

# Lansing Community College

## STUDENT CODE OF CONDUCT

### PREAMBLE

Lansing Community College exists so that the people it serves have learning and enrichment opportunities to improve their quality of life and their standard of living. LCC supports a positive educational environment that will benefit student success. In order to ensure this vision, the College has established guidelines for the redress of grievances by individuals accused in such proceedings. In addition, the College has established this Student Code of Conduct and the Student General Rules and Guidelines to ensure the protection of student rights and the health and safety of the College community, as well as to support the efficient operation of College programs.

In cases of noncompliance with the Student Code of Conduct or the Student General Rules and Guidelines, the College will impose discipline that is consistent with the impact of the offense on the College community (See Article IV (B) below). The College reserves the right to pursue criminal and/or civil action where warranted. The Student General Rules and Guidelines and Student Code of Conduct shall apply from the time of admission to the college and continue as long as the student remains enrolled at the college. They shall also be applicable to a student's conduct even if the student withdraws from school while a disciplinary matter is pending.

If an individual has violated the Student Code of Conduct or the Student General Rules and Guidelines on college property while not enrolled as a student at the college, but then later seeks to enroll, he or she must first contact the Dean of Student Affairs (or his or her designee). The same Due Process procedures listed in Article IV below will be followed to determine an admission decision.

### ARTICLE I: DEFINITIONS

- A. The term "College" means Lansing Community College.
- B. The term "Student Code" refers to the College's Student Code of Conduct.
- C. The term "General Rules" refers to the Student General Rules and Guidelines.

D. The term "student" includes all persons currently admitted or enrolled (or upon the issuance of a student number) at the College, full-time or part-time. This code applies to all current students of LCC regardless of their geographical location.

E. 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 union.

F. The term "College official" includes any person employed by the College, performing assigned administrative or professional responsibilities.

G. The term "member of the College community" includes any person who is a student, faculty member, College official or staff member employed by the College, or any authorized non-employed personnel (such as externs). A person's status in a particular situation shall be determined by the Dean of Student Affairs (or his or her designee).

H. The term "College premises" includes all land, buildings, facilities, and other property in the possession of, owned, used, or controlled by the College (including adjacent streets and sidewalks).

I. The term "harassment" means conduct that is so severe, pervasive, and objectively offensive that it unreasonably interferes with a person's College employment, academic performance or participation in College programs or activities and creates a working, learning, program or activity environment that a reasonable person would find intimidating, hostile or offensive. The conduct does not have to be threatening and may include deliberate and persistent communication that disturbs the recipient.

J. The term "Judicial Board" means a group of persons authorized by the Dean of Student Affairs (or his or her designee) to consider whether a student has violated the Student Code or to review the sanction(s) imposed by the Dean of Student Affairs (or his or her designee) if requested by the accused.

K. The term "policy" means the written regulations of the College as found in, but not limited to, the Course Schedule, the College web site and/or other written regulations and procedures available within a department or division.

L. The term "cheating" includes, but is not limited to attempted or actual: (1) use of any unauthorized assistance in taking quizzes, tests, or examinations; (2) use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; (3) the

acquisition, without permission, of tests or other academic material belonging to a member of the College faculty or staff; (4) engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion for the purposes of academic credit; (5) allowing or participating in cheating by other students; or (6) other acts of dishonesty within the College but outside of the classroom.

M. 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 acknowledgment. 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.

N. The term "academic negligence" means unknowingly or unintentionally claiming credit for the work or effort of another person, or unknowingly or unintentionally gaining (or causing another to gain) an unfair academic advantage.

O. The term "complainant" means any person who submits a report alleging that a student violated this Student Code or the General Rules. 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 as are provided to the complainant, even if another member of the College community submitted the charge itself. Complainants will receive updates regarding the status of the complaint.

P. The term "accused student" means any student accused of violating this Student Code or General Rules, or any other rule or policy of the College.

Q. "Incapacitation" means the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, without limitation, sleep, blackouts, and flashbacks. Where alcohol (or other drug) is involved, one does not have to be intoxicated or drunk to be considered incapacitated. Rather, incapacitation is determined by how the drug or alcohol consumed impacts a person's decision-making capacity, awareness of consequences, and ability to make informed judgments.

R. "Effective Consent" means words or actions that show a knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Effective consent cannot be gained by force, by ignoring or acting in spite of the objectives of another, or by taking advantage of the incapacitation of another, where the accused student knows or reasonably should have known of such incapacitation. Effective consent is also absent when the activity in question exceeds the scope of effective consent previously given.

S. "Force" means physical force, violence, threat, intimidation or coercion.

T. "Non-Consensual Sexual Contact" means sexual contact that occurs without effective consent.

U. "Non-Consensual Sexual Intercourse" means sexual intercourse that occurs without effective consent.

V. "Sexual Contact" means the deliberate touching of a person's intimate parts (including genitalia, groin, breasts or buttocks, or clothing covering any of those areas), or using force to cause a person to touch his or her own or another person's intimate parts.

W. "Sexual Exploitation" means taking sexual advantage of another person without effective consent, and includes, without limitation, causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such other person; causing the prostitution of another person; recording, photographing - or transmitting identifiable images of private sexual activity and/or the intimate parts (including genitalia, groin, breasts or buttocks) of another person; allowing third parties to observe private sexual acts; engaging in voyeurism; and/or knowingly or recklessly exposing another person to a significant risk of sexually transmitted infection, including, but not limited to, HIV.

X. "Sexual Harassment" means unwelcome conduct, based on sex or on gender stereotypes, which is so severe or pervasive that it unreasonably interferes with a person's College employment, academic performance or participation in College programs or activities and creates a working, learning, program or activity environment that a reasonable person would find intimidating, hostile or offensive. Sexual harassment may include, for example, unwelcome sexual advances, requests for sexual favors, and acts of sexual violence.

Y. "Sexual Intercourse" means penetration (anal, oral or vaginal) by a penis, tongue, finger, or an inanimate object.

## ARTICLE II: STUDENT CODE AUTHORITY

A. The Dean of Student Affairs (or his or her designee) shall determine whether or not the Judicial Board shall be authorized to hear each matter.

B. The Dean of Student Affairs (or his or her designee) shall develop policies for the administration of the Code of Conduct process and procedural rules for the conduct of Judicial Board hearings that are not inconsistent with provisions of the Student Code and the General Rules.

C. Decisions made by the Judicial Board and/or the Dean of Student Affairs (or his or her designee) shall be final, pending the normal appeal process.

## ARTICLE III: PROSCRIBED CONDUCT

### Jurisdiction of the College Student Code of Conduct

The College Student Code 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 shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending. The Dean of Student Affairs (or his or her designee) shall decide whether the Student Code shall be applied to conduct occurring off campus, on a case by case basis, in his/her sole discretion.

The Student Code applies at all locations of the College, including, but not limited to, the East, West, Livingston and St. John's Learning Centers. This code also applies to all current students of LCC regardless of their geographical location.

### *Conduct - Rules and Regulations*

Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions outlined in Article IV:

1. **Acts of dishonesty**, including but not limited to the following:

- a. Cheating (as defined in Article I (L)), plagiarism (as defined in Article I(M)), academic negligence (as defined in Article I (N)) and any other forms of academic dishonesty.

- b. Misrepresentation of facts or furnishing false information to any College official, faculty member, staff or office.
- c. Forgery, alteration, or misuse of any College document, record, or instrument of identification.
- d. Perceived, attempted or actual Financial Aid fraud or corresponding behaviors that would allow a student to receive a monetary benefit for which they are not eligible.

2. **Disruption or obstruction** of teaching, research, administration, disciplinary proceedings, other College activities, including its public service functions on or off campus, or of other authorized non-College activities when the conduct occurs on College premises.

3. **Physical abuse or assaults, threats of physical harm or threatening behavior that would cause fear in a reasonable person**, intimidation, harassment, coercion, bullying, and/or other conduct which threatens or endangers the health or safety of any person (including, but not limited to, messages sent via text messages, emails, on social media networks, or any electronic format including phone, etc).

This provision also includes, but is not limited to: unlawful discrimination or related harassment on the basis of race, color, age, religion, national origin, creed, ancestry, familial status, disability, marital status, height, weight, or veteran's status.

Retaliation against any person making a complaint of discrimination or related harassment or against any person cooperating in the investigation of (including testifying as a witness) any allegation of discrimination or related harassment. For these purposes, "retaliation" includes, but is not limited to, intimidation, threats, harassment, and other adverse action threatened or taken against any such complainant or third party.

4. **Sexual misconduct**, which includes the following:

- a. Sexual Exploitation (as defined in Article I(W))
- b. Sexual Harassment (as defined in Article I(X))
- c. Non-Consensual Sexual Contact (as defined in Article I(V))
- d. Non-Consensual Sexual Intercourse (as defined in Article I(U))
- e. Retaliation against any person making a complaint of sexual misconduct or against any person cooperating in the investigation of (including testifying as a witness) of any allegation of Sexual Misconduct. For these purposes, "retaliation" includes, but is not limited to, intimidation, threats,

harassment, and other adverse action threatened or taken against any such complainant or third party.

- *For charges based on Article III(B)(4)(a-e), the College will follow the current [Student Sexual Misconduct "Complaint Process"](https://www.lcc.edu/consumer-information/documents/student-sexual-misconduct-procedures.pdf), which can be found at:<https://www.lcc.edu/consumer-information/documents/student-sexual-misconduct-procedures.pdf>*

5. **Attempted or actual theft** of and/or damage to property of the College or property of a member of the College community or other personal or public property, on or off campus.

6. **Hazing** which is defined as an 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 organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are still violations of this rule.

7. **Failure to comply** with the directions of College officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.

8. **Unauthorized possession, duplication or the use of keys** to any College premises or unauthorized entry to or use of College premises.

9. **Violation of any College policy, rule, or regulation** published in hard copy, included in a course syllabus or available electronically on the College website.

10. **Accusation of any commission** of any federal, state or local law.

11. **Use, possession, manufacturing, distribution, or being under the influence of marijuana, heroin, narcotics, or other controlled substances except as expressly permitted by federal law.** Possession of drug paraphernalia is also prohibited on campus.

12. **Use, possession, manufacturing, distribution, or being under the influence of alcoholic beverages** (except as expressly permitted by College regulations), or public intoxication. Alcoholic beverages may not, in any circumstance, be used by, possessed by or distributed to any person under twenty-one (21) years of age.

13. Possession of firearms (even as permitted by law), tasers, stun guns, explosives, weapons, or dangerous chemicals on College premises, and/or use of any such item in a manner that harms, threatens or causes fear to others. The definition of a weapon includes but is not limited to a pistol or other firearm or dagger, dirk, razor, stiletto, or knife (regardless of length or size), or any other dangerous or deadly weapon or instrument.

College premises covered by this policy includes, without limitation, all College owned or leased buildings and surrounding areas such as sidewalks, driveways and parking lots under the College's ownership or control. College vehicles are covered by this policy at all times regardless of whether they are on College premises. (See Article I(H))

14. Participating in an on-campus or off-campus demonstration, riot or activity that disrupts the normal operations of the College and/or infringes on the rights of other members of the College community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.

15. Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College sponsored or supervised functions.

16. Conduct that is disorderly; 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 includes but is not limited to: the use of any device to capture audio, video or digital record or photograph of any person while on College premises or College events where there is a reasonable expectation of privacy (i.e. restrooms, locker rooms, etc.).

17. Theft or other abuse of computer facilities and resources, including but not limited to:

- a. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
- b. Unauthorized transfer of a file.
- c. Use of another individual's identification and/or password.
- d. Use of computing facilities and resources to interfere with the work of another student, faculty member or College Official.
- e. Use of computing facilities and resources to send obscene or abusive messages.



- f. Use of computing facilities and resources to interfere with normal operation of the College computing system.
- g. Use of computing facilities and resources in violation of copyright laws.
- h. Any violation of the LCC Acceptable Use Policy.

18. Abuse of the Student Code process, including but not limited to:

- a. Falsification, distortion, or misrepresentation of information before the Judicial Board.
- b. Disruption or interference with the orderly conduct of a Judicial Board proceeding.
- c. Attempting to discourage an individual's proper participation in, or use of, the Student Code process.
- d. Attempting to influence the impartiality of a member of a Judicial Board member prior to, and/or during the course of, the Judicial Board hearing.
- e. Harassment (verbal or physical) and/or intimidation of a member of a Judicial Board prior to, during, and/or after a Judicial Board hearing.
- f. Failure to comply with the sanction(s) imposed under the Student Code of Conduct.
- g. Influencing or attempting to influence another person to commit an abuse of the Student Code process.

19. Students are required to engage in responsible social conduct that reflects credit upon the College community and to model good citizenship in any community.

*Violation of Law and College Discipline*

1. College disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Student Code (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 may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Dean of Student Affairs (or his or her designee). 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 the College's Code were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

2. 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, the College may advise off-campus authorities of the existence of the Student Code and of how such matters are typically handled within the College community. The College will attempt to 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.

## ARTICLE IV: STUDENT CONDUCT PROCESS (DUE PROCESS)

### Charges and Judicial Board Hearings

1. Any member of the College community may file a report against a student for alleged violations of the Student Code or General Rules. An allegation of a Student Code or General Rules violation must be directed to the Dean of Student Affairs (or his or her designee). Any report of a violation of the Student Code or General Rules should be submitted as soon as possible after the event takes place, preferably within a week.
2. The Dean of Student Affairs (or his or her designee) will conduct an impartial and reliable preliminary investigation of all allegations to determine if the allegations have merit and/or if they can be disposed of administratively. Such disposition shall be final and there shall be no subsequent proceedings.
3. If it is determined that the allegation has merit, the accused student will receive written notification that an alleged violation has occurred. In the notification, the student will be directed to make an appointment with the Dean of Student Affairs (or his/her designee) to review the facts concerning the alleged violation in order to determine if formal charges should be prepared.
4. During this meeting, the accused student meets one on one with the Dean of Student Affairs (or his or her designee). Representatives or parents will only be allowed in this meeting at the discretion of the Dean of Student Affairs (or his or her designee) when appropriate. In addition, a FERPA release must be signed.

5. If the accused student is unable to, or does not wish to meet with the Dean of Student Affairs (or his or her designee) in person, the student may submit a statement in writing (via their LCC email account or in person) responding to the allegations, within the notification period.

Other arrangements may be made to facilitate the meeting such as video or teleconference when a face to face meeting may be difficult for the student and at the sole discretion of the Dean of Student Affairs (or his or her designee). In situations where a meeting other than a face to face meeting will be held, the student must provide a copy of their identification to the divisional office before the meeting occurs. However, a face to face meeting is the preferred option.

6. After reviewing the facts with the accused student, or after reviewing the accused student's statement, a decision will be made whether to formally charge the accused student with a violation of the Student Code of Conduct. Based on the facts and circumstances presented, the charges may be amended or changed, and the student will be made aware of those changes immediately.

7. In the event that the student fails to contact the Dean of Student Affairs (or his/her designee) within five (5) working days of the date listed on the written notification (excluding Saturday and Sunday), a hold may be placed on the student's record which may result in the student's enrollment being delayed. The Dean of Student Affairs (or his/her designee) will then review the facts available without the student and make a decision whether to prepare formal charges.

8. If a decision is made to prepare formal charges, the accused student shall be notified by the Dean of Student Affairs (or his/her designee) that he or she is being accused of violating the Code and that he or she may elect to do one of the following:

- a. The accused student may admit the alleged violation and request, in writing, that the Dean of Student Affairs (or his or her designee) take whatever action seems necessary; or
- b. The accused student may admit the alleged violation and request a hearing before the Judicial Board regarding the sanction; or
- c. The accused student may deny the alleged violation, in which case the Dean of Student Affairs (or his or her designee) shall refer him or her to the Judicial Board.

9. In the event that the accused student does not make an election of one of the three options available within ten (10) working days from the date of the letter, the Dean of Student Affairs (or his or her designee) will take whatever actions seem necessary, including the imposition of appropriate sanctions.

10. If the accused student elects to admit the alleged violation and request a hearing before the Judicial Board to determine the sanction or if the student denies the allegation, a Judicial Board hearing will be scheduled as soon as practicable.

11. If the complainant requests an alternate form of resolution, and the accused student agrees, then the parties will engage in informal mediation. If the informal resolution results in mutual satisfaction of both parties, then the case will be considered adjudicated. If the case is not adjudicated, then it may be forwarded to the Judicial Board for a hearing.

Alternate resolution is not available for cases involving discrimination and/or sexual misconduct/sexual harassment [Article III(B)(3) and III(B)(4)(a-e)] unless the complainant or victim requests it.

12. Prior to a Judicial Board hearing, the accused student shall be entitled to the following:

- a. A written statement of a decision rendered and/or charges so that the accused student may prepare his or her defense;
- b. Written notification of how the alleged violation came to the College's attention.
- c. The student shall be entitled to an expeditious hearing of his or her case.

13. Members of the Judicial Board shall be appointed by the Dean of Student Affairs (or his or her designee) and shall be comprised of the following:

- a. The Dean of Student Affairs (or his or her designee) will serve as the Chairperson or will appoint a Chairperson to preside over Judicial Board Hearings. However, when the Judicial Board is hearing an appeal based on a disciplinary decision of the Dean of Student Affairs (or his or her designee), the Dean of Student Affairs (or his or her designee) will relinquish the Chair and another Chairperson will be appointed. The Chair conducts the hearing but does not participate in the deliberation.
- b. One College administrator; and
- c. Two current students from the student body; and

- d. Two faculty members

14. Judicial Board hearings shall be conducted by the Judicial Board according to the following guidelines except as provided by article IV(A)(7) below:

- a. The Judicial Board hearing will be scheduled at the convenience of the sitting Board members, however, all efforts will be made to schedule the hearing within 3 weeks.
- b. The parties will provide the Board Chair with a list of witnesses they propose to call, and copies of documents and a description of any other information they propose to present at the hearing, on or before a date set by the Chair. The Chair will then provide each party with a copy of the list of Board members, witnesses, and identification of copies of documents or other information submitted by each party not later than 3 days before the scheduled hearing date.

In the absence of good cause, as determined by the Chair in his or her sole discretion, the parties may not introduce witnesses, documents, or other information at the hearing that were not provided to the Chair by this deadline. The parties are also responsible for the attendance of their witnesses at the hearing.

- c. All Judicial Board hearings shall be conducted in private. In cases involving sexual misconduct/sexual harassment [Article III(B)(4)(a-d)], LCC will keep the complaint and investigation confidential to the extent possible or as required by law.
- d. The complainant and the accused student have the right to be assisted by one advisor or parent they choose, and at their own expense (if applicable). The advisor may not be an attorney, unless the case involves a concurrent criminal matter and with the Chair's approval. The complainant and/or the accused student is responsible for presenting his or her own information, and therefore, advisors are not permitted to speak or to participate directly in any Judicial Board hearing. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the Judicial Board hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor.
- e. The complainant, accused student and their advisors, if any, shall be allowed to attend the entire portion of the Hearing Phase (excluding deliberations). The complainant or the accused student who does not wish to attend the hearing phase in person may submit a written statement for the

Board to consider during deliberations. Admission of any other person to the Judicial Board hearing shall be at the sole discretion of the Chair (or his or her designee).

- f. In Judicial Board hearings involving more than one accused student, the Chair (or his or her designee), in his or her sole discretion, may permit the Judicial Board hearings concerning each student to be conducted either separately or jointly.
- g. Witnesses will provide information to and answer questions from the Judicial Board. The tone of the hearing should be educational and not adversarial. Questions of whether potential information will be received shall be resolved in the sole discretion of the Chairperson of the Judicial Board.
- h. Pertinent records, exhibits, and written statements (including Student Impact Statements) may be accepted as information for consideration by a Judicial Board at the sole discretion of the Chairperson.
- i. All procedural questions are subject to the final decision of the Chairperson of the Judicial Board.
- j. Requests for a continuance shall be at the discretion of the Chairperson of the Judicial Board.
- k. After the portion of the Judicial Board hearing concludes in which all pertinent information has been received, the Judicial Board shall determine (by majority vote) whether the accused student has violated each section of the Student Code which the student is charged with violating. However, the Board may also suggest a different charge to the Chairperson if they believe the facts support charge(s) different than the charge(s) the student was originally charged with. The Judicial Board will also recommend an appropriate sanction to the Chairperson.
- l. The Judicial Board's determination shall be made on the basis of whether "more likely than not" the accused student violated the Student Code or General Rules.
- m. Formal rules of process, procedure, and/or technical rules of evidence, such as those that are applied in criminal or civil court, are not used and do not apply in Student Code of Conduct proceedings/hearings.
- n. If a disruption occurs during the hearing, the Chairperson, in his or her sole discretion may have the disruptive party removed from the hearing.

15. There shall be a single verbatim record, such as a digital recording, of all Judicial Board hearings before a Judicial Board. Deliberations shall not be recorded. The record shall be the property of the College. This recording will be maintained only until the appeal process has concluded (if applicable) or until the time of appeal has lapsed. For the purposes of FERPA, the recording is considered an

educational record and cannot be released unless a release is signed by all students with identifiable information contained in the recording. The recording may be requested under FOIA if the hearing only involved one student without any witnesses, and the student is the individual requesting the recording.

16. If an accused student or complainant, with notice, elects not to appear or provide a written statement (in lieu of appearance) before a Judicial Board hearing, the student shall be considered to have waived the right to appeal, and the decision at the prior level stands. If the Judicial Board is the initial decision maker, the information in support of the charges shall be presented and considered by the Judicial Board even if the accused student or the complainant is not present.

17. The Chairperson 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 Dean of Student Affairs (or his or her designee) to be appropriate.

18. Once the Judicial Board has made a decision as to whether more likely than not the accused student violated the Student Code of Conduct, the Judicial Board will make recommendations to the Chairperson regarding an appropriate sanction.

If an accused student has requested that the Judicial Board decide his or her sanction (under Article IV(A)(5)(b)), then the Judicial Board shall make the final determination regarding sanction.

19. After receiving the recommendations of the Board, the Chairperson will decide the most appropriate sanction proportionate to the violation.

20. Due Process procedures apply to complaints of unlawful discrimination or related harassment on the basis of race, color, age, religion, national origin, creed, ancestry, familial status, disability, marital status, height, weight, sexual orientation, veteran's status, or sexual discrimination including sexual misconduct and sexual harassment raised by employees, students, or third parties against any currently enrolled LCC students in accordance with Title IX of the Higher Education Amendments of 1972, 20 USC 1681 *et seq.*

21. All complainants will receive information regarding the notification of alleged violations to the accused students, as well as the outcome and final decision of the case. Sexual discrimination (offenses listed under Article III(B)(4)(a-e)) victims will receive a copy of the actual notification and sanction letter sent to the accused students.

## Sanctions

1. In cases of noncompliance with the Student General Rules or a violation of the Student Code of Conduct, the College will impose discipline that is consistent with the impact of the offense on the College community. Progressive discipline principles will be followed in that the student's prior discipline history at the College will be taken into account. Disciplinary action taken against a student may include, but is not limited to, one or more of the following:

- a. Written Warning-A notice in writing to the student that the student is violating or has violated institutional regulations and a copy of the warning letter is placed in the student's disciplinary file.
- b. 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.
- c. Loss of Privileges - Denial of specified privileges for a designated period of time.
- d. Restitution - Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- e. Discretionary Sanctions - Work assignments, essays, service to the College, community service, or other related discretionary assignments.
- f. College no contact orders - between the accused student and the complainant (when appropriate).
- g. College Suspension - Separation of the student from the College for a definite period of time (usually a year or less) after which the student is eligible to return. Conditions for readmission may be specified. Suspensions may be effective immediately or deferred.
- h. College Dismissal - separation of the student from the College for a year or more. The student may be eligible for return. Conditions for readmission may be specified. Dismissals will be effective immediately.



- i. College Expulsion - separation of the student from the College permanently. Expulsions will be effective immediately.
- j. 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.

2. Withholding Degree or Certificate - The 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.

3. More than one of the sanctions listed above may be imposed for any single violation.

4. The following sanctions may be imposed upon groups or organizations:

- a. Those sanctions listed above in article IV(B)(1)(a-k).
- b. Loss of selected rights and privileges for a specified period of time.
- c. Deactivation. (Loss of all privileges may be issued, including College recognition, for a specified period of time.)

5. Once the Judicial Board has determined that a student and/or group or organization has violated the Student Code or General Rules, the sanction(s) shall be recommended by the Judicial Board to the Chair. The Chairperson shall make a final determination of the sanction to be imposed, taking into consideration the Judicial Board's recommendations.

6. Following the Judicial Board hearing, the Judicial Board and the Chairperson shall advise the accused student, group and/or organization in writing of the decision and of the sanction(s) imposed, if any.

#### A. Interim Suspension

In certain circumstances, the Dean of Student Affairs (or his or her designee), may impose a College suspension prior to a Judicial Board hearing.

1. Interim suspension may be imposed only in the following circumstances:

- a. to ensure the safety and well-being of members of the College community or preservation of College property; or

- 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.

2. Interim suspension will take effect immediately upon the direction of the Dean of Student Affairs (or his or her designee) and last for no more than ten (10) working days (Saturdays and Sundays are not included). The 10-day period may be extended for good cause by the Dean of Student Affairs (or his or her designee) or by agreement with the student.

3. During the interim suspension, a student shall be denied access to the campus (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the Dean of Student Affairs (or his or her designee) may determine to be appropriate.

4. The interim suspension does not replace the regular process, which shall proceed on the normal schedule, up to and including the completion of the Judicial Board hearing, if required.

#### B. Appeals

1. A decision reached by the Dean of Student Affairs (or his or her designee) may be appealed by either the accused student(s) or the complainant to the Judicial Board within ten (10) working days, excluding Saturday and Sunday, of the decision. Such appeals shall be in writing and shall be delivered to the Office of Student Compliance in GB 1210.

2. A decision reached by the Judicial Board may be appealed either by the accused student(s) or the complainant to the Provost (or his or her designee) within ten (10) working days of the decision. Such appeals shall be in writing and shall be delivered to the Dean of the Student Affairs Division (or his or her designee) in GB 1210.

3. The Provost (or his or her designee) shall have the sole authority to determine whether or not an appeal warrants further review. An appeal that has been accepted for review shall be limited to review of the verbatim record of the Judicial Board hearing and supporting documents for one (or more) of the following reasons only:

- a. A material deviation from written procedures that jeopardized the fairness of the process.

- b. New information, that was unavailable at the time of the hearing, would have resulted in a different outcome.
- c. A demonstrable bias by a member(s) of the Hearing Board.
- d. A sanction that is (substantially) disproportionate to the severity of the violation.

4. If an appeal is based on Article IV(D)(3)(a) & (b) (as listed above) and is approved by the Provost (or his or her designee), the matter shall be returned to a new Judicial Board and Chairperson for a rehearing, which will take into consideration the suggestions made by the Provost (or his or her designee) in addition to the facts that were originally presented.

If an appeal is based on Article IV(D)(3)(c) and is approved by the Provost (or his or her designee), the matter will be returned to a different Judicial Board for a new hearing.

If an appeal is based on Article IV(D)(3)(d) and is approved by the Provost (or his or her designee), the matter will be returned to a new Judicial Board to determine sanction only.

The decision of the new Judicial Board, after it has rendered its decision in any of these cases, shall be final and binding upon all involved.

5. If an appeal is not approved by the Provost (or his or her designee), the matter shall be considered final and binding upon all involved.

## ARTICLE V: INTERPRETATION AND REVISION

A. Any question of interpretation or application of the Student Code or General Rules shall be referred to the Dean of Student Affairs (or his or her designee) for final determination.

B. The Student Code and General Rules and Guidelines shall be reviewed every year under the direction of the Dean of Student Affairs (or his or her designee).

Lansing Community College is committed to providing equal employment opportunities and equal education for all persons regardless of race, color, sex, age, religion, national origin, creed, ancestry, height, weight, sexual orientation, gender identity, gender expression, disability, familial status, marital status, military status, veteran's status, or other status as protected by law, or genetic information that is unrelated to the person's ability to perform the duties of a particular job or position or that is unrelated to the person's ability to participate in educational programs, courses, services or activities offered by the college.

The following individuals have been designated to handle inquiries regarding the nondiscrimination policies: Equal Opportunity Officer, Washington Court Place, 309 N.

Washington Square Lansing, MI 48933, 517-483-1730; Employee Coordinator 504/ADA, Administration Building, 610 N. Capitol Ave. Lansing, MI 48933, 517-483-1875; Student Coordinator 504/ADA, Gannon Building, 411 N. Grand Ave. Lansing, MI 48933, 517-483-1885; Lori Willett, Human Resource Manager/Title IX Coordinator, Administration Building, 610 N. Capitol Ave. Lansing, MI 48933, 517-483-1870; Christine Thompson, Student Title IX Coordinator, Gannon Building, 411 N. Grand Ave. Lansing, MI 48933, 517-483-1261.

*Revised: 2/21/2019*