

MARION TECHNICAL COLLEGE
ADMINISTRATIVE POLICY/PROCEDURES

AP 420 Student Code of Conduct and Disciplinary Action

**Established 4-18-00
Approved 5-17-21**

INTRODUCTION:

The safety and welfare of the College community is the primary interest and concern of Marion Technical College. The mission of Marion Technical College is to provide the region's most accessible, supportive, and personal pathway to career success. To support its mission, the College expects that all students will act responsibly. In cases where a student's conduct interferes with the mission of the College, disciplinary action may be taken against the student. The Student Code of Conduct contains regulations for handling the alleged student violations of the code of conduct in a manner consistent with the requirements of due process. Students must also comply with all local, state, and federal laws.

The Student Code of Conduct is the minimal set of standards to which students will be held accountable. Certain academic programs may have additional program-specific standards students must follow. Students will be held to the higher set of standards. In programs that include an employment internship, clinical experience, or other work-based learning, good standing with the employer is expected and is essential for continuation in the program.

All investigations of student conduct will follow Article VII of this policy. Students dismissed for disciplinary reasons are not entitled to a refund of fees. Regulations, terms, and definitions are described below. All time frames expressed within this document will be followed, unless an extenuating circumstance requires extended time; any such extension will be documented.

DEFINITIONS:

(A) When used in this policy:

- (1) The terms *College or MTC* means Marion Technical College.
- (2) The term *student* includes all persons enrolled at Marion Technical College or MTC affiliated programs, either full-time or part-time; pursuing a degree, certificate or non-matriculating; or enrolled in a non-credit course or program. It further includes persons:
 - (a) Who withdraw after allegedly violating the Student Code of Conduct;
 - (b) Who are engaged with College computing or network services, which may include activities that occur off-campus or in external, online environments.
- (3) The term *non-student* applies to guests or community members, whose student hosts may be held accountable for the misconduct of their guests. Community members and guests of MTC are also protected by the Student Code of Conduct

and may initiate grievances for violations of the Student Code of Conduct committed against them.

- (4) The term *College official* includes any person employed by the College, which may include faculty, adjunct faculty, dual-enrollment faculty, staff, student employees, etc.
- (5) The term *registered student organization* means a group or association of students that is recognized by the Office of Student Success and Engagement.
- (6) The term *student publication* means written or digital material, including but not limited to brochures, forms, social media, and special interest material edited and/or published by students for distribution to members of the Campus Community.
- (7) The term *College document* means any Marion Technical College record or form, published in an electronic or hard-copy format.
- (8) The term *policy* refers to official institutional policies adopted to govern the operations of the college. Policies may be found in, but not limited to, the Policy Book, Student and Employee Handbooks, academic program handbooks, course catalog and web pages, and the Student Code of Conduct. Individual departments may also have departmental policies that are available upon request. College rules, as required by law, approved by the Board of Trustees, and published in the Ohio Administrative Code, also govern the institution and may be found in the Policy Book.
- (9) The term *preponderance of the evidence* represents the standard of proof governing the student conduct system and means that “more likely than not,” a violation of the Student Code of Conduct has occurred.
- (10) The term *College premises* includes all land, buildings, facilities, vehicles, and other property in the possession of or owned, used, leased, or controlled by Marion Technical College (including adjacent streets and sidewalks), and spaces used to conduct College business.
- (11) The term *respondent* means any student accused of allegedly violating this Student Code of Conduct.
- (12) The term *complainant* refers to any individual who makes a complaint or files a formal report.
- (13) The term *hearing* refers to a session in which evidence from both parties is investigated or testimony is taken from witnesses in order to determine if a student(s) or student organization violated the Student Code of Conduct.

- (14) The term *advisor* means anyone assisting or supporting a respondent or complainant in the student conduct process. This may include a parent, guardian, social worker, advocate, instructor, staff member, friend, etc.
- (15) The term *due process* refers to students being entitled to procedural rights and ensuring that the College's policies and procedures are fair and followed by the College. This includes the right to notice of charges in advance, a fair hearing prior to administration of sanctioning, and the right to appeal the outcome of the hearing when allowed.
- (16) The term *hazing* means an act that endangers the mental or physical health or safety of a student or which destroys or removes public or private property.
- (17) The terms *Hearing Board* or *Officer* refers to a formal board or individual tasked with reviewing issues including, but not limited to, student conduct, Title IX, or other circumstances as deemed necessary by the situation. Selection of the Hearing Board or Officer will be determined based on the nature of the situation.
- (18) The term *business days* means days when the College is open for normal business operations.

STUDENT CODE AUTHORITY:

- (A) The Student Code of Conduct is administered and maintained by the Student Conduct Officer¹.

JURISDICTION OF THE STUDENT CODE OF CONDUCT:

- (A) The College reserves the right to take any necessary and appropriate steps to protect the safety and well-being of the College community.
 - (1) The Student Code of Conduct applies to student conduct that occurs on College premises. The Code also applies to student conduct that occurs online or via telephone or electronic means (online classes, texting, internet, social media, etc.), at off-site locations where classes are taught (Marion Tech Downtown, correctional facilities, high schools, etc.), at academic course required sites (internships, clinicals, field trips, experiential learning activities, etc.), at College-sponsored events (student life events, travel on behalf of the College, community service trips, etc.), or while utilizing the College's computing or network services, including Wi-Fi. The Student Code of Conduct may also be applied to off-campus conduct when it is determined that the conduct has a detrimental effect on the Marion Technical College brand and community. A detrimental effect includes, but is not limited to, the following:
 - (a) An allegation, arrest, charge, or conviction of a criminal offense as defined by Ohio or federal law;

¹ The current Student Conduct Officer is the Executive Director of Student Success and Engagement.

- (b) Any situation where the student presents a danger or threat to the health and safety of him/herself or others;
 - (c) Any situation that significantly impinges upon the rights, property, or achievements of self or others, or significantly breaches the peace and/or causes social disorder; and/or,
 - (d) Any situation that is detrimental to the educational interests of Marion Technical College.
- (2) Students are subject to local, state, and federal law while on College premises, and violations of those laws may also constitute violations of the Student Code of Conduct. The College may independently proceed with the student conduct process while criminal/civil proceedings are in progress, and will not be influenced based upon the grounds that criminal charges connected with the same incident are pending, have been dismissed, reduced, resolved in favor of or against the criminal law defendant, or withdrawn.
- (3) Each student shall be responsible for their conduct from the time they register for courses through the completion of a degree, certificate, or credential. This includes conduct discovered after completion of degree requirements and shall apply to a student's conduct even if the student subsequently withdraws from the College, is no longer registered for courses, or subsequently fails to meet the definition of a "student" while a conduct matter is pending.
- (4) Registered student organizations may be charged with violations of the Student Code of Conduct for behavior occurring on or off College premises. A student organization and its officers may be held collectively or individually responsible when violations of the Student Code of Conduct by those associated with the group or organization occur.
- (5) MTC reserves the right to notify parent(s) or guardian(s) of students regarding any conduct situation when alcohol and/or narcotic/substance/inhalant abuse or violations are suspected, or to inform them of situations in which there is an imminent health and/or safety risk.

RULES AND PROHIBITED CONDUCT:

- (A) The College strives to provide all students an environment that is conducive to academic pursuit, student development, and individual self-discipline. Students are required to engage in responsible social and civil conduct. The following actions, activities, and behaviors are expressly prohibited (this list is not all-inclusive):
- (1) Acts of dishonesty, including but not limited to the following:
 - (a) Cheating, plagiarism, or other forms of academic dishonesty as described in the Academic Misconduct Policy (AP 521);

- (b) Knowingly furnishing or possessing false, falsified or forged materials, documents, accounts, records, identification or financial instrument;
 - (c) Having false or misleading information furnished to the College through a third party on behalf of the student; and/or,
 - (d) Forgery, alteration, or misuse of any College document, record, or instrument of identification.
- (2) Animals/Pets – No animals or pets are allowed inside any campus building at any time. Exceptions apply for registered service animals, who have been approved as an accommodation by The Office of Disability Services, and are accompanied by their handler.
 - (3) Communicable Diseases – Conduct that poses a threat to another’s health or safety due to a communicable disease, depending on the nature of the disease and College requirements. Examples include chicken pox, scarlet fever, head lice, tuberculosis, hepatitis, impetigo, pink eye, coronavirus, etc. Refer to the Student Handbook for more information.
 - (4) Destruction of Property – Intentionally or negligently damaging, destroying, or defacing College property or property of any person while on College premises or at a college related activity.
 - (5) Disorderly or Disruptive Conduct -- Violent, abusive, indecent, unreasonably loud, or otherwise disorderly or disruptive conduct that interferes with College activities, College officials, or with the legitimate activities of any member of the College community.
 - (6) Domestic or Dating Violence – Violence of a non-sexual nature committed by a person who is or has been in a social relationship of a romantic or intimate nature with the other individual involved, or as described in Rule 3351: 10-1-45 Title IX, Sexual Harassment, and Sexual Violence.
 - (7) Endangering Health or Safety (intentional or negligent) -- Taking or threatening any action that endangers the safety, physical or mental health, or life of any person whether intentionally or as a result of recklessness or gross negligence.
 - (8) Failure to Comply with College Authority – Failure to comply with legitimate directions of College officials in performance of their duties, including, but not limited to following prescribed emergency procedures, and violation of the terms of a disciplinary sanction.
 - (9) Intimidation – conduct that threatens, intimidates, harasses, or endangers the health of a person, or causes reasonable apprehension of such harm or threat.
 - (10) Possession of Dangerous Weapons or Devices – Possession or keeping of a firearm, weapons, or dangerous devices of any description in any area of the

College premises or at a College-related activity unless permitted by College policy. Academic programs utilizing firearms for instruction are exempt (e.g. OPOTA).

- (11) Retaliation – a student shall not retaliate, either directly or indirectly, against any member of the College community who files or intends to file an incident report, complaint, grievance, or participates in a hearing; or appears as a witness.
- (12) Sexual Harassment/Misconduct – Unwelcome sexual advances, requests for sexual favors, or other verbal, physical, or written (can include electronic) conduct of a sexual nature not covered under Rule 3351: 10-1-45 Title IX, Sexual Harassment, and Sexual Violence.
- (13) Stalking – engaging in an intentional pattern of unwanted conduct directed at another person that threatens or endangers the safety, physical or mental health, life, or property of that person, or creates a reasonable fear of such a threat or action and includes cyber-stalking, which is defined as any type of stalking by any electronic forum.
- (14) Theft/Unauthorized Use of Property – Theft or unauthorized use of College property or property of any person while on College premises or at a College-related activity.
- (15) Tobacco – Use of tobacco, in any form, on Marion Campus or College property (including vehicles), in accordance with Rule 3357:10-1-42 Non-Smoking and Tobacco Use.
- (16) Use, Possession, or Distribution of Illegal Drugs and Alcohol – Use, possession, or distribution of alcohol or illegal drugs on College premises, College-related premises, or at a College function except as authorized by law and College policy.

INTERIM MEASURES:

- (A) When there is evidence that the continued presence of a student on the College premises may pose a threat to any person or may substantially impede the functions of the College, the Student Conduct Officer (or designee) may impose interim measures that may include suspension, separation from a class or classes, restriction of access to College programs, services, or facilities, or bar the student from the campus, for an interim period of time pending action taken under this Student Code of Conduct.
 - (1) The student will be notified of an interim measure by phone and in writing, which includes email, which will take effect immediately. The interim measure will remain in effect until all student conduct proceedings have been completed. Every effort will be made to schedule the student conduct hearing as soon as possible.

- (2) During the interim measure, the student may be denied access to campus buildings, classrooms, and/or all other College activities or privileges for which the student might otherwise be eligible, as the Student Conduct Officer (or designee) may determine to be appropriate.
- (3) The student will receive written notification of the alleged violation(s) and pending disciplinary hearing.

CODE OF CONDUCT PROCEDURES:

(A) Procedures:

- (1) Any individual may submit a report involving inappropriate or concerning student behavior.
- (2) Reports may be submitted at any time after an incident has occurred but are encouraged to be submitted as soon as possible after the event takes place, preferably within 24 hours of occurrence or knowledge of occurrence.
- (3) Once a report has been received, a prompt, fair, and impartial investigation will take place to determine if a violation(s) of the Student Code of Conduct has allegedly occurred. All investigations will be conducted and/or coordinated by the Student Conduct Officer (or designee).
 - (a) Investigations may involve a review of the respondent's prior conduct history, interview of the witness(es), interview of the complainant(s), interview of the respondent(s), and/or requesting more information from the complainant(s), respondent(s), and/or witness(es).
- (4) If it has been determined that a violation allegedly occurred, the Student Conduct Officer (or designee) will present the allegations to the respondent(s) in writing, which includes email form. The written allegations will include a time and location for a meeting with the Student Conduct Officer (or designee) or to request a meeting to discuss the allegations.
 - (a) All requests for meetings must be scheduled no more than five (5) business days after receipt of the written notification.
 - (b) If a respondent, with two written notices and one phone call attempt, does not appear to a scheduled meeting and/or does not respond to the request for a meeting, the information in support of allegations shall be presented and/or considered even if the respondent is not present and a Disciplinary Hold will be placed on the student's account.
- (5) Allegations of violations of the Student Code of Conduct can be resolved informally by mutual consent of complainant(s) and respondent(s) on a basis that is determined acceptable by the Student Conduct Officer (or designee). During this resolution, the respondent(s) and the Student Conduct Officer (or designee)

will discuss and agree upon the violations and sanction(s) (if applicable). Informal decisions shall be final and there shall be no subsequent proceedings (including appeals).

- (6) Sanctions of suspension or expulsion cannot be resolved informally and must be heard before a formal Hearing Board. Certain prohibited conduct, such as sexual assault, must be heard by a formal Hearing Board and cannot be resolved informally.
- (7) If the charges cannot be resolved by mutual consent, the parties are entitled to due process and a hearing before the Hearing Board.
- (8) A formal hearing shall be set no more than fifteen (15) business days after both parties have been notified of the allegations and the investigation has been completed.
 - (a) If the complainant(s), respondent(s), witness(es), and/or advisor(s) need an accommodation for the hearing, the Student Conduct Officer shall work with the Office of Disability Services to provide the appropriate accommodation. **Early requests for accommodations are encouraged as some accommodations may take several days to a week to arrange.**
- (9) A hearing shall be conducted according to the following guidelines:
 - (a) In hearings involving more than one accused respondent, the Student Conduct Officer (or designee), may decide to hold hearings separately. The hearings will be private, only consisting of individuals requested by the Hearing Board to be present.
 - (b) The complainant(s) and the respondent(s) have the right to be assisted by an advisor if they choose. The advisor may be an employee of the college, if requested. The complainant(s) and respondent(s) may select an outside advisor, including an attorney, at their own expense. The complainant(s) and/or the respondent(s) is responsible for presenting his or her own case; therefore, advisors are not permitted to speak or to participate directly in any hearing before a Hearing Board.
 - (c) The complainant(s) and the respondent(s) may present witnesses, who are subject to questions from either party or the Hearing Board.
 - (d) If a complainant(s) and/or respondent(s) fails to appear for a scheduled hearing, the case may be adjudicated and a sanction imposed (if applicable). The Hearing Board will consider the facts presented when making their decision. The student's absence will not be a factor in the decision.
 - (e) Deliberations are private and conducted only by the Student Conduct Officer (or designee) and the Hearing Board.

- (f) After the hearing is concluded, in which all pertinent information has been received, the Hearing Board shall determine (by majority vote) whether the respondent(s) has violated any section of the Student Code of Conduct and/or College policy or rule for which the student is alleged to have violated. The Hearing Board determination shall be made on the basis of the preponderance of evidence (i.e. more likely than not) that the respondent(s) violated the Student Code of Conduct.
 - (g) The respondent(s) and complainant(s) will be notified of the findings of the Hearing Board by the Student Conduct Officer within five (5) business days following the hearing.
- (B) The College reserves the right to record or keep written record of a hearing for purposes of documentation.

DISCIPLINARY SANCTIONS:

- (A) The following sanctions may be imposed upon any student found to have violated the Student Code of Conduct. Dependent on the nature of the violation, multiple sanctions may be imposed. Sanctions are recorded in the College’s student conduct software²
- (1) Conversation – A conversation with the student regarding the violation and steps to prevent a violation from occurring again.
 - (2) Warning – A notice in writing to the student that the student is violating or has violated institutional regulations.
 - (3) Probation – A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of progressively more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during or after the probationary period
 - (4) Loss of Privileges – Denial of specified privileges for a designated period of time. In addition to a warning or probation period, there may be a loss of privileges which would include, but not be limited to, the following:
 - (a) Denial of the right to park or operate a motor vehicle on campus.
 - (b) Denial of eligibility, for a specified period of time, for election to a student office, student employment or opportunity to represent the College.
 - (c) Denial, for a specified period of time, of the privilege of participating in student organizations and other student activities.
 - (5) Restitution – Compensations for loss, damage, or injury to the College and/or complainant(s). This may take the form of appropriate service and/or monetary or

² The College’s current student conduct software is Maxient.

material replacement as a result of damages caused by the respondent(s). Students will receive a hold on their transcript until all monies, fines, etc. owed to the College have been paid.

- (6) Discretionary Sanctions – Work assignments, essays, service to the College, or other related discretionary assignments.
- (7) College Suspension – Separation of the student from the College for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
 - (a) Following a suspension, students may request, in writing, re-admission to Marion Technical College. The written request must be submitted to the Student Conduct Officer. To be eligible for readmission to the College, all sanctions and conditions related to the suspension must be resolved. After the written request is received, a committee, including the Student Conduct Officer (or designee), Chief Academic Officer, and three faculty members from different academic programs, will review the request and meet with the student. As a condition of readmission, a written readmission plan may be made. The student will be notified of the decision in writing.
- (8) College Expulsion – Permanent separation of the student from the College.

APPEALS:

- (A) Any appeal of a Hearing Board decision shall be submitted in writing to the Student Conduct Officer within five (5) business days of the decision. An appeal* may be sought on the following grounds:
 - (1) On a claim of error in the hearing procedure that substantially affected the decision;
 - (2) On a claim of new evidence or information material to the case that was not known at the time of the hearing and which reasonably could have affected the decision of the hearing body.
 - (3) On a claim that the decision was not based on a preponderance of the evidence.
 - (4) On a claim that the sanction(s) is grossly disproportionate to the severity of the misconduct; and/or,
 - (5) On a claim of bias in the hearing procedure.
- (B) Informal decisions cannot be appealed.

- (C) In cases involving appeals by the respondent(s), review of the sanction by the Appeals Officer³ may not result in more severe sanctions for the individual. Instead, the Appeals Officer may review the case and affirm or reduce, but not increase, the sanctions imposed by the Hearing Board. The decision of the Appeals Officer shall be final and binding.

PRIOR APPROVAL DATES: 4-18-00

³ The current Appeals Officer is the VP for Academic Affairs and Student Services.