

STUDENT INFORMATION

Enrollment at Miles Community College is a voluntary entrance to the academic community. Miles Community College expects all students to conduct themselves as honest, responsible, and law-abiding members of the academic community and to respect the rights of other students, members of the faculty, staff, and the public to use, enjoy, and participate in the College's programs and facilities. Student conduct that disrupts, invades, or violates the personal and property rights of others is prohibited and may be subject to disciplinary action.

NOTICE: FOR TITLE IX COMPLIANCE AND VIOLATIONS OF SEXUAL HARASSMENT, SEXUAL MISCONDUCT AND/OR SEXUAL ASSAULT POLICIES, SEE POLICY SECTION: DISCRIMINATION, HARASSMENT, SEXUAL MISCONDUCT, DOMESTIC VIOLENCE, AND STALKING.

STUDENT CONDUCT EXPECTATIONS

A. STUDENT CONDUCT JUDICIAL AUTHORITY AND JURISDICTION

1. Student conduct violations which occur on College-owned or College-controlled property or at College-sponsored events are subject to College disciplinary jurisdiction. The College may also apply this code to student conduct, regardless of where it occurs, when behavior is suspected to adversely impact or affect the overall functions of the College or the health and safety of members of the College community.
2. Students who commit offenses against the laws of the city, state, or U.S. are subject to prosecution by those authorities and may be subject to disciplinary action under this code if the offenses are also violations of this code. College disciplinary proceedings may precede, follow, or take place simultaneously with criminal proceedings or investigations and shall not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced. When a student has been charged by a civil authority for a violation of law, the College shall neither request nor agree to special consideration for the student solely because of his or her status as a student.

B. PROHIBITED STUDENT CONDUCT

Any student, or groups of students, such as College-sponsored clubs, organizations, or athletic teams, found to have committed a violation of the Student Conduct Code is subject to disciplinary sanctions outlined in Section F. SANCTIONS. The following offenses constitute violations of the Student Conduct Code and can lead to serious disciplinary action, including suspension or expulsion from the College.

B.1 ACTS OF DISHONESTY

Acts of dishonesty include but are not limited to:

1. Cheating, plagiarism or other breaches of academic integrity, such as fabrication, facilitating or aiding academic dishonesty; collusion in online courses; theft, unauthorized possession or use of instructional materials or tests; unauthorized access to or manipulation of laboratory equipment or experiments; alteration of grades or files; misuse of research data in reporting results; use of personal relationships to gain grades or favors, or otherwise attempting to obtain grades or credit through fraudulent means. Faculty may take disciplinary action and have the right to sanction a student who is found guilty of acts of dishonesty in the classroom.
2. Knowingly furnishing false information to any College official, faculty member or office;
3. Forgery, alteration or misuse of College documents, records, instruments of identification, computer programs or accounts. Misrepresenting personal identification in an online course, which includes, but is not limited to, another person completing course requirements.

B.2 STALKING, HARASSMENT, BULLYING, AND HAZING

1. Stalking includes repeatedly following, harassing, threatening, or intimidating another by telephone, mail, electronic communication, social media, or any other action, device or method that purposely or knowingly causes substantial emotional distress or reasonable fear of bodily injury or death.
2. Harassment is based upon an individual's race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation. Harassing conduct may take various forms, including name-calling, graphic or written statements (including the use of cell phones, social media, or the Internet), or other conduct that may be physically threatening, harmful, or humiliating. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Sex-based harassment includes sexual harassment and non-sexual harassment based on stereotypical notions of what is female/feminine v. male/masculine or a failure to conform to those gender stereotypes. Harassment includes unwelcome verbal or physical conduct when:
 - Submission to such conduct is made either explicitly or implicitly a term of condition of an individual's employment or student standing; or
 - Submission to or rejection of such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions affecting an individual; or
 - The conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, or creating an intimidating, hostile, or offensive working or academic environment.

3. Bullying is unwanted, repeated (more than once) behavior that involves a real or perceived power imbalance inflicting physical hurt or psychological distress on one or more students or employees.
4. Hazing includes but is not limited to any conduct or method of initiation, admission, or condition of continued membership in any student organization which:
 - a. endangers the physical or mental health or safety of any student or other person, including extended deprivation of sleep or rest; forced consumption of food, liquor, beverage, or drugs; beating or branding; involuntary confinement or imprisonment; or
 - b. destroys, vandalizes or removes public or private property.

B.3 ASSAULT

Physical assault, which includes but is not limited to: physical contact of an insulting or provoking nature or physical interference with a person which prevents the person from conducting his/her customary or usual affairs, puts the person in fear for his/her physical safety, or causes the person to suffer actual physical injury.

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B.4 ALCOHOL AND DRUG OFFENSES

1. Use, possession, manufacture, distribution or sale of narcotics or dangerous drugs is strictly prohibited, except as expressly permitted by College policy.
2. Use, possession or distribution of intoxicants, including alcohol, in the buildings or on the grounds of Miles Community College is strictly prohibited except as expressly permitted by College policy.

B.5 FIREARMS, EXPLOSIVES AND WEAPONS OFFENSES

Illegal or unauthorized possession or use of firearms, explosives, weapons, switchblade knives, bayonets, decorative knives or swords, ninja throwing stars, etc., and all other weapons with blades over three inches in length, or dangerous chemicals on College premises, including:

1. carrying a concealed weapon and/or firearm;
2. discharging firearms on campus;
3. possessing firearms or ammunition on campus, except as defined in the Residence Life Handbook; and/or
4. possessing dangerous chemicals on campus, except as authorized by College policy.

B.6 ILLEGAL AND DISRUPTIVE CONDUCT

1. Violation of federal, state, or local law on College premises or at College sponsored activities; violation of published College policies, rules or regulations;
2. Acting to impair, interfere with or obstruct the orderly conduct, processes and functions of the College, including but not limited to:
 - a. Violence or threat of violence against any member or guest of the College community;
 - b. Interference with the freedom of movement of any member or guest of the College;
 - c. Interference with the rights of others to enter, use, or leave any College facility, service, or activity;
 - d. Obstruction or disruption of teaching, learning, research, administration, disciplinary procedures, or other College activities, or of other authorized activities on College premises;
 - e. Use of public address systems on the campus outside of College buildings except with permission of the Vice President of Enrollment and Student Success or designee;
 - f. Failure to comply with directions of law enforcement officers and College officials acting in the performance of their duties and/or failure to identify oneself to those persons when requested;
 - g. Failure to comply with any authorized Student Conduct Code sanction(s)/condition(s); and/or
 - h. Trespassing or unauthorized entry into College buildings or property.

B.7 THEFT/MISUSE OF PROPERTY

1. Theft, attempted theft, unauthorized possession, use, or removal of College property or the property of any member of the College community.
2. Defacing, tampering, damaging, or destroying College property or the property of any member of the College community.
3. Unauthorized presence in or use of College grounds, facilities, or property.
4. Theft or other abuse of computer facilities, capabilities and/or computer time, 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;
 - c. Unauthorized use of another individual's identification or password;
 - d. Use of computing facilities to interfere with the work of another student, faculty member or College official;
 - e. Use of computing facilities to send harassing or abusive messages;
 - f. Use of computing facilities to interfere with the normal operation of the computing system;
 - g. Unauthorized use of computer resources, or the unauthorized use or copying of computer data or software. Examples of unauthorized use or copying include: attempts to alter systems; unauthorized access or copying of data or software; attempts to

release data, text, files or software in violation of copyright protection; and the condoning, approving, or directing of unauthorized use or copying;

h. Unlawful downloading and distribution of copyrighted digital media via peer-to-peer (P2P) file sharing applications including, but not limited to, video (movies) and sound (music) files;

i. Attempts to circumvent or defeat any College owned system firewall or any other mechanism put in place to manage the network; and/or

j. Failure to abide by or comply with the Miles Community College Information Technology User Agreement.

B.8 RETALIATION

Retaliation is action taken by an accused individual or an action taken by a third party against any person because that person has opposed any practices forbidden under this policy or because that person has filed a complaint, testified, assisted, or participated in any manner in an investigation or proceeding under this policy. This includes action taken against a bystander who intervened to stop or attempt to stop discrimination, harassment, or sexual misconduct. Retaliation includes intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual's complaint or participation. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy. Retaliation against an individual for taking any of the actions in support of this policy is prohibited. It is central to the values of the College that any individual who believes he/she may have been the target of unlawful discrimination or harassment feel free to report his/her concerns for appropriate investigation and response, without fear of retaliation or retribution.

STUDENT CONDUCT PROCEDURES

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C. FILING OF A STUDENT CONDUCT CODE VIOLATION

On its own initiative or at the request of any student, faculty or staff member, the College, through the Vice President of Enrollment and Student Success Office, may file appropriate accusations/complaints of misconduct against a student.

1. When complaints are referred to the Vice President of Enrollment and Student Success or designee for resolution, an investigation of the allegations shall be conducted within (30) business days from the date the complaints were filed, unless there is good cause for delay, which shall be communicated in writing to the Complainant and Respondent.

2. If a student has withdrawn or withdraws from the College after complaints have been filed, the College may:

a. place a hold on the student's academic record and notify the student that disciplinary action shall be initiated before the student's re-enrollment in the College; or

b. proceed with the disciplinary process, determining sanctions to be imposed if the student is readmitted.

3. The Vice President of Enrollment and Student Success or designee may order College administrative services such as grades, registration, course drop/adds, fee payment, refunds, withdrawals, fee waivers, etc. be withheld to compel students accused of violation(s) of the Student Conduct Code to meet with the Vice President of Enrollment and Student Success or designee as necessary to properly investigate the alleged violation(s). Unless otherwise ordered by the Vice President of Enrollment and Student Success or designee, all services shall be withheld pending the outcome of the formal investigation, and any resulting sanctions and appeals.

D. INVESTIGATION PROCEDURES

1. The formal investigation shall be conducted by a designee (Investigator) appointed by the Vice President of Enrollment and Student Success and, when an employee is also involved in the complaint, the Executive Director of Human Resources and Compliance. This investigation shall be concluded within thirty (30) days of the date the matter was referred for formal investigation, unless there is good cause for delay which shall be communicated in writing to the Complainant and Respondent.

2. The Investigator(s) shall identify all policies that apply to the situation, identify all witnesses and other persons to be interviewed in order to understand the matter fully.

3. Both the Complainant and Respondent shall be interviewed as part of the investigation and given the opportunity to review the notes from their own interviews for accuracy. Legal counselors or advisors, if present, are not allowed to directly question the Investigator, and instead must confine their comments to their client only.

4. The Investigator(s) shall present his/her findings regarding any violation of policy or Student Conduct Code, and recommendation for addressing of the findings to the designated College official acting in the matter. The designated College official shall, within five (5) business days after receiving the findings and recommendations of the Investigator, determine what sanction(s), if any, shall be imposed. The designated College official shall send a copy of the decision and the sanction to be imposed to the Respondent and the Complainant.

5. The decision of the designated College official and the sanctions imposed may be appealed to the College President or Vice President of Enrollment and Student Success as set forth in Section G. APPEALS.

E. NOTICE

In the event of a formal investigation, the accused student shall be notified within three (3) business days that a formal investigation is being conducted. Such notice shall be in writing and shall include the following:

1. The specific complaint(s) citing the College policies or regulation(s) allegedly violated.
2. A brief description of the alleged violation(s), including the time and place of the alleged act(s) (insofar as may reasonably be known) and a summary of the information upon which the complaints are based.
3. The timeline expected for the conduct and conclusion of the investigation and decision to be made as a result of the investigation.
4. The procedures to be followed in communication with both parties of the complaint (Complainant and Respondent).

F. SANCTIONS

1. Individual Sanctions: In recommending or determining a sanction, a designated College official may consider the student's present and past disciplinary record, the nature of the offense, the severity of any damage, injury, or harm resulting therefrom, and other factors relevant to the matter. If the student is found to have violated the Student Conduct Code, the responsible College official may impose one or more of the following sanctions:

a. Expulsion: Permanent separation of the student from the College. The student may also be prevented from being on College premises.

b. Suspension: Separation of the student from the College for a specified period of time. While suspended, the student shall not participate in any College sponsored activity and may be prevented from being on College premises.

c. Deferred Suspension: A status of reprimand or probation with restrictions for students which may include, but are not limited to, the following: making restitution, monetarily or otherwise, for cases such as theft, property damage, and/or injury to others; eviction from or moving from one residence hall to another; denial of eligibility to run for student office or represent a student organization; denied privilege of participating in athletic, extracurricular, or other student activities; and/or be assessed a fine for his or her conduct violation. This status can be imposed during a designated period of time and includes the probability of more severe disciplinary sanctions, including suspension or expulsion, if the student is found to have violated the Student Conduct Code during the period.

c. Conduct Probation/Suspension Warning: A status which is imposed for a designated period of time and includes the probability of more severe disciplinary sanctions, including suspension or expulsion, if the student is found to have violated the Student Conduct Code during the period.

d. Disciplinary Reprimand: A formal reprimand, which may be imposed either in verbal or written form, a written reprimand for violation of the Student Conduct Code and a warning that further misconduct may result in more severe disciplinary action.

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

f. Other Sanctions: Other sanctions may be imposed instead of or in addition to those specified above, such as work requirements, restrictions, loss of privileges, withholding registration, limitation of access to College property, imposition of mandatory educational or counseling requirements or other sanction appropriate under the circumstances.

2. Group Sanctions: All policies of the Student Conduct Code relate to individuals and groups. The following sanctions may be imposed upon student groups or organizations registered with the College:

a. Those sanctions listed above: Expulsion, Suspension, Deferred Suspension, Conduct Probation/Suspension Warning, Disciplinary Reprimand, Restitution, and/or Other Sanctions as outlined above in Section F. SANCTIONS.

b. Deactivation: Loss of all privileges, including College recognition or registration for a specified period of time.

G. APPEALS

1. The Respondent may appeal the decision of the designated College official following a formal investigation by delivering a letter of appeal to the College President or designee within five (5) business days of the student's receipt of the official's decision. The letter of appeal shall specifically allege and factually support one or more of the following grounds:

- a. The student's rights as set forth in this procedure were violated (i.e., there was an error in the procedure or the interpretation of the Student Conduct Code which substantially affected the decision);
- b. The student has discovered new evidence, not previously available, which would have materially affected the decision; or
- c. The sanctions imposed are not appropriate, given the nature of the violation.

2. If a sufficient claim is presented under one or more of the specified grounds, the College President or designee shall request a copy of the record of the formal investigation. Within fifteen (15) business days from receipt of the record, the College President or designee shall review the entire record and render a written decision. The College President or designee may remand the case to the Investigator for further findings of fact or clarification. The decision of the College President or designee shall be based on the record only and is the final decision of the College. A copy of the decision shall be sent to the Respondent, the Complainant, and included in the record, which shall be returned to the Vice President of Enrollment and Student Success's office for official record keeping. Grades shall be withheld until the appeal has been decided.

H. INTERIM RESTRICTIONS

1. The College President, Vice President of Enrollment and Student Success, or their designee may impose interim restrictions or College suspension upon a student pending the resolution of disciplinary proceedings if there is reason to believe that the student's

conduct poses an imminent and substantial threat of injury to or interference with persons or property.

2. Interim restrictions may include, but are not limited to, the following:

- a. Temporary suspension from College;
- b. Limitation of access to College facilities, or College property in general;
- c. Restriction of communication with named individuals or groups within the College community; and/or
- d. The requirement to secure advance authorization to engage in a specified activity and/or professional evaluation, intervention and/or treatment.

3. The College official imposing the interim restrictions shall notify the student in writing of the restrictions imposed and shall schedule a meeting with the student to be held within two (2) business days after the imposition of the interim restrictions. If the student is unable to attend for good cause, the meeting shall be held as soon as the student is able to attend.

a. At the meeting, the student shall be informed of the basis of the allegations that led to the imposition of the Interim Restrictions and shall be offered the opportunity to explain his/her position regarding the charges and the imposition of the Interim Restrictions. If, after hearing the student's position, the College official believes the imposition of the Interim Restrictions was made in error or is too restrictive, he/she may rescind or modify the restrictions. Otherwise, the restrictions shall continue until the decision is rendered in the disciplinary proceedings.

b. The time limitations set forth in this section may be expanded upon the consent of the Complainant and by the College official.

I. RECORDS AND CONFIDENTIALITY

1. The Vice President of Enrollment and Student Success's Office shall maintain disciplinary records, which shall include, but not be limited to, the student's name and related identifying information, applicable Student Conduct Code section(s), parties involved, description of the incident, sanction(s), expiration dates, agreements or restrictions, and any other data deemed relevant. Disciplinary records and related information shall be made available to Investigators and designated officials to assist in recommendation of an appropriate sanction, and to other College personnel who require such information to fulfill their official duties.

2. Students may arrange to review their own disciplinary records and related information by contacting the Vice President of Enrollment and Student Success's Office.

3. Except as provided elsewhere in this Code and/or as required by law, the College shall not communicate a student's disciplinary record to any person or agency without the prior written consent of the student or, when the student is a minor, the student's parents or legal guardian.

4. Disciplinary records shall be maintained for seven (7) years from the last recorded entry, and then destroyed.

J. STUDENT GRIEVANCE PROCEDURE

A grievance is a claim of injustice or discrimination against a student, faculty, or staff member of the College or college policy arising from an event, condition, or decision which affects the welfare or conditions of enrollment of a student or group of students.

1. Students may initiate a grievance with the Vice President of Enrollment and Student Success. When the grievance filed is against another student, the Vice President of Enrollment and Student Success shall determine the nature and validity of the grievance and determine which section(s) of the Student Conduct Code have been potentially violated. Upon determining that the grievance is valid, the Vice President of Enrollment and Student Success or designee shall conduct an investigation per Section D. INVESTIGATION PROCEDURES within thirty (30) business days from the date of the complaint filed, unless there is good cause for delay which shall be communicated in writing to the Complainant and Respondent.

2. When students initiate a grievance with the Vice President of Enrollment and Student Success that is against a faculty or staff member of Miles Community College, the Vice President of Enrollment and Student Success shall notify the Executive Director of Human Resources and Compliance and supervisor of the involved faculty or staff member. Upon determining that the grievance is valid, an investigation shall be conducted within thirty (30) business days from the date of the complaints filed, unless there is good cause for delay which shall be communicated in writing to the Complainant and the Respondent.

K. RECORDS AND CONFIDENTIALITY

1. The Vice President of Enrollment and Student Success's Office shall maintain student disciplinary records, which shall include, but not be limited to, the student's name and related identifying information, applicable Student Conduct Code section(s), parties involved, description of the incident, sanction(s), expiration dates, agreements or restrictions, and any other data deemed relevant. Disciplinary records and related information shall be made available to Investigators and designated officials to assist in recommendation of an appropriate sanction, and to other College personnel who require such information to fulfill their official duties.

2. Students may arrange to review their own disciplinary records and related information by contacting the Vice President of Enrollment and Student Success's Office.

3. Except as provided elsewhere in this Code and/or as required by law, the College shall not communicate a student's disciplinary record to any person or agency without the prior written consent of the student or, when the student is a minor, the student's parents or legal guardian.

4. Disciplinary records shall be maintained for seven (7) years from the last recorded entry, and then destroyed.

5. The Executive Director of Human Resources and Compliance shall maintain all records for faculty and staff.