

Lansing Community College

STUDENT CODE OF CONDUCT

PREAMBLE

Lansing Community College (LCC) supports a positive learning environment that provides opportunities for student success. The College recognizes the value and importance of a safe and orderly learning environment that encourages honesty, integrity, and ethical conduct. The Student Code of Conduct and General Rules and Guidelines ensure the protection of student rights and the health and safety of the College community, as well as to aid in the efficient operation of College programs, activities, and services. It is the responsibility of the student to be familiar with, and abide by, the Student Code of Conduct and General Rules and Guidelines. In addition, the College has established procedures for addressing reports of alleged violations.

In cases of noncompliance with the Student Code of Conduct or 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, Sanctions section below). The College reserves the right to pursue criminal and/or civil action where warranted. The Student Code of Conduct and General Rules and Guidelines 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 General Rules and Guidelines on college property (including buildings, grounds, structures and real estate, and vehicles that are owned, rented, leased or otherwise utilized by or under the control of LCC) while not enrolled as a student at the college, but then later seeks to enroll, they must first contact the Dean of Student Affairs (or their 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

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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 their designee).
- H. The term "College property" includes buildings, grounds, structures and real estate, and vehicles that are owned, rented, leased or otherwise utilized by or under the control of LCC (including adjacent streets and sidewalks).
- I. The term "harassment" means conduct that is unwelcome verbal, non-verbal, written, electronic, online, and/or physical conduct that 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.. 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 their 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 their designee) if requested by the respondent.
- K. The term "policy" means the written regulations of the College as found in, but not limited to, the Course Schedule, the College Catalog, 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

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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 the Student Code or General Rules or a student who believes they are a victim of another student's misconduct. Complainants will receive updates regarding the status of the complaint.
- P. The term "respondent" or "responding student" means any student accused of violating this Student Code or General Rules, or any other rule or policy of the College.
- Q. "Incapacitation" is when an individual does not have the capacity to give consent due to age, mental or physical condition, or disability that impairs the individual's ability to understand and give consent. A person does not have the capacity to give consent if their judgment or awareness is impaired due to consumption of alcohol, drugs, or inhalants (voluntarily or involuntarily), or being in a state of unconsciousness, sleep, or another state in which the person does not have awareness. Signs of incapacitation include when an individual demonstrates that they are unaware of where they are, how they got there, or why or how they became engaged in an interaction. Some indicators of a lack of capacity to give consent due to consumption of alcohol, drugs, or inhalants may include, but are not limited to: Lack of full control over physical movements (for example, difficulty walking or standing without stumbling or assistance); Lack of awareness of circumstances or surroundings (for example, lack of awareness of where one is, how one got there, who one is with, or how or why one became engaged in sexual interaction); Inability to effectively communicate for any reason (for example, slurring speech, difficulty finding words, etc.).

If a person appears to be giving consent but may not have the capacity to do so, the apparent consent

is not effective. If there is any doubt as to a person's capacity to give consent, it should be assumed that the person does not have the capacity to give consent. Being intoxicated or impaired by drugs or alcohol does not excuse one from the responsibility to obtain consent.

R. "Consent" is the cornerstone of respectful, responsible, and healthy relationships. Conduct that is welcome and occurs with the consent of everyone involved does not constitute sexual harassment. It is important to understand the difference between conduct or comments that are welcome and those that are merely tolerated. Conduct or comments are considered welcome if they are received with pleasure or gladness by everyone involved. If two people are engaged in consensual conduct in private, that conduct is welcome to them.

In contrast, conduct or comments may be accepted or endured without objection, but still, be unwelcome. They are merely tolerated. People frequently tolerate unlawful harassment silently, or with only weak protests, because they are afraid of losing their job or they just want to "fit in" or "get along," etc. A person's decision to tolerate abusive or harassing comments or conduct does not make them welcome. The only way to be certain that comments or conduct are welcome is to obtain a person's consent to the comments or conduct.

Consent is the most critical element in any healthy and responsible intimate or sexual relationship.

Consent is present when clearly understandable words or actions manifest a knowing, active, voluntary, and present and ongoing agreement to engage in specific sexual or intimate conduct.

Consent must be all of the following:

- a. *Knowing*: Consent must demonstrate that the individuals involved understand, are aware of, and agree to everything about the "who" (partners), "what" (acts), "where" (location), "when" (time), and "how" (conditions) of the sexual activity.
- b. *Active*: Consent must take the form of "clearly understandable words or actions" that reveal one's expectations and agreement to engage in specific sexual activity. This means that silence, passivity, submission, or the lack of verbal or physical resistance (including the lack of a "no") should not, in and of themselves, be understood as consent. Consent cannot be inferred by an individual's manner of dress, the giving or acceptance of gifts, the extension or acceptance of an invitation to go to a private room or location, or going on a date.
- c. *Voluntary*: Consent must be freely given and cannot be the result of external pressures such as force (violence, physical restraint, or the presence of a weapon), threats (indications of intent to harm, whether direct or indirect), intimidation (extortion, menacing behavior, bullying), coercion (undue pressure, hazing) or fraud (misrepresentation or material omission about

oneself or the present situation in order to gain permission for sexual or intimate activity).

- d. *Present and ongoing*: Consent must exist at the time of the sexual activity. Consent to previous sexual activity does not imply consent to later sexual acts; similarly, consent to one type of sexual activity does not imply consent to other sexual acts. Consent may also be withdrawn at any time, provided the person withdrawing consent makes that known in clearly understandable words or actions.

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

T. "Sexual assault" is any non-consensual sexual contact, including but not limited to non-consensual sexual penetration.

"Non-Consensual Sexual Contact" e.g., fondling) is any intentional sexual touching, however slight, by any person upon another person that is without consent and/or accomplished by force or threat of force. Sexual contact includes (1) intentional contact with a person's breast, buttock, groin, or genitals, or (2) touching another with any of these body parts or with any object, or (3) making another touch you or themselves with or on any of these body parts, or (4) any other intentional bodily contact in a sexual manner.

U. "Sexual assault" is any non-consensual sexual contact, including but not limited to non-consensual sexual penetration.

"Non-Consensual Sexual Penetration" e.g., rape) is any sexual penetration, however slight, by a person upon another person that is without consent and/or accomplished by force or threat of force. This includes vaginal or anal penetration, no matter how slight, by any body part or object; or oral copulation (mouth to genital contact), no matter how slight the penetration or contact.

V. "Dating or domestic violence" includes all violent criminal offenses (e.g., physical violence, interfering with personal liberty, etc.) as well as intimidation, harassment, physical abuse, or sexual abuse when it is caused by someone in an intimate relationship with another person. Examples of such actions include physical abuse (hitting, slapping, shoving, grabbing, biting, hair pulling, etc.); sexual abuse (marital rape, treating one in a sexually demeaning manner, coercing or attempting to coerce sexual contact without consent, etc.); and psychological or emotional abuse (name-calling, persistently undermining an individual's sense of self-worth or self-esteem, intentionally damaging one's relationships with others, etc.).

"Dating violence" is committed by a person who has been in a dating relationship or a social relationship of a romantic or intimate nature with another person. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction.

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“Domestic violence” is committed by a person who is the complainant’s current or former spouse, current or former domestic partner, current or former cohabitant, a person with whom the complainant shares a child in common, or a person similarly situated under domestic or family violence law.

W. "Sexual Exploitation" occurs when one person takes non-consensual or abusive sexual advantage of another for the advantage or benefit of oneself or a third party. This includes, but is not limited to, the following actions (including when they are done by electronic means, methods, or devices):

- Invasion of sexual privacy (e.g., engaging in sexual voyeurism or permitting others to witness or observe the nudity or sexual or intimate activity of another person) without that person’s consent;
- Indecent or lewd exposure or inducing others to expose themselves when consent is not present;
- Recording any person’s nudity or sexual or intimate activity in a private space without that person’s consent;
- Sharing or distributing sexual information, or images or recordings of a person’s nudity or sexual activity, without that person’s consent;
- Recruiting, harboring, transporting, providing, or obtaining another person for the purpose of sexual exploitation, such as prostitution;
- Knowingly exposing someone to or transmitting HIB or an STI/STD to another person;
- Inducing incapacitation in another person with the intent to engage in sexual conduct, regardless of whether prohibited sexual conduct actually occurs.

X. "Sexual Harassment" is unwelcome, sexual, sex-based, and/or gender-based verbal, non-verbal, written, electronic, online, and/or physical conduct that 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, acts of sexual violence, physical contact of a sexual nature, or verbal or non-verbal conduct of a sexual nature.

A hostile work/educational environment is created when sexual harassment is sufficiently severe, persistent, or pervasive, and objectively offensive that it unreasonably interferes with, denies, or limits someone’s ability to participate in or benefit from the College’s educational or employment programs or activities.

Quid Pro Quo Harassment is (1) unwelcome sexual advances, (2) requests for sexual favors, and (3) other verbal or physical conduct of a sexual nature by a person having power or authority over another when submission to such sexual conduct is made either explicitly or implicitly a term or condition of (a) employment or educational opportunities, or (b) receiving the benefits of any educational or employment program or activity, or (c) rating or evaluating an individual's education or employment progress, development, or performance.

Y. "Stalking" means a course of harassment directed at a specific person that would cause a reasonable person to feel frightened, intimidated, threatened, harassed, or molested, or to fear for her, his, their, or others' safety, or to suffer substantial emotional distress. Conduct that can amount to stalking may include any combination of actions directed at another person, whether done directly, indirectly, through others, via devices, or by any other methods or means (specifically including electronic means), including but not limited to:

Following, appearing within sight of, or confronting a person;

Being or remaining in close proximity to a person;

Appearing at a person's residence or place of employment;

Monitoring, observing, or conducting surveillance of a person;

Threatening (directly or indirectly) a person;

Communicating with a person by telephone, mail, or electronic communications;

Placing an object on or delivering an object to a place owned, leased, or occupied by a person;

Interfering with or damaging a person's property (including pets).

Z. "Alcohol" is a beverage containing alcohol.

AA. "Substance" refers to an illegal drug that is unlawful to use, possess, sell, or transfer under state or federal law (in cases where federal and state laws conflict, federal law applies).

Substance also refers to inhalants that produce mind-altering effects when inhaled. Substance also refers to prescription drugs and over-the counter medications, which cause impairment to the point of incapacitation.

ARTICLE II: STUDENT CODE AUTHORITY

A. The Dean of Student Affairs (or their designee) shall determine whether the Judicial Board shall be authorized to hear each matter.

B. The Dean of Student Affairs (or their designee) shall develop processes for the administration of the Code of Conduct process and procedural rules for the conduct of Judicial Board hearings that are

consistent with provisions of the Student Code of Conduct and General Rules and Guidelines.

C. Decisions made by the Judicial Board and/or the Dean of Student Affairs (or their 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 of Conduct and General Rules and Guidelines shall apply to conduct that occurs on College property (including buildings, grounds, structures and real estate, and vehicles that are owned, rented, leased or otherwise utilized by or under the control of LCC), at College sponsored activities or events, while pursuing an academic program, and to off-campus conduct that adversely affects the College community and/or the pursuit of its objectives. Each student shall be responsible for their 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 semesters of actual enrollment (and even if their conduct is not discovered until after a degree is awarded). The Student Code of Conduct and General Rules and Guidelines 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 their designee) shall decide whether the Student Code of Conduct or General Rules and Guidelines shall be applied to conduct occurring off campus, on a case-by-case basis, in their sole discretion.

The Student Code of Conduct and General Rules and Guidelines applies at all locations of the College, including, but not limited to, LCC East, West Campus, Livingston County Center, and Aviation Maintenance. 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.

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- 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 property.

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 or creed, national origin or ancestry, familial status, disability, marital status, height, weight, veteran or military status.

No person will be penalized for good faith utilization of channels available for resolving concerns dealing with prohibited discrimination or harassment. The College strictly prohibits any adverse action against any individual for making a good faith report, providing information, exercising one's rights or responsibilities under college policy, or otherwise being involved in the process of responding to, investigating, or addressing or opposing any alleged incidents of prohibited discrimination or harassment. Any person who engages in any retaliatory actions against any such individual for having engaged in these legally protected activities will be subject to disciplinary action that may include, but is not limited to, expulsion from the College and termination of employment. In addition, any person who engages in such retaliatory actions may be subject to criminal prosecution and may become liable in civil litigation.

For these purposes, "retaliation" includes, but is not limited to, intimidation, threats, harassment, and other adverse action threatened or taken against any party.

Making deliberately false accusations of discrimination or harassment violates college policy and may violate other standards of conduct. In such instances, the complainant will be subject to disciplinary action. However, failure to prove a claim of discrimination or harassment does not constitute proof of a false and/or malicious accusation.

4. Sexual misconduct, which includes the following:

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All members of the Lansing Community College Community, regardless of their sexual orientation or their gender or gender expression, or gender identity, have the right to engage in their College education, work, and other activities free from all forms of sex or gender-based discrimination or harassment, including sexual misconduct. Sexual misconduct includes all forms of sexual harassment as well as acts of sexual assault, dating or domestic violence, stalking, sexual exploitation and intimidation, and retaliation. Consensual or non-consensual sexual activities are prohibited in non-residential areas of the College. All members of the LCC community are required to conduct themselves in a manner that does not infringe upon the rights of others.

- a. Sexual Exploitation (as defined in Article I(W))
- b. Sexual Harassment (as defined in Article I(X))
- c. Sexual Assault - Non-Consensual Sexual Contact (as defined in Article I(T))
- d. Sexual Assault - Non-Consensual Sexual Penetration (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 party.
- f. Dating or Domestic Violence (as defined in Article I(V))
- g. Stalking (as defined in Article I(Y))

No person will be penalized for good faith utilization of channels available for resolving concerns dealing with prohibited discrimination or harassment. The College strictly prohibits any adverse action against any individual for making a good faith report, providing information, exercising one's rights or responsibilities under college policy, or otherwise being involved in the process of responding to, investigating, or addressing or opposing any alleged incidents of prohibited discrimination or harassment. Any person who engages in any retaliatory actions against any such individual for having engaged in these legally protected activities will be subject to disciplinary action that may include, but is not limited to, expulsion from the College and termination of employment. In addition, any person who engages in such retaliatory actions may be subject to criminal prosecution and may become liable in civil litigation.

For these purposes, "retaliation" includes, but is not limited to, intimidation, threats, harassment, and other adverse action threatened or taken against any party.

Making deliberately false accusations of discrimination or harassment violates college policy and may violate other standards of conduct. In such instances, the complainant will be subject to disciplinary action.
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However, failure to prove a claim of discrimination or harassment does not constitute proof of a false and/or malicious accusation.

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 property or unauthorized entry to or use of College property.
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, purchase, sale, dispensation, distribution, or manufacture of any substance, or being impaired by any substance *[defined as an illegal drug that is unlawful to use, possess, sell, or transfer under state or federal law (where federal and state laws conflict, federal law applies)]*. *Substance also includes inhalants that produce mind-altering effects when inhaled, and prescription drugs and over-the counter medications which cause impairment to the point of incapacitation*. Use, possession, purchase, sale, dispensation, or distribution of drug paraphernalia is also prohibited on college property.
12. Use, possession, purchase, sale, dispensation, distribution or manufacture of alcohol, or being impaired by alcohol (except as expressly permitted by College regulations). Alcohol may not, in any circumstance, be used by, possessed by, purchased 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 property, 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 property includes buildings, grounds, structures and real estate, and vehicles that are owned, rented, leased or otherwise utilized by or under the control of the College (including adjacent streets and sidewalks). (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 property 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 property 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 property 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 their 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 their 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 their 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 their 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 responding 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 their designee) to review the facts concerning the alleged violation in order to determine if formal charges should be prepared.
4. During this meeting, the responding student meets one on one with the Dean of Student Affairs (or their designee). Representatives, advisors, parents, or guardians are allowed in this meeting at the discretion of the Dean of Student Affairs (or their designee) when appropriate. In addition, a FERPA release may be required.
5. If the responding student is unable to, or does not wish to meet with the Dean of Student Affairs (or their 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 via video conference when a face to face meeting may be difficult for the student and at the sole discretion of the Dean of Student Affairs (or their 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 Office of Student Compliance before the meeting occurs. Face to face meetings is the preferred method.

6. After reviewing the facts with the responding student, or after reviewing the responding student's

statement, a decision will be made whether to formally charge the responding 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 their 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 their 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 responding student shall be notified by the Dean of Student Affairs (or their 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 responding student may admit the alleged violation and request, in writing, that the Dean of Student Affairs (or their designee) take whatever action seems necessary; or
- b. The responding student may admit the alleged violation and request a hearing before the Judicial Board regarding the sanction; or
- c. The responding student may deny the alleged violation, in which case the Dean of Student Affairs (or their designee) shall refer him or her to the Judicial Board.

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

10. If the responding 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 responding student agrees, then the parties will engage in an informal process. 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 requests it.

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12. Prior to a Judicial Board hearing, the responding student shall be entitled to the following:
- a. A written statement of a decision rendered and/or charges so that the responding student may prepare their defense;
 - b. Written notification of how the alleged violation came to the College's attention.
 - c. The student shall be entitled to a prompt hearing of their case.

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

- a. A Chairperson will preside over Judicial Board Hearings. The Chairperson 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 college faculty members

In cases involving sexual misconduct, the board will be comprised of the Chairperson, one college administrator and two college faculty. Students will not serve in order to protect the privacy of the parties involved.

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. Cases involving sexual misconduct may lengthen the time of the scheduling of the hearing pending completion of an investigation.
- b. The parties will provide the Board Chairperson 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 Chairperson. The Chairperson 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. Cases involving sexual misconduct may alter timelines for identification of witnesses, documents and other evidence as part of the investigation prior to the hearing.

In the absence of good cause, as determined by the Chairperson in their sole discretion, the parties may not introduce witnesses, documents, or other information at the hearing that were not

provided to the Chairperson (or investigator for sexual misconduct cases) by the 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-g)], LCC will keep the complaint and investigation confidential to the extent possible or as required by law.
- d. The complainant and the responding student have the right to be assisted by one advisor of their choice, and at their own expense (if applicable). The advisor may not be an attorney, unless the case involves a concurrent criminal matter or in cases involving sexual misconduct. The complainant and/or the responding student is responsible for presenting their 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, responding student and their advisors, if any, shall be allowed to attend the entire portion of the Hearing Phase (excluding deliberations). The complainant or the responding 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 Chairperson (or their designee).
- f. In Judicial Board hearings involving more than one responding student, the Chairperson (or their designee), in their 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 responding 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.

- I. The Judicial Board's determination shall be made on the basis of whether "more likely than not" the responding 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 their sole discretion may have the disruptive party removed from the hearing.

15. There shall be a single verbatim record of all hearings before a Judicial Board. Deliberations shall not be recorded. The record shall be the property of the College. Any digital 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.

16. If a responding 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 responding 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, responding student, and/or other witness during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by video conference, or other means, where and as determined in the sole judgment of the Dean of Student Affairs (or their designee) to be appropriate.

18. Once the Judicial Board has made a decision as to whether more likely than not the responding student violated the Student Code of Conduct, the Judicial Board will make recommendations to the Chairperson regarding an appropriate 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 or creed, national origin or ancestry, familial status, disability, marital status, height, weight, sexual orientation, gender, gender identity, gender expression, genetic information, veteran or military status, or sexual discrimination including sexual misconduct and sexual harassment raised by employees, students, or third parties against any currently enrolled LCC student.

21. All complainants will receive information regarding the notification of alleged violations to the responding students, as well as the outcome and final decision of the case. Complainants of sexual misconduct (offenses listed under Article III(B)(4) will receive a copy of the actual notification and sanction letter sent to the responding students.

Sanctions

1. In cases of noncompliance with the Student Code of Conduct or General Rules and Guidelines, 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 responding 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 Chairperson. 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 responding 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 their 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 their 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 their 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 their 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 their designee) may be appealed by either the responding 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 responding student(s) or the complainant to the Provost (or their 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 their designee) in GB 1210.

3. The Provost (or their 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 their 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 their 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 their 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 their 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 their 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 of Conduct or General Rules and Guidelines shall be referred to the Dean of Student Affairs (or their designee) for final determination.

B. The Student Code of Conduct and General Rules and Guidelines shall be reviewed regularly under the direction of the Dean of Student Affairs (or their designee), and may be revised, in writing, by the College at any time in compliance with regulatory guidance, College policies, and processes. The College will maintain the most updated process on the LCC website.

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; Sarah Velez, Human Resource Manager/Title IX Coordinator, Administration Building, 610 N. Capitol Ave. Lansing, MI 48933, 517-483-1874; Christine

Revised: 5/7/2021

Thompson, Student Title IX Coordinator, Gannon Building, 411 N. Grand Ave. Lansing, MI 48933, 517-483-1261.