

Mid-State Technical College

Student Code of Conduct

All members of the Mid-State Technical College community have the responsibility to contribute to a positive learning environment. Every student has the right to be educated under conditions of respect, dignity, and safety.

Students are expected to conduct themselves in a manner that promotes and supports the educational process, promotes the safety and welfare of others, and follows established statutes, ordinances, and public law.

Standards of conduct are enforced on all MSTC property, any facility used by the college for educational purposes, and at college sponsored events.

The following student conduct regulations are intended to give students general notice of unacceptable conduct.

Standard violations include, but not limited to, the following:

1. Non compliance with all Mid-State policies – including, but not limited to:
<http://www.mstc.edu/student-resources/policies>
2. Noncompliance with civil and criminal laws
3. All forms of dishonesty including knowingly furnishing false information to Mid-State, or the alteration or use of Mid-State documents or instruments of identification with intent to defraud.
4. Conduct which disrupts the normal operations of Mid-State and/or classroom instruction
5. Conduct which is disorderly, lewd or indecent including physical abuse, verbal abuse, threats, intimidation, harassment, sexual offenses, coercion and/or any conduct which threatens or endangers any person
6. Theft of, or damage to, Mid-State or personal property
7. Failure to comply with a reasonable request or directive of an Mid-State staff member
8. Use, possession, or distribution of illegal drugs or alcohol
9. Possession of firearms, explosives, dangerous articles, and/or incendiary devices
10. Abuse or misuse of computers, per Network Policies

Authority

MSTC reserves the right to take necessary and appropriate action to protect the safety and well being of employees, students, and campus structures. Such action may include disciplinary action for violations of a state or federal law, on or off campus, which affects Mid-State's interests.

Disciplinary Action While Criminal Charges are Pending

Students may be accountable both to civil authorities and to the college for acts that constitute violations of law and this code. Disciplinary action at Mid-State will proceed while criminal proceedings are pending and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced.

Emergency Suspension

If a student commits an illegal act or engages in threatening behavior, the Dean of Student Support or Campus Dean should be contacted immediately. The student could be immediately suspended from Mid-State. In addition, the local law enforcement authorities may be asked to respond.

If an emergency suspension is determined to be necessary, it will be effective immediately. It will be based on evidence that the continued presence of the student at the college poses a substantial threat to the safety of faculty, staff, students, self, others, or property or interference of normal functions or activities.

The student will be notified of the suspension and the reasons for the suspension in writing. Written notification will be mailed by both regular and certified mail to the student's address on record with the college.

The suspended student has the right to a formal appeal. If the student wants to request an appeal, they must notify the Dean of Student Support/Campus Dean of this no later than five (5) days following the receipt of notice via mail. Every effort will be made to hold this review within ten (10) school days following the receipt of the request.

Resolutions

Whenever possible, alleged misconduct issues should be resolved through a conference with the complainant and the accused student. The parties may ask a neutral party (Mid-State Manager) to act as a mediator.

- Classroom Disruptions
 - The primary responsibility for managing the classroom environment rests with faculty. If a student is disruptive in class, the instructor will talk with the student informally outside the class to discuss the problem and expectations. It may be necessary for the instructor to direct the student to leave the class for the remainder of the class period and discuss the matter after class. The instructor should document the incident and the follow-up discussion and share the information with their supervisor. The faculty member and their supervisor will consult with the Dean of Student Support and/or Campus Dean whether a conduct violation has occurred and what action needs to be taken.
- Academic Appeal
 - An appeal related to grades or other academic matters will be handled within the appropriate MSTC process as outlined below:
<http://www.mstc.edu/student-resources/policies/appeal>

Disciplinary Procedure

In the event the alleged misconduct cannot be resolved between the parties, a formal complaint may be submitted on an Incident Report form –

<http://www.mstc.edu/StudentConductIncidentReportForm>

This form will be submitted to the Dean of Student Support or Campus Dean.

Those reporting violations are expected to serve as the complainant and to present relevant evidence.

Complaints involving claims of discrimination or sexual harassment will be referred to/coordinate with the Equal Opportunity Officer.

Procedural Protections

Students accused of conduct violations are entitled to the following protections:

- To be informed of the charge(s) and relevant evidence. This will be done by Dean of Student Support or the Campus Dean
- To respond to the charge
- To be assured confidentiality, in accordance with the federal Family Education Rights and Privacy Act (FERPA)

Investigation of Conduct Violation

Process:

The purpose of the investigation is to provide a fair evaluation of an accused student's responsibility for violating the Code of Conduct. Formal rules of evidence will not be applied, nor will deviations from prescribed procedures necessarily invalidate a decision. In conducting investigations, these procedures will be followed:

- The Dean of Student Support/Campus Dean will oversee the investigation. It will be determined if the charges have merit and/or if they can be resolved by mutual consent of those involved.
- Investigations will be conducted in private.
- Investigations will be held no later than ten (10) school days following the receipt of the student conduct incident paperwork by the Dean of Student Support or Campus Dean
- The student will be informed of the investigation process - including date, time, location, and complaints against them no less than three (3) school days prior to the investigation. Notice will be sent by school email, regular mail, and certified mail to the last address provided by the student to the college. Failure by the student to have their address on record with the College will not invalidate notice and may result in the investigation being held in absentia.
- The Dean of Student Support or Campus Dean may accommodate concerns for the personal safety, wellbeing and/or fears of confrontation of the complainant, or accused student during the investigation.

- Once the investigation is complete, a determination of appropriate disciplinary action will be communicated to the student by the Dean of Student Support or the Campus Dean. This will be done via regular and certified mail. When possible the information will be conveyed to the student in person.

Conduct Appeals Procedure

- Either party (complainant or student accused) may appeal the decision of the investigation.
- The burden of proof is on the party submitting the appeal.
- Appeals must be submitted in writing to the Vice President of Student Services or Vice President of Academics within five days of the notice/receipt of the investigative decision.
- Investigation decisions can be appealed only under the following conditions:
 - To determine if there was significant error in the process.
 - To consider significant new evidence or material that was not known, not available or could not be discovered at the time of the investigation.
 - In the event of an appeal, the initial decision from the investigation shall be stayed until a final decision is made by the Student Conduct Committee through the appeal process.
- The appeal process will be handled by the Vice President of Student Services, Vice President of Academics, or Campus Dean and the Student Conduct Committee.
- Failure of an accused student to appear after proper notice will not affect the process or decision of the appeal.
- Both student and complainant may be accompanied by an advisor/advocate, with prior notice to the Dean of Student Support or Campus Dean, provided that advisor/advocate is employed by Mid-State. The role of the advisor/advocate will be limited to providing confidential advice to the complainant or student. Advisors/advocates may not speak on behalf of any person involved in the conduct appeal process unless questioned by the Dean of Student Support or Campus Dean. The appeal will not be delayed due to the unavailability of the advisor/advocate.
- The Dean of Student Support or Campus Dean may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witnesses during the appeal by providing a separate room, or permitting participation by written statements, phone, or other means.
- Both the complainant and the accused student will be allowed to present their case. All information directly related to the alleged violation (s) will be heard. However, unduly repetitious or irrelevant evidence may be excluded by the Chair of the Student Conduct Committee.

- Both complainant and accused student may ask relevant witnesses to appear and provide information at the appeal. The intention of either party to call witnesses must be communicated to the Dean of Student Support/Campus Dean prior to the appeal hearing.
- Prospective witnesses, other than the complainant and the accused student, may be excluded from the appeal hearing during the testimony of other witnesses.
- The Dean of Student Support, Campus Dean, or other Mid-State designee will exercise control over the appeal proceedings to avoid needless use of time and to achieve orderly completion of the appeal. Any person, including the accused student, who disrupts an appeal, may be excluded from the appeal process.
- Based on the information presented during the appeal, the Student Conduct Committee will make the decision as to whether the accused student did violate the Student Code of conduct, and what, if any, disciplinary action will be taken or upheld. Prior disciplinary records may be considered by the Student Conduct Committee in determining the disciplinary action.
- The decision of the Student Conduct Committee will be communicated in writing to both parties involved within ten (10) school days following the Student Conduct Committee appeal process. Disciplinary action will take effect on the date of notification of the decision.
- Appeals will be tape recorded and transcribed, or transcribed during the meeting.

Student Conduct Committee

MSTC will use a Student Conduct Committee during any appeal process. This committee, as much as is possible, will consist of three members, including one administrator, one faculty member, and one student. Unbiased members will be selected by the Dean of Student Support. A quorum will consist of two members. The Director of Student Support will serve as Student Conduct Committee Chair and will vote only in the case of a tie.

Sanctions for Violations

Students who violate the Student Code of Conduct may be subject to one or more of the actions listed below:

- **Disciplinary Reprimand/Warning:** A verbal or written warning noting that previous conduct was unacceptable and that continuation or repetition of prohibited conduct will be cause for additional disciplinary action.

- Disciplinary Probation – Exclusion from participation in certain college activities or classes for a specific period of time. Violation of the terms of probation or further incidents of misconduct may result in additional disciplinary action.
- Restitution – Repayment to the college or other affected party incurring damages resulting from acts of misconduct.
- Suspension – An action that excludes the student from registration, class attendance, use of college facilities, and other privileges or activities for a specified period of time.
- Expulsion – Termination of student status with no promise that the student may return at any future time. The student will be excluded from all Mid-State premises, privileges, and activities.
- Other Sanctions – Other sanctions or conditions may be imposed if related to the violation. Sanctions could include, but are not limited to, the following:
 - Limiting extracurricular activities, administrative withdrawal. Conditions for enrollment could include, but are not limited to , behavioral contracts, psychological assessment and/or counseling

Disciplinary Records

The disciplinary record will be a permanent part of the student's record. If the student is found not responsible, the record will be removed from the permanent student record.