

**MARSHALL COMMUNITY & TECHNICAL COLLEGE  
INSTITUTIONAL BOARD OF GOVERNORS**

**AGENDA**

**Friday, September 18, 2009**

**8:00 a.m.**

**MCTC Cooking & Culinary Institute**

**917 Third Avenue**

**Huntington, WV**

- I. Call to Order and Determination of Quorum
- II. Approval of Minutes – August 21, 2009 \*
- III. President’s Report - Dr. Cotroneo
- IV. Student and Academic Services Committee Report – Donna Donathan, Chair
  - Student and Academic Services Committee Report and Discussion
  - Student Code of Conduct Procedures
  - Other
- V. Finance and Facilities Committee Report – Jeffrey Porter, Chair
  - Finance and Facilities Committee Report and Discussion
  - FY 2010 Service Agreement with MU
  - Enrollment Update
  - BANNER Implementation
  - Site Selection
  - Other
  - Presidential Contract \*
- VI. Possible Executive Session Under the Authority of WV Code §6-9A-4 Relating to Property Acquisitions and Leases and the President’s Contract
- VII. Announcements:
  - Next Regularly Scheduled Meeting of the IBOG – October 16, 2009 @ the MCTC Cooking & Culinary Institute, Breakfast at 7:30 a.m. with Meeting to Begin at 8:00 a.m.
  - Other
- VIII. Adjournment

\* Action Item

**\*\*\* DRAFT \*\*\***  
**MINUTES**

**MARSHALL COMMUNITY & TECHNICAL COLLEGE**  
**INSTITUTIONAL BOARD OF GOVERNORS**  
**Friday, August 21, 2009**  
**8:00 a.m.**  
**MCTC Cooking & Culinary Institute**  
**917 Third Avenue**  
**Huntington, WV**

**PRESENT:** Bob Bailey, Mark Bugher, Ruth Cline, Donna Donathan, Mark George, Jim Hale, Mike Herron, Jason Moses, Criss Nance, Jeffrey Porter, Susan Richardson, and Monica Shafer.

**ABSENT:** None.

**ALSO ATTENDING:** President Keith J. Cotroneo, Billie Brooks, Jean Chappell, Mary Beth Dickerson, Tom Heywood, Herb Karlet, Terri Tomblin-Byrd, Sandra Walker and the news media.

**AGENDA ITEMS:**

I. Call to Order and Determination of Quorum:

Ms. Richardson called the meeting to order at 8:08 a.m. A quorum was established.

II. Approval of Minutes – July 17, 2009:

A motion was made by Jeffrey Porter and seconded by Mark George to accept the minutes as presented. The motion was approved.

III. President's Report – Dr. Cotroneo:

Dr. Cotroneo gave a progress report relating to the following items:

- *Career Focus* magazine, MCTC's latest marketing tool, was distributed and reviewed. As a result of the mailing of the magazine, an increase in enrollment is anticipated.
- MCTC's "Access to Success" Strategic Planning and Direction themes developed by the former Institutional Board of Advisors have been revised for 2009-2011. The themes include the core benchmarks to mark progress for the college. Fall 2009 In-Service was held August 17 – 19, 2009. Training was provided in the area of diversity. Six new QUEST teams were identified and were trained in team building and opportunity/problem-solving.
- MCTC has established an articulation agreement with Mountain State University where training provided through the Inland Waterways Academy can be applied

to a BA degree. Once the students complete an Associate Degree they are then able to work on their Bachelor's degree through distance learning.

- President Cotroneo recently attended a building project kick-off meeting with Chancellor Skidmore and the Presidents of Blue Ridge Community & Technical College, New River Community & Technical College and Kanawha Valley Community & Technical College. This was an opportunity to come together and discuss new facilities. Chancellor Skidmore, along with the other three Presidents, would like to visit MCTC.
- Governor Manchin and Senator Plymale attended the recent meeting of the West Virginia Community & Technical College System. Senator Plymale spoke concerning the Higher Education bonding process. Funding for community and technical college facilities is expected to be available within the next year or so. The goal is that students will not have to fund facilities in the future.
- The beginning of the Fall 2009 semester was August 24, 2009. Enrollment is strong.
- MCTC hosted a block party for students at Pullman Plaza on August 20, 2009 during the Heiner's Bakery concert series. Mayor Wolfe was present along with the DAWG radio station. This was a huge success with great participation.

#### IV. Committee of the Whole – Susan K. Richardson, Chair:

A resolution in support of the "American Graduation Initiative" was discussed. As a component of President Obama's effort to build a stronger foundation that will allow the United States to lead in the global economy, the "American Graduation Initiative" was announced on July 14, 2009. This historic initiative will strengthen our nation's community colleges, and calls for five million additional graduates by 2020. The initiative has been endorsed by the American Association of Community Colleges (AACC). Following discussion, a motion was made by Jason Moses and seconded by Jeffrey Porter for the Board to formally endorse the initiative and to commit to doing everything the Board can to achieve its enactment. The motion was approved.

#### V. Finance and Facilities Committee Report – Jeffrey Porter, Chair:

Jeffrey Porter indicated the Finance and Facilities Committee met twice since the August 21, 2009 meeting of the Institutional Board of Governors and discussed the following:

- Information on the FY 2010 Budget is still unavailable awaiting a signed Service Agreement with Marshall University.
- Ms. Richardson reported an agreed upon draft of the FY 2009-2010 Service Agreement with Marshall University was sent approximately 3 weeks ago and she is still waiting on a response.
- Mr. Porter indicated the committee has discussed federal stimulus dollars which may soon be available to community colleges. Although the committee has discussed the grant process, no conclusions have been made. Jean Chappell,

Dean of Allied Health and Life Sciences, is developing a Grant Writing QUEST team.

- Terri Tomblin-Byrd updated the committee on the status of the BANNER implementation. She believes everything is ready. High usage has already been seen with the MCTC Self-Service module.
- The MCTC now has an established Foundation with 501c3 status. The Foundation Board currently consists of three members and there is a need for a full MCTC Foundation Board to be appointed.
- Mr. Porter indicated the need for an Executive Session of the Board relating to land acquisitions and leases.

VI. Announcements:

- The next regularly scheduled meeting of the Institutional Board of Governors is scheduled for September 18, 2009 at 8:00 a.m. The location is to be determined.
- Jason Moses thanked everyone for their participation in Dr. Cotroneo's annual performance evaluation.

VII. Possible Executive Session Under the Authority of WV Code §6-9A-4 Relating to Land Acquisitions and Leases:

A motion was made by Mike Herron and seconded by Mark Bugher to go into Executive Session under the authority of WV Code §6-9A-4 relating to possible land acquisitions and leases. The motion was approved.

Following a brief discussion, the Board voted to return to regular session.

VIII. Adjournment:

There being no other agenda items, the meeting was adjourned at 9:18 a.m.

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Susan K. Richardson Chairman

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Ruth Cline Secretary

**Marshall Community & Technical College [MCTC]  
Institutional Board of Governors [IBOG]  
Meeting of September 18, 2009**

**ITEM:** Procedures for Student Code of Conduct

**COMMITTEE:** Student and Academic Services Committee

**RECOMMENDED RESOLUTION:** *Discussion Item*

**STAFF MEMBER:** Donna Donathan, Chair  
Student and Academic Services Committee

Carol Perry  
Executive Dean

Billie Brooks  
Dean of Student Services

**BACKGROUND**

MCTC is in the process of developing administrative procedures relating to a Student Code of Conduct. The proposed procedures are being relayed to the Board for comment.

## STUDENT RIGHTS AND RESPONSIBILITIES

### PROCEDURES

The submission of an application for admission to Marshall Community and Technical College (hereinafter the College) represents an optional and voluntary decision on the part of the prospective student to partake of the programs and privileges offered by the College pursuant to the policies, rules, and regulations of the Institutional Board of Governors (IBOG). Institutional approval of that application, in turn, represents the extension of a right or privilege to join the College community and to remain a part of it so long as the student fulfills the academic and the behavioral expectations that are set forth in the policies, rules, and regulations of the IBOG.

Among student rights and responsibilities are the following:

- A. *Freedom of expression and assembly.* Students enjoy the essential freedoms of scholarship and inquiry central to all institutions of higher education. In exercising these freedoms, students have particular rights and responsibilities, including but not limited to the following:
  1. To have access to campus resources and facilities;
  2. To espouse causes;
  3. To inquire, discuss, listen to, and evaluate;
  4. To listen to any person through the invitation of organizations recognized by the College;
  5. To not violate the rights of others in matters of expression and assembly; and
  6. To abide by the policies, rules, and regulations of the IBOG and federal, state, and local laws pertaining to freedom of expression and assembly.
- B. *Freedom of association.* Students may organize whatever associations they deem desirable and are entitled to affiliate with any group or organization for which they meet membership qualifications. However, institutional recognition of student organizations shall be limited to those whose purposes are in accord with the educational mission of the College.
- C. *Right to privacy.* Students are entitled to the same safeguards of the rights and freedoms of citizenship as are afforded those outside the College community, including but not limited to the following:
  1. Privileged one-to-one communication with faculty, administrators, counselors, and other institutional functionaries;
  2. Respect for student property, including freedom from unreasonable and unauthorized searches;
  3. Confidentiality of academic and disciplinary records as outlined by the Family Education Rights and Privacy Act (FERPA); and

4. Assurance that legitimate evaluations will be made from student records.
- D. *Responsibilities of citizenship.* Students are expected, as are all citizens, to obey local, state, and federal statutes. As members of the College community, students also are expected to obey the College's Student Rights and Responsibilities Procedures.
- E. *Right to due process.* Disciplinary proceedings for students accused of committing offenses must be consistent with such constitutional provisions guaranteeing due process of law as are applicable to the proceedings. In all disciplinary proceedings, students shall be considered innocent until proven guilty of any charge.

### **Student Academic Rights**

Consistent with other academic standards and responsibilities established by the College, each student shall have the following academic rights:

- A. The student shall be graded or have his/her performance evaluated solely upon performance in the coursework as measured against academic standards.
- B. The student shall not be evaluated prejudicially, capriciously, or arbitrarily.
- C. The student shall not be graded nor shall his/her performance be evaluated on the basis of his/her race, color, creed, sex, sexual orientation, or national origin.
- D. Each student shall have the right to have any academic penalty, as set forth herein, reviewed pursuant to the procedures in the "Academic Appeals" section of this procedure. Except in those cases where a specific time is provided, this review shall occur within a reasonable time after the request for such a review is made.
- E. Each student shall have access to a copy of a College catalog or program curriculum sheet in which current academic program requirements are described (e.g., required courses, total credit requirements, time in residence standards, minimum grade point average, probations, standards, admissions standards, professional standards, etc.)
- F. Each student shall receive a syllabus from the instructor that includes written descriptions of content and requirements for any course in which he/she is enrolled (e.g., attendance expectations; special requirements; laboratory requirements including time, field trips, and cost; grading criteria; standards and procedures; professional standards; etc.)
- G. The instructor of each course is responsible for assigning grades to the students enrolled in the course consistent with the academic rights set out in the preceding sections.
- H. The College is responsible for defining and promulgating:
  1. Academic requirements for admission to the institution and for admission to programs with selective admission;

2. Criteria for maintenance of satisfactory academic progress, for the successful completion of the program, for the award of a degree or certification, for graduation;
  3. Requirements or criteria for academic grade appeal;
  4. Requirements or criteria for any other academic endeavor, and the requirements for student academic honesty, consistent with the policies, rules, and regulations of the West Virginia Council for Community and Technical College Education system and with the fundamentals of due process; and
  5. Standards and requirements for probation, suspension, and dismissal.
- I. Generally, a student has the right to finish a program of study according to the requirements under which he/she was admitted to the program. Requirements, however, are subject to change at any time, provided that reasonable notice is given to any student affected by the change.

### **Student Rights and Responsibilities Procedures**

The College assumes that students are mature, responsible individuals who have voluntarily entered the institution for educational advancement. A student, by voluntarily accepting admission to the institution or enrolling in a class or course of study offered by the College, accepts the academic requirements and criteria of the institution. As a part of helping students reach their goals, the College seeks to develop responsible student behavior through the following Student Rights and Responsibilities Procedures.

Under these Student Rights and Responsibilities Procedures, suspension or expulsion generally shall be limited to conduct that adversely affects the College community's pursuits of its educational objectives. The following misconduct on the College campuses, facilities, or property or at College activities are subject to suspension or dismissal:

1. Engaging in any form of dishonesty, including cheating, plagiarism, knowingly furnishing false information to the College, forgery, and alteration or use of College documents or instruments of identification with intent to defraud;
2. Disrupting or obstructing College activities by any means, including intentionally causing inconvenience, annoyance, or alarm among members of the College community;
3. Engaging in physical and/or psychological abuse or threatening such abuse of any person, including but not limited to fighting and engaging in assault or battery;
4. Participating in or inciting a riot or an unauthorized or disorderly assembly;



5. Seizing, holding, commandeering, or damaging any property or facilities of the College, or threatening to do so, or refusing to depart from any property or facilities of the College upon direction of College officials or the President;
6. Using alcoholic beverages, including the purchasing, consuming, possessing, or selling of such items;
7. Gambling or holding raffles or lotteries, except in cases with specific prior approval of the President;
8. Possessing, using, selling, or distributing any type of drugs for illegal purposes;
9. Possessing any dangerous chemical or explosive elements or component parts thereof not used for lawful College studies, including but not limited to rifles , shotguns, pistols, revolvers, and other firearms and weapons, without authorization from the President;
10. Physically detaining or restraining any other person, removing such person from any place where that person is authorized to remain, or otherwise obstructing the free movement of persons or vehicles;
11. Littering, defacing, destroying, or damaging property or removing or using such property without authorization;
12. Misusing the West Virginia computer network and the College computer system, including but not limited to the following:
  - a. Disrupting or interfering with the normal use of the computers, computer-related equipment, data, or programs of individuals, the network, or the College computer system;
  - b. Using this equipment, data, or programs in performance of any act listed as prohibited by this code of conduct;
  - c. Attempting to breach security in any manner; or
  - d. Using a computer account for other than the purpose for which it was assigned.
13. Engaging in an act of hazing;
14. Willfully encouraging others to commit any of the acts prohibited by the code of conduct;
15. Interfering with the rights of any other member of the College community;

16. Violating any local, state, or federal law; or

17. Violating any rules or regulations not contained in this Code of Conduct but announced as administrative edict by the President.

## **PENALTIES AND SANCTIONS**

The Student Rights and Responsibilities Procedures reflect the College community's expectations and standards established for each of its members.

Disciplinary action on campus deals administratively and developmentally with prohibited or unacceptable student behavior in the College community. Any complainant may refer any student or organization to the Office of Student Services. Official College action will be taken when a student's or student group's behavior violates community standards, or interferes either with the educational purpose or with its duty to protect and preserve individual health, welfare, and property. When the behavior is aggravated or presents a continuing danger to the College community, accused students are subject to separation from the institution.

Thus, the primary purpose of these Student Rights and Responsibilities Procedures are to serve the educational interests of both the College community and individual student by (1) establishing the College's authority to discipline students; (2) outlining the general rights and responsibilities of students; (3) asserting the specific standards of conduct expected of students; (4) describing actions that can be taken when misconduct occurs; (5) establishing procedures that ensure due process in the adjudication of complaints concerning students; and (6) imposing sanctions and/or providing conflict resolution in the College setting to protect, deter, and educate.

## **AUTHORITY FOR STUDENT DISCIPLINE**

The College Student Judicial System and the Student Rights and Responsibilities Procedures are promulgated under the authority of the West Virginia Council for Community and Technical Council for Education policies, rules, and regulations regarding student rights, responsibilities, and conduct in West Virginia colleges. Students should familiarize themselves with these policies.

By action of the Institutional Board of Governors, the President of the College is responsible for all matters of student discipline, including the preservation of due process procedures. This responsibility is normally delegated to the Dean of Student Services for the purpose of implementing approved policies and regulations. However, the President's ultimate authority in the regulation of student conduct, including direct intervention by the President when appropriate, is presumed by the Procedures.

The Student Rights and Responsibilities Procedures and the Student Judicial System are subject to change and amendment. Because maintenance of discipline and preservation of community standards are properly the concern of all students, faculty, staff, and administration, all members of the College community will be provided with appropriate opportunities for

representation or involvement in the development, revision, and maintenance of the Student Rights and Responsibilities Procedures.

## **STUDENT RIGHTS AND RESPONSIBILITIES**

All students are subject to the provision of the Procedures. A student's application for admission to the College represents an optional and voluntary decision to partake of the privileges and to abide by the policies, rules, and regulations. The College approval of that application, in turn, represents the extension of a right or privilege to join the College community and to remain a part of it so long as the student fulfills the academic and behavioral expectations set forth by the College and its Institutional Board of Governors.

## **JURISDICTION**

Because the primary purpose of the Procedure is to support the protection and advancement of the College community's particular educational interests, conduct proscribed and reviewed under the Student Rights and Responsibilities Procedures will, in most cases, refer to behaviors that occur on or about College premises, at College-sponsored events, or that are engaged in by College-recognized student organizations. However, the College retains the right to review, under the Student Judicial System, the off-campus conduct of students when such conduct is alleged to:

- Interfere with the mission of the College; and/or
- Compromise the College's integrity in the granting of degrees or other certification; and/or
- Threaten the health or safety of members of the campus community; and/or
- Interfere with the orderly operation of the College.

Complaints about students' off-campus behavior will be considered on a case-by-case basis, following these guidelines, to determine whether they merit review within the Student Judicial System. The College enjoys close and mutually supportive relationships with the communities in which its campuses are located and expects College students to abide by the laws of these communities. The College acknowledges the right and duty of these communities to prosecute and hold accountable any persons found in violation of their laws.

The standards in the Student Rights and Responsibilities Procedures and the sanctions express the College's expectations for student conduct and are essential to the College's educational mission. Participation by students in activities that violate the standards may result in referral to the Office of Student Services or to another College office responsible for examining and upholding standards of conduct, in accordance with the due process guarantees and procedures defined in these Procedures. The sanctions applicable may include, but are not limited to, probation, probationary suspension, suspension, expulsion, and restitution for damages, referral for mandatory counseling, or any combination of these sanctions.

## **CONCURRENT CRIMINAL PROCEEDINGS**

Because students are also members of larger communities such as city, state, and nation, their conduct may also be subject to review within another jurisdiction(s) when such conduct violates

the laws of these jurisdiction(s). Criminal prosecution by the court system is designed to be punitive and to provide social consequences for convicted offenders. Therefore, disciplinary action under the Student Rights and Responsibilities Procedures cannot substitute for judicial mechanisms of the larger community. Students charged under the College's Student Rights and Responsibilities Procedures may also be held responsible for violating existing local, state, and federal law. Because the purposes and consequences of the two processes are so different, such concurrent reviews are mutually exclusive and do not create double jeopardy for charged students.

Disciplinary action at the College will in most cases proceed without regard to the status of criminal proceedings and will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced. However, the College reserves the right to postpone campus disciplinary proceedings during the pendency of criminal proceedings when the conduct of such campus proceeding would interfere with the concurrent civil or criminal process. The decision to postpone on the grounds of interference will be made by the President or his/her designee upon the request of the accused student or of the prosecutor of complainant.

### **PENDING CHARGES**

During the period in which judicial charges are pending, a student under judicial charges, unless suspended, or when his/her continued participation or presence would serve to disrupt the purpose of the College, shall continue to have the rights and privileges accorded other students. However, grades, records, transcripts, or diplomas may be withheld pending determination of the charges.

### **INTERPRETATION OF REGULATIONS**

The purpose of publishing disciplinary regulations is to give students general notice of proscribed behavior. This Code is not written with the specificity of a criminal statute.

### **DEFINITIONS OF ACADEMIC DISHONESTY**

**CHEATING:** Any action that if known to the instructor in the course of study would be prohibited. This includes:

- The unauthorized use of any materials, notes, sources of information, study aids, or tools during an academic exercise.
- The unauthorized assistance of a person other than the course instructor during an academic exercise.
- The unauthorized viewing of another person's work during an academic exercise.
- The unauthorized securing of all or any part of assignments or examinations in advance of submission by the instructor.

**FABRICATION/FALSIFICATION:** The unauthorized invention or alteration of any information, citation, data, or means of verification in an academic exercise, official correspondence or a College record.

**PLAGIARISM:** Submitting as one's own work or creation any material or an idea wholly or in part created by another. This includes:

- Oral, written, and graphical material
- Both published and unpublished work

It is the student's responsibility to clearly distinguish his/her own work from that created by others. This includes the proper use of quotation marks, paraphrase, and the citation of the original source. Students are responsible for both intentional and unintentional acts of plagiarism.

**BRIBES/FAVORS/THREATS:** Attempting to unfairly influence a course grade or the satisfaction of degree requirements through any of these actions is prohibited.

**COMPLICITY:** Helping or attempting to help someone commit an act of academic dishonesty. The above definitions apply to courses offered both online and in the classroom.

## **SANCTIONS**

Sanctions for academic dishonesty may be imposed by the instructor of the course or the Division Dean. Sanctions for academic dishonesty may be imposed even if a student withdraws from an individual course or from the College entirely. The instructor may impose the following sanctions:

- A lower or failing project/paper/test grade
- A lower final grade
- Failure of the course
- Exclusion from further participation in the class (including laboratories or clinical experiences)

The following sanctions may be recommended by the instructor but will need to be imposed by the Division Dean:

- Exclusion from an academic program
- Academic probation for up to 1 year
- Academic suspension for up to 1 year
- Dismissal from the College

In those cases in which the offense is particularly flagrant or where there are other aggravating circumstances, additional, nonacademic sanctions may be pursued through the Office of Student Services.

A student will be informed in writing by the instructor or responsible office of any charges and subsequent sanctions imposed for academic dishonesty. Written notification of academic dishonesty charges (and the inclusion of confirmed charges/sanctions in a student's record) is designed to inform a student of the potential repercussions of repeat offenses and his/her rights of appeal.

#### **DISCIPLINARY PROCEDURES**

- A. Any authority, responsibility, or duty granted to or imposed upon the President by this policy may be delegated by the President to a member or members of the faculty or staff. All persons concerned in a matter involving the delegation of authority, responsibility or duty by the President shall be required to deal with the person or persons to whom the authority, responsibility, or duty was delegated, except on appeal to the President as specified by the President.
- B. The President, with the advice of faculty, staff, and students and subject to the control of the Institutional Board of Governors, shall develop, promulgate, and use disciplinary regulations and channels not inconsistent with this policy.
- C. Generally, a student facing suspension or expulsion from the College will be entitled to a hearing and, in certain cases, an appeal prior to the imposition of the sanction. However, a student may be temporarily suspended pending final action on the charges when the student's continued presence at the College would constitute a potential for serious harm to self or to the safety of other members of the College community or when the student repeatedly causes serious disruptions of College activities. Such temporary suspension shall be followed by prompt disciplinary proceedings consistent with this policy.
- D. Because of time lapse during an appeal process, sanction enforcement in the affected semester may be impossible. In that event, the following actions may occur:
  1. Whenever possible and if appropriate, the sanction shall be applied to the semester in progress at the time of the completion of the appeal.
  2. If the sanction cannot be implemented during that semester, then it shall be applied during the next regular semester.
  3. If the student has completed the course of study during the pendency of the appeal, the sanctions, where possible, shall be carried out retroactively to affect the records of that student during the semester designated in the original sanction.
  4. In any event, the student may not be graduated during the process of appeal.

## RESPONSIBILITIES

- A. Students subject to suspension or expulsion for disciplinary or academic violations are assured safeguards to their rights through the elements of due process given below. Each of these students will receive:
1. Written notice of a disciplinary action including a statement of charges and grounds that, if proven, justify suspension or expulsion;
  2. A hearing using defined procedures before the College's Recruitment, Retention, and Readmission Committee (RRR), an impartial body;
  3. Notice of the date, time, and place of the hearing, which will be given two weeks prior to the hearing so that the accused student can adequately prepare to counter the charges before the hearing;
  4. Names of the witnesses against the accused student;
  5. A statement of the facts and evidence to be given in support of the charges, made with sufficient clarity to reasonably disclose the time and place of the alleged occurrence and the actions or behavior complained of;
  6. Advance inspection by the accused student of the College's affidavits and/or exhibits against the student;
  7. Opportunity to present to the RRR Committee a defense against the charges;
  8. Opportunity to produce either oral testimony or written affidavits of witnesses in support of the student;
  9. The right to be accompanied by an advisor at the hearing;
  10. Opportunity to question any witnesses against the accused student at the hearing;
  11. A decision on discipline based solely on the evidence in the record judged under the preponderance of the evidence standard;
  12. A report on the results and findings of the hearing;
  13. Opportunity to appeal the decision to the Institutional Board of Governors if expulsion is imposed.
- B. Alleged disciplinary violations, depending on the nature of the violation, shall be referred to the College's Chief Academic Officer. The Officer or designee shall collect evidence, contact any witnesses, notify the accused student of all charges against the student, arrange for an impartial hearing and notify the accused student and witnesses of the date, time, and place of the hearing. The Officer shall hold the hearing and impose sanctions or, if the alleged violation involves possible suspension or expulsion, refer the matter to the College's RRR Committee.
- C. The Judicial Sub Committee of the RRR Committee shall consist of three faculty members and two students. The Sub Committee members will be selected on a case-by-case basis and must be able to adjudicate the matter with impartiality. The faculty members will be selected by the Chief Academic Officer. The student members will be selected by the Dean of Student Services. The Chief Academic

Officer shall name alternate faculty members and the Dean of Student Services shall name alternate student members to the Sub Committee.

The Sub Committee shall have jurisdiction and authority to:

1. Hear evidence in disciplinary cases;
2. Make findings of fact from the evidence presented;
3. Make recommendations to the President based upon such findings as to the disposition of the disciplinary action, including any sanctions to be imposed; and
4. Refer matters not involving potential suspension or expulsion back to the Chief Academic Officer or Dean of Student Services.

D. In disciplinary matters not involving possible suspension or expulsion, the following processes will be used:

1. The Chief Academic Officer or Dean of Student Services handling the matter shall ensure that the accused student receives such procedural safeguards as due process requires in accordance with the seriousness of the alleged violation and of the possible sanctions or consequences arising there from.
2. The decision of the Officer may be appealed through a Student Grievance Committee in accordance with normal student grievance procedures.

E. In disciplinary matters involving possible suspension or expulsion, the following processes will be used:

1. The accused student shall be notified in writing within two weeks of an alleged violation, or of the date when the College first learns of an alleged violation, of the violation for which the student is subject to discipline. The Chief Academic Officer or Dean of Student Services or designee will serve this notice upon the accused student by handing a copy to the student in person or by mailing, via certified mail, a copy to the mailing address last noted in the student's official College records.

The College will make every effort in the serving of the notice. However, it is expressly provided that the service of such notice shall not be defective if the accused student shall have hidden, refused mail, or failed to notify the College of the student's current mailing address. In such cases, the hearing may proceed without hindrance or delay.

2. The notice to the accused student shall include at least the following:
  - a. A statement of the policy, rule, or regulation that the student is alleged to have violated;
  - b. A statement of the facts and evidence to be presented in support of the charges, which statement must be made with sufficient clarity to reasonably disclose the time and place of the alleged occurrence and the actions or behavior complained of;



- c. A statement that a hearing on the charges will be held before the Board, and a statement of the date, time, and place of the hearing; and
  - d. Information on the student's right to have an advisor present at the hearing at the student's own expense, provided that the student notifies the College at least five days prior to the hearing that an advisor will be present at the proceedings. The student's failure to provide such notification within five days of the hearing may result in a continuance of the proceedings.
3. The hearing shall be held at the date, time, and place specified in the notice, unless postponed by the Sub Committee for good cause shown either by the accused student or by the College.
4. All charges should possess sufficient validity to allow the Sub Committee to meet, and in good conscience and with impartiality, consider related evidence. The hearing shall be conducted in such a manner as to do justice and shall be subject to the following minimum requirements.
  - a. The accused student shall have the right to be accompanied at the hearing by an advisor. Unless specifically permitted by name by the hearing body, such advisor may not be a person other than the student's parent or guardian; another student at the College; a member of the College's faculty or staff; or an attorney, acting only as an advisor, representing the accused student. During the hearing, an advisor may consult with the accused student but may not speak on behalf of the accused student or otherwise participate directly in the proceedings, unless given specific permission to do so by the Sub Committee.
  - b. All material evidence may be presented subject to the right of cross examination of the witnesses.
  - c. The accused student shall be entitled to be present throughout the presentation of the evidence, testimony of the witnesses, and arguments of the parties; to be informed before the hearing of the substance of expected testimony of witnesses against the student and to have the witnesses present at the hearing at appropriate times; and to present witnesses and evidence on the student's own behalf as may be relevant and material to the case.
5. The College may be represented by an advisor. Counsel retained by the College may participate only in an advisory capacity and may not speak on behalf of the College or otherwise participate directly in the proceedings, unless given specific permission to do so by the Sub Committee.
6. The accused student and the Sub Committee members shall be present for the entire proceeding. However, witnesses may be called and excused throughout the hearing. The hearing shall be closed to all others.
7. After the hearing, the Sub Committee shall make findings of fact and a recommendation to the President of the disposition of the case and any

sanctions to be imposed. The Sub Committee's recommendations shall be based upon proof of the alleged violation by a preponderance of the evidence.

8. No recommendation by the Sub Committee to the President for the imposition of sanctions against a student may be based solely on the failure of the student to answer charges or appear at the hearing. In such cases, the evidence in support of the charges shall be presented, and the Sub Committee's recommendation shall be based upon proof of the alleged violation by a preponderance of the evidence.
9. The accused student shall also be notified of the Board's recommendation and advised of the right to request an appeal to the President within two weeks of the receipt of the recommendation. The President shall within ten (10) working days review the facts of the case and take such action as may be appropriate under all the circumstances.
10. Except in cases that involve expulsion, the decision of the President shall be final.
11. In considering student appeals, the Institutional Board of Governors will review all relevant information and records of applicable disciplinary proceedings to ensure that due process has been afforded. The Institutional Board of Governors may take such action as it deems reasonable and proper in view of all the circumstances and in answer to its responsibilities under the law.

### **Academic Dishonesty**

Sanctions for academic dishonesty may be imposed by the instructor of the course, the Program Coordinator, or the Academic Dean. Sanctions for academic dishonesty may be imposed even if a student withdraws from an individual course or from the College entirely.

- A. The instructor may impose the following sanctions:
  1. A lower or failing project/paper/test grade.
  2. A lower final grade.
  3. Failure of the course.
  4. Exclusion from further participation in the class (including laboratories or clinical experiences) or academic program.
- B. The instructor may also refer the matter to his/her Program Coordinator or Dean for additional sanctions. If allegations are referred to the Coordinator or Dean, it must be within thirty (30) days from the date of the alleged offense. This process starts with the Dean if there is no Program Coordinator. The following sanctions may be recommended by the instructor but will need to be imposed by the Dean:
  1. Exclusion from an academic program.
  2. Academic probation for up to one (1) year.
  3. Academic suspension for up to one (1) year.
  4. Dismissal from the College.

- C. In those cases in which the offense is particularly flagrant or where there are other aggravating circumstances, additional nonacademic sanctions may be pursued through the Dean of Student Services.
- D. A student will be informed in writing by the instructor or responsible office of any charges and subsequent sanctions imposed for academic dishonesty. Written notification of academic dishonesty charges (and the inclusion of confirmed charges/sanctions in the student's record) is designed to inform a student of the potential repercussions of repeat offenses and his/her rights of appeal. Written notice will be provided by certified mail to the student's address of record.
- E. At the time an accusation of academic dishonesty is made and a sanction imposed (or a sanction will be imposed with the submission of final grades), a notice should be sent to the Office of the Division Dean within ten (10) days of the accusation. The notice of an act of academic dishonesty will be reported to the office of the Division Dean through the completion of an "Academic Dishonesty Form." Instructors are required to give a copy of the "Academic Dishonesty Form" to a student accused of an offense. The Division Dean will inform the student and the Office of Student Services of the accusation(s) made, the sanction(s) prescribed, the repercussions of repeat offenses, and the student's right of appeal. A copy of the report will go into the student's college file. Any subsequent action(s) taken (additional sanctions imposed, the lessening of sanctions, the withdrawal of accusations, the results of appeals, etc.) should be reported to the Division Dean and Office of Student Services within ten (10) days. The Office of Student Services will maintain a file of academic dishonesty incidents.
- F. Sanctions for repeated academic dishonesty offenses will be imposed by the Office of Student Services after consultation with the appropriate department.
  - 1. A student's record of academic dishonesty offenses will be maintained throughout his/her enrollment at the College, and the period between offenses may have no impact on sanctions for repeated offenses.
  - 2. A student with a second academic dishonesty offense during his/her enrollment at the College will be academically suspended for a period of time not to exceed one (1) academic year (to include summer terms).
  - 3. A student with a third academic dishonesty offense during his/her enrollment at the College will be dismissed from the College.

## **DEFINITIONS**

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|----|-----------|---|
| A. | President | The President of the College and all those acting for or on behalf of the President or at the direction of the Institutional Board of Governors |
| B. | Activity  | Any and all operations conducted, sponsored, promoted, operated, or otherwise engaged in by the   |

College, including (by way of illustration and not as limitation of the foregoing) classroom and course activity, recreational and cultural programs, maintenance and building programs, committee and other business activity, registration, advising, teaching, admissions, placement, discipline, routine office activity, research, and service.

- C. Property Any property whether owned, rented, or otherwise held or used by the Institutional Board of Governors, by the College, or by a member of the College community.
- D. Facility Any and all property of the College used or usable in any activity of the College.
- E. Campus All the property and facilities of the College serving as the *locus in quo* of any activity of the College.
- F. Faculty Those employees of the Institutional Board of Governors who are assigned to teaching or research or service functions at the College and who hold academic rank.
- G. Student Any person who is registered and attending classes at the College to pursue a course of study, research, or service; who is currently engaged in an institutionally sponsored activity; and who has some right or privilege to be on the campus or in the facilities of the College or to use the same in connection with study, research, or service; or who yet has some right or privilege to receive some benefit, recognition, or certification from the College under the rules, regulations, or policies of the Institutional Board of Governors.
- H. College Community All officers, administrators, faculty members, staff members, employees, students of or at the College, Institutional Board of Governors members, and other persons authorized to participate in institutional activities at the time applicable.
- I. Probation Exclusion from participation in certain College activities, property, or facilities for a definite stated period, subject to being conditioned upon compliance with policies, rules, and regulations or another specified activity during the probation period.
- J. Suspension Exclusion from all institutional activities for a definite stated period up to one (1) academic year, subject to

the imposition of conditions.

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|----|----------------------------|---|
| K. | Expulsion                  | Termination of all student status, including any remaining right or privilege to receive some benefit or recognition or certification of the College, subject to a statement of conditions for readmission, if the student is deemed eligible for readmission.  |
| L. | Academic Dean              | The chief academic officer of a division. The dean also serves in an advisory capacity to the student. The student is encouraged to contact his/her academic dean for guidance on appeal procedures.  |
| M. | Academic Deficiency        | Failure to maintain the academic requirements and standards established by the College other than those relating to academic dishonesty. This shall include but is not limited to the criteria for maintenance of satisfactory academic progress, i.e., grade point average, special program requirements, professional standards, etc.   |
| N. | Academic Dishonesty        | Academic dishonesty is conduct on an academic exercise that falls into one or more of the following categories: cheating, fabrication/falsification, plagiarism, bribes/favors/threats, and complicity. These categories and "academic exercise" are defined in detail in the section on Academic Dishonesty in this catalog. Each instructor may modify the general definition of academic dishonesty to fit immediate academic needs within that particular course of study, provided the instructor defines, in writing and preferably in the course syllabus, the details of any departure from the general definition. |
| O. | Day                        | Shall refer to a working day.   |
| P. | Limited Enrollment Program | Any academic program that imposes admissions requirements in addition to general admissions to the College.   |
| Q. | Appeal Deadlines           | The time allowed for each level of appeal. There will be no time extensions unless granted by the Recruitment, Retention, and Readmission Committee for good cause. If the appeals do not meet the established deadlines, the issue is no longer appealable.  |

**Marshall Community & Technical College [MCTC]  
Institutional Board of Governors [IBOG]  
Meeting of September 18, 2009**

**ITEM:** MCTC President's Contract

**COMMITTEE:** Finance & Facilities Committee

**RECOMMENDED RESOLUTION:** *Resolved*, that the Board of Governors approves the President's contract as presented by the Finance & Facilities Committee.

**STAFF MEMBER:** Jeff Porter  
Chair – FFC

**BACKGROUND**

The contract will be reviewed during Executive Session of the Board of Governors.