

SUBJECT: Student Rights, Responsibilities and Due Process

I. Student Rights and Responsibilities

Students, employees and visitors at Midland College by the nature of their citizenship and residence have certain individual rights and freedoms established by the constitution and the laws of the United States, the State of Texas and the respective communities where they live. The possession of the personal rights is neither increased nor diminished by reason of a person's association with Midland College.

- A. Midland College recognizes and accepts the following rights and freedoms as being essential to the educational process: (a) freedoms of expression in the classroom consistent with commonly accepted standards of decency and respect for others; (b) freedom from improper, unfair, or capricious academic evaluation; (c) the right to have one's academic record maintained in accordance with applicable law such as FERPA; (d) freedom of association; (e) freedom of inquiry and expression consistent with commonly accepted rules governing libel, slander and good taste; (f) freedom of exercise in the rights and responsibilities of citizenship; (g) guarantee of procedural due process in disciplinary proceedings; and (h) right to distribute or post printed material in compliance with the colleges posted policy.
- B. Midland College expects employees, students, visitors and guests of the college to accept the following responsibilities: (a) compliance with and support of duly constituted civil authority; (b) respect for the rights of others and cooperation to insure that such rights are maintained, whether or not one agrees with the views of those exercising such rights; (c) maintenance of ethical and commonly accepted standards of decency and respect for others and stewardship of college resources; (d) to exercise disagreement in a responsible manner and within the framework compatible with the orderly resolution of difference; (e) knowledge of and active support of college regulations.
- C. Students with identified disabilities should report their need for accommodation to the Disability Specialist located in Student Services. Students with grievances related to discrimination on the basis of a disability may contact the Disability Specialist, for informal resolution or referral to the Student Due Process procedure.

II. Student Conduct/Misconduct

Midland College has declared that the following actions constitute an interference with the lawful and orderly use of the college premises, facilities and activities to accomplish the objectives of the college. These actions are therefore, strictly prohibited on the Midland College campus and other college property and facilities and during all college-sponsored activities wherever occurring:

- A. Disrupting or obstructing or attempting to disrupt or obstruct any lawful activity of the college.
- B. Interfering with, or attempting to interfere with, the lawful exercise of freedom of speech, freedom of movement, freedom of peaceable assembly, or other rights of individuals or groups.
- C. Illegally possessing, using, selling, transferring, or being under the influence of any alcoholic beverage or any illegal, illicit, or designer drugs on campus or while engaged in any college instructional activity.
- Prohibits possession and consumption of alcoholic beverages on Midland College property. Any exception must have prior approval from the Board of Trustees.
 - The college strictly enforces the state law that prohibits the possession and consumption of alcohol by those under the age of 21.
 - The college strictly prohibits attending classes while under the influence of alcohol or drugs.
 - The college prohibits possession or use of controlled substances or alcohol in its residence halls, or at any off campus college-sponsored event.
 - The college strictly enforces the local, state, and federal laws which prohibit the sale of controlled substances on its campus.
 - Drug and/or alcohol testing can occur in “for cause” situations when academic or clinical performance, conduct, or other actions indicate possible alcohol or drug use. The student is responsible for the cost of the drug and/or alcohol testing.
 - Students are required to participate in drug screening protocols established by clinical providers utilized by the College.
- D. Possessing or using firearms, weapons, or explosives, unless authorized by the college. A person commits an offense if he or she intentionally, knowingly, or recklessly possesses or goes with a firearm, illegal knife, club or prohibited weapon on the physical premises of a school or educational institution, any grounds or building on which activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private, unless pursuant to

written regulations or written authorization of the Midland College Administration (Texas Penal Code 46.03). This prohibition includes, but is not limited to, fireworks of any kind, illegal knives, clubs and razors.

- In addition, Midland College prohibits the same weapons from being brought onto any campus of the college.
- Lockers and vehicles on any campus of Midland College may be inspected by school personnel if there is reasonable cause to believe that they contain weapons, drugs or other contraband items.
- In the event a student possesses a license to carry a concealed handgun under state law, the possession of such weapons on any campus of the college is prohibited.
- Only local, state and federal authorities are authorized to carry firearms on their person when on the campus of Midland College either as visitor or a student.

E. Conduct which constitutes sexual harassment, which may be defined as either unwelcomed sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature by anyone employed by the college or any student, and includes, but is not limited to, circumstances when

- submission by a student to such conduct is explicitly or implicitly made a term or condition of status in a course, program, or activity;
- submission to or rejection of such conduct is used as the basis for academic decisions affecting the student;
- such conduct has the purpose or effect of substantially interfering with a student's academic performance;
- such conduct, in intent or effect, creates an intimidating, hostile, or offensive environment for learning.

Sexual Harassment and Sexual Violence

Use of the term "sexual harassment" includes sexual violence unless otherwise noted. Sexual violence refers to the physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery and sexual coercion. All such acts of sexual

violence are forms of sexual harassment and are covered under Title IX of the Education Amendments of 1972. The college encourages students who believe they have been sexually harassed by other students or employees to come forward with allegations of sexual harassment to the Title IX Coordinator, located in the Scharbauer Student Center. The Title IX Coordinator will investigate all allegations promptly, and Midland College officials will take prompt and appropriate disciplinary actions against students and employees found to have engaged in unlawful conduct constituting sexual harassment of students, employees or visitors to the college. The College shall exercise reasonable care to prevent and correct any sexually harassing behavior and develop preventive or corrective measures to address unlawfully sexually harassing behavior.

- F. Advocating the overthrow by force or violence of any legally constituted governmental body, system, or any local, state, or federal law, or any rule, regulation or policy of the Board of Trustees and administrative officials of the college.
- G. Engaging in physical assault, harassment (including cyber bullying), obscene, profane, reckless, tumultuous, destructive or unlawful course of conduct.
- H. Hazing in all forms, as defined and prohibited in the Texas Education Code Sections 37.151-37.157 and any addendum thereto.
- I. Academic misconduct, cheating or plagiarism; willfully submitting false information with the intent to deceive; forgery, alteration, or misuses of college documents or records.
 - Academic Misconduct: Academic misconduct is the actual or attempted tampering or misuse of academic records or materials such as transcripts and examinations. Examples are: stealing, buying or otherwise obtaining all or part of an un-administered test or academic exercise; selling, buying or giving away all or part of an un-administered academic exercise or any information about it; changing or altering a grade book, test, “drop form”, or other official academic record of the college; unauthorized entry into a building or office for the purpose of changing a grade or tampering in any way with grades or examinations.
 - Cheating: Cheating is defined as the deliberate use of unauthorized materials and/or actions or fraudulent acquisition in order to obtain information for an examination or assignment.
 - Plagiarism: Plagiarism is defined as the appropriation, buying, receiving as a gift, or obtaining by any means another’s work and the unacknowledged submission or incorporation of it in one’s own written work offered for credit.
 - Collusion: Collusion is defined as the unauthorized collaboration with

another person in preparing written work offered for credit or collaboration with another person to commit a violation of any section of these rules on scholastic dishonesty.

- J. Initiating malfeasance in an elective or appointive office of any college endeavor.
- K. Refusing to present an appropriate appearance in dress and grooming while participating in or attending a college activity. Students who dress so unconventionally or in a bizarre manner that causes disturbances, disrupts campus life, or calls undue attention to such student will be asked to conform to a more conventional form of dress. At Midland College, individual members of faculty and staff are given a considerable amount of discretion in determining what is appropriate for the educational activity under their responsibility. Whatever is clearly stated by those responsible as being appropriate or not appropriate will be prevailing standard in that particular area of activity.
- L. Refusing or failing to comply with lawful order of any college or public official acting in the performance of duties in the administration and enforcement of these policies.
- M. Participating in theft, vandalism, defacement or destruction of college or student property.
- N. Failing to meet financial responsibilities to the institution promptly including, but not limited to, making any payment to the college by check when there are insufficient funds to cover such check.
- O. Failing to return, defacement of, or destruction of, college property which has been issued as educational equipment, such as, but not limited to, tools, cameras, recorders, musical instruments, technology devices, etc.
- P. Violating an established safety and health requirement in laboratory, shop or other educational settings.
- Q. Violating campus housing regulations.
- R. Failing to maintain the security of student's username and password for Campus Connect, Canvas and Midland College email, or engaging in prohibited or unauthorized activities as related to Midland College computer equipment or facilities.

III. Student Discipline

- A. Any student violating policies and general rules on student rights, responsibilities, conduct and privacy shall be subject to immediate removal from any college premises, facilities, or activity. Such removal or exclusion shall not prejudice or interfere with subsequent disciplinary action by the college.
- B. Complaints regarding student behavior may be originated by students, faculty, staff members, or citizens outside the college community. The Vice President of Student Services or his or her designee will investigate any complaints and notify the student in writing of all charges, the disciplinary action, and the right to a hearing.
- C. Disciplinary action may include: (a) admonition and warning; (b) formal written warning; (c) fines; (d) loss of privileges (e) formal disciplinary probation; (f) suspension; or (g) expulsion.
- D. College imposed sanctions are additional to any action taken by law enforcement Officials.

IV. Ability to Benefit

There are occasional exceptional situations where a student's physical or psychological condition is such that action needs to be taken to withdraw the student from the college. The action could occur, for instance, if the conditions were such that the student could not benefit from the educational program, were threatening to self and/or others; or were disruptive to others.

V. Student Due Process

Midland College provides due process procedures for its students to assure that specific problems are addressed in a fair, reasonable, and timely manner. Students may seek review of decisions or redress of grievances related to their participation in college programs or activities including:

- disciplinary action.
- assignment of a final course grade. (see Grade Appeal Policy)
- denial of admission to, dismissal from, or denial of readmission to a limited access program.
- perceived discriminatory action based on race, color, age, natural origin, sex, disability, marital status, religion, or any other condition prohibited by law.

All challenges to a final course grade shall be processed in accordance with the Grade Appeal Policy No. 03:04:02.

Students are encouraged to seek informal resolution of problems by discussing issues directly with the college employee involved and/or that individual's supervisor.

In the event that informal discussions do not resolve disputed issues, a student may request a formal hearing. During the hearing, the decision in dispute and related circumstances will be reviewed, and the student will have an opportunity to present his or her viewpoint.

A. Hearing Procedures

1. A student seeking a formal hearing of a disputed decision must submit a Request for Formal Hearing to the Vice President of Student Services within fifteen working days of the date of decision being disputed. Such request must describe the disputed act, the parties involved and the action requested.
2. The Vice President of Student Services will assure that appropriate college personnel are informed, and a hearing, normally, will be scheduled within fifteen working days of the filing of a grievance. A due process facilitator will be appointed to conduct the hearing and ensure that a "fair" hearing occurs.
3. The hearing panel will consist of a balanced group including a member of the department or division involved, an individual outside the department or division involved and a representative from the instructional area or the student services area as appropriate. The student may provide written support documentation to present to the panel members. A campus liaison will be available if the student needs assistance in the hearing procedure. The Midland College employee involved in the dispute may also have a campus liaison and provide written support documentation. All materials to be considered in the hearing must be submitted to the Vice President of Student Services 48 hours prior to the scheduled hearing. It is the policy of the college that legal counsel will not be involved in dispute resolution before all internal remedies have been exhausted.
4. The hearing panel may uphold, overturn or revise the disputed decision and the facilitator conducting the hearing will notify all involved parties of the panel's decision.
5. Actions which result from disputed decisions and which affect student status or participation in Midland College programs or activities will be deferred until after the formal hearing unless otherwise directed by either the Executive Vice

President or the Vice President of Student Services.

6. When either the Vice President of Student Services or the Executive Vice President has been directly involved in disputed action with a student, he or she shall designate a representative to serve in his or her stead during hearings or appeals.

B. Appeals

1. If a party believes that improper action occurred during the hearing that resulted in a lack of substantial due process fairness (“Procedural Allegation”), such party may present the alleged Procedural Allegation in an appeal. Only Procedural Allegations may be appealed.
2. A party seeking to appeal the decision of the hearing panel based upon a Procedural Allegation must file a written request with the Vice President of Student Services within ten days of receipt of the hearing panel’s decision. This request must state the alleged Procedural Allegation and identify that corrective action requested. The request will be forwarded to the appropriate vice president for review.
3. If a need for an appeal hearing is determined, the Vice President of Student Services and the Executive Vice President shall handle appeals in each other’s areas of supervision including selecting balanced panels to hear such appeals and chairing appeal hearings.
4. A decision regarding an appeal will be given within ten working days of filing the request for appeal. The appeal decision is final and binding unless action by the President is taken as set forth below.
5. The President has the right to overturn any decision from a hearing or an appeal.