

# Student Code of Conduct

## Preamble

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Enrollment in Southwestern Michigan College implies acceptance of certain standards of student conduct and a willingness to abide by them. College standards of conduct are established to maintain conditions under which individuals, with respect for the rights and well-being of others, can participate effectively in a common educational enterprise and well-ordered collegiate community.

Note: Any violation of any college, local, state, or federal law, ordinance, or regulation when such violation directly affects the college community is automatically subject to disciplinary action; however, the college's review process will not supersede local or federal law enforcement action.

The Student Code of Conduct describes the rules and expectations established by the college for student conduct. The due process system defines the procedures to be used in cases of student violations of the Student Code of Conduct. It provides a system for the resolution of issues and the appeal of sanctions/decisions imposed by the college.

## Article I: Definitions

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- I. The term "college" generally means Southwestern Michigan College.
- II. The term "*student*" is anyone whose application for admission as been accepted by the college and has enrolled in courses at the college.
- III. The term "*faculty member*" means any person hired by the college to conduct classroom or teaching activities or who is otherwise considered by the college to be a member of its faculty.
- IV. The term "*college official*" includes any person employed by the college, performing assigned administrative or professional responsibilities.
- V. The term "*member of the college community*" includes any person who is a student, faculty member, college official, or any other person employed or contracted by the college. Associate members of the college community may include but are not limited to those participating in on-campus activities and events or otherwise using college services. A person's status in a particular situation shall be determined by the Student Conduct Administrator.
- VI. The term "*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).
- VII. The term "*club*" means any number of persons who have complied with the formal requirements for college recognition.
- VIII. The term "*Student Conduct Board*" means any person or persons authorized by the Student Conduct Administrator to determine whether a student has violated the Student Code of Conduct and to recommend sanctions that may be imposed when a rules violation has been committed. The Student Conduct Board can consist of one or more people. Note: A board can also be just one person.
- IX. The term "*Student Conduct Administrator*" means a college official authorized by the college to investigate, adjudicate, and impose sanctions upon any student(s) found to have violated the Student Code of Conduct. The Student Conduct Administrator may serve as the sole member or one of the members of the Student Conduct Board.
- X. The term "*Appeals Board*" means any person or persons authorized by the college to consider an appeal from a Student Conduct Board's determination and/or from sanctions imposed.
- XI. The term "*advisor*" in conduct cases, means a person (singular), who serves in an advisory role during the process. Parties may select whomever they choose to serve as an (singular) advisor. In all conduct proceedings the advisor may confer quietly, in a non-disruptive manner with their advisee only. The advisor may not speak directly with the investigators or Student Conduct Board members.
- XII. The term "*shall*" is used in the imperative sense.
- XIII. The term "*may*" is used in the permissive sense.
- XIV. The term "Designated College Official" is the person chosen by the college president to oversee the duties of the Student Conduct Administrator. This individual may represent the college on appeals under the terms set forth in the Code of Conduct.

- XV. The term "*policy*" means the written regulations of the college as found in, but not limited to, the Student Code of Conduct, the Residence Life section of the Student Handbook, the college web page and computer Acceptable Use Policy, and course syllabi.
- XVI. The term "*cheating*" includes, but is not limited to, use of any unauthorized assistance in taking quizzes, tests, or examinations; use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; the acquisition, without permission, of tests or other academic material belonging to a member of the college faculty or staff; engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.
- XVII. The term "*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.
- XVIII. The term "*complainant*" means any person who submits a complaint alleging that a student violated this Student Code of Conduct. When a student believes that s/he has been a victim of another student's misconduct, the student who believes s/he has been a victim will have the same rights under this Student Code of Conduct as are provided to the complainant, even if another member of the college community submitted the complaint itself. The college can act as the complainant if there is no identified complainant.
- XIX. The term "*accused student*" means any student accused of violating this Student Code of Conduct.

## **Article II: Student Code of Conduct Authority**

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Violations of college conduct rules may be handled by the following authorities:

- I. Civil Authorities  
Any violation of law on the campus of Southwestern Michigan College may be reported by the college administration to the proper civil authorities. Additionally, any person always has the option of notifying law enforcement authorities, an option which shall be assisted by campus authorities if the person so chooses. All college employees shall cooperate to the fullest with civil authorities in their investigation and prosecution of any crime committed on campus. Prosecution by civil authorities shall be in addition to disciplinary action by college authorities and shall not preclude such disciplinary action.
- II. Student Conduct Administrator & Officials
  - A. The Student Conduct Administrator shall determine the composition of Student Conduct Boards and determine which Student Conduct Board shall be authorized to hear each matter. The Student Conduct Administrator shall develop policies for the administration of the student conduct system and procedural rules for the conduct of Student Conduct Board hearings that are not inconsistent with provisions of the Student Code of Conduct.
  - B. The Designated College Official will determine the composition of an appeal board.
  - C. Decisions made by a Student Conduct Board and/or Student Conduct Administrator shall be final, pending the normal appeal process.

## **Article III: Proscribed Conduct**

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- I. Jurisdiction of the College's Student Code of Conduct  
The college's Student Code of Conduct shall apply to conduct that occurs on college premises, at college-sponsored activities, and to off-campus conduct that adversely affects the college community and/or the pursuit of its objectives. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded). The Student Code of Conduct shall apply to a student's conduct even if the student withdraws from school while a disciplinary

matter is pending. The Student Conduct Administrator shall decide whether the Student Code of Conduct shall be applied to conduct occurring off campus, on a case-by-case basis.

## II.

### Conduct—Rules and Regulations

#### A. Abuse of the Student Conduct System

Including, but not limited to:

1. Failure to obey the notice from a Student Conduct Board or college official to appear for a meeting or hearing as part of the student conduct system.
2. Falsification, distortion, or misrepresentation of information before a Student Conduct Board.
3. Disruption or interference with the orderly conduct of a Student Conduct Board proceeding.
4. Institution of a Student Conduct Board proceeding in bad faith.
5. Attempting to discourage an individual's proper participation in, or use of, the student conduct system.
6. Attempting to influence the impartiality of a member of a Student Conduct Board prior to, and/or during the course of, the Student Conduct Board proceeding.
7. Harassment (verbal, written or physical) and/or intimidation of a member of a Student Conduct Board prior to, during, and/or after a student conduct code proceeding.
8. Failure to comply with the sanction(s) imposed under the Student Code of Conduct.
9. Influencing or attempting to influence another person to commit an abuse of the student conduct code system.

#### B. Abusive Behavior (Non-intimate Partner/Relationship)

Physical abuse, verbal abuse, threats, and/or conduct which threatens or endangers the health or safety of any person. This also includes intimidation, harassment and/or coercion which is severe, pervasive, and objectively offensive sufficient to deny a student their opportunities to participate in their education or institutional benefits or activities.

#### C. Alcohol Violation

Use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly permitted by college regulations), or public intoxication. Please note, you may be found responsible for an alcohol violation even if you are only a passive participant.

#### D. Bystanding

Failure to immediately report to college officials any obvious acts of violence or sexual misconduct.

#### E. Classroom Safety Violations

Required personal protective equipment such as face masks, safety glasses, headgear, aprons, lab coats, earplugs, and other appropriate safety equipment may be needed by all students in specific courses, and students must abide by classroom safety regulations governing the use of safety items.

#### F. Discrimination

Severely and objectively offensive conduct against any person on the basis of race, color, gender, religion, sexual orientation, national origin, creed, ancestry, familial status, age, marital status, height, weight, disability, or veteran's status, or other protected status through any mode of communication including, but not limited to, in person, in writing, or electronic communication, particularly that conduct which is intended to deny an individual their rights or opportunities in the educational environment.

#### G. Dishonesty

Including, but not limited to, the following:

1. Cheating, plagiarism, or other forms of academic dishonesty.
2. Furnishing false information to any college official, faculty member, or office.
3. Forgery, alteration, or misuse of any college document, record, or instrument of identification, including computer records.
4. Violation of federal copyright laws. This includes illegal peer-to-peer transfers on the SMC network.
5. Misuse of computer facilities and electronic mailing systems.

#### H. Disruptive Behavior

Interfering with any normal college or college-sponsored events and activities, including, but not limited to, studying, teaching, research, administration, and fire, police, or

emergency services. This also includes its public service functions on or off campus, or of other authorized non-college activities when the conduct occurs on college premises.

- I. Disorderly Conduct  
Conduct that is disorderly, lewd, breach of peace, 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 or members of the academic community. Disorderly conduct also includes, but is not limited to, any unauthorized use of electronic or other devices to make an audio or video record of any person while on college premises without his/her prior knowledge, or without his/her effective consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom.
- J. Drug Violation  
Use, possession, manufacturing, or distribution of marijuana, narcotics, or other controlled substances except as expressly permitted by law. This includes the possession of paraphernalia. Please note, you may be found responsible for a drug violation even if you are only a passive participant.
- K. Failure to Comply  
Failure to comply with reasonable directions of college officials, including college security officers or faculty and staff acting in performance of their duties. This includes refusal to present identification when requested.
- L. Fire Violation  
Knowingly or recklessly causing or attempting to cause a fire in a college building, initiating, or causing to be initiated any false alarm/report, warning, or threat of fire, explosion, or other misuse of fire safety or emergency equipment.
- M. Firearms, Explosives, Other Weapons, and/or Dangerous Chemical Possession  
Illegal or unauthorized possession of firearms, explosives, other weapons, and/or dangerous chemicals on college premises or use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others. This includes non-lethal or look-alike weapons that may cause fear in others.
- N. Gambling  
Playing at any game of chance for money or other stakes.
- O. Hazing  
Any act which endangers the mental or physical health or safety of a student, 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 club. The express or implied consent of the victim may not be used as a defense.
- P. Misuse of Computer Facilities  
Theft or other abuse of computer facilities and resources, including but not limited to:
  - 1. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
  - 2. Unauthorized transfer of a file. This includes sending and receiving copyrighted materials.
  - 3. Use of another individual's identification and/or password.
  - 4. Use of computing facilities and resources to interfere with the work of another student, faculty member, or college official.
  - 5. Use of computing facilities and resources to send obscene or abusive messages.
  - 6. Use of computing facilities and resources to interfere with normal operation of the college computing system.
  - 7. Use of computing facilities and resources in violation of copyright laws.
  - 8. Any violation of the **Acceptable Use Policy**.
- Q. Obstruction of Traffic  
Obstruction of the free flow of pedestrian or vehicular traffic on college premises or at college-sponsored or supervised functions.
- R. Parking Violation  
Any parking that disrupts the flow of parking, including parking a vehicle in more than one designated parking spot and parking in an area not designated for parking.
- S. Sexual Harassment and Misconduct  
Any behavior covered under the Sexual Harassment & Misconduct Policy & Procedures. This

includes charges such as sexual assault, non- consensual sexual contact, sexual harassment, intimate partner/relationship violence, and gender-based stalking.

- T. Smoking on Campus  
Smoking and/or use of smokeless tobacco products including electronic cigarettes is prohibited in all college buildings and vehicles. Smoking must be limited to designated areas outside of college buildings.
- U. Solicitation of Funds  
Distribution of materials or items on the college campus for financial gain, unless it is in the context of a pre-approved club fund-raising activity. Materials to be posted or distributed on college property must be approved by the Marketing office.
- V. Stalking (Non-Gender-based)  
Any pattern of behaviors and activities that instill fear in and/or threaten the safety of the victim. These behaviors may include, but are not limited to the following:
  - 1. Non-consensual communication, including face-to-face, telephone calls, voice messages, written messages, text messages, electronic mail, unwanted gifts, etc.
  - 2. Repetitive threatening behaviors.
  - 3. Pursuing or following.
  - 4. Surveillance or other types of observation.
- W. Theft  
Attempt or actual theft of property of the college or property of any member of the college community or other personal or public property, on or off campus, including possession of stolen items.
- X. Unauthorized Entry  
Any unauthorized entry into or unauthorized use of any college facility including unauthorized possession, use, and duplication of keys and ID cards. This may also include allowing another individual to utilize your school ID.
- Y. Vandalism  
Attempt or actual destruction of college or any community member's personal or public property on or off campus.
- Z. Violation of Law
  - 1. Violation of any federal, state or local law.
  - 2. College disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Student Code of Conduct (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Student Conduct Administrator. Determinations made or sanctions imposed under this Student Code of Conduct shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of college rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.
  - 3. When a student is charged by federal, state, or local authorities with a violation of law, the college will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also being processed under the Student Code of Conduct, the college may advise off-campus authorities of the existence of the Student Code of Conduct and cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the college community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.
- AA. Housing Conduct—Rules and Regulations  
These additional rules are applicable only to students who are residents in campus housing at SMC.
  - 1. Apartment Safety Violation  
Failure to maintain a safe living environment. This includes having an unclean apartment and anything that creates a hazard such as overloading plugs or removal

of window screens. This also may include failure to wear required personal protective equipment such as face masks.

2. Guest Violation—Behavior  
Failure to monitor guest behavior. Students are responsible for the actions of their guests. This may also include allowing another individual to utilize your school ID.
3. Guest Violation—Failure to Check-in  
Failure to check a guest in between the hours of 11:00 p.m. and 8:00 a.m. All guests, even those who arrive before 11:00 p.m., must be checked in during these hours.
4. Guest Violation—Length  
Having a guest in housing for longer than 3 consecutive days or more than 9 cumulative nights in a semester.
5. Hall Horseplay  
Bicycles, skateboards, skates, rollerblades, and similar items are prohibited inside SMC housing. In addition, residents may not play any type of sport or throw anything inside the facilities which might harm or injure others or damage property.
6. Possession of a Prohibited Item  
Possessing any item that is on the prohibited items list.
7. Quiet Hour Violation  
Failure to maintain a reasonable level of noise during designated quiet hours.
8. Unauthorized Pets  
Having any animal in housing besides fish. All fish must be kept in a 20 gallon or smaller tank.

III. Passive Participation in Code of Conduct Violations

Any student present during a violation of the Code of Conduct may be found responsible for the violation even if they were not actively violating the policy. A student present in a room where alcohol or drugs are being consumed may still be found responsible even if they were not consuming alcohol or drugs.

## **Article IV: Student Conduct Code Procedure**

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- I. Complaints and Student Conduct Board
  - A. Any member of the college community may file complaints against a student for violations of the Student Code of Conduct. A complaint shall be prepared in writing through the College Concerns form. Any complaints should be submitted as soon as possible after the event takes place, preferably within 10 days.
  - B. The college utilizes the college-supplied email system for all communications. Students are expected to check their college email on a regular basis. When communication is sent to a student's email account, it is considered delivered.
  - C. Charges of Sexual Misconduct will be handled according to the protocols of the Sexual Harassment and Misconduct Policy.
  - D. The Student Conduct Administrator may conduct an investigation to determine if the complaints have merit and/or if they can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Student Conduct Administrator. Such disposition shall be final, and there shall be no subsequent proceedings. If the complaints are not admitted and/or cannot be disposed of by mutual consent, the Student Conduct Administrator may later serve in the same matter as the Student Conduct Board or a member thereof. If the student admits violating institutional rules but sanctions are not agreed to, subsequent process, including a hearing if necessary, shall be limited to determining the appropriate sanction(s).
  - E. In cases where the college is acting as the complainant, the Student Conduct Administrator may offer the accused student the option to accept responsibility and waive the official hearing. If the accused student accepts responsibility and the sanctions they will not have any options for appeals. If a student does not accept responsibility and the offered sanctions, they will then proceed to a Student Conduct Board hearing.
  - F. All complaints shall be presented to the accused student in written form. A time shall be set for a Student Conduct Board hearing, not less than two nor more than fifteen calendar days after the student has been notified. The maximum time limits for scheduling of Student

Conduct Board hearings may be extended at the discretion of the Student Conduct Administrator in response to exigent circumstances.

- G. Student Conduct Board hearings shall be conducted by a Student Conduct Board according to the following guidelines except as provided by Article IV.I.I below:
  1. Student Conduct Board hearings are normally conducted in private.
  2. The complainant, accused student, and their advisors, if any, shall be allowed to attend the entire portion of the Student Conduct Board hearing at which information is received (excluding deliberations). Admission of any other person to the Student Conduct Board hearing shall be at the discretion of the Student Conduct Board and/or the Student Conduct Administrator.
  3. In Student Conduct Board hearings involving more than one accused student, the Student Conduct Administrator, at his or her discretion, may permit the Student Conduct Board hearings concerning each student to be conducted either separately or jointly.
  4. The complainant and the accused student have the right to be assisted by an advisor they choose, at their own expense. The complainant and/or the accused student is responsible for presenting his or her own information unless the college acts as the complainant, and therefore, advisors are not permitted to speak or to participate directly in any Student Conduct Board hearing.
  5. The complainant, the accused student, and the Student Conduct Board may arrange for witnesses to present pertinent information to the Student Conduct Board. The college will try to arrange the attendance of witnesses who are members of the college community, if reasonably possible, and who are identified by the complainant and/or accused student at least two weekdays prior to the Student Conduct Board hearing. Witnesses will provide information to and answer questions from the Student Conduct Board. Questions may be suggested by the accused student and/or complainant to be answered by each other or by other witnesses. This will be conducted by the Student Conduct Board with such questions directed to the chairperson, rather than to the witness directly. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. Questions of whether potential information will be received shall be resolved at the discretion of the chairperson of the Student Conduct Board.
  6. Pertinent records, exhibits, and written statements may be accepted as information for consideration by a Student Conduct Board at the discretion of the chairperson.
  7. All procedural questions are subject to the final decision of the chairperson or the Student Conduct Administrator or designee.
  8. After the portion of the Student Conduct Board hearing concludes, in which all pertinent information has been received, the Student Conduct Board shall determine (by majority of vote if the Student Conduct Board consists of more than one person) whether the accused student has violated each section of the Student Code of Conduct which the student is charged with violating.
  9. The Student Conduct Board's determination shall be made on the basis of whether it is more likely than not that the accused student violated the Student Code of Conduct.
  10. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Code proceedings.
- H. There shall be a single verbatim record, such as a tape recording, of all Student Conduct Board hearings before a Student Conduct Board (with the exception of violations solely of Housing Conduct found in Article III.II.AA which may not be recorded). Deliberations will not be recorded. The record will remain the property of the college.
- I. If an accused student, with notice, does not appear before a Student Conduct Board hearing, the information in support of the complaint shall be presented and considered even if the accused student is not present.
- J. The Student Conduct Board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witness during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the Designated College Official of Staff to be appropriate.

## II. Sanctions

- A. The following sanctions may be imposed upon any student found to have violated the Student Code of Conduct:
1. Warning  
A notice in writing to the student that the student is violating or has violated institutional regulations.
  2. Probation  
A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probationary period.
  3. Loss of Privileges  
Denial of specified privileges for a designated period of time.
  4. Fines  
Previously established and published fines may be imposed.
  5. Restitution  
Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
  6. Discretionary Sanctions  
Work assignments, essays, service to the college, or other related discretionary assignments or educational classes.
  7. Change of Grade/Course Status  
A lower or failing grade on an assignment, a request to repeat or resubmit an assignment, a request to withdraw from the course with the appropriate grade of W or F, a lower grade including a failing grade for the course.
  8. Residence Hall Suspension  
Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
  9. Residence Hall Expulsion  
Permanent separation of the student from the residence halls.
  10. 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.
  11. College Expulsion  
Permanent separation of the student from the college.
  12. Revocation of Admission and/or Degree  
Admission to or a degree awarded from the college may be revoked for fraud, misrepresentation, or other violation of college standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
  13. Withholding Degree  
Southwestern Michigan College may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code of Conduct, including the completion of all sanctions imposed, if any.
- B. More than one of the sanctions listed above may be imposed for any single violation.
- C. Other than college expulsion or revocation or withholding of a degree, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record. Upon graduation, the student's disciplinary record may be expunged of disciplinary actions other than residence hall expulsion, college suspension, college expulsion, or revocation or withholding of a degree, upon application to the Student Conduct Administrator. Cases involving the imposition of sanctions other than residence hall expulsion, college suspension, college expulsion or revocation or withholding of a degree may be expunged from the student's confidential record seven years after final disposition of the case. In situations involving both an accused student(s) (or group or organization) and a student(s) claiming to be the victim of another student's conduct, the records of the process and of the sanctions imposed, if any, shall be considered to be the educational records of both the accused student(s) and the student(s) claiming to be the victim because the educational career and chances of success in the academic community of each may be impacted.
- D. The following sanctions may be imposed upon groups or clubs:



1. Those sanctions listed in Article IV.II.A.1-6.
  2. Loss of selected rights and privileges for a specific period of time.
  3. Deactivation. Loss of all privileges, including college recognition for a specific period of time.
- E. In each case in which a Student Conduct Board determines that a student and/or group or organization has violated the Student Code of Conduct, the sanction(s) shall be determined and imposed by the Student Conduct Administrator. In cases in which persons other than, or in addition to, the Student Conduct Administrator have been authorized to serve as the Student Conduct Board, the recommendation of the Student Conduct Board shall be considered by the Student Conduct Administrator in determining and imposing sanctions. The Student Conduct Administrator is not limited to sanctions recommended by members of the Student Conduct Board. Following the Student Conduct Board hearing, the Student Conduct Board and the Student Conduct Administrator shall advise the accused student, group, and/or organization (and a complaining student who believes s/he was the victim of another student's conduct) in writing of its determination and of the sanction(s) imposed, if any.

### III. Interim Suspension

- A. In certain circumstances, the Designated College Official of Staff or a designee may impose a college or residence hall suspension prior to the Student Conduct Board Hearing.
- B. Interim suspension may be imposed only: a) to ensure the safety and well-being of members of the college community or preservation of college property; b) to ensure the student's own physical or emotional safety and well-being; or c) if the student poses an ongoing threat of disruption of or interference with the normal operations of the college.
- C. During the interim suspension, a student shall be denied access to the residence halls and/or to the campus (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the Designated College Official of Staff or the Student Conduct Administrator may determine to be appropriate.
- D. The interim suspension does not replace the regular process, which shall proceed on the normal schedule, up to and through a Student Conduct Board hearing, if required.
- E. An interim suspended student may appeal the suspension to the Designated College Official of Staff in writing via college email or through the Concerns reporting system. The request must be received within 5 days of the suspension order being imposed. Upon receipt of the appeal, the Designated College Official shall review the matter and after doing so may either rescind, modify or confirm the interim suspension. The suspension shall remain in place during the pendency of the appeal. The decision of the Designated College Official will be final.

### IV. No Contact Orders

- A. College administrators are authorized to issue a No Contact Order (NCO) prohibiting contact between individuals as an interim measure prior to a hearing or investigation or when they have information to believe that there exists a reasonable concern that physical or psychological harm may result from such contact.
- B. The college will consider all facts and circumstances that may be relevant to whether an NCO should be issued, including, but not limited to, the following factors:
  1. When there are allegations, threats, or evidence of physical violence, emotional abuse, or pervasive harassment by one student against another;
  2. When continued contact between students may have a material impact on campus disciplinary proceedings or campus communal living;
  3. When requested or agreed to in good faith by both students involved; and/or
  4. When there are allegations of serious college policy violations.
- C. Generally, but not in all circumstances, NCOs shall provide that neither student may have contact with the other or that they are "mutual" in nature.
- D. "Contact" includes, but is not necessarily limited to, in-person contact, telephone calls, email, texts, and other forms of electronic communication, social media-based messages or postings, and third-party communications including through proxies.
- E. NCOs may include additional protective measures or other terms specific to the safety, well-being, or other needs of either or both students subject to the NCO, when deemed necessary by the college. Any additional terms shall be expressly stated in the NCO. These protective measures or other terms need not be reciprocal. They may include, but are not limited to, the following:
  1. Restricting a student from being in close proximity to the other student.

2. Restricting a student's access to certain campus locations, including another student's residence hall/room or classroom.
  3. Restricting the times a student may be present in on-campus dining facilities.
  4. Requiring that the students not be enrolled in the same academic course(s).
  5. Requiring that the students not participate in the same co-curricular or extra-curricular activities.
- F. NCOs may be issued by the following administrators:
1. For matters pertaining to the Code of Student Conduct: the Designated College Official, Student Conduct Administrator or designee.
  2. For matters pertaining to the Sexual/Gender Based Misconduct Policy: the Title IX Coordinator, Deputy Coordinator or designee.
  3. For emergency situations involving personal safety: Any member of the president's Cabinet as well as the Director of Security and the Director of Campus Housing may issue temporary NCOs, which shall be confirmed, modified, or rescinded by the appropriate administrator once all relevant information is reviewed.
- G. Each NCO will remain in effect until the graduation or withdrawal of at least one of the parties, unless the NCO expressly provides otherwise or is modified or rescinded by the college.
- H. A student seeking the modification or rescission of an NCO shall so request the administrator who issued the NCO. The issuing administrator will review the initial information and may consult with each party before determining whether or not to modify or rescind the NCO. The decision of the administrator is final.
- I. Violations of NCOs are subject to discipline under the Student Code of Conduct or the retaliation provisions of the Sexual/Gender Based Misconduct Policy, as appropriate.
- J. Students who have interpersonal conflicts that do not raise concerns for individual health and safety will not be granted NCOs.

#### V. Appeals

- A. A decision reached by the Student Conduct Board or a sanction imposed by the Student Conduct Administrator (except solely Housing Conduct found in Article III.II.AA) may be appealed by the accused student(s) or complainant(s) to an Appeals Board within five (5) business days of the decision. Such appeals shall be in writing and shall be delivered to the Designated College Official.
- B. Decisions in regards to solely Housing Conduct (found in Article III.II.AA) may be appealed in writing within five (5) business days to the Designated College Official.
- C. Except as required to explain the basis of new information or for solely Housing Conduct cases, an appeal shall be limited to a review of the verbatim record of the Student Conduct Board hearing and supporting documents for one or more of the following purposes:
1. To determine whether the Student Conduct Board hearing was conducted fairly in light of the complaints and information presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and to present information that the Student Code of Conduct was violated, and giving the accused student a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
  2. To determine whether the sanctions imposed were appropriate for the violations of the Student Code of Conduct which the student was found to have committed.
  3. To consider new information, sufficient to alter a decision or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original Student Conduct Board hearing.
  4. To determine if there was bias on the part of the Student Conduct Board that significantly altered the findings. Perceived prejudice will not be grounds for appeal. There must be evidence of bias.
- D. If an appeal is upheld by the Appeals Board, the matter shall be returned to the Student Conduct Administrator for re-opening of a Student Conduct Board hearing to allow reconsideration of the original determination and/or sanction(s). All attempts will be made to assign a new Student Conduct Board in cases of bias. If an appeal is not upheld, the matter shall be considered final and binding upon all involved.

## **Article V: Interpretation and Revision**

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- I. Any question of interpretation or application of the Student Code of Conduct shall be referred to the Student Conduct Administrator for final determination.
- II. The Student Code of Conduct shall be reviewed yearly by the Student Conduct Administrator under the direction and with the approval of the Designated College Official.

## **Article VI: Administration of Records**

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Records of college judiciary activities as they pertain to the individuals shall be administered under the following guidelines:

- I. Disciplinary records shall be made available only to the following:
  - A. Employees of the college who have access to the student record as guided by FERPA.
  - B. Other educational institutions upon request.
  - C. Prospective employers upon request.
- II. The President of the college shall provide the Board of Trustees with an annual list of all violations resulting in suspension or expulsion.



## Acceptable Use Policy

The goal of participation in the Internet is to provide access for Southwestern Michigan College (henceforth, "SMC") students, alumni, faculty, staff and administration, which will facilitate far-reaching communication opportunities.

The intent of this policy is to comply with, and supplement, the stated purpose and acceptable use policies of any other networks utilized, the law of the State of Michigan and United States Copyright Laws. Acceptable use is not limited to this policy, as departments or divisions of the college may include additional stipulation.

This Acceptable Use Policy applies to all individuals (henceforth, "users" or "accounts") accessing equipment connected to the local/wide area network at SMC or on the Internet (henceforth, "the network"), both on-premises and remote connections through direct or dial-up means.

**Purpose** – Persons are granted access to the network to facilitate their studies, their instruction, the discharge of their duties as employees, their official business with the College, and other SMC-sanctioned activities. Additional opportunity exists for diversity awareness, personal and/or professional growth, and communication skills pertaining to 1) curriculum available through SMC instruction and consistent with student conduct policy, or 2) SMC Board of Trustees policy. The network shall aid in the development of mutual respect for the ideas and information of others.

**Method of Access** – The following applications may be used for accessing information: Electronic Mail (e-mail), Telnet, File Transfer Protocol (FTP), and Hyper Text Transport Protocol (HTTP). Additional or future methods may be added or approved by the college on a case by case basis.

**Electronic Mail** – Persons may send e-mail to any account on the network. Prior approval is not required. It is the user's responsibility to maintain the integrity of the college's private e-mail system. Users that have e-mail accounts must keep the account current by deleting or archiving old mail.

Maintenance of the e-mail system will be accomplished by technology support staff through the periodic purging of inactive or non-registered student accounts (dates will be announced). Any subscription to a mail list (or listserv) must be documented with the Computing Services Department at SMC.

**Accountability** – The only person allowed access to a particular account is the individual in whose name it was issued. Users are responsible for all activity in the account(s) assigned to them. Accounts may not be loaned or shared. Sharing of passwords, accessing someone else's account, or allowing someone else to access your account on SMC's computers (or on an external computer system) is considered a serious violation which will result in loss of privilege. Each user is responsible for all material sent and received under his/her e-mail account.

**Audit Trail** – SMC will log all user connections while working on the network. The type of connection will be identified and all file transfers while online will be recorded in this log. SMC reserves the right to examine with specific intent any resources associated with user accounts (including remote electronic monitoring of interactive sessions) at any time. All accounts remain the exclusive property of Southwestern Michigan College. If encryption is used in the storing or transmitting of information, a valid key pair must be available to the technology support staff of the Computing Services Department at SMC.

**Reporting Violations** – Any violations of computer or peripheral device usage, SMC local/wide networks or the Internet must be reported to an instructor, technology support staff, or an administrator. Each user has the responsibility to report any suspected violation of his/her own personal privacy to the administration.

**Consequence of Violations** – SMC reserves the right to discontinue account privileges to any user who violates the policies of SMC or its network provider. Repeated, or severe, infractions of the policies may result in termination of network privileges permanently. Infractions may result in appropriate disciplinary action in addition to suspension or termination of network privileges. Unauthorized use of the network, copyright violations, or intentional deletion or damage to files and data belonging to the college, other users, or outside agencies may be considered criminal and could result in involvement of governmental authorities. All other acceptable use of computing resources not specifically defined herein is governed by the SMC Board of Trustees.

## **Inappropriate Use**

1. *Users may not access, transfer, or possess pornographic material, inappropriate text files or files dangerous to the integrity of the network, or criminal in nature.*
2. *Users will not engage in anonymous communications or misrepresent themselves to others on the network.*
3. *Malicious use of the network to develop programs or methods that harass other users, including hate-related or discriminatory conduct, or infiltrate a computer or computing system and/or damage or remove the software components of a computer or computing system is prohibited.*
4. *Use of computers, peripherals, or the network to intentionally disrupt the usage, capacity, or performance or otherwise limit computing resources is prohibited.*
5. *Use of the network to intercept, read, translate, or modify transmissions from other network sources is prohibited.*
6. *Installation or execution of copyrighted software, freeware, or shareware that has not been legally acquired by SMC and provided by authorized technology support staff is prohibited. This includes peer-to-peer, demonstration or evaluation software and programs or games representing intellectual property.*
7. *Proliferation of unsolicited e-mail is prohibited. This includes chain letters and all forms of spam.*
8. *Any use of the network for commercial or for-profit purposes is prohibited.*