

## Definitions

**Accused Student** – The student who is alleged to have violated the College's Student Code of Conduct.

**Appeals Officer** – The person designated by the College's President to hear student appeals of a judicial board finding.

**Cheating** – Includes, but is not limited to: (1) use of any unauthorized assistance in taking quizzes, tests, or examinations; (2) dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; or (3) the acquisition, without permission, of tests or other academic material belonging to a member of the College faculty or staff. Cheating shall also include the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgement. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials. Taking credit for work done by another person or doing work for which another person will receive credit. Copying or purchasing other's work or arranging for others to do work under a false name.

**College** – This term refers to Middlesex Community College.

**College Official** – Includes any person employed by the College, performing assigned administrative or professional responsibilities.

**College Premises** – Includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College, including adjacent streets and sidewalks.

**Complaint** – The informal, often unwritten stage of an allegation of a violation of the Student Code of Conduct.

**Day** – As used in this policy, shall mean a calendar day.

**Faculty or Staff Member** – Any person hired by the College to conduct classroom, instructional, administrative or support activities.

**Complaining Party** – The individual bringing a complaint against an accused student.

**Judicial Board** – A panel of College Officials designated by the Senior Student Affairs Officer to conduct a hearing after the Senior Student Affairs Officer has determined that a violation of the Student Code of Conduct has occurred and an Administrative Remedy cannot be reached. All Judicial Board members shall act in an impartial, unbiased manner.

**Member of Middlesex Community College Community** – Includes any person who is a student, faculty member, College official or any other person employed by the College. A person's status in a particular situation shall be determined by the Director of Human Resources or the Registrar.

**Plagiarism** – Includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgement. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials. This would also include material that is obtained from the computer.

**Student** – Includes all persons taking courses at the College, both full-time and part-time, credit and non-credit. Persons who are not officially enrolled for a particular term but who have a continuing academic relationship with the College are considered “students.”

**Student Organization** – Any number of students who have compiled with the formal requirements for the College’s organization recognition process.

**Time** – The number of days indicated at each level shall be considered as a maximum. All reasonable efforts shall be made to expedite the process, but the Dean of Students may extend the time limits at their discretion with notice to both parties in writing.

**The Senior Student Affairs Officer** – The College Official designated by the College’s President to be responsible for the administration of the Student Code of Conduct. The Designee at Middlesex Community College is Pamela Flaherty, Dean of Students.

## **Disciplinary Offenses**

The College's jurisdiction under this policy shall extend to student conduct occurring on College property, property under the management and/or control of the College, and/or off College property when such conduct adversely affects the College Community, poses a risk of harm or the threat of harm to the College Community and/or interferes with the College's pursuit of its objectives and mission.

A student shall be subject to the disciplinary sanctions outlined in this policy for acts including, but not limited to:

1. Physical violence or the threat thereof and/or any conduct that threatens or endangers the health or safety of any person.
2. Creating or false reporting of bombs.
3. Extortion - The use, or the express or implicit threat of the use, of violence or other criminal means to cause harm to person, reputation, or property as a means to obtain property from someone else without his/her consent.
4. Unauthorized use of fire alarm or fire equipment.
5. Unauthorized or illegal gambling.
6. Hate Crimes as defined under state or federal law.
7. Hazing as defined under state of federal law.
8. Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on College premises.
9. Conduct resulting in a violation of the College's Computer/Technology Acceptable Use and/or Email Policies.
10. Failure to comply with directions of College officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
11. Failure to identify oneself when on College property or at a College-sponsored or supervised event, upon request of a College official acting in the performance of his/her duties.
12. Use, possession, or distribution of alcoholic beverages or public intoxication except as expressly permitted by law and/or College regulations.
13. Use, possession, or distribution of illegal drugs or other controlled substances.
14. Breach of peace; including disorderly, lewd, or indecent conduct, or aiding, abetting, or procuring another person to breach the peace on College premises or at functions sponsored by, or participated in, by the College.

15. Defacement or destruction of College materials or College property. Attempted or actual theft, or unauthorized use of and/or damage to property of the College or property of a member of the College community or other personal or public property.
16. Acting in a manner or participating in an event which disrupts the normal operations of the College and the learning environment and infringes on the rights of other members of the College community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; intentional obstruction which interferes with freedom of movement, either pedestrian or vehicular, on campus.
17. Harassment (verbal or physical) and or intimidation of a member of the College Community.
18. Acts of dishonesty, including but not limited to the following:
  - a. Cheating, including use of unauthorized books or notes, plagiarism, or other forms of academic dishonesty, as defined by College policy.
  - b. Forgery, alteration, or misuse of any College document, record, or instrument of identification. Alteration of college records, documents, or identification instruments or the use of the same with the intent to defraud.
  - c. Furnishing false information to any College official, faculty member or office.
  - d. Disrupting or tampering with the election of any College recognized student organization.
19. Abuse of the Disciplinary process, including but not limited to:
  - a. Falsification, distortion, or misrepresentation of information before a Judicial Board.
  - b. Disruption or interference with the orderly conduct of a judicial proceeding.
  - c. Attempting to discourage an individual's proper participation in, or use of, the judicial system.
  - d. Attempting to influence the impartiality of a member of a Judicial Board prior to, and/or during the course of, the judicial proceeding.
  - e. Harassment (verbal or physical) and/or intimidation of a member of a Judicial Board prior to, during, and/or after a judicial proceeding.
  - f. Failure to comply with the sanction(s) imposed under the Student Code.
  - g. Influencing or attempting to influence another person to commit an abuse of the judicial system.
20. Unauthorized possession, duplication, or use of keys to any College premises or unauthorized entry to or use of College premises.
21. Unauthorized solicitation, including but not limited to sale of goods and services for personal profit.
22. Unauthorized activity that constitutes forgery.
23. Violation of State or Federal Laws not otherwise enumerated herein.
24. Violation of published College policies, rules, or regulations not otherwise enumerated herein.

### Discipline in the Classroom

Disrupting or disturbing the classroom is a violation of the College's Student Code of Conduct. A faculty member has the right to remove a disruptive student from class, pending a review of the situation by the Dean of Students. Any faculty member may, at any time, refer a student to the Dean of Students, if the student is in violation of the Student Code of Conduct. The Dean of Students may impose disciplinary sanctions against the offending student consistent with the rules and regulations of the Student Code of Conduct. At the discretion of the Dean of Students, a student may be allowed to attend class during the disciplinary review process. In making this determination the Dean of Students will consider the severity of the disruptive behavior and may consult with the Chief Academic Officer.

### Complaints Alleging Sexual Harassment or Discrimination

Claims of discrimination or sexual harassment shall be pursued under the College's Affirmative Action Plan. For more information, please contact Darcy Orellana, the College's Affirmative Action Officer, at 781-280-3559.

### Off Campus Behavior

If a student is charged only with an off-campus violation of federal, state, or local laws, the College reserves the right to take disciplinary action and impose sanctions against the student. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

## **Code of Conduct Disciplinary Process**

The Disciplinary Process is initiated once a formal complaint is filed against a student by a member of the College community or by the Dean of Students. This policy is not intended to prevent members of the College Community from attempting to resolve matters mutually and informally. For example, if a student engages in disruptive conduct in the classroom, a faculty member may confront the student and resolve the matter without resorting to filing a complaint under the Code. Where, however, a matter cannot be resolved mutually and informally, the Code of Conduct Process shall be followed.

## 1. Disciplinary Process

- a. All complaints under the Code of Conduct shall be filed with or by the Dean of Students.
- b. When the Dean of Students receives a complaint that a student has acted in a manner which may be in violation of the Code, the Dean of Students initiates the disciplinary process by meeting with the Accused Student, putting him/her on notice of the alleged violation and providing him/her an opportunity to respond to the allegations. Thereafter, the Dean of Students may conduct an investigation.
- c. If the Dean of Students determines that a violation exists, two procedural options are available. One, the violation may be resolved through an administrative disposition conducted by the Dean of Students. In this case, the student may accept the administrative remedy proposed by the Dean of Students and in doing so waives in writing his/her right to a disciplinary hearing or appeal. Alternatively, if the accused student does not accept the proposed administrative remedy, then the student may receive a hearing before a Judicial Board, to which a right of appeal exists.
- d. If the student chooses a hearing with the Judicial Board, the Dean of Students will schedule a hearing.
- e. The Judicial Board will hear the case and issue a written decision and/or sanction within ten (10) days of the hearing.
- f. The student may appeal the Judicial Board decision to the College's Appeals Officer, the Vice President of Academic and Student Affairs. A right of appeal exists only if based on new evidence or information.

Failure to cooperate with the College's investigation of an alleged Code of Conduct violation, which includes appearing before a Judicial Board or College official if summoned to do so, will result in the student forfeiting his/her rights to a hearing or appeal and/or may result in disciplinary action.

## 2. Sanctions

A student found in violation of the College's Code of Conduct shall be subject to one or more of the following sanctions:

- a. Verbal Warning
- b. Written Warning
- c. Restrictions/Loss of Privileges
- d. Probation
- e. Community/Educational Service
- f. Restitution
- g. Suspension
- h. Expulsion

The intent of the College is to impose sanctions in a progressive manner, beginning with the least punitive sanction. However, depending on the nature and severity of the student's violation the College reserves the right to impose any of the above-referenced sanctions at any time. The College also reserves the right to issue an interim suspension where a student's conduct: (a) poses a threat to him/herself or others; (b) poses a threat to or results in damage to College property; or (c) poses a threat to or results in

disruption or interference with the normal operations of the College. During an interim suspension, a student is prohibited from entering the College's premises or participating in any College activities until further notice from the Dean of Students.

### **3. Charges and Hearing**

- a. When an Accused Student is to appear before a Judicial Board, all charges shall be presented to the accused student in written form. A notice of charges shall be presented to the student no less than five (5) days prior to the hearing. A hearing shall be scheduled no later than thirty (30) days following the accused student's request for a hearing.
- b. Hearing rules are as follows:
  - Hearings normally shall be conducted in private.
  - Admission of any person to the hearing shall be at the discretion of the Dean of Students.
  - In hearings involving more than one Accused Student, the Dean of Students may permit at his/her discretion individual hearings for each Accused Student.
  - The Accused Party has the right to be assisted by any advisor he/she may choose, at their own expense. The advisor may be an attorney. An advisor is not permitted to speak or to participate directly in any hearing before a Judicial Board.
  - Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by a Judicial Board at the Board's discretion.
  - All procedural questions are subject to the final decision of the Dean of Students.
  - After the hearing, the Judicial Board shall determine by majority vote whether the student has violated each section of the Student Code which the student is charged with violating.
  - The Judicial Board's determination shall be based on whether it is more likely than not that the Accused Student violated the Student Code.
- c. There shall be a record created of all hearings before a Judicial Board. The record shall be the property of the College subject to state and federal student record laws.
- d. A hearing before a Judicial Board is an administrative hearing. The rules of evidence do not apply. Direct cross-examination is not permitted. All questions must be directed through the Board, as indicated below.

### **4. Conduct of Hearing**

A hearing shall proceed as follows:

- The Dean of Students presents the complaint with supporting investigatory materials and/or witnesses.
- Accused Student presents statement, materials and/or witnesses in opposition to the complaint.
- Once the parties have presented their respective positions, the Judicial Board may question each party, their witnesses and review all documentary evidence presented.
- After the Board has questioned the parties and/or witnesses, each party will be given the opportunity to question the other. All questions must be directed through the Board. If the Board determines that the question is relevant to the matter, the other party will be asked to respond.

- Following the parties' questioning period, the Board will have another opportunity to question the parties.
- Following the hearing's conclusion, the Judicial Board shall deliberate and issue a written recommendation to the Dean of Students, within two days. The Dean shall accept, reject, or modify the Board's recommendation. The Dean shall issue his/her decision to the Accused Student within five (5) business days of receiving the Board's recommendation.

## 5. Appeal

An Appeal of the Dean's decision is permitted only to consider new evidence, which was not brought out in the original hearing because such evidence was not reasonably known to the Accused Student at that time, and which is sufficiently relevant such that it could alter the Dean's decision.

An Appeal must be filed in writing with the Appeals Officer, the Vice President of Academic and Student Affairs within five (5) days of the Accused Student's receipt of the Dean's decision.

Upon considering an appeal, the Appeals Officer may:

- a. confirm the original decision and sanction; or
- b. modify the original decision and/or sanction.

The Appeals Officer's decision shall be final.