



Mid-South

Community College

College Policies

Chapter 6

Access to Campus Facilities

Most campus facilities are available to employees, students, and visitors during normal business hours and for designated periods during special events. Restrictions do apply to computer classrooms which are not open to unsupervised usage. Computer resources in the Learning Success Center and Sandra C. Goldsby Library and library privileges are available to students and to those who purchase a Community Patron card. Students will be asked to present student identification cards, and other users will be asked to present their community patron cards.

Bloodborne Pathogens

Bloodborne pathogens are potentially infectious body fluids which include hepatitis B virus (HBV), human immunodeficiency virus (HIV), and other infectious diseases. Any person who encounters body fluid from another person should report to a College official immediately. Care should also be taken to prevent other persons in the area from contacting the body fluid.

Chronic Communicable Diseases

Mid-South Community College places a high priority on the need to protect students and employees from the spread of chronic, communicable diseases on campus such as hepatitis, tuberculosis, and acquired immune deficiency syndrome (AIDS). The College does not intend to exclude students with a chronic, communicable disease from attending or using College facilities, provided there is no significant risk of transmission to others. However, students may be denied admission or dismissed from a particular program or course of study whenever the disease presents a significant risk of transmission or has an effect on their ability to perform effectively.

Students who have or who are carriers of a chronic, communicable disease may participate in programs and activities and/or use College facilities and services when reasonable accommodations provide no significant risk of transmission to others. Students should also notify the Executive Vice President when there is a risk of transmitting the disease.

Their notification will allow the College to evaluate their cases and take precautions necessary to reduce the risks of transmission. The medical condition of an affected person will be disclosed only to the extent necessary to minimize health risks to other students or employees.

Note: Willful or careless exposure of others to a known communicable disease is a reckless, inconsiderate, negligent act that endangers everyone. Students who have not taken precautions to prevent the transmission of the disease to others may be subject to dismissal.

Children in Classes or Study Areas

Students may not bring children to classes. Children should never be left unattended at the College while parents are attending classes or programs. Children are not allowed in the Sandra C. Goldsby Library or Learning Success Center except when accompanying an adult during brief visits such as returning books or making an appointment. Public school students who are enrolled in college classes have the same access to College facilities and services as other students, and they are governed by the College Student Conduct Policy.

Computer Usage

Computer/networking resources are provided by Mid-South Community College to enhance teaching, learning, service, and the activities which support them. MSCC is committed to a computing system which effectively meets the needs of users.

Individuals who are granted computing accounts or use the computer resources of the College accept responsibility with the access which is granted. Each user is expected to use accounts or resources for the educational or administrative purposes approved by the College. Activities beyond these stated purposes are prohibited. Violations may be reported to any instructor, administrator, or computer lab supervisor. Disciplinary procedures will follow established College judicial and administrative procedures and may result in a loss of access as well as other disciplinary or legal actions depending upon the nature of the infraction. Users may use the same procedures to challenge actions which restrict computer usage.

The Computer Use Policy for Mid-South Community College appears below. Violations of this directive will be reviewed through established College judicial and administrative procedures and may result in a loss of access as well as other disciplinary or legal actions. Users may use the same procedures to challenge actions which restrict computer usage.

- Users shall access only those computer resources which have been authorized for their use. Computer resources include but are not limited to computer equipment, software, operating systems, storage media, network accounts, e-mail, WWW browsing, FTP, and wireless access, and accessing them via Internet, Intranet, or Extranet..
- Users shall use computer resources only for authorized purposes, and not for private consulting or personal gain.
- Access to computer resources and the Internet is a privilege granted by MSCC; it is not an automatic right which accompanies the payment of tuition and/or fees.
- Users must login using their own approved usernames so that responsibility for the work can be determined and users can be contacted in unusual situations.
- Users are responsible for the maintenance and secrecy of their own passwords to prevent unauthorized usage of their accounts.
- This directive shall not prevent informal communication among students, faculty, and staff. However, recreational activities such as downloading music, video, and game files or joining in chat rooms are limited since priority is given to academic usage of College computer resources.
- Users shall not attempt to copy or destroy programs or files that belong to the College or other protected sources without prior authorization from the Director of Information Technologies.
 - a. Programs and data provided by the College may not be taken to other computer sites;
 - b. Individually owned programs and programs acquired at other computer sites cannot be used at the College without authorization.
- Users of software owned by the College must agree to abide by the limitations included in the copyright and license agreements entered into with vendors. Furthermore, it is the user's responsibility to become familiar with the specific copyrights and licensing

agreements for each product before using it. It is unlawful to copy most software products. If other arrangements are made with a vendor, users must abide by stated provisions.

- Intentional introduction of a computer virus is a serious offense subject to the strictest disciplinary regulations of the College. Any user who is notified that a virus was detected on a diskette must destroy the diskette or have an Information Systems staff member disinfect the diskette immediately. Portable media includes but is not limited to diskettes, CD's, DVD's, jump drives, and hard drives.
- Configurations of lab hardware and software shall not be altered including, but not limited to, the following:
 - a. Modifying backgrounds, wallpapers, icons, etc.;
 - b. Downloading and installing screen savers;
- Those users who have access to privileged or sensitive information may not disclose that information for any purposes other than approved official College business.
 - a. All sensitive information must be stored on authorized network devices.
- Students and guest users must log off at the end of each session.
- Network administrators may review files and communications to maintain system integrity and ensure that users are using the system responsibly. Users should not expect that files will be private. If deemed necessary, certain types of transmission or websites might be blocked or severely limited.
- Students should be aware that Facebook and other similar sites are public forums. Information published on such sites is available to the general public including college faculty and staff and can be legally used in criminal or other investigations.
- Inappropriate use of computer resources includes but is not limited to the following:
 - a. Using someone else's account;
 - b. Harassing or insulting others;
 - c. Sending or displaying obscene or pornographic or offensive or defamatory or discriminatory messages, pictures, language, graphics, songs, etc.;
 - d. Forwarding messages that have been identified as 'virus infected';
 - e. Engaging in 'phishing', 'spamming', or other fraudulent activities;
 - f. Eating or drinking in the computer labs.
- Installing Yahoo Messenger, ICQ, or other programs.

Discrimination and Harassment

MSCC does not tolerate discrimination or harassment on the basis of race, color, religion, sex, national origin, age, disability or veteran status. Furthermore, federal laws prohibit such discrimination or harassment in any activity or program receiving federal funds.

Discrimination is an improperly motivated personnel decision, an improperly motivated evaluation decision in the case of students, or adverse action taken against an individual on the basis of race, color, religion, gender national origin, age, disability, sexual orientation or veteran status. Discriminatory behavior can result in harassment when the conduct is sufficiently severe, pervasive or persistent as to interfere with or limit the individual's ability to participate in or benefit from the services, activities or privileges provided by the College.

Investigation of discriminatory or harassing behavior is not contingent upon the filing of a formal complaint, and Complainants are protected from retaliation by the accused. Behavior which might be considered discriminatory or harassing should be reported to the Executive Vice President or to any College employee the victim feels comfortable approaching. All employees are responsible for informing the Executive Vice President of observed or reported problems.

Sexual Harassment

All faculty, staff, and students have a right to work and/or attend college in an environment free of discrimination, including freedom from sexual harassment. Therefore, it is the policy of the College that no member of the College community may discriminate against or sexually harass another. Procedures for reporting discrimination and harassment complaints are provided in this catalog and on the College website. Any employee or student will be subject to disciplinary action including, but not limited to, dismissal for violation of this policy.

Unwelcome sexual advances, requests for sexual favors, and other verbal, written, or physical conduct of a sexual nature constitute sexual harassment when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education, or
2. submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual, or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating, hostile or offensive employment or educational environment.

Sexual harassment may involve individuals of the same or different gender. Sexual harassment is most frequently associated with those situations in which a power differential exists between persons involved; however, it also may occur between individuals of the same College status, i.e., student-student and employee-employee.

Examples of conduct which may, if continued or repeated, constitute sexual harassment are as follows:

- unnecessary touching, patting, hugging or brushing against a person's body
- staring, ogling, leering, whistling
- sexually explicit statements, comments, questions, jokes, or anecdotes
- graphic comments about a person's clothing or body
- sexually suggestive objects or pictures in the work place
- harassing use of the electronic mail or telephone communication system
- other physical or verbal conduct of a sexual nature

Such conduct, whether intended or not, constitutes sexual harassment and is illegal under both state and federal law. Violations of this policy will not be permitted. Because sexual harassment is the subject of an ever-increasing number of lawsuits, employees should take care that they understand what can constitute sexual harassment.

All new employees are required to complete harassment training, and annual refresher workshops are provided for current personnel. The College will also provide student workshops on a periodic basis to ensure that students are equally aware.

Resolution of Discrimination/Harassment Complaints

In order to provide an internal mechanism for employees and students to resolve complaints of discrimination or harassment, the College provides the following procedures. Throughout this process, wherever the role of the Executive Vice President is mentioned, the term “President” is implied if the Executive Vice President is the subject of a complaint. Use of these procedures does not preclude an employee or student from seeking recourse through appropriate state or federal agencies at any time. However, once one seeks recourse externally, internal procedures cease. No employee or student shall be subject to retaliatory action for participating in this complaint procedure. Words or behavior that punish a person for filing a complaint are illegal. Conversely, false accusations have a damaging effect on innocent people. False accusations will not be tolerated and may lead to disciplinary action.

Reporting Procedure for Discrimination/Harassment

The College encourages any employee or student who feels that he/she has been a victim of discrimination/harassment to report such incidents to the Executive Vice President, who serves as a neutral party in investigating the facts and interests of the individuals involved as well as those of the College. **Complainants are urged to report discrimination/harassment incidents as soon as possible, since a delay in reporting may make it difficult to gather appropriate information and documentation.** Complainants should report such allegations within twenty (20) calendar days of the alleged conduct.

The Executive Vice President shall be responsible for maintaining and keeping all records and appropriate documentation during the investigation.

Complaints will be kept in confidence to the extent practicable and appropriate under the circumstances. An individual reporting discrimination/harassment, however, should be aware that confidentiality cannot be guaranteed should the College decide it is necessary to take action to address the discrimination/harassment beyond an informal discussion. The decision to do so shall be discussed with the Complainant in advance.

The Complainant may elect to pursue the Informal or the Formal Procedure. The Complainant reports the allegation of discrimination/harassment to the Executive Vice President and indicates whether he or she wants to proceed with the Informal or Formal investigative procedures.

Informal Procedure

Step I: If the Complainant elects to pursue the informal procedure, the Executive Vice President will advise the alleged offender that a complaint of discrimination/harassment has been filed against him/her and explain the College’s prohibition against retaliation. The Executive Vice President will document the charge. The Executive Vice President will then conduct a preliminary investigation, and attempt to resolve the complaint within 20 calendar days through one or more mediation options. Examples of such options may include, but are not limited to, the following:

- a) A meeting between the Complainant and the alleged offender, mediated by the Executive Vice President, to discuss and resolve the perceived discriminatory or harassing behavior to the satisfaction of both parties.

- b) A meeting between the Executive Vice President and the alleged offender to discuss and resolve the perceived discriminatory or harassing behavior, if the Complainant does not wish to confront the alleged offender directly.
- c) A letter of agreement containing (a) a statement of the perceived discriminatory or harassing behavior and a request that said behavior will stop, signed by the Complainant, and (b) an acknowledgment of the complaint without admission of guilt and affirmation that the Complainant will not be the subject of discrimination or harassment in the future, signed by the alleged offender.

Step II: The Executive Vice President will conclude informal proceedings by preparing a written report of the outcome with copies to the Complainant and the alleged offender. After review by the Executive Vice President, the original written report and all other documentation shall be maintained by the Office of Human Resources in a separate case file when the alleged offender is an employee, or by the Vice President for Student Affairs when the alleged offender is a student.

Step III: The Complainant may choose to proceed to the Formal Procedure if the Complainant is not satisfied with the resolution of the Informal Procedure.

Step IV: The Executive Vice President will contact the Complainant 30-60 calendar days from the date of the written report to inquire if retaliatory actions have occurred as a result of reporting the complaint. In the event that retaliation has occurred, the Executive Vice President will investigate and prepare a written report of the actions. The Executive Vice President has the authority to discipline any employee or student for any such retaliatory actions in accordance with College disciplinary policy.

Formal Procedure

Step I: If the Complainant elects to pursue the Formal Investigatory Procedure, the Complainant must file a written and signed complaint of discrimination or harassment, stating precisely and clearly the facts, with the Executive Vice President as soon as possible following the alleged discrimination/harassment incident. **Complaints should be filed within 20 calendar days of the alleged incident.** If the Informal Procedure was followed and a satisfactory resolution was not achieved, the complaint must be filed within ten (10) calendar days from the date of the Executive Vice President's written report.

Step II: The Executive Vice President shall immediately notify the alleged offender that the complaint has been filed, the charges as stated in the complaint, and the identity of the Complainant. In addition, the Executive Vice President will explain the College's prohibition against retaliation to the alleged offender. The alleged offender may submit a formal written response within ten (10) calendar days of receipt of the complaint.

Step III: The Executive Vice President shall promptly investigate the complaint. The investigation may include interviews with the parties involved and/or with individuals who may have observed the alleged conduct or may have relevant knowledge. The investigation may also involve reviewing written documents and observing the work site. The investigation will be handled with sensitivity, and confidentiality will be maintained to the extent practicable and appropriate under the circumstances.

Step IV: The President shall appoint a three-member committee consisting of two employees, and the Human Resource Officer. The role of the committee shall be to hear and consider testimony and other relevant reliable evidence, to make findings of fact, to determine whether the College’s policy on discrimination and harassment has been violated, and if so, to recommend appropriate relief and disciplinary action(s). As part of the process, the Executive Vice President shall present to the committee his/her findings and a written report stating the chronology of events.

Step V: Within ten (10) calendar days of the close of the hearing, the committee shall submit to the Executive Vice President and the parties a written report including findings of fact, a determination as to whether a violation of the policy on discrimination/harassment has occurred, and, if so, a recommendation of relief and appropriate disciplinary action. The Executive Vice President shall implement the committee’s decision.

Step VI: If the problem is not resolved to the satisfaction of the parties involved or the Executive Vice President, either party or the Executive Vice President may appeal the decision in writing to the President. The President shall review all records and provide a written decision to both parties and the Executive Vice President within thirty (30) working days.

Step VII: The Executive Vice President will contact the Complainant 30-60 days from the date of the written report to inquire if retaliatory actions have occurred as a result of reporting the complaint. In the event that retaliation has occurred, the Executive Vice President will investigate and prepare a written report of the actions. The Executive Vice President has the authority to discipline any employee or student for any such retaliatory actions in accordance with College Disciplinary Policies.

If the student is accused of sexual assault or other violent crime against another person, the alleged victim will be informed of the outcome of the disciplinary process.

Electronic Devices

Electronic devices such as cellular telephones, pagers, and radios are not permitted in classrooms, the Learning Success Center, and the Sandra C. Goldsby Library when their use is disruptive or annoying to the instructor or other students. Violations of this policy may result in disciplinary action.

Emergency Procedures

Students should report any fire, medical emergency, or criminal activity to the nearest College official or to the appointed building marshal. If officials/marshals are not available, students should use the red emergency telephone located in the hallway of each building to make immediate contact with security personnel, who will provide assistance and instructions. Building marshals may be found in the following locations:

Allied Health Building and Trailers	AH103
Art Annex	Maintenance Office
Magruder Hall	MH102
Arkansas Workforce Center	South Reception Area
Reynolds Center	Learning Success Center and RC150
Southland Greyhound Science Center	SG110

Maintenance Building.....	Maintenance Office
Technology Annex	Maintenance Office
University Center	UC 100
Workforce Technology Center	Reception Area

Fire extinguishers, warning alarms, and first aid kits are located throughout the facilities, and evacuation maps are posted in each classroom and office area. In case of fire, tornado, or other life-threatening emergencies, building marshals will ensure that all occupants are moved to a place of safety. When facilities are evacuated, students may not re-enter buildings until so directed by emergency officials or building marshals.

See also **Safety Provisions, Regulations, and Crime Reporting**

Inclement Weather Policy

If severe weather forces cancellation of classes at the beginning of the day, an announcement will be posted on the MSCC website, on Campus Announcements in Campus Cruiser, and made on Channel 5 (WMC-TV Memphis) and FM100 Radio between 6:00 and 7:00 a.m. In addition announcements will be sent via email and/or text messages to all students. Should bad weather occur during the day forcing the cancellation of evening classes, an announcement will be made before 5:00 p.m. Work study students are not expected to report for work when classes are cancelled.

Mass Meetings

Individuals who wish to have parades or public demonstrations on campus premises must request permission from the Executive Vice President at least 48 hours before the event is to be held. Requests must be in writing and set forth the objectives of the event, the groups participating, and the area of the campus to be used.

Parking and Traffic Regulations

MSCC provides free parking and open-access lots for students, employees, and visitors except in the area between the Reynolds Center and the Southland Greyhound Science Center, and in the lot on the north end of the Workforce Technology Center. These areas are restricted to authorized personnel only. Students and employees should note that parking in handicapped spaces is a violation of federal and state law unless **the driver** holds a state-issued handicapped placard or license plate. Drivers occupying these spaces must produce official documentation when requested by MSCC security officers. The West Memphis Police regularly patrol college parking lots, and offenders are subject to vehicle towing and all applicable fines and penalties. Parking spaces marked as Authorized Vehicles Only are also off-limits except to designated MSCC personnel approved by the Executive Vice President.

All persons accessing the campus are expected to observe a 15 mph speed limit, parking restrictions, and directional arrows and to follow Arkansas traffic regulations. Students and employees who fail to do so are subject to disciplinary action.

The College is not responsible for vandalism or damage to any vehicles, motorcycles, or bicycles, etc., while they are parked on campus. Any such damages should be reported to the security officer on duty for assistance in filing the necessary reports.

Each student and employee is issued a free parking decal which grants them access to the campus. Decals must be displayed on the left side of a vehicle's rear window.

Safety Provisions, Regulations, and Crime Reporting

MSCC's buildings, streets, and grounds are constructed according to the rules and laws of the State of Arkansas. MSCC also complies with the provisions, as appropriate, of the National Fire Protection Association (NFPA), the NFPA Life Safety Code, and Southern Standard Building codes.

Motor vehicle parking lots, pedestrian walkways and building exteriors are well lighted. Members of the campus are encouraged to report any exterior lighting outages to the Director of the Physical Plant at (870) 733-6750 or to the Learning Center (870) 733-6766.

Annually, the College sponsors workshops to provide students with information about personal safety topics including date rape, substance abuse, and blood-borne pathogens. Safety literature is also distributed.

The College's crime prevention program is based on the dual concepts of eliminating or minimizing criminal opportunities whenever possible, and encouraging students and employees to be responsible for their own security and the security of others. Questions and requests for information may be made to the Executive Vice President, who is located in Magruder Hall.

Security personnel, who are licensed law enforcement officers, actively patrol facilities, parking lots and other areas of the campus. These officers, headed by the Director of Campus Safety, maintain a close working relationship with the West Memphis Police Department and county, state, and federal law enforcement agencies. When appropriate, crime-related reports and data are routinely exchanged.

Accident, Emergency and Crime Reporting

Any student who needs to report an accident, emergency, or crime should use the red phones located in the hallways of each building. These phones connect directly with campus security personnel who are responsible for law enforcement, security, and emergency response at MSCC. If the situation warrants, calls will then be routed by the administrator in charge to the West Memphis Police Department, the Fire Department's EMT response team or other appropriate personnel.

Student Right to Know and Campus Security Act

MSCC is committed to providing a safe learning and working environment for each of its members, visitors, and guests. In compliance with the Campus Security Act, MSCC compiles reports which state the College's graduation/persistence rates and the institution's campus security policy, current security programs and crime statistics. The full report is available upon request from the Registrar's Office and on the MSCC website.

Crime Reporting

1. **Annual Reports:** Annual reports of crime-related information are compiled and published in the College catalog and on the College's website.
2. **Special Alerts:** If circumstances should warrant, special crime-related information will be prepared and distributed on campus.

3. Incident Reporting: Crime-related incidents are reported as they occur to the Vice President for Student Affairs with a view towards immediate corrective action.

Sexual Assault Reporting Procedures

All sexual assaults (rape, attempted rape, or acquaintance rape) should be reported to a College official. Individuals should report a sexual assault to any of the vice presidents at the College. Individuals may also report a sexual assault to the West Memphis Police Department at 870-732-1210.

Any student who is assaulted should report the attack as quickly as possible. If the assault is reported within 72 hours of its occurrence and the victim cooperates with police in providing information and evidence, the State of Arkansas pays for the medical examination. Also, if the offense is reported to police, Victims Compensation can pay for treatment of other injuries that occurred during rape.

Under any circumstances, a medical evaluation is important because of the possibilities of sexually-transmitted diseases and pregnancy. Victims who choose not to report to the police must cover the cost of the examination. Reporting the offense to the police does not mean that a victim must prosecute.

Several important steps should be taken after a sexual assault. Victims:

- should NOT shower, bathe, change clothes, urinate (if possible), brush teeth or rinse their mouth, or change bedding or disturb the area where the assault occurred. It is important to preserve the evidence.
- should call a friend, counselor, or anyone who can provide them with emotional support. They should seek medical attention by going to a doctor or hospital as quickly as possible for evidence to be gathered and to be checked for injury.
- should write down detailed information about the assault—where, when, who, etc. If the assailant is a stranger, victims should try to remember height, hair color, scars, clothing, eye color, or other distinguishing characteristics. Gathering evidence and writing down information is important even if victims do not intend to file criminal charges.
- should tell a College counselor, friend, or someone at the local mental health service or rape crisis center about the assault even if steps 1 through 3 are not followed. Help and support are important in dealing with confusing emotions and difficult decisions.

Smoking Policy

Mid-South Community College has a vital interest in maintaining a healthy and safe environment for its students, faculty, staff and visitors. Consistent with these concerns and with passage of the Arkansas Clean Air on Campus Act of 2009, the Mid-South Community College campus is smoke free. Smoking is prohibited on the MSCC campus, including all buildings, grounds, and vehicles.

Student Conduct

Mid-South Community College is committed to providing a living, learning environment for students in which they may grow both as students and as citizens. All students are expected to behave in a manner that is respectful of the rights of all other members of our community to live, to learn, to work and to teach in such an environment. Any behavioral problems by students will be addressed under this student discipline policy. Students who fail to maintain appropriate conduct may be asked to leave the academic community.

Article I: Definitions

1. The term “College” or “MSCC” means Mid-South Community College.
2. The term “student” includes persons taking courses at the College, both full-time and part-time on any enrollment basis. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the College (such as a formerly enrolled student with an uncompleted degree) are considered “students.”
3. The term “faculty member” means any person hired by the College to conduct classroom activities.
4. The term “MSCC official” includes any person employed by the College who performs MSCC assigned administrative or professional duties.
5. The term “member of the MSCC community” includes any person who is a student, faculty member, MSCC official, or any other person employed by MSCC. Any question concerning a person’s status in a particular situation shall be determined by the Executive Vice President.
6. The term “MSCC premises” includes all land, buildings, facilities and other property in the possession of or owned, used or controlled by MSCC (including adjacent streets and sidewalks).
7. The term “organization” means any number of persons who have complied with the formal requirements for College recognition.
8. The term “conduct administrator” means the Vice President for Student Affairs or any other person or persons authorized by the President to determine whether a student has violated the student discipline policy and to impose sanctions.
9. The term “appeal officer” applies to any person or persons authorized by the President to consider (1) an appeal of the conduct administrator’s determination that a student has violated the disciplinary policy, or (2) to consider an appeal of sanctions imposed by the conduct administrator. The appeal officer will be the Executive Vice President, unless otherwise designated by the President.
10. The term “shall” is used in the imperative sense; the term “may” is used in the permissive sense.
11. The Vice President for Student Affairs is the person designated by the College president to be responsible for the administration of the student discipline policy, although the President may assign another person to discharge those duties if the President deems it appropriate to do so.

12. The term “policy” is defined as the written regulations of the College as found in, but not limited to, this student discipline policy. These policies may be expanded, modified or changed by the College administration at any time.
13. The term “business days” means days that MSCC is open for business (excluding holidays) even if no classes are scheduled.

Article II: Scope of the Discipline Policy

1. MSCC jurisdiction for student discipline purposes shall include conduct that occurs on and off College premises that may adversely affect MSCC and/or the pursuit of its objectives. Conduct involving academic dishonesty allegations will be handled under the academic honesty policy, although allegations concerning behavior in the academic setting will be handled under this student discipline policy. Conduct involving discrimination/harassment allegations will be handled under the process for the Resolution of Discrimination/Harassment Complaints. Any questions about the College’s jurisdiction will be resolved by the Executive Vice President.
2. The Vice President for Student Affairs may develop forms and policies for the administration of the student discipline policy.
3. Decisions made by a conduct administrator shall be final, pending the official appeal process as outlined below.

Article III: Conduct Rules

Any student found to have committed the following misconduct is subject to sanctions outlined in Article IV.

1. Acts of dishonesty including, but not limited to, the following:
 - a. Furnishing false information to any MSCC official, faculty member or office.
 - b. Forgery, alteration or misuse of any MSCC instrument of identification, document or record.
 - c. Conduct which would violate the academic honesty policy will be handled under that policy rather than under this student discipline policy. If circumstances suggest that there may be conduct violating both policies, the conduct may be evaluated under each policy separately for determinations of possible violations and sanctions under each policy, according to the conduct covered by each, with any jurisdictional question to be determined by the Executive Vice President.
2. Disruption of classrooms or study areas or obstruction of teaching, research, administration, disciplinary proceedings, other College activities, including public service functions, on or off College premises or other non-College activities, when the act occurs on MSCC premises.
3. Physical abuse, verbal abuse, threats, intimidation, stalking, harassment, coercion and/or other conduct which threatens or endangers the health or safety of any person. Conduct which would violate the College’s discrimination/harassment policy will be handled according to the specific guidelines of that policy rather than under this student discipline policy.
4. Disrespect shown by any student to a College faculty member or to any other member of the College community, in or out of the academic setting.

5. Attempted or actual theft of and/or damage to property of the College, to property of a member of the College community, or to other personal or public property.
6. Hazing, 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.
7. Failure to display an MSCC Student Identification Card while on campus or allowing another person to use the tag.
8. 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.
9. Unauthorized possession, duplication or use of keys to any College premises or unauthorized entry to or use of College premises.
10. Violation of published MSCC policies, rules, or regulations, including those appearing in this student discipline policy.
11. Violation of federal, state or local law on College premises, at MSCC sponsored or supervised activities, or which otherwise adversely affects the College community or the pursuit of its objectives, whether on or off College premises.
 - a. If a student is charged only with a violation of federal, state or local law off MSCC premises (and with no other violation of MSCC rules), no sanction will be imposed unless the student is found guilty in a court of law or has declined to contest such charges although not actually admitting guilt (e.g., no contest or “nolo contendere”).
 - b. MSCC student disciplinary processes may be instituted against a student charged with a violation of law which is also a violation of this student disciplinary policy (for example, if both violations result from the same factual situation), without regard to the pendency of civil litigation in court or criminal arrest and prosecution. Proceedings under this student disciplinary policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus, as may be determined in the judgment of the Executive Vice President.
12. Use, possession or distribution of narcotic or other controlled substances, except as expressly permitted by law.
13. Public intoxication or use, possession or distribution of alcoholic beverages except as expressly permitted by law and MSCC regulations. Consumption or display of liquor, wine or beer containers in or on MSCC premises is prohibited (regardless of the person’s age). Students are responsible for all acts committed under the influence of alcohol and any such unbecoming behavior is dealt with severely.
14. Possession of firearms, explosives, other weapons or dangerous chemicals on College premises.
15. Participation in a campus demonstration which disrupts the normal operations of MSCC and infringes on the rights of other members of the College community; leading or inciting others to disrupt schedules and/or normal activities within any campus building or area or other College premises; or intentional obstruction which

unreasonably interferes with freedom of movement, either pedestrian or vehicular, on College premises.

16. Obstruction of free flow of pedestrian or vehicular traffic on College premises or at College sponsored or supervised functions.
17. Conduct which is lewd, disorderly or indecent; a breach of peace; or aiding, abetting or procuring another person to breach the peace on MSCC premises or at functions sponsored by or participated in by MSCC.
18. Theft of or other abuse of MSCC computers or computing facilities or time, including but not limited to:
 - a. Unauthorized entry into a file, to use, read or change contents, or for any other purpose.
 - b. Unauthorized transfer of a file.
 - c. Use of another person's identification and/or password.
 - d. Use of computing facilities to interfere with the work of another student, faculty member or MSCC official.
 - e. Use of computing facilities to send obscene or abusive messages.
 - f. Use of computing facilities to interfere with normal operations of MSCC computing system.
 - g. Any other violation of the MSCC Computer Use policy.
19. Gambling on MSCC premises.
20. Allowing misconduct by guests on MSCC premises and/or at College functions.
21. Abuse of the student disciplinary policy, including but not limited to:
 - a. Failure to obey the direction or summons of a conduct administrator or other MSCC official (including, for example, a notice to attend a meeting or hearing involving student discipline).
 - b. Falsification, distortion or misrepresentation of information before a conduct administrator or other College official.
 - c. Disruption or interference with the orderly conduct of a proceeding under this student discipline policy.
 - d. Institution of a matter under this student discipline policy knowingly without cause.
 - e. Attempting to discourage an individual's proper participation in, or use of, this student discipline policy.
 - f. Attempting to influence the impartiality of the conduct administrator or the appeal officer prior to, during, and/or after a proceeding under this student discipline policy.
 - g. Harassment (verbal or physical) and/or intimidation of the conduct administrator or conduct committee members prior to, during, and/or after a proceeding under this student discipline policy.

- h. Failure to comply with the sanction(s) imposed under this student discipline policy.
- i. Influencing or attempting to influence another person to commit an abuse of the student disciplinary policy.

Article IV: Sanctions

One or more of the following sanctions may be imposed upon any student found to have violated the student disciplinary policy:

- a. Formal Warning—A notice in writing to the student that the student is violating or has violated institutional policies or regulations.
- 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 be violating any institutional policies or regulation(s) during the probationary period.
- c. Loss of Privileges—Denial of specified privileges for a designated period of time.
- d. Fines—Previously established and published fines may be imposed.
- e. Restitution—Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
- f. Developmental Hours—Work assignments, service to MSCC, or other related assignments.
- g. College Suspension—Separation of the student from MSCC for a definite period of time up to two semesters, after which the student is eligible to return. Conditions for readmission may be specified.
- h. College Expulsion—Permanent expulsion of the student from MSCC. The student may apply to the Vice President for Student Affairs for readmission after two calendar years from the expulsion date.
- i. The sanction of College expulsion may be imposed only after the “hearing” process.
- j. Students may not withdraw from the College to avoid disciplinary procedures.
- k. The College will not accept for transfer any credit earned at other institutions during the period a student is on suspension or expulsion for disciplinary reasons from MSCC.
- l. Interim Suspension—the Vice President for Student Affairs may impose suspension from the College for up to fourteen (14) business days prior to a hearing before a conduct administrator if there is any reason to believe that interim suspension is necessary:
 - 1. to ensure the safety and well-being of members of the MSCC community;
 - 2. to ensure the student’s own physical or emotional safety and well-being; or
 - 3. if the student poses a threat of disruption of or interference with the normal operations of the College.

During the interim suspension, the suspended student shall be denied access to the campus (including classes) and/or all other MSCC activities or privileges for which the student otherwise might be eligible as the Vice President for Student Affairs or designee may determine to be appropriate.

Article V: Student Discipline Process: Charges, Meetings, and Hearings

1. Any member of the MSCC community may file an incident report against any student for misconduct. Incident reports shall be prepared in writing and directed to the Vice President for Student Affairs or other designated conduct administrator. Any incident report should be submitted as soon as possible after the event takes place, preferably within five (5) business days.
2. The conduct administrator will review the incident report to determine if the matter is based on acts that occurred and the likelihood that the sanction may include suspension/expulsion from MSCC. Any case that might involve expulsion from MSCC will be handled by the “hearing” process. All other cases will be handled by a “meeting process.”
3. The “meeting” process will be as follows:
 - a. The conduct administrator will conduct an informal investigation of the matter, by speaking with the person filing the incident report and persons who may have witnessed pertinent acts or who may have pertinent information.
 - b. The conduct administrator will arrange an informal meeting with the student against whom the report was made, during which the conduct administrator will advise the student of the matter and of the possible sanctions, hear the student’s response and allow for additional time for the student against whom the report was made to respond or to suggest other persons for possible interview.
 - c. The conduct administrator may keep informal notes of his/her interviews and of the meeting. Unless the conduct administrator permits otherwise, the meeting will also be a private one between the student, the conduct administrator, and, when appropriate, another MSCC official as a witness.
 - d. At the end of the meeting process, the conduct administrator will determine whether the student has been found responsible for the charge and will advise the student and the complaining party in writing within five (5) business days of any sanction(s) imposed.
 - e. Students who are dissatisfied with the decision of the conduct administrator may file a written appeal with the Executive Vice President or other designated appeal officer. Such appeals must be made within ten (10) business days from the date of the written notification of the conduct administrator’s decision. See Appeals below.
4. The “hearing” process for cases of expulsion will be as follows:
 - a. The charge and possible sanctions shall be presented to the accused student in writing. A time shall be set for a hearing, not less than five (5) nor more than fifteen (15) calendar days after the student has been notified. Maximum time limits for scheduling hearings may be extended by a written memorandum at the discretion of the conduct administrator.
 - b. The conduct administrator will conduct an investigation to determine whether the charges appear to have merit, the identities of likely witnesses and what documentation is necessary. The determination of whether a violation has occurred shall be made based on “substantial evidence,” as opposed to a “preponderance of evidence” or proof “beyond a reasonable doubt” that the accused student has violated the student disciplinary policy.
 - c. The conduct administrator will also determine whether the charges can be resolved administratively by the student’s agreement to waive the hearing process. Such

resolution shall be final, and there shall be no subsequent proceedings or appeal. If the student does not waive the hearing process, the conduct administrator will schedule a hearing before an ad hoc conduct committee appointed by the Executive Vice President. The conduct administrator will serve as the chairperson of the conduct committee whose members hear the testimony and determine whether a violation occurred and, if so, what sanction(s) shall be imposed.

- d. Hearings shall be conducted according to procedural due process, which does not provide for legal representation or confrontation at the hearing by any party. If either the complainant or the person charged elects to be accompanied at the hearing by a person of their choosing, the individual making the request must notify the other party and the conduct administrator of the name, address, and telephone number of the accompanying party no less than ten (10) working days prior to the hearing. If, upon such notification, the other party also elects to have representation at the hearing, he/she must provide the conduct administrator and the first party with the name, address, and telephone number of the person to accompany them no less than five (5) working days prior to the hearing. Representatives for either party may be present, but shall not speak or otherwise actively participate in the proceedings. Should either party's representative assume an active role as legal counsel, he/she will be evicted from the hearing and/or all disciplinary proceedings shall cease.
- e. Hearings normally shall be conducted in private, with parties and witnesses called separately. The charged student(s), any students who claim to be a victim of the alleged conduct, or other witnesses may attend the hearing only at the discretion of the conduct administrator. Admission of any other person to the hearing would be unusual and only at the discretion of and with the permission of the conduct administrator. Hearings shall not be open to the public without the express written permission of the complainant and the respondent.
- f. In situations in which there is more than one accused student, the conduct administrator will determine, at his/her discretion, whether to hold one hearing for all charged students or a separate hearing for each student.
- g. The accused student and the person filing the charge or claiming to be a victim may testify, may offer documentary evidence, may suggest the names of witnesses to the conduct administrator and may ask questions of each witness who does testify, before or after questioning by the conduct committee, as the conduct administrator sees fit.
- h. Pertinent records, exhibits and written statements may be accepted as evidence for consideration by the conduct committee at the discretion of the conduct administrator.
- i. All procedural questions are subject to the final decision of the conduct administrator.
- j. After the hearing, the conduct committee shall determine whether the student has violated each section of the student disciplinary policy, as charged.
- k. The determination of whether a violation has occurred shall be made based on "substantial evidence," as opposed to a "preponderance of evidence" or proof "beyond a reasonable doubt" that the accused student has violated the student disciplinary policy. This same standard shall be used in the "meeting" and "hearing" formats.
- l. A tape recording may be made of all hearings for expulsion. The record shall be the property of MSCC, but students may be provided a transcript or copy at the discretion of the conduct administrator.

- m. A student who is charged with failing to obey the summons or direction of a conduct administrator or other College official may be found to have violated the student disciplinary policy solely because the student failed to appear for a meeting or hearing. When a student is charged with violating other rules and fails to attend the pertinent meeting and hearing, the conduct administrator may proceed despite the student's absence and shall base any determination upon the information gathered (in the meeting process) or the other evidence received (in the hearing process).
 - n. The conduct administrator will inform the student charged with a rules violation and any student(s) claiming to be a victim, in writing of the results of the hearing process and sanctions imposed, if any, within five (5) business days of the hearing.
- 5. Disciplinary sanctions imposed by the conduct administrator or conduct committee shall be noted in the student's permanent record.
 - 6. If no appeal is made within five (5) business days of the decision, the matter will then become final and will not be subject to further appeal or review.

Appeals

- 1. A decision reached by a conduct administrator or committee finding a violation and/or imposing a sanction(s) may be appealed by the accused student (or by the complaining student if there is one) to the appeal officer within five (5) business days of the decision. Such appeals shall be in writing and shall be delivered to Executive Vice President.
- 2. There shall be only the four following grounds for an appeal:
 - a. A claim that the original meeting or hearing was not conducted fairly in light of the charges and information presented and reviewed and evidence received, and/or that it was not conducted in conformity with the process and procedures set forth in the student disciplinary policy, including that the accused student had a reasonable opportunity to prepare and to present a response to the allegations.
 - b. A claim that the decision reached was not based upon evidence; that is, that there were not facts in the case sufficient to establish a violation of the student disciplinary policy.
 - c. A claim that the sanction(s) imposed were not appropriate for the violation of the student disciplinary policy for which the student is being held responsible.
 - d. A claim that the conduct administrator should consider new evidence sufficient to alter a discussion or other relevant facts not brought out in the original meeting or hearing, because such evidence and/or facts were not known to the person appealing at the time of the original meeting or hearing. In such cases the appeal officer may send the case back to the conduct administrator for reopening of the meeting or hearing. The meeting or hearing shall occur not less than five nor more than fifteen (15) calendar days after the student has been notified. Maximum time limits for scheduling hearings may be extended by a written memorandum at the discretion of the conduct administrator. Procedures for re-opened cases shall follow those for the original meeting or hearing.

3. Except as is required to explain the basis of a claim of “new evidence,” an appeal shall be limited to review of:
 - a. Written documentation from the conduct administrator’s investigation and explanation, if any, in the case of a meeting.
 - b. The verbatim record (including documents) in the case of a hearing.
4. If an appeal is upheld by the appeal officer, the appeal officer will notify the student, the opposing party or parties, and the conduct administrator in writing within five (5) business days of any modifications to the decision or sanctions imposed by the original meeting or hearing.
5. Appeals of Sanctions. The following guidelines apply when appeals are lodged concerning the sanctions imposed.
 - a. In an appeal only by the student found to have violated the student disciplinary policy on the basis that the sanction was not appropriate, the appeal officer may not impose more severe sanctions but may only affirm the sanction or reduce it.
 - b. In an appeal only by a student who filed a charge or claims to have been a victim of conduct by another student on the basis that the sanction was not appropriate, the appeal officer may only affirm the sanction or increase it.
 - c. If both the sanctioned student and the student victim appeal, the appeal officer may affirm, increase or reduce the sanction.
 - d. The appeal officer may send the matter back to the conduct administrator in any case.
6. The appeal officer shall notify, in writing the charged student(s) and student(s) claiming to be a victim as to the results of an appeal within five (5) business days following the decision.
7. If the appeal is concluded by the appeal officer without being sent back to the conduct administrator/committee (for example, by the appeal being denied), the matter will then become final and will not be subject to further appeal or review.

Guidelines for the hearing and appeals processes are available in the Library Media Center or in the Learning Success Center. The conduct administrator will provide these guidelines in writing to students summoned to a hearing at the time official notification of the hearing is issued.

Article VI: Interpretation and Revision

1. Any question of interpretation regarding this student disciplinary policy shall be referred to the Executive Vice President or his/her designee for final determination, which shall not be subject to appeal.
2. This student disciplinary policy shall be reviewed every three years under the direction of the Executive Vice President.

Student Identification Cards

All students are issued a bar-coded identification card that they are expected to display at all times when they are on campus. Students should obtain or update ID cards when registering for classes each semester. Returning students should ensure they obtain a

sticker listing the current semester of enrollment from the Finance Office during each registration process.

ID cards allow usage of the library and the Learning Success Center and participation in certain student activities. More importantly, they ensure a safe campus by clearly identifying who belongs to the campus community. **Students without them will be directed to the nearest administrative office to obtain written verification that they are currently enrolled students. Not displaying an ID is a disciplinary issue, and students who repeatedly violate the student identification policy will be subject disciplinary sanctions.**

Students who withdraw from the College must turn in their ID cards in the Registrar's Office. A lost card should be reported immediately to the Learning Success Center. A replacement ID may be obtained by paying the required fee.

Student Non-Academic Grievance Procedure

A grievance is an allegation by a student that the terms and conditions of that specific individual's enrollment in the College have been materially adversely affected by a violation, misinterpretation, misapplication, or non-application of written Board and/or College policies by a college employee.

(Please note that student complaints about course grades and/or charges of academic dishonesty are handled through the academic appeals process outlined in the MSCC College Catalog, not by this non-academic grievance procedure.)

A grievance is a formal procedure that should be invoked only when informal attempts to resolve a complaint have not been successful. Students should first address complaints directly with the employee in question to achieve a resolution. Students are encouraged to attempt to resolve such complaints within ten (10) working days from the date the student could reasonably be expected to have first knowledge of the circumstances leading to the grievance. If resolution of the complaint is not achieved, or if the student does not feel comfortable talking directly with the employee, the student should then appeal to the Vice President for Student Affairs for assistance. The Vice President for Student Affairs will investigate the complaint and assist with informal arbitration between the parties to resolve the problem. Should the student want further consideration of the complaint, the student must file a formal grievance within ten (10) working days following the informal meeting with the Vice President for Student Affairs.

General Rules for Filing a Grievance

1. The statement of the grievance shall be limited to a single grievance and shall remain unchanged through each step of the procedure.
2. Individuals with complaints of discrimination or harassment may file their complaint under either the grievance procedures or the discrimination and harassment procedures. Any individual filing a complaint of discrimination or harassment under one of these procedures waives the right to file the same or similar complaint under the other procedure.
3. Any settlement, withdrawal or disposition of a grievance at any step shall not constitute a binding precedent with respect to any similar grievances subsequently filed in the future.
4. The Vice President of Student Affairs shall maintain grievance log books in which each grievance filed shall be dated and shall be assigned a number. All action related to each

grievance shall be recorded in the log book together with the date on which the action or event took place.

5. Read receipted emails using the College's email system and/or certified mail will constitute written notification of grievance procedures unless otherwise specified.
6. All prescribed actions and time commitments shall be strictly enforced. Failure by the student to take action within the time prescribed will result in dismissal, with prejudice, of the grievance and adherence to the decision reached at the prior step without further appeal of any kind.
7. Students who initiate external proceedings prior to filing a grievance or while grievance procedures are in progress waive their rights to pursue internal grievance procedures. In such cases, all internal procedures cease.
8. In the event a grievance is filed against the Vice President for Student Affairs, the Executive Vice President shall assume duties assigned to the Vice President for Student Affairs in the grievance process.

Formal Grievance Procedure

The student must file the grievance in writing with the Vice President for Student Affairs within ten (10) working days following the informal meeting with the Vice President for Student Affairs.

1. The statement of the grievance must include (a) a statement of the nature of the grievance, (b) a statement that informal discussion has failed to satisfactorily resolve the grievance, (c) the signature of the student, and (d) contact information for the student filing the grievance.
2. The Vice President for Student Affairs will record the grievance in the Grievance Log Book and forward the document to the Executive Vice President within twenty-four (24) hours of its receipt.
3. The Executive Vice President shall provide the student and the employee with written acknowledgment of the grievance as soon as possible and provide written notification to both parties within ten (10) working days whether or not the grievance may be pursued. A decision by the Executive Vice President that the issue raised (a) is not a grievance as that term is defined in this directive, or (b) is already the subject of another pending grievance filed by the same student, or (c) has been resolved against the student in a prior proceeding instituted pursuant to this directive, is not reviewable.
4. If the grievance is not barred for one or more reasons described in (a) through (c) in the preceding paragraph, the Executive Vice President will appoint a Grievance Review Committee of five members including at least one member who is a student and one who is designated as the Chairperson with voting privileges. A majority of those members of the Committee who are empowered to review a specific grievance shall constitute a quorum for the purpose of conducting such a review and rendering a decision.

5. The Committee shall review the grievance by examination of the data submitted and shall take one of the following actions within fifteen (15) working days after the notice of appeal to the Committee is received by the Executive Vice President.
 - a. Deny the student's complaint and uphold the action taken by the employee charged with the grievance.
 - b. Modify or countermand the employee's action against the student.
 - c. Schedule a hearing if the committee determines that insufficient data has been presented to render an equitable resolution to the complaint.
6. The Chairperson of the Committee will report the Committee's decision to the Executive Vice President, who will inform the student, the employee, and the Vice President for Student Affairs in writing of the decision within five (5) working days of its receipt.

Procedures for a Grievance Hearing

If the Committee decides that a hearing shall be held, the student, employee, and the Vice President for Student Affairs shall be notified of the date, time, and place. To the extent practicable, the hearing shall be held within fifteen (15) working days of the date of mailing of the notice of hearing to the employee. The decision of the Committee shall be rendered within ten (10) working days of the conclusion of the hearing.

At the hearing, the following procedures will be utilized in the indicated order.

1. The grievance shall be a closed hearing unless both the grievant and the accused agree to open proceedings. In a closed hearing, only the grievance committee, the grievant and the accused may be present during all proceedings. Witnesses may be called to testify and may only be present during their individual testimony. All proceedings will be officially recorded and transcribed by an individual selected by the Committee Chairperson.
2. To assure the objectivity and fairness of all deliberations by the Committee, the grievant and the accused party shall refrain from communicating with its members outside the hearing regarding grievances. Similarly, committee members must act with integrity and not discuss or disclose the grievance or committee proceedings with external parties during or after completion of the proceedings.
3. If either the grievant or the person charged elects to be represented at the hearing by a person of their choosing, the individual choosing such representation must notify the other party and the Committee Chairperson of the name, address, and telephone number of the representative no less than ten (10) days prior to the hearing. If, upon such notification, the other party also elects to have representation at the hearing, he/she must provide the Committee Chairperson and the first party with the name, address, and telephone number of the representative no less than five (5) days prior to the hearing. Representatives for either party may be present, but shall not speak or otherwise actively participate in the proceedings. Should either party's representative assume an active role as legal counsel, all grievance proceedings shall cease immediately.
4. Both the grievant and the accused party must deliver to the Committee Chairperson and to each other, at least five (5) days prior to the hearing, a list of witnesses to be called which includes their names, addresses and telephone numbers and copies of

exhibits that will be introduced. Failure to deliver such information to the Committee Chairperson or to the other party within the prescribed time will be grounds to deny the testimony of a witness not divulged and to deny the introduction of an exhibit not shared.

5. The grievant shall present an opening statement indicating the basis for his/her grievance. Such presentation shall be limited to twenty (20) minutes.
6. The accused shall present an opening statement indicating his/her response to the grievance. Such presentation shall be limited to twenty (20) minutes.
7. The grievant may call any witnesses to testify. After the grievant questions such witnesses, the accused may question any witness called. Additionally, the committee may ask questions of the witnesses.
8. The accused may call any witnesses to testify. After the accused questions such witnesses, the grievant may question such witnesses. Additionally, the Committee may ask questions of the witnesses.
9. The grievant may give a closing statement. Such statement shall be limited to twenty (20) minutes.
10. The accused may give a closing statement. Such statement shall be limited to twenty (20) minutes.
11. After the closing statement by the accused, the grievant may elect to present a rebuttal statement, which shall be limited to five (5) minutes.
12. The Grievance Committee shall prepare a written report of its findings with respect to the grievance presented to it. Such report shall briefly summarize the grievance and shall set forth the Committee's conclusions and decision, briefly stating the reasons therefore. A copy of the findings shall be mailed to both the student (grievant) and the employee (by certified or registered mail, return receipt requested) within ten (10) working days of the decision by the Committee. One copy shall be delivered to the Executive Vice President; one copy shall be sent to the Vice President for Student Affairs, and one copy shall be retained in the Human Resources Office files for seven (7) years or for such other period as the Committee deems appropriate.
13. Decisions of the Committee shall not set a precedent as to other grievances.
14. If the problem is not resolved to the satisfaction of the parties involved, either party may appeal the decision in writing to the President within five (5) working days of receipt of the Grievance Committee's decision. The President shall review all records of the decisions reached by the Committee and provide a written decision to both parties within thirty (30) working days. The decision of the President shall be final.

The General Rules for Filing a Grievance and the procedures for Appeals to the Grievance Review Committee are available to students in the Library Media Center and in the Learning Success Center. Learning Success Center staff will assist in the preparation of written complaints and explain the steps involved.

A student who feels subjected to civil rights violations may appeal directly to Educational Opportunity Section (Civil Rights Division), U. S. Department of Justice, P. O. Box 65958, Washington, DC 20035-5958.

Campus Notification about Registered Sex Offenders and Residential Restrictions for Registered Sex Offenders

The Campus Sex Crimes Prevention Act, 42 U.S.C. § 1407(j) and 20 U.S.C. §1092 (f)(1)(I) and Arkansas Code Ann. §12-12-913(b) et seq.) require the tracking of convicted sex offenders enrolled at or employed by institutions of higher education. Sex offenders are required by law to register in the state and to provide notice of enrollment or employment at an institution of higher education.

The West Memphis Police Department has the responsibility and liability to notify MSCC concerning registered sex offenders and determines the plan for disclosure that will be made by the College. Determinations are guided by the offender's risk assessment level in accordance with guidelines established by the Arkansas Sex Offenders Assessment Committee. The local law enforcement agency that decides to disclose information shall make a good faith effort to conceal the identity of the victim(s) of the sex offender's offense.

Notification will be guided by the following risk assessment information provided by the State.

1. **Low Risk:** Usually these are individuals with no prior history of sexual acting out, and no strong antisocial tendencies, sexual compulsions or psychological factors impairing judgment.
2. **Moderate Risk:** Usually these are individuals with limited or circumscribed prior history of sexual acting out, possess some antisocial personality characteristics, predatory tendencies, or deviant sexual interest or behavioral patterns that increase the general level of risk these offenders pose. They may have mild or well controlled mental disorders, and/or developmental disabilities.
3. **High Risk:** These individuals usually have histories of repeat sexual offending, and/or strong antisocial, violent or predatory personality characteristics. Sexual compulsions are likely to be present, but many be kept under control when relapse prevention plans are followed and treatment is continued. The offense patterns of these individuals reflect a relatively high probability of re-offense and/or a risk of substantial injury to victims should re-offense occur.
4. **Sexually Violent Predator:** These are individuals with impaired judgment or control who have sexual or violent compulsions that they lack the ability to control. This may be due to pedophilia or other disorder of sexual attraction, mental illness or personality disorder that distorts thinking, interferes with behavioral control, and predisposes the person to acts of predatory sexual violence.

The West Memphis Police Department will contact Mid-South Community College's Director of Campus Safety regarding registered sex offenders and the plan of disclosure that should be followed. Once notified, the Director of Campus Safety will provide timely and appropriate notification to the campus community about the presence of registered sex offenders enrolled in, attending, or employed by the College. Such notification will occur through campus email and/or through announcements on the plasma screens located in each building. A written summary of campus guidelines and the notification plan for each offender will be maintained by the Director of Campus Safety.

The Federal Campus Sex Crimes Prevention Act designates certain information concerning a registered sex offender as public information and therefore amends and supersedes the Family Educational Rights and Privacy Act (FERPA) and other federal and state laws that previously prohibited the disclosure of such personal information.

Substance Abuse Policy

I. PURPOSE

The Mid-South Community College Substance Abuse Policy (the “Policy”) is established to ensure the effective and fair implementation of the Drug Free Schools and Communities Act of 1989 and the consistency of all disciplinary sanctions imposed on any Mid-South Community College (the “College”) student/s. The Policy further supports the College’s commitment to maintaining a safe and healthy campus free from the influence of drugs and alcohol. The health, safety, and security of the students and employees are of primary concern to the administration, and the requirements of this Policy constitute safety rules that are considered to be of major significance.

The College recognizes that the abuse of alcohol and other substances, the use of illegal drugs, and the effects of such represent a threat to the well-being and safety of the students and could cause extensive damage to the students as well as the College’s performance, reputation, and community standing. Therefore, the College expects each student to abide by the terms of this Policy.

II. DEFINITIONS

- A. Alcohol. Any liquid substance that has a measurable alcoholic content.
- B. Drug. Any substance, other than alcohol, that can produce physical, mental, emotional or behavioral changes in the user. The term “illegal drugs” as used in this Policy means any drugs or substances whose possession and/or use are prohibited under state or federal law. It also includes all prescriptions and over-the-counter drugs not legally obtained or not being used for the purpose or in the manner for which they were prescribed and/or manufactured.
- C. Student. Any individual enrolled in credit or non-credit courses offered by the College, including, but not limited to, general education, adult education classes, literacy classes, and workforce education classes.
- D. Medical Review Officer or MRO. A licensed physician employed by or under contract with the screening agency chosen by the College to perform screening, who has knowledge about and clinical experience in controlled substance abuse disorders, including detailed knowledge of alternative medical explanations for laboratory confirmed drug test results. The MRO has the necessary medical training to interpret a student’s positive test result in relation to the student’s medical history or any other relevant biomedical information.
- E. Possession. The presence of alcohol or drugs in the possession or control of a student, including in lockers, bags, parcels, lunch boxes, other personal articles, or personal automobiles, while on College property or while engaged in College responsibilities.

III. POLICY STATEMENT

Presence in the body in any quantity at or above levels specified by the U. S. Department of Transportation, possession, manufacture, distribution, dispensation, storage, transportation, or sale of illegal drugs, drug paraphernalia, controlled substances, or alcohol in open containers

anywhere on premises including parking lots and entry roads or in College-supplied vehicles is expressly prohibited. Anyone violating this provision will be subject to disciplinary action up to and including expulsion from the College. No one shall report or return to campus with a presence of any drug or alcohol in his or her body at or above levels specified in this policy. Any student identified as doing so will be subject to screening and testing and, upon testing positive, to the procedures and disciplinary actions set forth in this policy. A violation may also result in referral to law enforcement agencies.

The student is responsible for informing the Vice President for Student Affairs or authorized representative if the student believes that his or her abilities to perform are impaired because of the use of prescription and/or non-prescription drugs. Students should notify the Vice President for Student Affairs or authorized representative of any prescription drugs that may cause a positive drug result and provide substantiating documentation from a licensed physician. Any student may consult with a Medical Review Officer (MRO) to obtain technical information regarding prescription and non-prescription drugs.

IV. SCREENINGS AND TESTING CIRCUMSTANCES

- A. Pre-Enrollment Screening. Some College programs and/or individual courses require pre-enrollment and/or random drug screening to comply with licensing or work-site requirements. Costs are covered by the student as either a pre-enrollment requirement or as a fee associated with the course. All applicants to whom an off campus training offer is extended are subject to rapid diagnostics drug testing as part of the pre-enrollment process. Refusal to submit to pre-enrollment drug testing will be cause for withdrawal of the offer.

Students who contest the result of their rapid diagnostic drug test, may immediately request a second test to confirm results, but will be expected to pay for the re-test. Non-negative results on drug-screening tests will be sent to a certified lab for confirmation and may cause off-campus clinical, internships, or other activities to be delayed or revoked.

- B. Suspicion. College staff and faculty are instructed to report signs, symptoms and behaviors associated with drug and alcohol use on campus. If suspected of drug or alcohol use or abuse on College time or property, the student may be required to submit to drug and/or alcohol screening within 8 hours, at the College's expense. If the student cannot arrange safe transportation, the College will do so at the student's expense. Screening requirements may be based upon, among other things:
1. Observable phenomena, such as direct and/or video observation of drug/alcohol use and/or the physical symptoms or manifestations of being under the influence of drugs/alcohol.
 2. Abnormal conduct or erratic behavior while on campus, absenteeism, tardiness, or deterioration in work performance.
 3. A report of drug/alcohol use provided by reliable and credible source such as personnel at clinical or internship sites.

College personnel shall, within 24 hours after any screening based on reasonable suspicion, detail in writing the circumstances that formed the basis of the determination that reasonable suspicion existed to warrant the screening. Copies of the report will be made available to the student and will be placed in the student's official file.

- C. Post-Accident Screening/Testing. Any student engaged in College business or activities who is involved in a vehicular or other incident that results in death or injury to an individual or that requires immediate medical attention or damage to College property will be subject to drug and/or alcohol screening/testing immediately, but no later than eight (8) hours after the incident. Screening/testing is required regardless of who the responsible party might be. If a student involved in an accident, regardless of who is at fault, refuses to submit to a drug and/or alcohol screen/test, the student will face disciplinary actions up to and including expulsion.
- D. Random Screening. Students enrolled in programs, courses, or activities requiring drug testing may be subject to random drug and/or alcohol tests at any time using computer software designed specifically for random selection criteria. Students will not be notified of their selection until the time of the scheduled test. Once notified, the student must report to the testing site within the time frame specified by his/her program policy.
- E. Return-to-Duty and Follow-up Screening. Students who were found in violation of this policy shall be screened/tested for alcohol and/or drugs at the student's expense before being allowed to return to campus. Once returning to campus, follow-up screening/testing for alcohol and/or drugs may be required at the discretion of the College.

V. PROCEDURES

- A. The determination to screen/test will be made as outlined in the policy. The student shall be notified of the screening/testing procedure as determined by the circumstance and the discretion of the College.
- B. The collection of all samples will be conducted under the most reasonable and sanitary conditions possible. Visual and audio privacy will be observed to the extent practicable. Samples will be collected in a reasonable manner to maintain the integrity of the specimen and to prevent any intentional means of substitution and/or dilution. All drug testing processed for confirmation will follow regulated standards at the testing laboratory and is subject to review by the College's MRO prior to any final actions being taken by the College.
- C. Students will be required to sign a Custody and Control Consent/Release form authorizing the College and/or its agents to perform drug/alcohol tests and release results to the College. A student, whose sample is being confirmed, will be required to sign an additional Custody and Control Consent/Release form authorizing the testing laboratory to perform additional testing and release results to the College's MRO. A qualified laboratory approved by the U.S. Department of Health and Human Services and the Substance Abuse and Mental Health Administration must conduct any lab based testing. Refusal to execute a consent form will have the same effect as a positive test result under this policy.
- D. A Medical Review Officer (MRO) will be assigned by the College or its agent to verify positive drug test results with the student. The MRO will keep all test results and communications confidential, conveying his/her findings only to the student and the College's designated student representative. Breath alcohol tests will not be reviewed by an MRO.

- E. The established cut-off and confirmation levels of drugs and alcohol are in accordance with the most recent guidelines published by the U. S. Department of Transportation. This information is available from the screening/testing agency or the College
- F. Invalid/Dilute/Adulterated/Substituted/Temp Out Of Range Specimens. Evidence of intentional specimen tampering (Dilute, Adulterated, Substituted or Temperature Out-of-Range) will require an immediate second collection. The second collection will be observed. The second urine screen will cancel the first, and the second screening results will stand as the results of record. All re-tests will begin immediately after the conclusion of the initial collection. Any student's specimen that results in a non-negative screen will be forwarded to a certified lab for confirmation testing at the student's expense.

Anyone not able to urinate for the re-screen (Shy Bladder) will remain at the collection site and allowed to drink up to 40 ounces of fluid. If after three (3) hours the individual cannot produce enough specimen for the second test, he/she will be required to consult with a College-approved physician immediately to determine if any medical condition is evident that would prevent the completion of the second collection. If the medical physician determines that there are no medical causes for the above situation, the action will be considered as refusing to submit to a test, and the student will be subject to disciplinary action up to and including suspension. Any such screening by a physician shall be made at the student's expense.

Any student required to submit to a breath alcohol test under this policy who unsuccessfully completes the test must consult with a College approved physician immediately to determine if any medical condition is evident that would prevent the completion of the breath alcohol test process. If the physician provides no legitimate medical reason, the student will be deemed as refusing to submit to a test resulting in disciplinary action up to and including suspension. Any such screening by a physician shall be made at the student's expense.

VI. CONSEQUENCES OF POSITIVE RESULTS

- A. For any student, a positive confirmatory test result for alcohol that equals or exceeds the detectable level of 0.02% BAC and is less than 0.04% BAC will constitute a major violation of significant safety rules and will result in immediate suspension from the college. Before being allowed to return to Campus or any College sanctioned training following suspension, the student must be retested for alcohol and achieve a negative test result. A second positive test result for alcohol that equals or exceeds the detectable level of 0.02% BAC within a period of one (1) year following the date of the initial positive test result for alcohol will result in expulsion from the college.
- B. For any student, a positive confirmatory test result for alcohol that equals or exceeds the detectable level of 0.04% BAC will result in a disciplinary action up to and including expulsion from the college.
- C. Any student having a non-negative result on a drug screen may be suspended, and any positive confirmatory test result for any substance, other than alcohol, for which testing occurs under this policy will result in expulsion from the College. Students may choose to challenge the results of a drug screen or confirmed drug tests; however, any additional testing will be made at the expense of the student. Suspended students may be reinstated if non-negative screens are not successfully confirmed by GC/MS methodology, or if positive GC/MS results are reversed after MRO review.

- D. Any student with a confirmed breath alcohol content of 0.02% or higher will not be allowed to drive. If the student cannot arrange transportation, the College will do so at the student's expense.
- E. Any student who tests positive for drugs and/or alcohol in accordance with this policy shall not, by virtue of the result alone, be deemed to have a "handicap" or "disability" as defined under federal, state or local handicap and disability discrimination laws. Students who are disciplined, suspended, or expelled as a result of a positive drug and/or alcohol test are considered to have been discharged or suspended for violation of a student conduct and/or safety regulation.
- F. If the substance abuse screen requires the review of a Medical Review Officer as defined in this policy, the student will have 96 hours from the time of the initial screening to submit proof of legally obtained prescription medications that may have contributed to the non-negative screen. Proof of submission and consultation with the Medical Review Officer must be made available to the College if so requested.

VII. CONFIDENTIALITY

Any information obtained by the College as a result of this policy will be kept confidential and released only with written permission from the student or under direct Court order.

VIII. RESERVATIONS OF RIGHTS

The College reserves the rights to interpret, change, modify, or terminate this policy at any time, in whole or in part, without prior notice to students. Such amendments or modifications shall not nullify the student's testing history.

VIII. STUDENT ASSISTANCE PROGRAMS

A student's decision to independently seek assistance from an alcohol/drug rehabilitation program, if the student is not under suspicion or testing because of this policy, shall not be used as the basis for any disciplinary action. Where a violation of this policy has occurred, a student's request to submit to an alcohol/drug rehabilitation program shall not serve to waive the application of disciplinary action under this or any other disciplinary policy or College rule. Students seeking help and assistance for an alcohol/drug related problem can refer to a list of local agencies provided by the Learning Success Center. It is imperative that students with drug and /or alcohol problems seek assistance.