

STUDENT

CODE OF CONDUCT



Macomb
Community College



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Community College

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CODE OF STUDENT CONDUCT

Macomb Community College (“The College”) aspires to create an academic environment grounded in intellectual discovery guided by rational discourse and civility. This Code of Student Conduct (“Code”) is designed to ensure that current and prospective students and student organizations conduct themselves in a manner consistent with these pursuits.

This Code creates expectations of student conduct, sets forth a fair process for determining responsibility when student behavior may have deviated from those expectations, and provides appropriate sanctions when a student or registered student organization violates this Code. Effort will be made to balance the needs and rights of individuals with the welfare of the College community as a whole.

APPLICABILITY OF STUDENT CODE

This Code is designed to address conduct that occurs on campus (including during virtual or online classes, meetings, presentations or seminars), at College-sponsored activities, during College classes (including virtual classes and laboratories), or on College-sponsored trips. This Code may apply to a student’s conduct even if the student withdraws from school while a conduct matter is pending. Registered student organizations are also subject to the Code of Conduct. The Dean of Student Success, or designee, has discretion to decide whether and how the Code will apply.

Any person impacted by the misconduct of a student or student organization on College premises, at College-sponsored activities, or on College-sponsored trips may bring a complaint under this Code.

PROHIBITED CONDUCT

The following is a non-exclusive list of prohibited conduct. Engaging in the conduct falling within the categories listed below could invoke the Resolution Process and/or sanctions outlined below.¹

1. **Abuse of Resolution Process.** Actions that interfere with the Complaint or Resolution process outlined in this Code or any College policy, including the College’s Title IX policy. Examples include, but are not limited to, falsifying information, giving false testimony, destroying or concealing information, trying to discourage someone from participating in the grievance or resolution process.
2. **Alcohol.** Furnishing, using and/or possessing alcoholic beverages on College property, except as expressly authorized by Section 1.C of the College’s Rules and Regulations, or being under the influence of alcohol on College property, College trips or at College events. Possession shall consist of having an open or unopened container of alcoholic beverage

¹ Violation of some of these rules may also violate other College policies, such as the College’s Title IX policy.

on the person, or an open container of alcoholic beverage in the vehicle of occupancy.

3. **Bullying and Cyberbullying.** Repeated and/or severe behaviors that intimidate or intentionally harm another person physically or emotionally and are not protected by the First Amendment.
4. **Damage and Destruction.** Intentional, reckless and/or unauthorized damage to or destruction of College property or the personal property of another.
5. **Disrespectful Behavior.** Abusive or inappropriate behavior, which may include but is not limited to shouting, using profanity or crude language, or engaging in discourse that does not meet acceptable standards of civility whether verbal or written.
6. **Disruptive Behavior.** Obstruction or disruption of College operations and/or the educational environment, including obstruction or disruption of teaching, research, administration, other College activities, and/or other authorized non-College activities which occur on College-owned or –controlled property, or off-campus conduct that adversely affects the College community and/or the pursuit of its objectives, including in the virtual/remote environment.
7. **Drugs.** Use, possession, manufacture, distribution, or sale of illegal drugs and/or controlled substances, except as expressly permitted by federal law. Marijuana cultivation, distribution, possession or use is not permitted on campus.
8. **Failure to Comply.** Failure to comply with the reasonable directives of College officials or law enforcement officers during the performance of their duties, or failure to identify oneself to College officials or law enforcement officers when requested to do so.
9. **Financial Aid Fraud.** Attempted or actual financial aid fraud, or corresponding behaviors designed to secure a monetary benefit for which one is not entitled.
10. **Fire Safety.** Violation of local, state, federal or campus fire policies including, but not limited to:
 - Intentionally or recklessly causing an unauthorized fire;
 - Failure to evacuate a College-controlled building during a fire alarm;
 - Improper use of College fire safety equipment; or
 - Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on College property.
11. **Gambling.** Gambling as prohibited by the laws of the State of Michigan (excludes approved charitable fund raising activities).

12. Harassment.

Hostile Environment Harassment. Verbal, non-verbal, and/or physical conduct that is (a) based on race, color, sex, age, religion, national origin, ancestry, height, weight, sexual orientation, pregnancy, disability, genetic information, familial status, marital status, military status, veteran's status, gender identification or expression, or any other status or characteristic protected by applicable law, is severe or pervasive, and (b) either (i) objectively creates an intimidating, hostile, or offensive work or academic environment, or (ii) unreasonably interferes with an individual's work, education or participation in any College course, program or activity.²

Sexual Harassment. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- Submission to sexual conduct is an explicit or implicit term or condition of an individual's employment, grade or status in a College course, program or activity;
- Submission to or rejection of sexual activity is used as the basis for any employment, academic or athletic decision; or
- Sexual advances, requests for sexual favors, and/or verbal or physical conduct of a sexual nature either (a) objectively creates an intimidating, hostile, or offensive work or academic environment, or (b) unreasonably interferes with an individual's work, academic or athletic performance or opportunities.

The following are examples of unwelcome conduct that may, depending on the circumstances, constitute or contribute to a finding of sexual harassment:

- Physical assault, including but not limited to unwelcome touching, patting, hugging, or brushing against a person's body;
- Sexual misconduct, exploitation or assault;
- Explicit or implicit threats that submission to sexual advances will be a condition of employment, work status, promotion, grade, recommendation or other benefit;
- Repeated propositions of a sexual nature that are unwelcome, intimidating or bothersome to the recipient;
- Pressure for sexual activity, an element of which may be conduct such as unwanted staring that would discomfort or humiliate a reasonable person; or
- An unwelcome pattern of conduct (not germane to the subject matter of a course if one is involved) that (a) has the purpose or effect of discomforting and/or humiliating a reasonable person, and (b) involves

² Pursuant to Department of Education Regulations, the definition for sexual harassment under Title IX is different. The definition of harassment under Title IX is set forth in the Title IX grievance procedure.

one or more of the following: (i) comments of a sexual nature; (ii) sexually explicit statements, questions, jokes, or anecdotes; (iii) remarks of a sexual nature about a person's clothing or body; (iv) remarks about a person's past or present sexual activity; or (v) staring or leering at a person's body parts.

- 13. Harm to Persons.** Intentionally or recklessly causing physical harm to others, endangering the health or safety of others, or restraining another person against their will.
- 14. Hazing.** Any mental or physical action, requirement or request placed upon any person, including but not limited to a pledge, associate member, affiliate, prospective member, guest, initiate or team member which is harmful to the health, welfare or academic progress of the person, or which is personally degrading to the individual involved. Apathy or acquiescence in the presence of hazing are considered violations of this policy. A person's consent to hazing is not an excuse under this policy.
- 15. Health and Safety.**
 - A.** Creation of health and/or safety hazards (dangerous pranks, hanging out of or climbing from/on/in windows, balconies, roofs, etc.).
 - B.** Failure or refusal to comply with College rules or policies related to health and safety, such as classroom/laboratory safety procedures, or State or College mandates concerning the prevention or limitation of communicable diseases (e.g. mask-wearing or social-distancing rules without a valid excuse).
- 16. Illegal Discrimination.** Any act that (a) is based upon an individual or group's actual or perceived protected status, including race, color, sex, age, religion, national origin, ancestry, height, weight, sexual orientation, gender identification or expression, pregnancy, disability, genetic information, familial status, marital status, military status, veteran's status, or any other status protected by applicable law, and (b) limits, denies or adversely affects a person's ability to participate in or benefit from a College educational program or activity.
- 17. Improper Computer or Device Usage.** Violation of the College's Acceptable Use of Information Technology Policy.
- 18. Indecent or Obscene Behavior.** Deliberately and publicly exposing one's intimate body part(s), public urination, defecation, and/or public sex acts.
- 19. Invasion of Privacy.** The use of any device to capture audio, video, or digital recordings or photographs of any person while on College-controlled property or at a College-sponsored event or trip where there is a reasonable expectation of privacy (e.g. restrooms, locker rooms).
- 20. Marijuana.** Use, possession, manufacture, or distribution of marijuana on campus.

21. **Prescription Medications.** Abuse, misuse, sale, or distribution of prescription or over-the-counter medications.
22. **Providing False Information.** Furnishing or possessing false, falsified or forged materials, documents, accounts, records, identification or financial instruments; or knowingly making a false report of alleged misconduct under this or any other College code or policy.
23. **Retaliation.** Taking adverse action against or mistreating someone because they made, or are considering making, a good faith complaint under this Code or another College policy, or because they participated, or are considering participating, in a College investigation, grievance process, hearing or trial. For example: threatening, mistreating or harassing someone because they filed a report, are thinking about filing a report, or is a witness in an investigation or hearing.
24. **Sexual Exploitation.** Taking sexual advantage of another person without consent, including but not limited to causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage; causing the prostitution of another person; recording, photographing, or transmitting images of private sexual activity and/or the intimate parts of another person without consent; allowing third parties to observe private sexual acts; and/or knowingly or recklessly exposing another person to a significant risk of sexually transmitted infection or disease.
25. **Sexual Misconduct.**
 - A. **Dating Violence:** Violence committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
 - B. **Domestic Violence:** Violence, on the basis of sex, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, or by a person who is cohabiting with, or has cohabited with the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Michigan, or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Michigan. Allegations of child abuse under Michigan law shall also be referred to Children's Protective Services or local law enforcement.
 - C. **Sex-Based Stalking:** Engaging in a course of conduct on the basis of sex directed at a specific person, that would cause a reasonable

person to fear for the person's safety, or the safety of others, or suffer substantial emotional distress.

For the purposes of this definition:

- i. *Course of conduct* means two or more acts, including, but not limited to acts in which Respondent 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.
- ii. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the Complainant.
- iii. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

D. Sexual Assault includes any of the following;

- i. **Sexual Offenses, Forcible:** Any sexual act directed against another person without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent:
 1. Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Complainant.
 2. Oral or anal sexual intercourse with another person, forcibly, and/or against that person's will (non-consensual), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 3. The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly, and/or against that person's will (non-consensually) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 4. The touching of the private body parts of another person (buttocks, groin, breasts), for the purpose of sexual gratification, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- ii. **Sex Offenses, Non-forcible, Includes Any of the Following:**
 1. **Incest:** Non-forcible sexual intercourse between persons

who are related to each other, within the degrees wherein marriage is prohibited by Michigan Law.

- 2. Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent of 16 years of age.
- 26. Stalking.** A willful course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, harassed, or molested.
- 27. Taking Property.** Intentional and unauthorized taking of College property or the personal property of another, including goods, services and other valuables.
- 28. Intimidating or Threatening Behaviors.** Written or verbal conduct that causes a reasonable fear of harm to self or others and/or damage to property.
- 29. Unauthorized Access, Entry or Use.**
 - A.** Unauthorized access to any College building or vehicle, or any unauthorized possession, duplication or use of means of access to any College building or vehicle (e.g. keys, cards, etc.).
 - B.** Misuse of access privileges to College premises or unauthorized entry to or use of buildings, including trespassing, propping or unauthorized use of alarmed doors for entry into or exit from a College building.
 - C.** Unauthorized use of College facilities, supplies or equipment.
- 30. Use of Tobacco, E-Cigarette or Vaporizer.** Using tobacco, e-cigarettes or vaporizers on campus.
- 31. Violations of Academic Integrity Policy.** Academic integrity is the commitment to and demonstration of honest and moral behavior in an academic setting and requires acknowledging the contributions of other people. It reinforces the value of learning and knowledge, ideas, expressions, and creations of students, staff, faculty, and other experts in their fields. It is fundamental to academic, personal, and professional success, and therefore, is highly valued at the College. Intentional and unintentional cheating, plagiarizing or other violation of academic integrity with respect to an exam or other academic assignment is a violation of College policy. Multiple violations may result in review by the Dean of Student Success in consultation with the provost or their designee for sanctioning.

Students are expected to adhere to the **College Rules and Regulations section on Integrity of Academic Work** and the **Academic Integrity Policy**.

Intentional or unintentional violations of academic integrity include, but are not limited to, the following forms of misconduct.

A. Cheating: *No student shall cheat on an examination or other academic assignment.*

Examples:

- Exchanging information (e.g., talking, communicating, writing) with any person, or using notes, lists, devices or other materials, during or prior to any examination without proper permission;
- Using another person or group's knowledge, answers, or information as your own on any academic assessment, including homework, quizzes, tests, discussions, or papers;
- Copying or looking at another student's test or answer sheet during or prior to any examination;
- Using answers provided by an outside source, website, or person to complete a graded assessment when such supports are not authorized by the instructor (e.g., open-book exam);
- Using the same material (such as a paper) in two or more courses without instructor permission.

B. Unauthorized Distribution of Materials: *No person or persons shall procure or furnish in any unauthorized manner any piece or pieces of writing, which can be shown by competent authority to contain the questions and/or answers to an examination scheduled for some subsequent date to any individual or group enrolled in any course of study offered by the College.*

Examples:

- Giving homework, term paper or other academic work to another student to plagiarize;
- Providing material or information to another person with knowledge that such aid could be used in any of the violations stated above;
- Posting, purchasing, obtaining, sharing, or copying any course materials of a faculty member without the explicit written permission of that faculty member;
- Stealing tests or other assessment items;
- Circulating a test or answers to a test for other student's knowledge or use.

C. Unauthorized Possession: *The unauthorized possession of materials such as those described in prior examples shall be considered prima facie evidence of an attempt to violate the provisions of Section (a).*

D. Acting as Another Student: *No person shall allow another to take an examination, answer a question on any part of an examination or complete any other academic work on their behalf.*

Examples:

- Allowing another student to copy or look at one's own work/test/ answer sheet during or prior to any examination;
- Allowing a student, or person, to take an examination or complete any academic work on another's behalf;
- Submitting any work that is not one's own.

E. Plagiarism: *A person is guilty of plagiarism who fails to give credit for any ideas or material taken from another for either written or oral presentation. The offering of materials assembled or collected by others in the form of projects or collections without acknowledgment also is considered plagiarism.*

Examples:

- Using another person's exact words without citation and/or quotation marks;
- Unauthorized use of Artificial Intelligence (AI), such as ChatGPT, to complete assignments;
- Copying and pasting from one source into another without identifying the source or where the pasted material begins or ends;
- Using ideas, quotations, research, statistics, images, music, data collections, coding, or documents as the author's own work by failing to appropriately attribute the original creators using appropriate citation methods for an academic field or profession;
- Paraphrasing or altering the words of another person or organization, including utilizing the ideas or references from a source, without proper citation of the original author;
- Using information taken from compilations of data, such as found in encyclopedias, dictionaries, almanacs, and textbooks, without identifying the source and using quotation marks if needed;
- Use of any knowledge source (e.g., article, book, internet, social media, television show, lecture, etc.) without attributing credit to the person or group who provided that knowledge through citation.

F. Fabrication of Records: *No person shall gain entry to any records or information stored in the College's computer system(s) other than those records specifically registered to that person's user identification code. This includes, but is not limited to, official College records as well as information stored by another student. Nor shall any person gain access to or alter any College records or information without authorization.*

Examples:

- Interfering with any academic computer or computer system, or software in a way that can compromise confidentiality, integrity,

or availability;

- Accessing, altering, disclosing, copying, or using data, grade books, or college, department or student academic documents or files;
- Forging signatures on College documentation;
- Giving false or misleading information to a faculty member in an effort to receive a postponement or an extension on a test or other assignment;
- Accessing computerized College records or systems without authorization (see **Acceptable Use of Information Technology Resources Policy**).

32. Violations of Law. Violation of any federal, state, local, or other applicable law.

33. Weapons Possession or Use. Possession of firearms, tasers, stun guns, explosives, weapons, or dangerous chemicals on College premises (even as permitted by law), and/or use of any such item in a manner that harms, threatens or causes fear to others.

POTENTIAL SANCTIONS FOR VIOLATING OR NOT FOLLOWING RULES

The following are examples of sanctions that may be imposed against individual respondents or student organizations found responsible for committing Prohibited Conduct or otherwise violating this Code:

- 1. Counseling.** A documented discussion with the Dean of Student Success, or designee (hereinafter “Dean”), designed to help Respondent understand why their conduct is concerning and how to improve their conduct in the future.
- 2. Warning.** Written notice that continuation or repetition of prohibited conduct may be cause for additional or increased sanctions.
- 3. Probation.** A written reprimand specifying the violation for which the student is held responsible, along with a statement indicating that the student is on probation for a specified period of time. The College may impose terms of probation, such as specific things the student or student organization must do or accomplish while on probation, or for probation to expire. Students on probation are not considered to be in good standing with the College. A student who commits a further offense while on probation, or who does not fulfill the terms of their probation, may have their probation extended, or have additional or increased sanctions imposed.
- 4. Restrictions and Loss of Privilege.** Denial or restriction of certain privileges for a designated period of time.
- 5. Suspension.** Separation from one or more classes, activities, programs, campuses, buildings, or from the College altogether, for a defined period

of time or until specified conditions are satisfied. The College may defer a suspension, meaning that the suspension will occur only if prescribed conditions are not timely satisfied.

6. **Expulsion.** Permanent separation of the student from the College.
7. **Restitution.** A directive requiring Respondent to reimburse or compensate the victim or the College for any loss, damage, or injury Respondent caused. This may take the form of appropriate service and/or monetary or material replacement.
8. **Other Sanctions.** Work assignments, community service, academic counseling, substance abuse counseling, restorative solutions, or other discretionary sanctions to help the student learn and improve.
9. **No Contact.** A restriction where Respondent is directed in writing to have no contact of any type with a particular individual or individuals.
10. **Withholding Degree or Certificate.** The College may withhold awarding a degree otherwise earned until the completion of the process set forth in this Code, including the satisfactory completion of any sanctions imposed.

The type and severity of the sanction will depend on the severity of the offense and/or Respondent's disciplinary history.

CONCERN AND COMPLAINT PROCEDURE

Written complaints alleging violations of this Code may be submitted through the **Online Complaint Form**, or with the Office of Student Conduct at studentconduct@macomb.edu or 586.445.7573. Alleged Title IX violations should be reported to the College's Title IX Coordinator or by submitting complaints to the **Title IX Online Complaint Form**: 586.445.7242 | titleix@macomb.edu

If possible, Complaints should identify supporting evidence, include the name(s) of all known witnesses or others who may have information concerning the alleged conduct, and set forth all known facts about the incident.

There is no time limit by which complaints must be submitted after an incident. However, the ability of the Office of Student Conduct to fully investigate an incident is impacted by how much time has elapsed since an incident occurred.

Complaints that are submitted anonymously will be reviewed; however, anonymity may limit the ability of the Office of Student Conduct to fully investigate an incident.

RESOLUTION PROCESS

Alleged violations of this Code will be resolved through the Resolution Process set forth below.

1. **Initial Investigation.** The Dean of Student Success or designee (hereinafter, "Dean") will review the complaint or report of alleged misconduct and may:
 - a. Investigate and/or gather information;
 - b. Close the case due to lack of information, or because the behavior

alleged does not, in the Dean's discretion, represent a Code violation or warrant sanction;

- c. Issue an interim suspension, no-contact order or other remedy designed to protect health and safety while the Resolution Process proceeds;
- d. Ask Respondent to attend an Informational Meeting;
- e. File formal charges;
- f. Refer the matter to the Title IX Coordinator, Campus Police, a College administrator or other civil authority; or
- g. Take other appropriate action, such as attempting to resolve the matter by Mutual Consent, or by referring one or more involved individuals to the behavioral intervention team.

2. Informational Meeting. The Informational Meeting provides Respondent and the Dean an opportunity to meet each other and discuss the situation. During the meeting, the Dean will discuss the complaint allegations and potential remedies with Respondent, and Respondent will have an opportunity to share their side of the story, identify potential witnesses or bring forward evidence. The meeting will help the Dean determine whether to conduct additional investigation, dismiss the complaint, propose or recommend Resolution by Mutual Consent, or file charges.

A Respondent who is unwilling or unable to attend the Informational Meeting may submit a written statement responding to the allegations. The written response must be received at or before the time of the scheduled Informational Meeting.

3. Further investigation. If, at any time, the Dean determines more investigation is warranted, the Dean or investigator handling the matter will attempt to gather additional information/evidence. Investigation may lead to additional or different charges, dismissal of charges, another Informational Meeting, an offer of resolution by Mutual Consent, or a decision to call for a panel hearing.

4. Formal Charge(s). If a decision is made to file formal charges, the Dean will issue a Formal Charge document that notifies Respondent of the specific Code violation with which Respondent is charged and a recommended sanction. Respondent may either (a) accept responsibility and sanctions imposed by the Dean; (b) accept responsibility and request a hearing to address the propriety of the sanction; or (c) deny responsibility and request a hearing to determine responsibility and sanction.

In the event that Respondent does not make an election of one of the three options available within ten (10) calendar days from the date of the letter, the charge and sanction set forth in the Formal Charge letter becomes final.

5. Mutual Consent. At any time during the Resolution process, but before a ruling on appeal is issued, the College and Respondent may resolve the matter by Mutual Consent. This means that Respondent and the Dean voluntarily agree upon a finding of responsibility and sanction. A resolution

by Mutual Consent ends the Resolution process, without the possibility of a hearing or appeal.

6. **Hearing.** A hearing is a chance to have a three-person Hearing Panel hear evidence and decide (a) whether Respondent should be held responsible for a Code violation; and (b) the propriety of the sanction recommended by the Dean.
 - a. **Availability.** A hearing is available when Respondent (a) is subject of a Formal Charge; (b) timely disagrees with the finding of responsibility and/or sanction imposed; (c) timely and properly requests a hearing; and (d) the matter was not resolved by Mutual Consent.
 - b. **Requesting a Hearing.** Respondent must submit a completed Request for Hearing form within 10 calendar days of the date the Charge Letter was issued.
 - c. **Notice of Hearing.** At least five days before the hearing is scheduled, the College will notify Respondent of the date, time and location of the hearing.
 - d. **Hearing Panel.** A Hearing Panel will consist of one member of the faculty, one current College student, and one current College employee.
 - e. **Hearing Moderator.** The Dean, or designee, shall act as a Hearing Moderator. The Hearing Moderator will attend the hearing to address questions and facilitate a fair, orderly process. The Hearing Moderator does not make findings or vote on the remedy.
 - f. **Consolidation.** The Hearing Moderator shall have discretion to consolidate the hearing with other cases that, in the discretion of the Hearing Moderator, arise out of the same or similar event(s).
 - g. **Failure to Appear.** If Respondent fails to appear at the scheduled hearing, the hearing will be held in Respondent's absence. No Respondent may be found responsible for a Code violation solely because they failed to appear at the Hearing.
 - h. **Hearing Rules.**
 - i. **Pre-hearing Disclosures.** At least three days before the hearing, the parties will provide the Hearing Moderator with a list of witnesses, and copies of any documents they wish to introduce. The Hearing Moderator will provide each party with a copy of the list of Hearing Panel members and proposed witnesses, as well as copies of any documents identified by a party.
 - ii. **Evidence.** The majority of the Hearing Panel has discretion to determine the admissibility of evidence, and the weight to be given any particular piece of evidence.
 - iii. **Advisors.** A student's advisor may be present at the hearing, but shall have no role at the Hearing other than to advise Respondent. The Advisor shall not be permitted to ask or answer

questions, make arguments, submit documents, or otherwise disrupt the hearing.

- iv. **Cross-examination.** Cross-examination will usually be permitted, but the Hearing Moderator reserves the right to limit or preclude cross-examination, control the manner of cross-examination, or require that cross-examination questions be directed through the Hearing Moderator, who shall have discretion whether to decide if each question is relevant to ask.
 - v. **Recording.** There shall be a single recording or transcript of the hearing, which shall be the property of the College.
 - vi. **Campus Police.** One or more campus police officers may be present at the hearing, if deemed necessary by the College.
 - vii. **Closed Hearing.** Hearings are not open to the public.
- i. **Decision and Standard of Proof.** The Hearing Panel will, by majority vote, determine whether there is a preponderance of evidence to hold Respondent responsible for the charged conduct, and whether the sanction imposed in the Formal Charge should be accepted, increased or decreased. "Preponderance of evidence means "more likely than not."
7. **Appeal.** Respondent or the College may appeal the Hearing Panel's decision. Grounds for appeal, and the potential result on appeal, are limited as described below.
- a. **Grounds for Appeal.** The only grounds for appeal are:
 - i. A procedural error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.); or
 - ii. To consider new evidence that was (i) unavailable during the original hearing or investigation, and (ii) could substantially impact the original finding or sanction or remedy. A summary of the new evidence and its potential impact must be included in the written appeal.
 - b. **Filing an Appeal.**
 - i. **Process:** Appeals must be filed in writing, addressed to the Vice President, Student Services. The appeal letter should identify the Respondent and the grounds for appeal
Carrie D. Jeffers, Ph.D.
Vice President, Student Services
Macomb Community College
14500 E Twelve Mile Road
Warren, MI 48088
vpss@macomb.edu
586.445.7576
 - ii. **Timing.** An appeal based on a procedural error must be filed within 14 calendar days of the issuance of the findings of the administration.

An appeal based on new evidence must be filed within 14 calendar days of when the new evidence is, or reasonably should have been, discovered. The remedy imposed by the Hearing Panel will not be stayed while an appeal is pending.

- c. **Appeal Decision-Maker.** Appeals will be heard by the Vice President, Student Services
- d. **Potential Appeal Outcomes.** Potential outcomes of appeal are:
 - i. Modify or uphold the original decision or sanction(s);
 - ii. Recommence the formal investigation; or
 - iii. Dismiss the case or individual charge(s) against the student.

ADVISORS

Respondents may, at their expense, have an advisor of their choosing present at any meeting or hearing during the Resolution process. Advisors may confer quietly and exchange notes with Respondent and ask questions about procedure, but may not make presentations, argue, introduce documents or examine witnesses.

STUDENT CONDUCT RECORDS

A student's conduct record is part of their formal educational record. Conduct records are maintained by the Office of Student Conduct and include records related to the Code of Conduct, and records related to the **Academic Integrity Policy**.

Typically, a Student Conduct Record is established when information on a student is received and maintained by the Office of Student Conduct.

Student conduct records can be reported outside the College as part of a college admission, job application, or background check with the student's authorization for three (3) years after the reported incident. Conduct violations that result in a suspension or expulsion are reported out indefinitely.

The case file will be maintained by the Office of Student Conduct for seven (7) years after the incident date. If a student or student organization is assigned the sanction of Expulsion, the case file will remain on file permanently.

Accessibility to Student Conduct Records follows the College Policy on **Confidentiality of Student Records**.

DEFINITIONS

"Campus"

- Includes any College-owned property, as well as any college-sponsored virtual or online activities, such as online classes, meetings, events or forums.

¹Violation of some of these rules may also violate other College policies, such as the College's Title IX policy.

“College Official”

- Includes any individual employed by the College, including College Police and independent contractors, performing administrative or professional responsibilities.

“Consent”

- Means clear words or actions that show a knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Consent cannot be gained by force, by ignoring or acting in spite of the objections of another, or by taking advantage of the incapacitation of another, when Respondent knows or reasonably should know of such incapacitation. Consent is absent when sexual activity exceeds the scope of the consent previously given or when a respondent assumes that consent to one form of sexual activity implies consent to other forms of sexual activity.

“Dean of Student Success or Designee”

- Designated by the Vice President and Chief Student Affairs Officer to uphold the Student Code of Conduct and manage the Resolution process.

“Faculty Member”

- Means any individual hired by the College to conduct classroom or teaching activities.

“Force”

- Means physical force, violence, threat, intimidation or coercion.

“Incapacitation”

- Means the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, but are not limited to, sleep and blackouts.

“Member of the College Community”

- Includes any individual who is a student, faculty member, College official or staff member employed by the College, trustee, or serving the College in an official capacity. An individual’s status in a particular situation will be determined by the Dean of Student Success, or designee.

“Respondent”

- Means anyone, or any student organization, accused of violating this Code.

“Student”

- Includes all individuals currently admitted, enrolled full-time or part-time at the College, who have been issued a student number or who maintain an ongoing relationship with the College.



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