

RIGHTS AND RESPONSIBILITIES OF STUDENTS

Kirtland Community College recognizes those enrolled in a course or program of study as being students and, therefore, members of the academic community. As members of this community, they are subject to the obligations which accrue to them by virtue of this membership. While enjoying freedoms of speech, peaceful assembly, right of petition, and the right of due process, all students are expected to conduct themselves in a manner that will reflect favorably on them, the community and Kirtland Community College.

Academic Freedom

The student in the classroom and in conference should enjoy free discussion, inquiry and expression. Student performance shall be evaluated on an academic basis, as defined in the syllabus for each course.

- A. Protection of Freedom of Expression:
Students shall be free, and be encouraged to offer opinions and insights in any course of study and be allowed to reserve judgment about matters of opinion expressed by the instructor or other students. Also, students are responsible for learning the content of any course of study for which they are enrolled.
- B. Protection Against Improper Academic Evaluation:
Students shall have protection through due process against prejudiced or capricious academic evaluation. At the same time, they are responsible for maintaining standards of academic performance established for each course in which they are enrolled. Students may use the procedures outlined under "Procedure for Academic Due Process" when a dispute over grades occurs.

Freedom of Assembly

No person or persons shall assemble in a manner which obstructs the free movements of persons about the college or the free normal use of the college buildings and facilities, or prevent or obstruct the normal operations of the college.

Right to Due Process

An individual charged with a violation of the student code of conduct has the right to due process. A student who is dissatisfied with an academic decision also has the right to due process. Due process at Kirtland Community College means that a student is assured that his/her rights as a student will be protected. Further, and specifically, a student has the right:

- A. To be informed in writing of the specific charges and the grounds for such charges.
- B. To have a chosen advisor, counselor or lawyer (at the student's own expense) present for advice before, during and/or after the hearing. The role of this individual is limited to an advisory capacity with no right of cross-examination.
- C. To be present at the hearing, if desired.
- D. To exercise the privilege against self-incrimination.
- E. To hear or examine evidence presented to the committee reviewing the case and to present evidence by witnesses or affidavit of any defense the student desires. Further, the student shall be given the opportunity to cross-examine witnesses.
- F. To be informed in writing of the Committee's recommendation to the appropriate vice president.
- G. To appeal the Committee's decision to the President.
- H. To waive the right of a formal hearing before the Committee and to have the case heard by the appropriate vice president.

Laws, Regulations and College Policy

Students shall obey the laws enacted by federal, state and local governments, as well as the policies and regulations of Kirtland Community College. If a student is charged with a misdemeanor or felony, the college will fully cooperate with civil authorities while recognizing the student's rights under the Family Educational Rights to Privacy Act ("FERPA")

Note: Under FERPA, an educational institution, including a community college, may not disclose personally identifiable information found in a student's education record to law enforcement officials, unless such disclosure is "to comply with a

judicial order or lawfully issued subpoena." In such a situation, the college must make a reasonable effort to notify the parent or student of the order or subpoena in advance of compliance.

Student Code of Conduct

College student conduct expectations are essential to the establishment of an environment conducive to learning, to the protection of Kirtland Community College's educational purpose and to the maintenance of a reasonable level of order on the campus. The college strives to maintain these standards through educational programs, services to the students and the promotion of student conduct standards.

Enrollment as a student at Kirtland Community College carries with it behavioral obligations inside and outside the classroom. Students are responsible for obeying municipal, state and federal laws which govern the community, as well as for the rules and regulations of the college. If a student participates individually or as a member of a group in any of the "Forms of Misconduct" (listed below), he or she can be subject to disciplinary action. Further, sanctions may be imposed upon student groups or organizations, including the sanction of deactivation which entails the loss of all the privileges and/or college recognition for a specified period of time.

Generally, college jurisdiction and discipline shall be limited to conduct which occurs on college premises or which adversely affects the college community and/or the pursuit of its objectives. The student code of conduct is in effect for students while they are on any campus property, as well as other property in the possession of or owned, used or controlled by the college.

The code of conduct also applies to off-campus activities, such as field trips, off-campus classes and college-sponsored events, and federal or state law may mandate the interest of the college in other instances. On a case-by-case basis, the vice president of student services or the appropriate instructional vice president will determine whether jurisdiction should be asserted to address the adverse effects of an off-campus activity.

A. Disciplinary Actions

Violations of the student code of conduct are subject to disciplinary action and will be given immediate attention by the college. The appropriate vice president may impose any of the following disciplinary actions:

1. **Warning:** A "WARNING" is an official reprimand which expresses college dissatisfaction with the student's conduct and which clarifies expected behavior in the future. Such action is in effect for the duration of the semester in which the warning was issued. Normally, a warning does not include any restrictions. If the same offense is repeated after a warning is given, probation will be the minimum sanction awarded.
2. **Probation:** "PROBATION" status indicates that any violation of the code of conduct within the probationary period shall result in more severe disciplinary action against the student that could include suspension or dismissal from the institution. Usually, the probationary period extends for a specified period of time or until completion of a specific requirement.

Probation in itself does not carry with it any restrictions; but, in addition to probation, it is possible for a student to be expected to complete a work assignment, pay a fine or be prohibited from holding an office or representing the college in any activity.
3. **Removal from a Course:** If "REMOVAL FROM A COURSE" occurs, a student may continue to attend other classes, but may not resume attendance in the course from which he or she has been removed for the remainder of the semester in which the removal occurs. In the event a student is removed from a course, he or she will be given either a withdrawal or a failure in accordance with the college's "Withdrawal From Classes" policy.
4. **Suspension:** "SUSPENSION" is an action that separates the student from the institution for a definite period of time (days, weeks, semesters, etc.) and is to be appropriate with the circumstances of the violation. Such action will specify the conditions required for readmission, as well as the date the student will be eligible to return.
5. **Expulsion:** "EXPULSION" is an action that permanently separates the student from the institution.
6. **Specific Orders:** "SPECIFIC ORDERS" is an action which may stand alone or be issued with another sanction. Specific orders may include, but are not limited to, performance or non-performance of specific acts, loss of certain privileges, payment of fines, restitution and work assignments.

Any disciplinary action imposed on a student will be recorded in the student's confidential file in the Student Service Office. A disciplinary action cannot be recorded on a student's transcript.

- B. **Forms of Non-Academic Misconduct:** The following forms of misconduct will not be tolerated by the college. Minimum sanctions, disciplinary actions, normally taken by the college are indicated in parenthesis following each

violation. Note: This list is not inclusive of all possible forms of misconduct. The college's administration may add to this list if needed.

College disciplinary proceedings may be instituted against a student charged with violation of a law which is also a violation of the student code of conduct, i.e., if both violations result from the same factual situation, without regard to the pendency of civil litigation in court or criminal arrest and prosecution. Such proceedings under this student code of conduct may be carried out prior to, simultaneously with or following civil or criminal proceedings off-campus.

1. Arrest for or conviction of any civil or criminal laws committed while on campus or at college sponsored events. (Probation)
2. Threatening, attempting, or using physical force or intimidation (including stalking) against any person on the college properties or at any off-campus college sponsored events. This includes the interference with the freedom of movement of any person. (Suspension)
3. Deliberate interference with academic freedom or freedom of speech, including disruption of a class, or interference with the freedom of any speaker invited by the college to express his/her views. (Warning)
4. Discrimination on the basis of race, color, religion, national origin or ancestry, age, sex, marital status or handicap. (Probation)
5. Sexual harassment in the educational environment, as defined by the Elliott-Larsen Civil Rights Act. (Suspension)

Note: The Elliott-Larsen Civil Rights Act defines sexual harassment in the educational environment as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications of a sexual nature when...such conduct or communication has the purpose or effect of substantially interfering with an individual's education...or creating an intimidating, hostile or offensive...educational...environment."

6. Kirtland Community College prohibits sexual misconduct by students, employees, or any persons, regardless of sexual orientation or gender identity, engaged or present under the care, authority, and jurisdiction of the college. The action of sexual misconduct includes, but is not limited to, sexual assault, attempted sexual assault, non-consensual sexual intercourse or contact, sexual or sex-based harassment, sexual coercion, dating or domestic violence, voyeurism, or stalking. (Suspension)
7. Conduct or expression which is disorderly, lewd, indecent or obscene on college property or at a college sponsored event. (Warning)Note: To determine conduct or expression which is disorderly, lewd, indecent or obscene, the U.S. Supreme Court has set forth the following three-prong test to determine obscenity: *The basic guidelines for the trier of fact must be: (a) whether the average person applying contemporary community standards would find that the work/action, taken as a whole, appeals to the prurient interest; (b) whether the work/action depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and (c) whether the work/action, taken as a whole, lacks serious literary, artistic, political, or scientific value.*
8. Engaging in any kind of hazing action on or off campus that endangers the mental health, physical health or safety of a student or which destroys or removes public or private property for purpose of initiation or admission into, affiliation with, or participation in any student organization. (Suspension)
9. Bullying, defined as repeated and/or severe aggressive behavior which a reasonable person would infer as likely to intimidate or intentionally hurt, control, or diminish another person, physically or mentally, and which is not speech or conduct otherwise protected by the 1st Amendment. (Suspension)
10. Retaliation – Taking action that substantially harms, whether personally, socially, or professionally, or what a reasonable person would interpret as deliberately creating significant emotional distress in another individual, for the purpose of punishing for, and/or having the effect of inhibiting further, the exercise of their right to complain or to seek grievance. (Suspension)
11. Failure to comply with reasonable requests and orders by authorized college officials or representatives acting in behalf of the college. (This requirement includes reasonable requests for students to meet appointments in administrative or faculty offices and at investigative/disciplinary hearings.) (Warning)
12. Initiate false alarms which endanger the health and safety of any person on college properties or at any off-campus college sponsored events. (Suspension)

13. Possession or use of knives (blade in excess of 3 1/8"), firearms, firecrackers, explosives, other lethal weapons, and/or toxic or dangerous chemicals on campus or at any college sponsored events, except when specifically authorized in writing by a college administrator for educational/safety purposes. Further, possession in a locked vehicle may be permitted according to State laws. Law enforcement officers are exempt from this policy. (Suspension)
14. Unauthorized distribution or sale of items on campus. (To be eligible for authorization, students must follow the steps outlined in Board policy/procedures 3.015, Community Use of College Facilities.) (Warning)
15. Manufacture, possession, control, sale, transmission or use:
 - a. Any controlled substance (illegal drugs) in violation of state or federal laws; or
 - b. Substances purported to be illegal, abusive or performance enhancing, i.e., look-alike drugs.

The college has the policy of full cooperation with law enforcement agencies in such cases. (Suspension)

16. Possession (outside of State laws), distribution, consumption or abuse (including intoxication) of any alcoholic beverages on any college owned or rented facility. (Suspension)
17. Consumption of food or beverages in unauthorized areas on campus. (Warning)
18. Smoking or use of any tobacco products on leased or owned college grounds except in personal vehicles. (Warning)
19. Gambling with money or anything else of value on campus or any college sponsored event. (Probation)
20. Dress that fails to meet established safety or health standards in specific on or off-campus classes or at college sponsored events. (Warning)
21. Parking of vehicles in unauthorized areas. (Warning)
22. Unauthorized presence of pets on campus. (Animals who assist students with disabilities are permitted on campus.) (Warning)
23. Misrepresentation, alteration, forging or misuse of college documents, records, or identification cards. (Students are required to present identification when requested by authorized college officials.) (Expulsion)
24. Unauthorized representation or contracting in the name of Kirtland Community College. (A student may not claim to be an official representative of the college for any commercial purpose.) (Suspension)
25. Use and/or misuse of the college computer system, facilities, hardware, software and all computerized information is prohibited in the following circumstances, including, but not to be limited to:
 - a. Unauthorized entry into a file, whether to use, read, change or for any other purpose.
 - b. Unauthorized transfer of a file.
 - c. Unauthorized use of another individual's identification and password.
 - d. Use of computing facilities to interfere with the work of another student, faculty member or college official.
 - e. Use of computing facilities to send obscene or abusive messages.
 - f. Use of computing facilities to interfere with normal operation of the college's computing system.
 - g. Use of computing facilities in a manner which violates state or federal copyright laws, e.g., unauthorized duplication of copyrighted or licensed software. (Suspension)
26. Unauthorized entry to and/or use of college facilities and equipment. Also, the possession of keys or duplication of the college's keys without proper authorization. (Suspension)

27. Attempted or actual theft from, damage to or the defacing of college property or to the property of other students, faculty or staff while on the campus or at any college sponsored event. (Expulsion)
28. Littering of college facilities and grounds. (This includes the disposal of cigarette butts in locations other than ashtrays or trash receptacles.) (Warning)
29. Dishonesty, including knowingly furnishing false information to the college or a college officer, whether verbally, in writing, or completing required forms. (Probation)
30. Violation of college policies and regulations not already addressed in the previously listed forms of misconduct. (Warning)

C. Academic Misconduct

1. Kirtland Community College considers academic dishonesty to be a serious offense. It is the policy of the college that determination of and appropriate action in respect to academic dishonesty by a student shall be a matter of individual judgment by the instructor, with departmental guidelines.
2. Cheating, plagiarism or other forms of academic dishonesty including the unauthorized acquisition of tests or other academic materials. This includes students who aid and abet, as well as those who attempt such behavior. (An instructor may administer a penalty up to and including failure in a particular course. In some cases, such as in nursing and criminal justice programs, the student handbook outlines the appropriate action. If a student fails two classes as a result of academic dishonesty, he or she is dismissed from the college for the remainder of the semester in which the second violation occurs and the following academic semester that is required for that student's program of study, i.e. some programs require students to take classes during the summer semester, most programs do not.)

Note: Cheating includes, but is not limited to:

- a. The use of any unauthorized assistance in taking quizzes, tests or examinations;
- b. Dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments;
- c. The acquisition, without permission, of tests or other academic material belonging to a member of the college faculty or staff.

Plagiarism is representing the work of other persons as one's own, including but not limited to the use of work by others and information downloaded from the Internet. The use of another person's words, ideas, or information without proper acknowledgement, whether done intentionally or through carelessness, is also plagiarism. The student should seek guidance from the instructor about acceptable methods to be used to acknowledge the work and ideas of others.

3. Deliberate interference with academic freedom or freedom of speech, including disruption of a class, or interference with the freedom of any speaker invited by the college to express his/her views. (Warning)

The vice presidents will decide whether the conduct will be considered academic (section C) or non-academic (section B) and will follow the appropriate procedure.

Disclosure of Student Rights and Responsibilities:

Both policy and procedure for "Student Rights and Responsibilities" will be made available to all students and employees. To ensure this occurs, any college catalog, student handbook or faculty handbook printed after December 31, 1990, must include this information.