

# Student Code of Conduct

## Article I: Statement of Purpose

The Board of Trustees, administration, faculty, and staff of Muskegon Community College have a primary concern for the academic achievement standards and personal integrity of our students. We recognize our obligation to protect MCC property and we take a special interest in the mental and physical health and safety of our community. We are committed to preserving the peace, uplifting

campus morale, and creating a civil climate on our campus. Students enrolling in MCC or a visitor on campus assumes an obligation to behave in a manner compatible with the MCC's function as an educational institution. MCC has adopted the following policies and procedures as an expression of its expectations of student conduct.

## Article II:

### Section A:

#### Jurisdiction of MCC

College jurisdiction shall be limited to conduct which occurs on college premises or which occurs off college premises and adversely affects members of the MCC community and/or the pursuit of the MCC mission.

### Section B:

#### Conduct-Rules and Regulations

Any student or organization found to have committed or to have attempted to commit any of the following acts of misconduct is subject to the disciplinary sanctions outlined in Article IV.

- A. Acts of being dishonest, including, but not limited to:
  - 1. Cheating, including cyber cheating
  - 2. Fabricating
  - 3. Facilitating academic dishonesty
  - 4. Plagiarizing, including internet plagiarizing
  - 5. Committing acts of forgery
  - 6. Bribing
  - 7. Submitting the same assignment to more than one instructor without the permission of the instructors

Please refer to the Academic Integrity Policy for other means of resolution for academic dishonesty issues

- B. Violation of any provisions of the professional and/or ethical codes of programs in the fields of respiratory therapy, nursing, or any other applicable programs.
- C. Interference with the college-approved operation of any college-recognized student organization.

- D. Disorderly conduct, including but not limited to: administration, disciplinary proceedings, disruption or obstruction of teaching, research, and other college and campus activities.
- E. Conduct which alarms, threatens, or in some manner disrupts the learning process of another student and/or the ability of faculty to teach.
- F. Physical abuse, verbal abuse, threats, intimidation, stalking, coercion and/or other conduct which threatens or endangers the health, well-being, or safety of any person.
- G. Sexual misconduct. (See the Non-Discrimination Policy)
- H. Harassment which serves to degrade the status of another person. Most often, harassment focuses on a personal attribute, singling it out for ridicule, attack, or disparagement. Attributes include, but are not limited to age, economic class, gender, physical or mental disability, race or ethnic origin, religion, and sexual orientation. Harassment may include physical contact, written or verbal comments or suggestions, obscene or offensive pictures or jokes, hostile or threatening gestures or other forms of degradation. This includes acts of harassment carried out by one or more students on behalf of and/or at the request of another student.
- I. Theft of and/or damage to property of MCC, property of a member of the MCC community, or other personal or public property.
- J. Hazing, which is an act which endangers the mental or physical health or safety of a student, or involves the forced consumption of liquor or drugs, 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. Consent of the participants is not a defense against a complaint of hazing.
- K. Failure to comply with directions of an MCC employee, or emergency or service personnel acting in performance of their official duties.
  - L. Failure to identify oneself to an MCC employee, or emergency or service personnel acting in performance of their official duties when requested to do so.
  - M. Unauthorized possession, duplication or use of keys, combinations, or access cards to any MCC premise, or unauthorized entry to or use of MCC property.
  - N. Violation of published MCC policies, rules, or regulations found in, but not limited to, the college catalog.
  - O. Use, possession, or distribution of illegal drugs, narcotics or other controlled substances, and drug-related paraphernalia, except as permitted by federal, state, and/or local law. (See the Drug-free Campus Policy.)
  - P. Public intoxication or the use, possession or distribution of alcoholic beverages except as expressly permitted by federal, state, and/or local law and MCC regulations (See the Drug-Free Campus Policy.)
  - Q. Possession of firearms, explosives, or other weapons, or unauthorized use of dangerous chemicals or substances on MCC premises. (See the Weapons Policy.)
  - R. Participation in a campus demonstration which disrupts the normal operations of MCC and infringes on the rights of other members of the MCC community; leading or inciting others to disrupt scheduled, and/or normal activities within any campus building or area.
  - S. Intentional obstruction of the free flow of pedestrian or vehicular traffic on MCC premises or at MCC sponsored or supervised functions.
  - T. Conduct which is disorderly, lewd, or indecent; a breach of peace; or aiding, abetting, or procuring another person to breach the peace on MCC premises or at functions sponsored by, or participated in, by MCC.
  - U. Theft or other abuse of computer resources, including, but not limited to:
    1. Commercially using computing resources
    2. Intercepting data
    3. Committing acts of forgery
  - 4. Willfully engaging in practices that place undue burdens on MCC resources (spamming, for example)
  - 5. Engaging in or disseminating defamatory, discriminating, embarrassing, fraudulent, harassing, illegal, intimidating, obscene, threatening, or unwelcome electronic communications
  - 6. Copying, modifying, or destroying the MCC network or Internet-based files
  - 7. Accessing or attempting to access the MCC network or Internet resources for which the user is not authorized or granted explicit permission
  - V. Abuse of the judicial system, including but not limited to:
    1. Failing to comply with the directive to appear before a disciplinary board or meeting with an administrator after having received appropriate notification of such directive
    2. Falsifying, distorting, or misrepresenting information before a hearing panel or at a disciplinary meeting with an administrator
    3. Disrupting or interfering with the orderly conduct of a judicial proceeding
    4. Knowingly instituting a judicial proceeding without cause
    5. Influencing or attempting to influence another person to commit an abuse of the judicial system
    6. Attempting to discourage an individual's proper participation in, or use of the judicial system
    7. Attempting to influence the impartiality of a member of a disciplinary board or a disciplinary administrator during the course of a judicial proceeding
    8. Harassing (verbal or physical) and/or intimidating any person involved in a judicial proceeding
    9. Failing to comply with a sanction imposed under the Student Rights and Responsibilities
    10. Failing to comply with an agreed upon informal resolution
  - W. Engaging in gambling activities defined as illegal by federal, state or local law and/or MCC regulations.
  - X. Engaging in behavior prohibited by federal, state, and/or local laws.

## Article III: Disciplinary and Judicial Procedures

Student misconduct may be handled in one of two possible ways: counseling or disciplinary action. Counseling will occur when a student appears to have behavioral problems that stem from emotional or psychological difficulties. Disciplinary action may be taken immediately in an emergency situation by the Provost/Executive Vice President or designee if the welfare of the individual or others is endangered. Action taken should be documented to the President of MCC.

### Section A: Complaints and Hearings

- A. Any member of the MCC community may file a complaint against a student for allegedly violating the code of conduct. The person who files the complaint shall be the complainant. The student alleged to have violated the code of conduct shall be the respondent.
- B. All complaints shall be prepared in writing and directed to the Provost/Executive Vice President. A complaint shall contain:
  1. The identity of the complainant and the respondent;
  2. The specific element(s) of the code of conduct alleged to have been violated;
  3. The date, time, and place of the alleged violation(s); and
  4. The names of any witnesses.
- C. Complaints should be submitted as soon as possible, but in no event later than 30 days, after the violation occurs. A complaint may be filed after 30 days only when the Provost/Executive Vice President finds special circumstances exist and warrants a late filing. Incident/security reports may be considered complaints and filed with the Provost/Executive Vice President, in which case MCC may be considered the complainant.
- D. The Provost/Executive Vice President shall determine if the alleged conduct may constitute a violation of the code of conduct. If so, the case shall proceed for adjudication.

### Section B: Informal Resolution

- A. Filing a complaint shall not always require a formal adjudication process. In the event that the Provost/Executive Vice President elects to seek an informal resolution, he/she may review all relevant information, interview pertinent witnesses and bring together the complainant and respondent, if desirable.
- B. Resolution shall be achieved when the Provost/Executive Vice President, complainant, and respondent, are satisfied that the behavior at issue has been addressed and a mutually acceptable outcome has been achieved. The resolution shall be written by the Provost/Executive Vice President and mailed to the parties.
- C. Respondent's failure to respond to a request by the Provost/Executive Vice President or designee's request to participate in an informal resolution may result in a letter to the respondent, warning the respondent that failure to respond may result in a referral of the complaint to the disciplinary board for a hearing.
- D. If the Provost/Executive Vice President is unable to resolve the complaint to the mutual satisfaction of the complainant and the respondent, the Provost/Executive Vice President shall advise the complainant of his/her right to proceed formally.

### Section C: Formal Adjudication

- A. If the complaint is to be adjudicated using formal procedures, the Provost/Executive Vice President shall convene the disciplinary board to act as the hearing panel.
- B. All complaints to be adjudicated by the disciplinary board shall be presented to the respondent in written form.

- C. No student may be found responsible for the alleged violation of the code of conduct solely because the student failed to appear before a hearing panel; however, the hearing will proceed as scheduled if the respondent fails to attend. In all cases, the evidence in support of the complaint shall be presented and considered.
- D. As the disciplinary board does not meet during the summer months, all alleged violations of the code of conduct during that period shall be resolved by the Provost/Executive Vice President through informal resolutions. If informal resolution fails, the case will be referred to an alternate disciplinary board composed of faculty, staff, and students as available.
- B. Advisors.** The complainant and respondent may be advised by a faculty or staff member of Muskegon Community College. Members of the disciplinary board and the Provost/Executive Vice President shall not serve as advisors. The student may not appear or be represented by an attorney. The advisor may be an attorney or member of the legal profession, as long as the individual acts only in the capacity of advisor and not in the capacity of attorney. The same rights and limits on participation that apply to advisors, generally, shall apply to an advisor who happens to be an attorney or member of the legal profession.
- C. Scheduling the Hearing.** Absent exigent circumstances, or unless the student and MCC otherwise agree in writing, a hearing shall be scheduled to take place not more than 15 business days after the respondent has been notified of the complaint.

## Section D: Hearing Procedure

The following procedures apply when a complaint has been directed by the to the disciplinary board, which will serve as the hearing panel:

- A. Composition of the Disciplinary Board.** The board is composed of seven members, who serve for one year.
  1. Two administrators will be selected randomly from the staff.
  2. Three student members, in good standing, will be selected randomly from the student body.
  3. Two full-time faculty members will be selected randomly from the current faculty. The disciplinary board will be called into session by the Provost/Executive Vice President who will notify the student regarding the time and place of the hearing. One of the disciplinary board members will be selected to serve as a chairperson of that board. Decisions made by the disciplinary board will be given to the Provost/Executive Vice President who will have the responsibility of corresponding with the student, preparing the student's file, and notifying the student's instructor(s) of the student's enrollment. If any member of the disciplinary board is involved in any way regarding the problem, he/she will be replaced for that particular case.
- D. Attendance.** The hearing shall be closed and attendance shall be limited to members of the disciplinary board, the judicial advisor, the complainant, the respondent, their respective advisors, and any witnesses deemed necessary by the parties.
- E. Role of Panel Chair.** The chair of the hearing panel shall preside over the hearing. All procedural questions shall be subject to the final direction and discretion of the chair. The chair of the hearing panel shall introduce members of the hearing panel and ask all hearing participants to identify themselves. All testimony and questioning shall be at the direction and discretion of the chair. The chair may limit or exclude testimony or questioning of any hearing participant to the extent that such testimony or questioning is repetitive of matters previously presented or is not relevant to the incident in question. The chair may recess the hearing at any time.
- F. Role of Judicial Advisor.** The judicial advisor shall be available to the hearing panel for consultation regarding procedural elements any time during the hearing. The judicial advisor may request that the chair recess the hearing at any time. The judicial advisor will be the Provost/Executive Vice President or designee.

**G. Hearing Procedure.** All hearings shall contain the following elements:

1. The chair shall make opening remarks.
2. The complainant shall have the opportunity to present a statement about the incident in question. The respondent shall then have the opportunity to present a statement about the incident in question.
3. After the statements by the complainant and the respondent, members of the hearing panel shall have the opportunity to question both the complainant and the respondent. The complainant and the respondent shall have the opportunity to question each other. Only questions relevant to the alleged incident, and not repetitive to the questioning of the disciplinary board, shall be allowed.
4. Complainant shall be offered the opportunity to present relevant evidence and witnesses, one at a time. Members of the hearing panel shall have the opportunity to ask questions at the conclusion of each witness's testimony. The complainant and the respondent shall have the opportunity to question the witness at the conclusion of each witness's testimony. The chair shall permit witnesses to be present in the hearing room only during their testimony.
5. The respondent shall be offered the opportunity to present relevant evidence and witnesses, one at a time. Members of the hearing board panel shall have the opportunity to ask questions at the conclusion of each witness's testimony. The complainant and the respondent shall have the opportunity to question at the conclusion of each witness's testimony. The chair shall permit witnesses to be present in the hearing room only during their testimony.
6. Members of the hearing panel shall have the opportunity to ask final questions. Prior to deliberations, the complainant and the respondent shall be asked if they have any other testimony they wish to present.

7. After the presentation of all testimony, witnesses, and evidence, and after subsequent questioning, the chair shall call the board to deliberate. The complainant, the respondent, and their advisors shall be excused by the judicial advisor. The witnesses shall remain available at the hearing site until dismissed by the board.
8. A record of the proceedings shall be kept, including the evidence presented, documents and other exhibits, the names of the witnesses who testified, the final findings and recommendations of the disciplinary board, and the members' votes.

### **Section E: Deliberations**

Normally, deliberations shall be carried out and completed as soon as practical following the hearing. Deliberations shall take place in private with only the members of the hearing panel present. The judicial advisor shall be available to the hearing panel during the deliberations for consultation regarding the hearing procedure. During the sanctioning phase of the deliberations, the judicial advisor shall provide information regarding any previous judicial action involving the respondent.

### **Section F: Findings of Fact and Recommendations**

- A. Upon hearing all testimony, witnesses, and evidence, and after deliberations, the hearing panel shall either dismiss the complaint or find that the respondent violated the code of conduct.
- B. Findings that the respondent violated the code of conduct shall be made on the basis of whether it is more likely than not that the respondent violated the code of conduct.
- C. The respondent shall be presumed not responsible for a violation of the code of conduct until it has been demonstrated through credible testimony and evidence that it is more likely than not that the student committed the violation.
- D. If the disciplinary board determines that the respondent violated the code of conduct, it shall recommend to the Provost/Executive Vice President a sanction for the violation.

- E. Prior to making a recommendation of sanction, the Provost/Executive Vice President shall advise the disciplinary board of any previous judicial action taken against the respondent. The hearing panel may recommend any level or combination of sanctions.
- F. The findings of fact and recommendations shall reflect the majority opinion of the disciplinary board.

**Section G:  
Communication and Implementation of Findings of Fact and Recommendations**

- A. Under normal circumstances the written findings of fact and recommendations shall be forwarded to the Provost/Executive Vice President for action within two business days after the end of the hearing.
- B. The Provost/Executive Vice President may accept, reject, or modify the recommended sanction. The sanctions, as determined by the Provost/Executive Vice President and Administration, shall be implemented unless an appeal is filed.
- C. The Provost/Executive Vice President shall communicate his/her decision in writing to the respondent, the disciplinary board, the complainant (as appropriate with concern to the respondent's privacy rights) and any other appropriate MCC authorities. Under normal circumstances, the Provost/Executive Vice President shall communicate his/her decision within five days after receipt of the disciplinary board's recommendation.

**Section H:  
Appeal Procedure**

- A. The respondent may file a written appeal of the hearing panel's decision to the President of MCC not more than five business days after receiving notification of the decision. Filing shall mean received in the Office of the President.
- B. In the written appeal, it shall be the responsibility of the appellant to provide evidence of one or more of the following grounds for appeal:
  - 1. The original hearing was not conducted in conformity with prescribed procedures
  - 2. Insufficiency of the evidence to reasonably support the decisions
  - 3. The sanction imposed was unduly harsh for the violation committed
  - 4. Availability of new evidence that was not available at the time of the hearing sufficient to alter the decision.
- C. If an appeal is granted by the President, he/she shall have access to the hearing record, including all documentary evidence, the written findings, and any other pertinent written information. After receiving the materials, he/she shall proceed in one of the following manners:
  - 1. The President may alter the recommended sanction by making it more severe, less severe, or otherwise indifferent; or
  - 2. The manner may be remanded to the disciplinary board for re-opening of the hearing to allow reconsideration of the original determination and/or recommended sanction(s).
- D. If an appeal is denied by the President, the decision of the hearing panel shall stand and the recommended sanction(s) shall be imposed.
- E. The President shall provide written notification of the appeal decision to the disciplinary board, the complainant (when necessary and appropriate), the respondent, the judicial advisor/Provost/Executive Vice President, and any other appropriate MCC authorities.
- F. Recommended sanctions shall not be imposed during the pendency of an appeal unless the nature of the conduct under review or the circumstances involved dictate otherwise.

## Article IV: Sanctions

### Section A:

#### Interim Suspension of Privileges

- A. Faculty members retain the right to remove from the classroom (for the duration of that class period) any student demonstrating disruptive behavior. It is the responsibility of the faculty member to report the incident to the Provost/Executive Vice President and to indicate if they do not want the student to return to class (interim suspension) and the rationale for that request. This request will be acted upon by the Provost/Executive Vice President or designee prior to the next class session.
- B. The Provost/Executive Vice President may issue an interim suspension of privileges for the following reasons:
  1. To insure the safety and well-being of members of the MCC community or to preserve MCC property;
  2. To insure a student's safety or well being; or
  3. If a student poses a threat of disruption or interference with the normal operations of MCC.
- C. During the interim suspension, a student may be denied access to MCC activities, facilities, classes, or other privileges for which the student might otherwise be eligible, as the Provost/Executive Vice President may determine to be appropriate.
- D. The decision to alter or suspend privileges for an interim period shall be communicated by the Provost/Executive Vice President in writing to the respondent and shall be effective immediately. Notification shall either be delivered by hand or sent by certified mail. Failure or refusal to take receipt of notification shall not negate or postpone said action. The appropriate MCC officials shall be notified of the interim suspension including those directly involved in the pending complaint.
- E. The interim suspension or altered privileges shall remain in effect until a final decision has been made regarding pending complaints or until the Provost/Executive Vice President determines that the reason for imposing the interim suspension of privileges no longer exists. Absent exigent circumstances, or unless otherwise agreed to by both parties, an expedited hearing shall take place within 10 business days of notification of the interim suspension.

## Section B:

### Other Sanctions

- A. The following sanctions may be imposed individually or in combination for any violation(s) of the code of conduct:
  1. **Reprimand.** A verbal or written reprimand may be issued for minor forms of misbehavior. The reprimand will be recorded in the Office of the Provost/ Executive Vice President but will not become part of the student's official record.
  2. **Warning.** A written notice to the student, identifying the nature of the code of conduct violation(s). The warning shall be placed in the student's official record.
  3. **Loss of privileges.** Revocation of specified privileges for a specified time period (use of MCC facilities, co-curricular activities, and work study, for example).
  4. **Restitution.** Compensation for loss, damage, or injury. Restitution may be monetary, an appropriate form of service, or the replacement of specific materials, as dictated by the situation.
  5. **Educational project.** Completion of a project specifically designed to help the student understand why the violation of the code of conduct was inappropriate.
6. **Probation.** A written reprimand for violation of a specified item in the code of conduct. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found responsible for violating the code of conduct during the probationary period.
7. **Suspension.** Separation from MCC for a specified period of time after which the student is eligible to return or the organization may resume its activities.
8. **Permanent separation from MCC.**
- B. The proper MCC authorities shall be notified of any sanction imposed.
- C. Disciplinary sanctions shall be recorded in the student's official file and a record of it will be maintained in the office of the Provost/ Executive Vice President. (Minor forms of misbehavior will not become part of the student's official record.)
- D. The following sanctions may be imposed upon student clubs or organizations:
  1. The sanctions are listed above in Section B: Other Sanctions, A, 1 – 8.
  2. Deactivation or loss of recognition for a specified period of time.

## Article V: Withdrawal and Readmission

The Provost/Executive Vice President shall be advised of any student who voluntarily withdraws from MCC while a complaint is pending. The student must present adequate evidence of permission to re-enroll. Permission for re-enrollment may be granted only after the complaint

has been resolved, unless circumstances dictate otherwise. If the complaint cannot be resolved because the complainant, witnesses or evidence are not available, such permission may be denied by the Provost/Executive Vice President.

# Academic/Classroom Conduct

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Muskegon Community College is a community of scholars whose members include administrators, faculty, staff, and students. Mutual respect and civility are expected in the classroom or other college related academic settings, as well as, in any communication.

- ♦ MCC has the duty of providing students with privileges, opportunities, and protections that best promote learning;
- ♦ Students have the right to a non-threatening learning environment;
- ♦ Students have the responsibility to refrain from infringing on the right of others to learn or the right of teachers to teach; and
- ♦ Any student whose behavior disrupts learning may be subject to disciplinary action.

## Academic Integrity Policy

Muskegon Community College expects that all faculty and students will adhere to high standards of personal and academic honesty. This means that all academic work will be done by the student to whom it is assigned without unauthorized aid of any kind. Faculty members, for their part, will exercise care in the planning and supervision of academic work so that honest effort will be positively encouraged.

## Definitions

Academic dishonesty consists of, but is not limited to:

- A. Cheating.** Cheating is defined as using or attempting to use, giving or attempting to give, and obtaining or attempting to obtain, materials or information, including computer material pertaining to a quiz, examination, or other work that a student is expected to do alone.
- B. Plagiarism.** Plagiarism is defined as the use of another's words or ideas without acknowledgement.

Penalties for violation of these standards of conduct may result in sanctions of up to and including suspension or expulsion from MCC.

## Dispute Resolution Process

Should a student not agree with a faculty member's decision or actions as they may relate to this policy, the following steps shall be followed:

- A student suspected of academic dishonesty shall be notified in writing within two school days of the time the violation is discovered. Copies of the written notification shall also be filed with the department chair and the Provost/Executive Vice President.
- The student should try to reach resolution of the matter through direct discussion with the involved faculty member within three school days of the written notification.
- If the matter is not resolved in Step B, the student shall bring the matter to the attention of the department chairperson of the involved faculty member.
- If the matter is not resolved at the department chairperson level, the student shall bring the matter to the attention of the Vice President for Academic Affairs who shall render a decision within five school days of the receipt of the dispute information.
- If a satisfactory solution is not reached at the Step D level, the student may file a written request with the Provost/Executive Vice President for a hearing before the disciplinary board. This meeting shall be held not more than 20 days following the written request. A student may request a hearing before the disciplinary board.

# Computer Usage Policy

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## Standards for Acceptable Computer Use at Muskegon Community College

Muskegon Community College would like to promote the free exchange of ideas for learning, teaching, and research through the use of our technology including the Internet, personal computers, local networks, specialized hardware, and software applications. Computers on campus are intended for enrolled college students. Permission may be granted to adult college visitors.

Acting in ways that are mutually respectful of others are good foundations for responsible, legal, and ethical uses of our technology. In addition, you should consider your actions with respect to the following standards when using MCC's technological resources:

- ♦ Respecting the personal privacy of others
- ♦ Honoring the intellectual property of others
- ♦ Following established laws and college policies
- ♦ Treating people and equipment around you with care and respect as well as not engaging in any activities that would disrupt others
- ♦ Honestly representing yourself and the information you provide others
- ♦ Freeing limited technological resources for others to complete their college assignments whenever possible
- ♦ Not exposing others to materials which may reasonably be construed as offensive
- ♦ Not changing the setup or configuration of software or hardware that does not belong to you

## Unacceptable Computer Use at Muskegon Community College

Access to technology at MCC is a privilege that can be withdrawn when an individual abuses it. By logging into an MCC computer you agree to the above standards of acceptable computer use. An individual can lose MCC computer privileges by committing any of the following transgressions:

- ♦ Unauthorized Actions. This would include access to any computer system to modify or view files, passwords, or other data along with damaging or altering software components on any network or database.
- ♦ Illegal Actions. This would include making copies of licensed or copyrighted software and data without documented permission.
- ♦ Malicious Actions. This includes exposing our wireless network to viruses or other destructive software, as well as, sending unsolicited email messages, including spam or other advertising material to individuals who did not specifically request such material, except as approved under the Email Policy.
- ♦ Disruptive Actions. This includes, but is not limited to, port scanning, Internet protocol spoofing, network analysis, network monitoring, running traffic generating applications, installing illegal software, or sending offensive electronic communications.
- ♦ Disrespecting Others. This includes loud talking, listening to loud music, aggressive behaviors, and sending offensive electronic communications.
- ♦ Misrepresenting oneself as another user or sharing passwords with others.
- ♦ Displaying or playing text, graphics, audio or video, which may reasonably be construed as offensive to the public.
- ♦ Failing to pay fees or fines assessed by MCC.

# Wireless Computer Access Policy

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## Scope

This policy applies to the deployment and operation of wireless network equipment and other devices operating in unlicensed frequencies on the campus of Muskegon Community College. The policy also applies to all segments of MCC's wireless computer network. This includes all administrative, academic, and commercial areas which are part of MCC's family of buildings, as well as, any outdoor spaces on the campus.

## Responsibilities

MCC would like to encourage people to use their own technology on our campus. To promote this we provide wireless access to various computer networks. Users of wireless connections at MCC are required to keep their computer's virus protection up-to-date, as well as, install the latest operating system security patches.

In addition, users need to be aware that MCC does not filter wireless access to the Internet and cannot provide secure wireless connections or printing services to those wireless connections. As a result, MCC is not responsible for the loss or damage that may occur, directly or indirectly, to personal equipment and data through the use of our wireless connections. Parents or guardians are responsible for children brought onto campus.

MCC's computing and telecommunication networks, computing equipment and computing resources are owned by MCC and are provided to support its academic and administrative functions. Federal and state laws, along with MCC policies and standards, govern the use of this equipment and technologies. While departments may adopt additional rules and regulations to meet specific administrative or academic needs, any additional requirements must be in compliance with applicable federal and state laws, and this policy.

Access to MCC's wireless computer networks is a privilege that can be withdrawn when individuals abuse it. Behaviors that result in the loss of computer network privileges and possibly disciplinary actions are found in the Computer Usage Policy.

## Enforcement

The Office of Information Technology (OIT) is solely responsible for implementation of wireless technology, enforcing campus network standards, and has the authority to resolve frequency interference issues. OIT determines the identity and authenticates all users connecting to the campus network.

## Standards

MCC has adopted the following approved standard protocols for wireless networking of the Institute of Electrical and Electronic Engineers, Inc. (IEEE) (IEEE 802.11a, IEEE 802.11b and IEEE 802.11g). The primary purpose of these protocols is not so much to provide separate networks but to ensure that adjacent access points with slightly overlapping areas of coverage do not interfere with each other.

## SSID for Muskegon Community College wireless is MCC-INET

It is therefore not feasible to allow individuals to install their own access points without centralized coordination, due to the resulting signal interference and greatly degraded performance of the common wireless network. Access points can interfere with each other and other communications devices or appliances if not administered or deployed properly. Potential problems using microwave ovens and cordless telephones is a prominent example. OIT will manage the shared use of unlicensed frequencies for the campus community and campus authority to resolve interference issues.

## Security

Wireless networks are not as secure as wired networks and security for wireless networks is evolving. OIT is responsible for establishing security policies for wireless communications based on current best practices. All wireless network installations must comply with established security policies including the addressing of campus-wide Internet Protocol (IP) and Dynamic Host Configuration Protocol (DHCP) services. As mentioned above, users of wireless connections at MCC are required to keep their computer's virus protection up-to-date, as well as, install the latest operating system security patches.

# Email Policy

## General Statements

Electronic mail is provided to students, employees, and retirees for the official business and educational purposes of MCC. However, MCC recognizes that use of email will occasionally be personal. Accordingly, MCC authorizes the incidental, non-commercial, and personal use of email services, provided that such use does not interfere with the business or mission of MCC.

MCC is a public institution: legally, email is treated the same as any other form of written communication. Messages are subjected to the same legal restrictions and potential liabilities as those of paper documents. Email messages may be subpoenaed, and are subject to the Freedom of Information Act (FOIA). MCC reserves the right, during an investigation for inappropriate use or compromised accounts, to review the messages sent or received through individual email accounts. This action can be conducted without notice. This is intended to protect the integrity of MCC's information systems and its users against unauthorized or improper use.

## Specific Guidelines

A. All users of the MCC email system are expected to conduct themselves in a legal, professional, and ethical manner. Messages that may be viewed as harassing or intimidating are prohibited.

- B. MCC email shall be used in accordance with all applicable federal, state, and local laws, as well as, all other applicable MCC policies and procedures, including those pertaining to copyrighted material. Questions regarding copyrighted material should be directed to [www.copyright.gov](http://www.copyright.gov).
- C. Altering, dismantling, disfiguring, or other actions intended to hide or disguise the identity of the originator of an email message is prohibited. Any attempt to read, delete, copy, or modify the messages of others is prohibited.
- D. MCC email may not be used for commercial purposes, other than those that may be sanctioned by MCC.
- E. Users should make every effort to protect themselves and others by keeping their anti-virus software up-to-date, and avoiding suspicious emails and attachments. It is also a good idea to only open outside messages that are from a familiar source.
- F. Employees should notify their manager and contact the faculty/staff helpdesk if they think email accounts are being abused. Students who suspect email abuse are encouraged to contact the student help desk at (866)718-5170. Violations of this policy may lead to, or include, withdrawal of email privileges.

# Enforcement Procedure

## Students

Failure to follow acceptable standards will result in the removal of authorization and privileges to use MCC's computer networks along with associated hardware and software as outlined in the MCC Code of Conduct.

## Community Members

Failure to follow acceptable standards will result in the removal of authorization and privileges to use MCC's computer networks.

## Reinstatement of lost authorization to use MCC's Technology

When privileges are withdrawn for violation of this policy and the individual feels that he/she has been unfairly treated in the implementation of this policy, the individual may file an appeal with the Vice President for Student Services and Administration. The Provost/Executive Vice President will convene a meeting of the relevant parties. His/her decision will be binding.

# Student Email and Network Accounts

- ◆ Each student has his/her own @muskegoncc.edu email address

**Example:**

firstname.lastname@muskegoncc.edu

- ◆ Each student also has his/her own account to access network resources.

**Username Format**

Firstname.Lastname

**Password Format**

First Initial + Last Initial + Student Number +!

**Example:**

John.Smith

js0012345!

- ◆ Each student has 500MB of storage space on the network.
- ◆ Email can be accessed from anywhere with internet connectivity.
- ◆ Your home directory can be accessed from anywhere with internet connectivity. You must request off-campus access to your home drive by sending an email to getftp@muskegoncc.edu. Please include your name, student number, log-in name, and phone number. You will not be able to connect to your home drive until you have been notified that you have been added to the authorized ftp user list.

**If you do not know your password**, please select the “Reset My Password” link on the MyMCC Portal at:

[mymcc.muskegoncc.edu](http://mymcc.muskegoncc.edu).

**If you do not know your username**, please select the “What’s my Username and Student #” link on the MyMCC Portal at:

[mymcc.muskegoncc.edu](http://mymcc.muskegoncc.edu).

## How to Access Blackboard

1. Open browser and go to the MyMCC Portal at [mymcc.muskegoncc.edu](http://mymcc.muskegoncc.edu).
2. Sign in with your MCC network username and password. Your Blackboard courses appear in the center of the MyMCC Portal Page.

For more information, contact the Student Technical Help Desk which is available 24 hours-a-day, 7 days-a-week at the toll-free number, (866) 718-5170.

# Non-Discrimination, Sexual Harassment and Sexual Misconduct

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## Commitment to Our Campus Community

Muskegon Community College (MCC) is committed to developing and sustaining a healthy and diverse learning and working environment that recognizes the value of each individual. MCC advances a safe, pleasant and respectful culture for all, free from prohibited discrimination and harassment.

## EEO Statement

It is the policy of Muskegon Community College to provide equal opportunities and not discriminate in enrollment, education, employment, public accommodations, activities, or services, and the College prohibits discrimination based on the basis of age, citizenship, color, disability, ethnicity, gender identity or expression, genetic information, height, marital status, national origin, political persuasion, race, religion, sex (including the condition of pregnancy), sexual orientation, veteran status, weight, or other legally protected categories.

## Prohibited Activity and Complaint Procedure

MCC will not tolerate harassment of any kind. Sexual harassment and sexual misconduct are forms of sex discrimination and are prohibited by the College. All matters reported will be treated with the utmost concern and urgency. Violations of this policy may result in disciplinary action up to and including expulsion for students or disciplinary action up to and including termination for employees.

Prohibited discrimination includes harassment of an individual based on any of the above categories. Sexual harassment is defined as the behavior of a person of either sex against a person of the opposite or same sex, when behavior(s) fall within the definition outlined below.

## DEFINITIONS

### Affirmative Consent

Affirmative Consent is a clear, freely given, verbalized “yes” to sexual activity. The absence of “no” is not consent. Silence, in and of itself, cannot be interpreted as consent. Furthermore, a verbalized “yes” which has been coerced, does not constitute a freely given “yes”. Individuals who consent to sex must be able to understand what they are doing. A person may not be able to give consent if she or he is:

- Under the age of 16; or
- Legally mentally incapable, mentally incapacitated or physically helpless, including impairment due to drug or alcohol use.

Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.

Consent to any one form of sexual activity does not automatically imply consent to any other forms of sexual activity.

Previous relationships or prior consent does not imply consent to future sexual acts.

**Sexual Misconduct** is an umbrella term to refer to any of the prohibited behaviors defined below.

### Sexual Harassment

Sexual harassment of employees and students at Muskegon Community College is defined as any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- Submission to the conduct is either explicitly or implicitly a term or condition of an individual’s employment or academic admission or advancement.

- Submission to or rejection of the conduct is used as the basis for employment or academic decisions affecting that individual.
- Hostile Environment- Such conduct is unwelcome and is sufficiently severe or so pervasive that it interferes with an individual's work performance, educational experience, academic status, or creates an intimidating, hostile, or offensive work/ educational environment such that a reasonable person of that person's gender would be affected similarly.

Although this definition focuses on sexual harassment, harassment or discrimination based on any of the protected categories listed above which meets the standards outlined is prohibited.

Examples of sexual harassment include but are not limited to:

- Direct solicitation of sexual activity or other sex-related behavior accompanied by promise of reward or threat of punishment.
- Unwelcome, inappropriate sexual expressions including sexual comments about a person's body, dress, appearance or sexual activities; display of sexually offensive posters, pictures, words, or messages; unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sound or whistles; obscene phone calls, emails or text messages.
- Introduction of sexually explicit materials into the workplace or classroom without an educational or work related purpose.
- Unwelcome, inappropriate touching and/ or unwanted sexual contact of any kind, or threat of such contact. Threats or insinuations which lead the victim to reasonably believe that granting or denying sexual favors will affect his/her reputation, education, employment, advancement, or standing within the College. Sexual contact will be considered unwanted or without consent if no clear consent is freely given; if inflicted through force or coercion; or if inflicted upon a person who is unconscious or otherwise without the mental or physical capacity to consent.
- Unwelcome and persistent sexually explicit statements or stories which are not legitimately related to employment duties, course content, research, or other College programs or activities

- Repeatedly using sexually degrading words or sounds to describe a person.
- Recurring comments or questions about an individual's sexual prowess, sexual deficiencies, sexual orientation or sexual behavior. Unsolicited, offensive behavior may involve harassment of women by men, harassment of men by women, and harassment between persons of the same sex.

### **Dating Violence:**

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. A single act of violence or pattern of violent acts or threats may constitute abuse. The existence of a social relationship of a romantic or intimate nature with the victim is determined based on:

- The reporting party's statement;
- The length of the relationship;
- The type of relationship; and
- The frequency of interaction between the persons involved in the relationship.

### **Domestic Violence:**

Any act of violence committed by any of the following individuals:

- A current or former spouse or intimate partner of the victim; or
- A person with whom the victim shares a child in common; or
- A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; or
- A person similarly situated to a spouse of the victim under the domestic or family laws of the jurisdiction in which the crime of violence occurred; or
- Any other person against an adult or youth victim who is protected under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- An incident of domestic violence can consist of a single act of violence or a pattern of violent acts that includes, but is not limited to, sexual or physical abuse, or the threat to engage to such abuse.

## Stalking:

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress. MCC considers acts of cyberstalking, recording or transmitting sexual images, and voyeurism to be a violation of this policy.

A course of conduct is two or more acts, including but not limited to:

- Acts in which the “stalker” directly, indirectly, or through third parties by any action, method, device or means,
- Follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person’s property.

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

## Sexual Exploitation

Sexual Exploitation occurs when a student takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses.

Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- Prostituting another student;
- Administering alcohol or drugs (such as “date rape” drugs) to another person;
- Non-consensual video or audio-taping of sexual activity;
- Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- Engaging in voyeurism;
- Knowingly transmitting an STI or HIV to another student;
- Exposing one’s genitals in non-consensual circumstances; inducing another to expose their genitals;
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

## Sexual Assault

Sexual assault is any non-consensual sexual contact including rape.

- Non-Consensual Sexual Contact is any intentional sexual touching, however slight, with any object, by a man or a woman upon a man or a woman that is without consent and/ or by force.
- Sexual Contact includes intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.
- Non-Consensual Sexual Intercourse is any sexual intercourse however slight, with any object, by a man or woman upon a man or a woman that is without consent and/or by force.
- Intercourse includes vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

For reference to the pertinent state statutes on sex offenses, please see the State of Michigan Penal Code.

## Retaliation

No act of retaliation shall occur to any person filing a complaint, responding to a complaint or participating in any investigation or proceedings. An individual or group of individuals violating this will be subject to disciplinary action up to and including expulsion (student) and/or termination of employment.

## Reporting

Anyone subject to this policy who believes he or she has experienced or witnessed sexual misconduct or related retaliation is encouraged to report such behavior promptly to the any of the Title IX Coordinators listed below. All reports or complaints should be made as promptly as feasible

after the occurrence. Please see Procedures for more details on reporting.

#### Title IX Coordinator and Deputy Coordinators

Kristine Anderson, (Title IX Coordinator)  
Executive Director of Human Resources  
231-777-0447, Room 400

Deputy Title IX Coordinators  
Sally Birkam, Dean of Student Success  
231-777-0328, Room 103

Marty McDermott, Dean of College Services and Athletics  
231-777-0462, Gym Offices

Larry Visconti, Counselor  
231-777-0356, Room 101

Eli Fox, Manager of Student Life & Veterans Services  
LGBTQIA  
231-777-0342, Room 103

Tonette Brown-Garner, Evening College Services Coordinator  
231-777-0654, Room 1119

#### **Classroom Speech and Content**

MCC's sexual harassment policies do not prohibit instructors from bringing relevant sexual content into their courses. It is understood that the academic setting is distinct from the typical workplace in that latitude is required in determining the appropriate content of academic material. However, speech that is not necessary to teach the material, or is objectively offensive and severe or pervasive is prohibited by College Policy and may lead to discipline.

#### **Sexual Misconduct/Title IX Complaint Procedures**

As indicated previously, MCC strives to cultivate a healthy and diverse community that recognizes the value of each individual and advances a safe, pleasant and respectful culture for all. We encourage anyone who has been the victim of sexual harassment, domestic violence, dating violence, sexual assault, sexual exploitation, stalking, or other sexual misconduct to report the incident

promptly to the Title IX Coordinator. This can be done by calling, writing or coming in to the office to report in person. In addition Campus Security is available 24/7 to assist. Sexual misconduct issues cover a wide range of behaviors, when in doubt please report the concern.

#### **Amnesty to MCC Student Code of Conduct to Encourage Reporting**

Students who in good faith report incidents of sexual assault or other sexual violence may be granted immunity for drug and alcohol use violations provided that such violations did not or do not place the health or safety of any other person at risk. The College, may, however, initiate an educational program or discussion with the individual regarding alcohol or drug use.

#### **Confidentiality**

Muskegon Community College will make every reasonable effort to preserve an individual's privacy and protect the confidentiality of information related to sexual harassment, sexual assault, domestic violence, dating violence, stalking and other sexual misconduct within the parameters imposed by law. The College may issue a safety alert, a brief description including time and location, to notify the community about the occurrence of a serious crime or pattern of crimes that might put the College community at risk. The College is also required by law to track and annually report sexual assault and other campus crime statistics to the public. These statistics and the list of people to whom a crime may be reported, appear in the Annual Campus Security Report. <http://www.muskegoncc.edu/student-services-and-administration/wp-content/uploads/sites/111/2015/10/safetybook2015.pdf> Neither safety alerts nor campus crime statistics contain specific victim-identifying information.

#### **Institutional Obligation**

Because sexual misconduct is a serious offense that may threaten the community as a whole, in some instances the College may be obliged to pursue an alleged sexual assault through internal disciplinary procedures without the cooperation of the complainant. Always in such instances, the College will inform the complainant of its obligation to address a community safety issue.

## **Investigative Responsibilities**

### **College's Responsibility**

Once a report of sexual misconduct is made, the College is obligated to look into the issue and determine if an investigation is required, and to initiate appropriate judicial process. The College will consider utilizing all relevant internal disciplinary processes, as well as external criminal, civil, and administrative processes, regardless of whether the person assaulted wants to prosecute and/or participate. If a person discloses an incident that meets the definition of sexual assault, but does not personally define the incident as that, the employee still has an obligation to report the incident to the appropriate Title IX authority. A counselor on campus may act as confidential resource should the complainant be looking for support. During the investigation of any reported sexual assault, the College may have an obligation to take appropriate interim steps to ensure the safety and welfare of the College community, including but not limited to, changing class schedules, suspending or limiting the right of the respondent to be on campus.

### **Campus Notification**

Once a report of sexual misconduct is made, the College is obligated by law to take all necessary steps to protect the campus and the person who has been assaulted. This may include alerting the campus of crimes that it determines pose a threat to members of the campus community. In making such determinations, the College will consider the safety of students, faculty/staff and the College community as well as the privacy interests of all persons involved in such incidents. Regardless of the action taken by the MCC, the name of any person involved will not appear on security alerts.

### **Campus Crime Reporting**

In compliance with the Clery Act (Campus Crime Statistics Act), all members of the College excluding privileged sources (Counselors), notified of a sexual assault are required to inform the Title IX Coordinator and the incident will be included in campus crime statistics. Typically, the following information is included: crime, date, location, and status (i.e. student, faculty, staff, unknown individual, etc.) of the individuals

involved in the crime. The College never includes the names of the complainant or the respondent in crime statistics MCC will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, stalking, and harassment to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

### **Evidence**

1. In the event of sexual assault, medical forensic investigations may be performed at a local emergency room on a 24-hour on call basis for both females and males. To arrange for an examination the victim must report within 72 hours of an incident. Victims should avoid showering or bathing prior to receiving an examination as valuable evidence could be lost.

2. It is also important to preserve evidence by saving text messages, instant messages, social networking pages, other communications and keeping pictures, logs or copies of other documents that would be pertinent in an investigation.

3. As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or other legal action related to the incident more difficult. If a victim is unsure about filing a complaint regarding an incident, he or she should consider speaking with Campus Security or local law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date.

4. MCC will provide referrals to persons who have been victims of sexual misconduct regarding resources on campus which are available at no cost to students, as well as referrals to resources off campus. If a victim is accessing community and non-MCC services, payment for these services will be subject to state/local laws, insurance requirements, etc.

### **Intake of Reports**

MCC employees will be responsive to those who report all forms of sexual misconduct. Employees taking a complaint must inform the complainant about their right to file criminal charges as well as provide details as to the availability of resources.

Complainants will be provided information regarding counseling, healthcare, mental health services, victim advocacy, legal assistance and additional remedies to prevent contact between a complainant and accused or responding party. Such remedies could include making changes to academic, transportation, and/or working conditions, if reasonably available. MCC will provide the student or employee a written explanation of their rights and options regardless of whether the offense occurred off campus or on campus.

### **Reporting a Complaint**

Reports concerning sexual harassment, sex/gender discrimination, sexual assault/misconduct or violations of the Sexual Misconduct Policy should be filed with the Title IX Coordinator or his/her designee. The Title IX Coordinator may, in his or her discretion, dismiss a grievance if he/she determines the person filing the complaint is not entitled to use this process. The primary concern of MCC is the safety of our campus community. To facilitate reporting, minor infractions by the complainant will be addressed informally whenever possible.

The Title IX Coordinator may modify these procedures at any time as deemed appropriate for compliance with federal, state, local law or applicable guidance. The campus community will be notified of any changes via email as well as on the College Sexual Misconduct webpage.

### **Timeliness**

All reports or complaints should be made as promptly as feasible after the occurrence. A delay in reporting may be reasonable under some circumstances, as determined on a case-by-case basis. An unreasonable delay in reporting, however, is an appropriate consideration in evaluating the merits of a complaint or report. Complaints should be made within 180 days of the incident.

### **Administrative Action**

The College recognizes its obligation to address incidents of sexual misconduct, discrimination and harassment on campus when it becomes aware of its existence even if no complaints are

filed; therefore, the College reserves the right to take appropriate action unilaterally under this procedure, including but not limited to issuing no-contact orders, modification of course-schedules, etc.

### **Withdrawal of Complaint**

The complainant may withdraw the complaint at any point during the investigation; however, if there is a danger to the parties involved or to the community, the Title IX Coordinator may determine in his or her discretion that further investigation is warranted despite the complainant's desire to withdraw the complaint.

### **Privacy of Proceedings and Records**

Although college officials will maintain an individual's privacy to the best of their ability, individuals should know that College officials (outside the context of licensed counselors and health professionals hired in their private capacity) may not be able to maintain legal confidentiality of the complainant, but will maintain his or her privacy. The College's ability to investigate may be limited if a complainant reports anonymously. Investigators and those involved with the investigation are individually charged to preserve privacy with respect to any matter investigated or heard. A breach of the duty to preserve privacy is considered a serious offense and may subject the offender to appropriate disciplinary action. Parties and witnesses are also admonished to maintain privacy with regard to these proceedings, and if they are college employees, failure to maintain said privacy may result in appropriate disciplinary action. Breaches of confidentiality or retaliation against: the person bringing the complaint; any person assisting with the investigation; or the person or individuals being charged with the complaint; will result in disciplinary review. The College will take responsive action if such retaliation occurs, up to and including termination and/or expulsion.

### **Investigations**

In the event that an investigation is required, the process may take up to 60 business days to complete from start to finish, though many cases will be resolved in less time.

A. It is the responsibility of the Title IX Coordinator to determine the most appropriate means for addressing the report or complaint. Options include but are not limited to:

- 1) investigating the report or complaint as described below;
- 2) with the agreement of the parties, attempting to resolve the report or complaint through an informal resolution process such as meeting or mediation between the alleged individual and a student conduct officer or a third party (mediation will not be used in cases involving allegations of sexual violence); or
- 3) determining that the facts of the complaint or report, even if true, would not constitute a violation of the conduct code or applicable policy.

The Title IX Coordinator may designate another individual (either from the College, or from outside of the College) to conduct or assist with an investigation or to manage an alternative dispute resolution process. Reports of student misconduct will be managed and investigated by a Deputy Title IX Coordinator likely from the Student Services Division. Complaints involving employees will be investigated by a Title IX Coordinator or designated Deputy Title IX Coordinator likely from the Human Resources office. All investigations will be conducted professionally, expeditiously, equitably, and confidentially (to the extent possible). MCC will provide the complainant and respondent with equitable opportunities throughout the investigation and resolution process, including the opportunity to be accompanied by the advisor of their choice. The advisor is present only as a support person and does not participate or have a role in any part of the investigation or resolution process.

If outside investigators are utilized they shall have the training qualifications and experience, in the judgment of the Coordinator, to professionally facilitate the investigation. Anyone designated to address an allegation must adhere to the requirements of the conduct code and applicable policy and confer with the Title IX Coordinator about his/her process.

Upon receipt of a complaint, the Title IX Coordinator will confirm with the complainant the receipt of the complaint, and will specify which Deputy Coordinator will be assigned to conduct the investigation. Generally, the Deputy Coordinator or designee interviews the complainant and any relevant witnesses identified by the complainant. Once sufficient information is gathered, the Deputy Coordinator or designee will then notify the identified individual (respondent) of the allegations. The Deputy Coordinator or designee will interview the charged individual and any witnesses deemed relevant.

Additional evidence may be sought from any relevant party or witness, including but not limited to, email communications, social media postings, text messages, phone records, etc. Parties are expected to cooperate and provide this information. Failure to cooperate with an investigation may result in separate disciplinary proceedings. Parties should be aware that as members of the College community, their access to college resources has very limited privacy rights, and the College may obtain information through college's resources and informational technology system with or without the individual's cooperation.

Once the Deputy Coordinator or designee has gathered the information, he/she shall prepare a report for the review committee.

### **Notification to Respondent**

If an investigation is conducted, the Title IX Deputy Coordinator or designee will notify the respondent. A notice of investigation which will include a description of the alleged misconduct, and the requirement to attend a meeting with the investigator. The notice may be sent to the student's college email address, to the mailing or permanent address appearing in the College's student information system to an address appearing in a police report or may be hand delivered. Notice to the student will be considered furnished on the date of hand-delivery, on the date emailed, or three days after the date the notice is placed in U.S. mail. At the meeting the respondent will have the opportunity to reply to the allegations. The complainant and the respondent both have the right to present relevant information to the investigator, including identifying witnesses, to have a support person present during any conduct meetings, and

to receive a copy of the investigator's report at the conclusion of the investigation and appropriate review, to the extent permitted by law.

If the respondent does not schedule or attend a conference by the date specified in the notice of investigation, or if the respondent schedules a meeting but does not attend or attends but does not participate, the investigator may complete the investigation based on the information obtained. The Title IX Coordinator or designee may also use relevant police investigation reports in the process.

If not already reviewed, the investigator or Title IX designee shall discuss campus support services available to the parties and will discuss with the complainant whether s/he has the same classes and/or campus activities with the respondent, and will take interim steps as needed to protect the complainant and the campus prior to the outcome of the investigation, including, but not limited to class moves, no-contact orders, interim suspension as s/he deems necessary and appropriate. The investigator or designee will discuss with the complainant his/her options for obtaining criminal or civil protection or restraining orders and for reporting to law enforcement.

### **Leadership Notification**

The President shall be notified when an investigation occurs.

### **Investigatory Report and Standard of Proof**

At the conclusion of an investigation, the investigator shall prepare a written report that will include a statement of factual findings and a determination as to whether or not there was a violation of the Student Conduct Code or college policy. The standard of proof shall be a preponderance of the information/evidence or it is more likely true than not. The report shall be presented to the review committee.

### **Review Committee**

The review committee shall consist of employees who have received appropriate training regarding this policy.

The review committee examines the investigative report to assess the thoroughness and fairness of

the investigation and determine if the conclusions reached in the report are reasonable. The review committee may review any information contained in the investigation file, may consult with the investigator, or may recommend that further investigation or a new investigation be done by the same or another investigator. The review committee may not conduct its own investigation or hearing.

The Title IX Coordinator shall advise the complainant and respondent in writing of the result of any investigation conducted under this process. A copy of the investigator's summary report as approved by the standing review committee and to the extent permitted by law shall be provided to the complainant, the respondent, the Title IX Office and the President.

### **Retention of Documents**

In all cases, the Title IX Office shall retain the investigator's report and final sanction decision for a minimum of four years or for as long as any administrative or legal action arising out of the complaint is pending.

All records reports and investigations relating to sexual misconduct or protected class discrimination or harassment shall be considered confidential and shall not be disclosed publicly except to the extent required by law.

### **Falsification**

Any student who provides false information to any college official during the investigation or conduct process may be charged with violating the Student Code of Conduct.

### **Finding**

After the investigation, the Title IX Deputy Coordinator or investigator shall render a finding based on the relevant evidence presented to the review committee utilizing a preponderance of the information/evidence standard, i.e. the facts complained of are more likely true than not. Upon completion of the investigation, the Title IX Deputy Coordinator or designee is authorized to take the following actions:

1. Dismissal of the claim - The Title IX Deputy Coordinator or designee finds that no violation occurred and dismisses the complaint, giving written notice of said dismissal to each party involved.

2. Determination of Responsibility - The Title IX Deputy Coordinator or designee makes a finding of responsibility for any of the allegations and notifies the parties and appropriate administrative officers of the finding and may recommend actions to be taken. Both parties shall receive notification, in writing, which will include:

- a. The result of any investigation that arose from an alleged violation.
- b. Additional process information

If evidence supports a finding of responsibility, the written report of the action taken shall then be placed in the personnel record of the student or employee file. Sanctions will become a permanent part of a student record or employee file.

Sanctions may include, but not limited to the following: (Definitions may be found in the Code of Conduct.)

- Expulsion (student) or Termination (employee)
- Suspension
- Disciplinary Probation: Exclusion from participation in privileged or extracurricular activities for a definite period of time. Including restriction from entering specific university areas and/or from all forms of contact with certain person(s).
- Restriction from employment at the College: Prohibition of, or limitation of College employment.
- Professional Assessment, Intervention or Treatment: Completion of a professional assessment that could help the student or the College determine the student's ongoing supervision or support needed to successfully participate in the College community. The cost of professional assessment will be paid by the sanctioned student.
- Removal or non-renewal: of scholarship, extracurricular or travel restrictions for employees.
- Restitution: Reimbursement for

damages or misappropriation of property.

•Reprimand: A written censure for violation of the policy placed in the student's or employee's record, including the possibility of more severe disciplinary sanctions should another violation occur within a stated period of time.

## Appeals

Review of the decision

Either party may appeal the outcome of the matter. A review of the matter will be efficient and narrowly tailored. A party may seek review only on the following grounds:

1. To consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original hearing, because such information was not known or knowable to the person appealing during the time of the hearing.

2. To allege a procedural error within the process that may have substantially impacted the fairness or outcome of the investigation.

Appeals must be submitted in writing to the Title IX Coordinator within 7 business days from the day the parties are notified about the outcome of the case. Upon receipt of an appeal the Title IX Coordinator will appoint an appellate review panel of 3 members from a pool of trained faculty/staff. The panel will review the materials within 15 days of receipt of the appeal. The panel will examine all documentation of the process and report to determine if there is a reasonable basis for changing the outcome. The panel will issue a written determination of the appeal, or may request that the Title IX Coordinator take appropriate steps in the appeal, which may include:

1. Affirm the original finding and sanction
2. Affirm the original finding but issue a new sanction based on the new information, which may be of greater or lesser severity
3. Remand the case back to the review committee to correct a procedural or factual defect.

The panel's determinations are final. Both parties shall receive simultaneous written notice of the outcome of the appeal. Both parties shall receive simultaneous written notice of any change to the

results that occurs prior to the time that such results become final; and when such results become final.

Potential student sanctions will be applied based upon the facts and circumstances of the case. Possible student sanctions may be found in the Student Code of Conduct but may include counseling and/or disciplinary action including but not limited to: reprimand, warning, no contact order, loss of privileges, suspension, probation, or dismissal from the College. In addition the College may choose to withhold awarding a degree otherwise earned until the completion of the process set forth in this policy including the completion of all sanctions imposed, if any. Employee disciplinary action may include but not

be limited to counseling, warning, final written warning, transfer to another area or position, demotion, and termination.

### **Violations of Law**

An employee or student may be accountable for sexual misconduct under applicable local, state, and/or federal law, as well as under MCC policy. A criminal investigation may be conducted concurrently with the Title IX investigation. Disciplinary action by MCC may proceed while criminal proceedings are pending and will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced.

## **General Student Complaints**

The General Student Complaint Form is available at: [mymcc.muskegoncc.edu/Documents/General\\_Complaint\\_Form.pdf](http://mymcc.muskegoncc.edu/Documents/General_Complaint_Form.pdf).

Student complaints regarding College operations not otherwise covered in the catalog's Petitions section should report in writing the concerns to the Provost/Executive Vice President or designee. Student complaints shall not be the basis for any discipline against a supervisor, staff member, or faculty member. There are separate academic and disciplinary appeal processes and procedures to resolve academic and disciplinary issues.

The following procedures shall apply for general student complaints:

1. The Provost/Executive Vice President or designee will receive a student's verbal or written complaint. The Provost/Executive Vice President or designee will consider the merit of the complaint and will take any action considered appropriate or necessary. At this level, the student has the right to remain anonymous.
2. If the student's verbal or written complaint is not resolved to the student's satisfaction and the student wishes to continue to pursue the complaint, the student must submit a request in writing to the Provost/Executive Vice President or designee requesting further resolution. The written request must include the specific nature of the complaint, reasons for filing the complaint, and specific remedy requested. At this level, the student may no longer remain anonymous. The Provost/

Executive Vice President or designee will seek a resolution by contacting the appropriate College employee who is responsible for the College operation complained about and arrange a meeting between the parties involved to discuss a possible resolution. The written complaint will be forwarded to all appropriate parties involved in the conflict prior to the meeting.

3. Should resolution not be reached, the Provost/ Executive Vice President or designee will review the complaint and all supporting material and render a written decision regarding the complaint with rationale.
4. In the event that the Provost/Executive Vice President or designee is unable to resolve the complaint, the complaint will be forwarded to the Student Petitions Committee for review and action. The student has the option to attend the meeting to provide verbal explanation. If the student plans to attend the meeting, he/she must indicate on the appeal form the request to the meeting. The student will be notified of the meeting location, date and time by the Associate Registrar upon receipt of the completed appeal. Only the student submitting the appeal will be allowed to attend the review meeting. The student will be notified of the outcome by mail. The determination of the Petitions Committee is final. No further appeal will be considered.

In considering all other types of petitions/appeals, the Committee reviews requests and refers students to the appropriate campus office for action. These referrals may be accompanied by the recommendation of the Committee. Students may present questions regarding any regulation or policy of MCC.

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