim(s) or witness(es)).
- The right to present information and witnesses relevant to his or her defense.
- The right to appear with an advisor (see Article X, item A).

## **ARTICLE V. COLLEGE JURISDICTION**

Sanctions may be imposed for prohibited conduct which occurs on College premises, at off-campus instructional sites (e.g., experiential coursework, internships, lab, or clinical sites), at College-sponsored extracurricular activities or events when a student serves as a representative of the College, or in the course of using College technology or property. Sanctions may also be imposed for conduct that occurs on or off campus which materially and substantially interferes with the College's operation or educational programs or the safety and welfare of the College community. The Student Conduct Officer shall exercise sole discretion in determining whether the Code shall be applied to conduct occurring off campus in accordance with the best interests of the College.

Records created and maintained by a law enforcement unit of an educational institution (e.g., campus security) which were created by that law enforcement unit for purposes of law enforcement are not considered "student records" under the Family Educational Rights and Privacy Act (FERPA) and may be released to third parties as necessary without violating FERPA.

Jurisdiction is maintained between periods of enrollment unless the accused individual's official record in the Registration Office shows a complete withdrawal prior to the expiration of the published deadline for registration for the succeeding period of enrollment. For students enrolled in the spring term, jurisdiction is maintained until the expiration of the published deadline for registration for the succeeding fall term.

Incidents involving non-employees and non-students are governed under Board Policy 1.10 – Anti-violence Policy.

## **ARTICLE VI. PROHIBITED CONDUCT**

College students are expected to demonstrate qualities of morality, integrity, honesty, civility, honor, and respect. Disciplinary action may be initiated by the College and sanctions imposed against any student or student organization found responsible of committing, attempting to commit, or intentionally assisting in the commission of any of the following prohibited forms of conduct.

### **A. ACADEMIC DISHONESTY**

In the academic community, the high value placed on truth implies a corresponding intolerance of scholastic dishonesty. In cases involving academic dishonesty, determination of the grade and of the student's status in the course is left solely to the discretion of the instructor. In such cases, where the College representative determines that a student has demonstrated

academic dishonesty, the representative is encouraged to report the incident of dishonesty to the Student Conduct Officer or his or her designee in order to discern potential patterns of egregious dishonesty. Acts of academic dishonesty for which sanctions may be imposed includes, but are not limited to, the following:

1. Cheating which includes, but is not limited to:

- a. The use of any unauthorized assistance in taking quizzes, tests, or examinations;
- b. Having another individual take an exam;
- c. Submitting the same paper in two different courses without specific permission of the current instructor(s);
- d. Falsifying a laboratory experiment or report of an experiment;
- e. Dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments;
- f. The surreptitious or unauthorized acquisition of testing materials or other academic material belonging to a member of the College community. Students need not employ the materials; they need only to possess them in order to violate this code;
- g. Electronic/digital devices, which includes, but is not limited to; abuse of devices with the capability of photographing or recording test questions or other notes and materials;
- h. Furnishing false information to any College official, faculty member, or office;
- i. Forgery, alteration, or misuse of any COLLEGE document, record, or instrument of identification;
- j. Copying from another student's test, exam, and/or assignment or knowingly allowing your test, exam and/or assignment to be copied.

2. Plagiarism which includes, but is not limited to:

- a. Using, by paraphrase or direct quotation, of the published or unpublished work of another person without full, clear, and accurate acknowledgement;
- b. The unacknowledged use of another writer's ideas without proper citation;
- c. Borrowing all or part of another individual's work or using someone else's outline to write your own work;
- d. Copying another individual's computer printout and/or computer files and using it as one's own;
- e. Using an agency or Internet website engaged in the selling of term papers or other academic materials.
- f. Hampering or discrediting the academic work of others by, but not limited to, the following:
  - i. Misusing, damaging, hiding, or stealing library resources;

ii. Altering or misusing computer programs or equipment; or

iii. Interfering with the rightful computer access of others.

## **B. DISRUPTING OR OBSTRUCTING THE WORK AND OPERATION OF THE COLLEGE**

Being a member of a college community comes with certain rights and privileges. As in other communities, members of the college community must assume the responsibilities and obligations that accompany these freedoms. There is an expectation that behaviors and actions do not violate the rights and privileges of other community members. In such cases, where a College representative determines that a student has disrupted or obstructed the work and operation of the College, the representative is encouraged to report the incident to the Student Conduct Officer or his or her designee. Acts of disruption and obstruction for which sanctions may be imposed include, but are not limited to, the following:

1. Making false statements and/or providing false information to any College official;
2. Physical abuse or other conduct which threatens or endangers the health or safety of any person;
3. Verbal threats, harassment, intimidation, and/or similar threatening conduct that disrupts the educational environment or members of the College community;
4. Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Initiation of or participation in a hate crime as defined in Article X. O.
5. Using electronic technology which includes, but is not limited to: internet, email, telephone, fax machines, instant messaging to intimidate another member of the College community;
6. Participating in on-line behavior, such as harassment or intimidation, delivered by email, blogs, web pages, social networking sites and other similar entries. The College does not regularly seek out this information, but will take action if and when such information is brought to the attention of college officials.
7. Theft (actual or attempted) or destruction of College property or property belonging to a member of the College community or other abuse of College computer facilities, programs, technology and equipment, including, but not limited to:
  - a. Unauthorized entry into a file to use, read or change the contents, or for any other purpose.
  - b. Unauthorized transfer of a file including the use of peer-to-peer-file-sharing.
  - c. Unauthorized use of an individual's identification and password.
  - d. Using student email, portal and/or the learning management system to send SPAM or other non-instructional related messages to other students and/or College employees.
  - e. Use of computing facilities to interfere with the work of a student, faculty member or College official;

- f. Use of computing facilities to interfere with operation of the College computing systems;
  - g. Unauthorized use or copying of copyrighted software;
  - h. The unauthorized installation or use of an unauthorized program
  - i. Unauthorized use of computer time for personal or business purposes;
  - j. Use of College computer facilities, programs, equipment or technology to send obscene or abusive messages;
  - k. Unlawful or unauthorized use of the Internet; the unauthorized connection of technological and computing equipment to the College's computers and/or network;
  - l. The unauthorized use of any form of a digital camera or imaging equipment;
  - m. Unauthorized use of another individual's identity, including unauthorized use of financial information.
8. Unauthorized use of cell phones, pagers and other communication devices in all instructional areas and the Library, Testing Center, Learning Center and computer labs, including all labs and classrooms during instructional sessions.
9. For the safety of children on campus, children (e.g., less than 16 years of age) are not permitted on campus unattended by a parent/guardian, except when they are attending classes offered by the College for children. The College requires that no children be allowed into a classroom/laboratory environment including the Testing Center, Learning Center and computer labs, solely for the purpose of a parent/guardian to provide direct supervision of his or her child.
10. Coercion, which is defined as attempting to compel, control, or manipulate another through the threat of force, intimidation, exploitation of fear or anxiety, including explicit and implied physical and verbal threats against another person.
11. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other College activities, including its public service functions on or off campus, or of other authorized non-College activities when the conduct occurs on -College premises.
12. Intentionally obstructing or denying access to facilities or services to individuals entitled to use such services or facilities.
13. Intentionally interfering with the lawful rights of other persons on campus.
14. Violation of local, county, state, or federal law, whether it be on or off campus, only when a definite college interest is involved and where the student misconduct distinctly and adversely affects the College's pursuit of its educational mission. Violation of these laws may lead to prosecution by law enforcement agencies in addition to sanctions by the College.
15. Possession, use, or attempt to distribute or sell illicit drugs, alcohol or other controlled substances except as expressly permitted by law (i.e., prescription medications used by a person from whom the medication was prescribed).

16. Being under the influence of drugs and/or alcohol while on campus.
17. The College prohibits anyone from wearing, transporting, storing, or possession of firearms or other weapons on College property (including College-owned vehicles, personal vehicles and parking lots), at College-sponsored or College-related functions or events, and during times when acting as a representative of the College whether on or off College premises. Individuals who commit such acts may be removed from College premises and/or subject to disciplinary action, criminal penalties, or both. Possession of "weapons", which includes but is not limited to firearms (including any gun, rifle, shotgun, pistol, BB or pellet gun, any firearm or device from which a projectile may be fired by an explosive, any firearm or device operated by gas or compressed air), knives (including any bowie knife, spring blade knife, dagger, switchblade knife), explosives, chemical or biological weapons, slingshot, metal knuckles, blackjack, any object which by use, design, or definition may be used to inflict injury upon a person, and any object if used, attempted to be used, or threatened to be used to cause bodily harm. "Weapons" does not include mace or pepper spray type products designed and carried solely for the purpose of self-protection. Weapons will be confiscated immediately and are subject to the Weapons Destruction Procedure outlined in the MCC Anti-Violence Policy (Policy 1.10).
  - a. This does not apply to any certified law enforcement personnel engaged in official duties.
  - b. Activities requiring use of the prohibited items may be conducted only with the approval of the Director of Campus Safety and Security.
18. Intentional obstruction of the freedom of movement of pedestrian or vehicular traffic on College premises.
19. Participation in a campus demonstration which disrupts the normal operations of the College and infringes on the rights of other members of the College community.
20. Leading or inciting others to disrupt scheduled and/or normal activities within any -College building or area.
21. Detention or physical abuse of any person or conduct which is intended to threaten imminent bodily harm or endanger the health or safety of any person on any property owned or controlled by the College, or at any College sponsored or supervised function.
22. Failure to comply with reasonable directions of College officials or public safety officers acting in performance of their duties on campus or affecting conduct on campus.
23. Unauthorized possession, duplication or use of keys to any College premises or unauthorized entry to or use of College premises.
24. Being an accessory to any person on the College campus who violates this code.
25. Violation of College Board policies, published College policies, rules or regulations.
26. Conduct that is disorderly, lewd, or indecent; a breach of the peace; or aiding, abetting, or procuring another person to breach the peace on College premises or at functions sponsored by, or participated in by, the College or members of the academic community.
27. Abuse of the Student Code of Conduct, including but not limited to:

- a. Failure to obey the notice from the Conduct Review Committee or College official to appear for a meeting or hearing as part of the Conduct Review Committee.
- b. Falsification, distortion, or misrepresentation of information before the Conduct Review Committee.
- c. Disruption or interference with the orderly conduct of the Conduct Review Committee proceeding.
- d. Institution of a Code proceeding in bad faith.
- e. Attempting to discourage an individual's proper participation in, or use of the Code system.
- f. Attempting to influence the impartiality of a member of the Conduct Review Committee prior to and/or during the course of the Student Conduct Board proceeding.
- g. Harassment (verbal or physical) and/or intimidation of a member of the Conduct Review Committee prior to, during, and/or after a Code proceeding.
- h. Failure to comply with the sanctions(s) imposed under the Code.
- i. Influencing or attempting to influence another person to commit an abuse of the Code system.

### **C. HARASSMENT AND DISCRIMINATION**

The College seeks to provide academic and work environments that are free from intimidation, discrimination, and harassment based on any of these characteristics and the College specifically prohibits such intimidation, discrimination, and harassment, including sexual harassment. Harassment and discrimination are contrary to the standards of the College community; it diminishes individual dignity and impedes equal employment and educational opportunities. In compliance with the College Affirmative Action Policy, Executive Order 11246 and 11375, Title IX of the Educational Amendments of 1972, Civil Rights Act of 1964, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and the Illinois Human Rights Act, the College prohibits discrimination and harassment based on sex, race, religion, age, disability, national origin, sexual orientation or gender-related identity in its admissions, employment, educational programs, or activities. MCC seeks to provide work environments that are free from intimidation, discrimination and harassment based on any of these characteristics and the College specifically prohibits such intimidation, discrimination and harassment, including sexual harassment.

Intimidation, discrimination and harassment can arise from a broad range of physical or verbal behavior (by employees, students, outside contractors or other individuals). Sexual harassment includes any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

- Submission to such conduct is made either a term or condition of an individual's employment or access to educational programs and benefits;
- Submission to or rejection of such conduct of an individual is used as the basis for an employment or educational decision affecting such individual; or
- Such conduct has the purpose or effect of substantially interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive working or learning environment.

These activities are offensive and are inappropriate at the College. An employee or supervisor may be held individually liable as a harasser, subject to the same penalties which may be imposed upon employers under state and federal law, and will be subject to discipline up to and including termination. Students may be subject to claims by fellow students or staff for

their conduct, as well as subject to College discipline, including expulsion or suspension. This policy applies in all College environments, whether on campus, at work assignments off campus, at College-sponsored social functions, or otherwise.

Discrimination, harassment or similar unacceptable activities that could become a condition of employment or a basis for educational or personnel decisions, or which create a hostile, intimidating or offensive environment are specifically prohibited by the College. Any individual who engages in such discrimination or harassment, or retaliates against another individual because he or she made a report of discrimination or harassment or participated in the investigation of a claim of discrimination or harassment, is subject to immediate discipline up to and including suspension or expulsion.

### **Harassment and Discrimination Complaint Procedure**

Any student who believes that he or she has been harassed or discriminated against by any other member of the college community may contact the Student Conduct Office, Room A-252, (815) 455-8696 to receive information on initiating a complaint. If the student believes the Student Conduct Officer is responsible for or has permitted the prohibited discrimination, harassment or retaliation to occur, he or she should report the matter immediately to the Assistant Vice President of Student Affairs. Reports will be investigated promptly. Please retain any notes, letters or other written material that relate to the complaint.

A student wishing to formalize a harassment or discrimination complaint shall submit a Harassment/Discrimination Complaint form, which outlines the specifics of the complaint. Upon receipt of the complaint, the Student Conduct Officer shall conduct an independent investigation. The College will maintain the complainant's and the accused's confidentiality to the extent possible. Depending on the totality of the circumstances and the nature of the complaint, the College may disclose information to the extent necessary to investigate the complaint or take corrective action when conduct has occurred.

Upon completion of the investigation, the Student Conduct Officer shall present a written report to the Vice President of Academic and Student Affairs within 15 school days of receiving the complaint. Upon reviewing the report, the Vice President of Academic and Student Affairs will render a final decision on the complaint and meet individually with the involved parties to advise each regarding the decision within five school days of receiving the Dean of Student's report.

## **ARTICLE VII. DISCIPLINARY SANCTIONS**

The following sanctions may be imposed upon any student found to have violated the Code.

### **A. INTERIM SUSPENSION**

If a student is unresponsive to a faculty or College representative's intervention and continues to be disruptive, it may be appropriate to remove the student from the classroom and/or premises. The faculty member or College representative will notify the Student Conduct Officer or his or her designee immediately if further sanctions are appropriate.

In certain circumstances, the Student Conduct Officer or his or her designee may impose an immediate interim suspension when the Student Conduct Officer or his or her designee determines that the student's conduct poses:

1. An immediate threat to the safety and well being of members of the College community or preservation of College property;
2. An immediate threat to the student's own physical or emotional safety and well being; or
3. A material and substantial disruption of or interference with the normal operations of the College.

An interim suspension may be imposed as necessary at any stage prior to, during, or subsequent to the disciplinary process described in the Code.

During the interim suspension, students will be denied access to the campus (including classes) and to College-sponsored events or privileges for which the student might otherwise be eligible, as the Student Conduct Officer or his or her designee determines appropriate.

If the student has been given an interim suspension prior to a formal hearing, within two business days of the date a student receives an interim suspension, the Student Conduct Officer or his or her designee will provide written notice to the student of a formal hearing pursuant to the procedures described in Article VII.B.

### **B. WARNING**

A notice in writing to the student that the student is violating or has violated institutional regulations.

### **C. PROBATION**

A reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any institutional regulation(s).

### **D. LOSS OF PRIVILEGE**

Denial of specified privileges for a designated period of time. This may include, but is not limited to, a course or program of study, access to facilities, services or offices or participation in clubs, organizations, or College-sponsored events. Cheating and incivility in the Testing Center may result in the loss of privileges to the facility for at least one semester.

### **E. RESTITUTION**

Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

### **F. WITHDRAWAL FROM CLASS**

Administrative withdrawal with consequent loss of tuition and fees from a class, classes, or program.

### **G. LIMITED ACCESS**

Administrative restriction to selected parts/locations of campus buildings.

### **H. OTHER PENALTIES**

The student may be denied a transcript or degree until all of the obligations specified by a disciplinary body are met or other penalties as may be imposed as ones determined to fit the misconduct.

### **I. COLLEGE SUSPENSION**

Separation of the student with consequent loss of tuition and fees from the College for a definite period of time, after which the student is eligible to return. Conditions for readmission or re-enrollment may be identified, including ineligibility for specific courses, services, and/or programs of study.

### **J. COLLEGE EXPULSION**

Permanent separation with consequent loss of tuition and fees of the student from the College.

### **K. DISCRETIONARY SANCTIONS**

Work assignments, service to the College or neighboring communities, or other related discretionary assignments (such assignments must have the prior approval of the disciplinary advisor).

## **L. COUNSELING OR EDUCATION SEMINARS**

A student may be required to participate in counseling seminars or educational workshops in lieu of, or in addition to the imposition of sanctions.

## **M. GROUP/ORGANIZATION SANCTIONS**

The following sanction may also be imposed upon student clubs, groups or organizations:

Deactivation – loss of privileges, including College recognition, for a specified period of time.

Revocation of Admission or Degree – Admission to the College may be revoked based on fraud, misrepresentation or other forms of misconduct related to the admissions process. The granting of a degree by the College may be revoked based on fraud, misrepresentation or other forms of misconduct related to obtaining the degree.

## **ARTICLE VIII. COMPLAINT OVERVIEW**

### **A. FILING A COMPLAINT**

Any member of the College community may file a complaint against any student for misconduct. Complaints must be presented in writing to the Student Conduct Officer or his or her designee and should be submitted within fifteen business days of the occurrence of the alleged misconduct. A violent incident report form filed in accordance with Board Policy 1.10 shall satisfy the requirement of filing a written complaint.

### **B. NOTICE AND RESPONSE**

Within five business days of receiving a complaint, the Student Conduct Officer or his or her designee will notify the accused student in writing of the complaint and afford the student an opportunity to meet with the Student Conduct Officer or his or her designee in order to respond to the complaint and/or evidence provided in relation to the complaint. Such notice shall include: (a) the alleged Code violation; (b) the opportunity for the student(s) to meet with the Student Conduct Officer for purposes of discussing the options for disposition of the complaint; and (c) the student's right to have an advisor accompany the student during the meeting.

If student chooses not to meet with the Student Conduct Officer or to participate in the investigation process, the Student Conduct Officer will proceed with disposition of the case without input from the student.

A student against whom a complaint has been filed and/or disciplinary charges are pending will not be permitted to withdraw from the College with a clear education record until such charges have been resolved. If a student with unresolved disciplinary actions withdraws, the student's academic record will indicate "disciplinary charges pending at time of withdrawal".

## **ARTICLE IX. COMPLAINT PROCEDURES**

### **A. PRELIMINARY INVESTIGATION AND CONFERENCE WITH THE STUDENT CONDUCT OFFICER**

The Student Conduct Officer or his or her designee will conduct a preliminary investigation to determine if the complaint has merit and/or if the complaint can be disposed of administratively or by mutual consent of the parties involved. The Student Conduct Officer shall conference with the student (and his or her advisor), inform the student of his or her options and rights, and take any of the following actions:

- Make findings of fact on the nature of the complaint;

The letter will inform the student of:

- a. The alleged violation(s) and sufficient details of the complaint for the basis of the allegation(s) to be understood;
  - b. The time, date and location of the hearing;
  - c. A statement of the respondent student's rights as stated in the Code; and
  - d. The name of the person(s), group(s), or College office filing the charges.
4. In all cases, the evidence in support of the charges will be presented and considered whether or not either party is in attendance.
  5. The accused student may be accompanied by an advisor if so desired conditional on 24 hours notice to and approval by the Student Conduct Officer or his or her designee. The advisor may attend the hearing with the student to counsel him/her. The accused student and advisor may be present during the entire hearing, but neither may be present during deliberations of the Conduct Review Committee. In no event may the advisor participate directly by speaking for either party or questioning witnesses. Admission of any other person to the hearing will be at the discretion of the chairperson.
  6. Both the accused student and the complaining parties may present evidence, including witnesses and written statements. The Chair of the Conduct Review Committee will determine the format of the hearing, the admissibility of witnesses or written statements, and may elect not to hear such testimony if deemed redundant or irrelevant.
  7. The Chair of the Conduct Review Committee retains authority to question witnesses and parties to the alleged violations and will determine the appropriateness of questions posed by the parties.
  8. Pertinent and relevant information may be reviewed without regard to the legal rules of evidence.
  9. The Chair of the Conduct Review Committee may opt to hear the testimony of witnesses separately.
  10. There will be a single verbatim record, such as an audio recording, of all hearings before the Conduct Review Committee. Review of the verbatim record may only occur on College premises and in the presence of the Student Conduct Officer or his or her designee. The verbatim record is property of the College.
  11. The Conduct Review Committee may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witness during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation via telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means.
  12. Determination of violations shall be made based on the preponderance of evidence.
  13. Decisions by the Conduct Review Committee shall be by majority vote of the members present for the hearing.
  14. The Student Conduct Officer shall notify the accused student via certified mail, return receipt requested, of the Conduct Review Committee's findings with the shortest reasonable time after a decision has been rendered and no later than ten business days after the hearing.

If the student is found not to be in violation of the Code, and if coursework has been missed as a direct result of action taken against the student, appropriate accommodations will be made in order to assist the student to complete the course, retake the course, or reach other alternatives.

### **C. APPEALS OF FORMAL HEARING DECISIONS**

A decision reached and/or sanction imposed by the Conduct Review Committee at the formal hearing may be appealed by the accused student in writing, by certified mail and within ten business days after receipt of the Committee's decision to the Vice President of Academic and Student Affairs. The Vice President of Academic and Student Affairs will not hold a hearing. Rather, resolution of the appeal shall be based upon the written findings and decision from the Conduct Review Committee, the record of the hearing, as well as any written documentation submitted by either party during the hearing.

The Student Conduct Officer or his or her designee will provide all relevant documentation to the Vice President of Academic and Student Affairs.

The appeal must include the name of the individual making the appeal, the action that is being appealed, the date the action took place, and the grounds for appeal. Appeals must be made on the basis of one or more of the following grounds:

1. Procedural error was committed.
2. The finding of facts contained in the decision included inaccurate information.
3. Specific evidence presented at the hearing is objectionable.
4. Evidence not offered during the hearing is now available. In such cases, new evidence may be offered to the Vice President of Academic and Student Affairs for consideration on appeal.
5. The sanction imposed is excessive or inappropriate.

The Vice President of Academic and Student Affairs shall render a decision within ten business days after receipt of the appeal and shall inform the student by certified mail. The decision of the Vice President of Academic and Student Affairs may not result in a sanction more severe than that imposed by the Conduct Review Committee. The decision of the Vice President of Academic and Student Affairs shall be final.

## **ARTICLE X. DEFINITIONS**

- A. The term "advisor" is defined as a family member, staff /faculty member of College, or peer, and does not include legal counsel or attorney at law.
- B. The term "business day" is defined as any day excluding Saturdays, Sundays, breaks in the academic year, or any holidays recognized by the College
- C. The term "classified staff" includes any person employed by the College as defined by the McHenry County College Staff Council contract.
- D. The term "College" means McHenry County College.

- E. The term “College premises” includes all land, buildings, facilities and other property in the possession of or owned, used, or controlled by the College (including adjacent streets and sidewalks).
- F. The term “College official” includes any person employed by the College performing assigned administrative or professional staff responsibilities.
- G. The term “College-sponsored event” means any event or activity on or off College premises that is directly initiated, sponsored, supported, or supervised by the College.
- H. The term “complaint” is defined as a Student Incident Report filed with the Office of the Student Conduct Officer.
- I. The term “complainant” means any person who submits a charge alleging that a student violated this Student Code and the term “accused student” means any student accused of violating this Student Code.
- J. The term “Conduct Review Committee” refers to the disciplinary board composed of member of the College community which may include members of the administration, the classified staff, the faculty, and the student body.
- K. The term “disciplinary body” means the Vice President of Academic and Student Affairs, the Student Conduct Officer, the Conduct Review Committee, or any person or persons authorized by the Vice President of Academic and Student Affairs to determine whether a student has violated the Student Code of Conduct and to impose appropriate sanctions.
- L. The term “disorderly” is defined as including but not limited to: any unauthorized use of electronic or other devices to make an audio or video record of any person while on College premises without his or her prior knowledge, or without his or her effective consent when such a recording is likely to cause injury or distress. This includes, but is not limited to surreptitiously taking pictures of another person in gym, locker room, or restroom.
- M. The term “faculty member” includes any person who is either a credit or non-credit, full or part-time, teacher, coach, counselor, or librarian.
- N. The term “falsify” is defined as forging, misrepresenting, or fabricating data to alter results.
- O. The term “hate crime” refers to an act or an attempted act that violates a criminal statute by any person that in any way constitutes an expression of hostility toward the victim because of his or her race, religion, sexual orientation, national origin, disability, gender, or ethnicity.
- P. The term “lewd or indecent” is defined as a person who removes his or her underclothing and exposes himself or herself, masturbates, engages in voyeurism, or performs any other act in a public place or under circumstances which the person should know will likely cause affront or alarm to another person.
- Q. The term “member of the College community” includes any person who is a student, faculty member, College representative, or any other person employed by the College.
- R. The term “organization” means any number of persons who have complied with the formal requirements for College recognition.
- S. The term “policy” is defined as the written regulations of McHenry County College as found in, but not limited to, the Student Code of Conduct, College catalog, Board Policy Manual, web page, and computer use policy.

T. The term “preponderance of evidence” refers to; when considering all the evidence in the case, the decision maker is persuaded that the allegations are more probably true than not true.

U. The term “student” for the purpose of enforcing this code, is defined as any person who: has submitted an application for admission; is registered for one or more credit hours; is enrolled in a non-credit course; or is utilizing any service provided by the College.

V. The term “weapon” is defined in accordance with state law and McHenry County College Board Policy Manual 1.10 Anti-Violence Policy, and includes any object or substance designed to inflict a wound or cause bodily injury or damage to property.

## **ARTICLE XI. INTERPRETATION AND REVISION**

Any question of interpretation regarding the Student Code of Conduct and Disciplinary Process will be referred to the Student Conduct Officer or his or her designee for final determination.

The Campus Security Act of 1992 requires statistics on various kinds of crimes, including sex offenses. Statistics are required on forcible and non-forcible sex offenses. Forcible sex offenses are “any sexual acts directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent,” and include forcible rape, forcible sodomy, sexual assault with an object, and forcible fondling. Non-forcible sex offenses are acts of “unlawful”, non-forcible sexual intercourse,” and includes incest and statutory rape.

McHenry County College has received permission from Edward N. Stoner II and John Wesley Lowery to adopt the Model of Student of Conduct and the Hearing Script from the Navigating Past the “Spirit of Insubordination”: A Twenty-First Century Model Student Code of Conduct With a Model Hearing Script published in *The Journal of College and University Law*, Vol. (31), No. 11, 2004.