

# STUDENT CODE OF CONDUCT



**For clarification or any type of assistance regarding this Code,  
please call the Office of Judicial Affairs — 414-297-8177.**

MATC is an Affirmative Action/Equal Opportunity Institution and complies with all requirements of the Americans With Disabilities Act.

Effective Date: May 10, 2021

## **FOREWORD**

This booklet contains the Student code of Conduct, the basic rules and regulations which establish the official parameters for student life at Milwaukee Area Technical College. These standards have been formulated as appropriate by the Office of Judicial Affairs, Student Life Committee, and the District Student Government Association, and the respective administrative officers of the College. They are approved and authorized by the Milwaukee Area Technical College District Board. It is the responsibility of all students to be aware of these expectations and conduct themselves accordingly as members of the community.

Milwaukee Area Technical college does not discriminate against qualified individuals in employment or access to courses, programs, services, or extracurricular activities on the basis of race, color, national origin, ancestry, religion, creed, sex, sexual orientation, age, disability, pregnancy, marital status, parental status, or other protected class status.

Student policies and procedures are subject to change pending the approval of the Milwaukee Area Technical College District Board. If you have any questions or suggestions regarding this policy, please contact the Office of Judicial Affairs, Student Life or MATC Student Senate representatives.

(Prepared by the Office of Judicial Affairs, this document supersedes all previous judicial codes). May 10, 2021

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## **MISSION, VISION & VALUES STATEMENT**

Our Mission: As a public, two-year comprehensive technical college. MATC offers exceptional and training opportunities and services to our diverse metropolitan area by engaging with partners to advance the quality of life for our students and community.

## **EDUCATIONAL/TRAINING INITIATIVES IN SUPPORT OF THE MATC MISSION**

As outlined in the Wisconsin Statutes, Section 38.001, the board endorses the following educational and training initiatives in support of this mission as determined by community needs and financial capabilities:

- a. Occupational programs and courses to prepare students for entry or reentry into the job market or to pursue further education.
- b. Education, training, and retraining, which are necessary to maintain employability in a technically changing workplace.
- c. Liberal Arts and Sciences courses to complement occupationally specific instruction and to provide a transfer option for those who choose to pursue further education at an upper-division college or university.
- d. Developmental education in basic skills where necessary for effective participation in occupational training, in employment, and in further higher education.
- e. Coordination, cooperation, and contracting with business; industry; labor; elementary, secondary, and higher education; and governmental agencies to provide educational opportunities to residents of the district.
- f. Educational programs and technical assistance to support the economic development efforts within the district.
- g. Opportunities for personal, civic, and multicultural enrichment through courses and activities to improve the quality of life for residents of the district.
- h. Flexible instructional delivery systems designed to meet the unique and changing needs of the learner.
- i. Programs focused on creating an understanding of the global economy and enhancing the international competitiveness of the district's business and industry

MATC is committed to providing the highest quality educational opportunities for all of the citizens of the district. Further, it is dedicated to providing a diverse and well-trained workforce for the community. Through close collaboration with educational institutions, the public and private sectors, labor, and community organizations, MATC will provide leadership in efforts to educate all of its citizens. MATC is committed to licensing for Milwaukee PBS, as nonprofit educational and public television stations serving the people of southeastern Wisconsin.

MATC will maintain an institutional environment which champions diversity; which promotes student well-being; which facilitates and encourages learning and multicultural understanding; where students and staff value quality education; which mirrors the ethnic and gender composition of the community; and which creates public understanding of and commitment to MATC and its value to the community.

## **EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION COMMITMENT**

MATC's commitment to equal opportunity in admissions, educational programs, and employment policies assures that all individuals are included in the diversity that makes the college an exciting institution. MATC does not discriminate against qualified individuals in employment or access to courses, programs, or extracurricular activities on the basis of race, color, national origin, ancestry, religion, creed, sex, sexual orientation, age, disability, pregnancy, marital status, parental status, or other protected class status. The lack of English skills shall not be a barrier to admission or participation in any MATC program or service.

MATC will comply fully with state and federal Equal Opportunity and Affirmative Action laws, executive orders, and regulations. Direct questions concerning application of this policy to Human Resources, 700 West State Street, Milwaukee, Wisconsin 53233-1443. Telephone 414-297-8960.

It is the policy of Milwaukee Area Technical College to provide reasonable accommodations for students or applicants for admission with disabilities (see Discrimination against Individuals with Disabilities Policy C0203). The exceptions to providing accommodations are if doing so would (1) cause undue hardship, or (2) pose a direct threat to the health and safety of others at MATC. MATC will adhere to all applicable federal and state laws, regulations, and guidelines with respect to providing reasonable accommodations as required to afford equal opportunity and access to programs and services for students with disabilities. Reasonable accommodations will be provided in a timely and cost-effective manner. Access shall not be denied because of the need to make reasonable accommodations to an individual's disability.

## **INTRODUCTION**

Milwaukee Area Technical College (MATC) strives to maintain a community which values academic excellence, institutional integrity, justice, equity, and diversity.

Such an environment is essential in fostering the intellectual growth and personal development of all students. Each member of the College shares responsibility in maintaining conditions which support the College's purpose. In the interest of guaranteeing the broadest range of freedom to each member of the College community, MATC has established a Student Code of Conduct. This Code is designed to provide basic guidelines to advance the educational mission of the College.

All students at Milwaukee Area Technical College have access to the Student Code of Conduct. Copies are available through the Judicial Affairs office, Student Life offices and Student Senate offices at all campuses. The Student Code of Conduct is also distributed at all new-student orientations.

## **STUDENTS' RIGHTS AND RESPONSIBILITIES**

Exercising your rights and acting in a responsible manner go together. Some of the College's rules and regulations are simply restatements of existing laws, such as laws against possession, use, or sale of controlled substances (illegal drugs). It is the responsibility of all MATC students to comply with the policies as stated in the Student Code of Conduct and obey all public laws. This compliance assures all students the opportunity of

having the best possible educational experience.

MATC students have the right to be informed by the College through individual departments and/or divisions of policies and procedures concerning student conduct (Student Code of Conduct), course requirements (class syllabus), and ethics and professional conduct (as outlined in the division/department handbook and/or class syllabus). This information is published and/or electronically posted. MATC students have the right to be evaluated fairly on the basis of their performance as required by the instructor as part of the course.

These policies may also include published or posted standards of conduct for recreational, lab, and learning areas, including clinical facilities. It is the student's responsibility to be aware of such published policies and procedures and to seek clarification, if needed, from the Office of Judicial Affairs, Student Life and/or the appropriate academic departments.

## **POLICY STATEMENT**

Milwaukee Area Technical College is a public, tax-supported institution which provides education opportunities for a large student body and serves numerous community groups and visitors. In order to accommodate the variety of interests and activities that comprise the MATC community, a reasonable set of rules has been established to successfully fulfill the College's educational mission.

By the authority of the Milwaukee Area Technical College District Board (the "Board"), the President of MATC retains the ultimate responsibility for the administration of the Student Code of Conduct. The Vice President of Retention and Completion expressly determines final authority over the Student Code of Conduct. The Judicial Affairs Officer coordinates the administration and enforcement of the Student Code of Conduct, in collaboration with the Dean of Student Experience.

The principal rules of Milwaukee Area Technical College expect students to: (1) comply with all federal, state, county, and municipal statutes and ordinances while participating in MATC activities or while located on MATC property, loaned or leased, or property used by MATC; and (2) to conduct themselves in such a manner that will not interfere with or disrupt the educational process administered by MATC agents.

### **A. STUDENT CONDUCT EXPECTATIONS**

#### **(1) REGULATIONS FOR STUDENT CONDUCT**

The following actions and behaviors shall constitute violations of the Student Code of Conduct and will subject any student or student organization committing such a violation to disciplinary sanction. The violations defined below include, but are not limited to:

1. Violating duly established and published or posted College or Board policies, rules and/or regulations including, but not limited to, alcohol, illegal drug use, discrimination, harassment, sexual harassment, sexual assault, and weapons on



MATC property or at MATC sponsored or supervised student functions.

2. Violating federal, state, or local laws on College premises or while in attendance at College sponsored or supervised events or committing off-campus violations of federal, state, or local law that adversely affect the College and/or the pursuit of its objectives.
3. Engaging in conduct which constitutes a danger to the person or safety of other members of the MATC community.
4. Committing acts of harassment or physical abuse, or engaging in actions which intimidate, harass, threaten, coerce, or otherwise endanger the health or safety of any person.
5. Committing acts of sexual harassment. Sexual harassment includes, but is not limited to, unwelcome non-consensual verbal or physical conduct related to sex that is determined by a reasonable person to be so severe and pervasive and objectively offensive, that it effectively denies a person equal access to an education program or activity.
6. Committing an act of sexual assault which, for administrative purposes, is defined as unwanted, forcible, non-forcible, or coerced sexual intercourse or sexual contact. (Victims include persons who are unconscious, mentally ill, or deemed unable to give consent.)
7. Committing an act of retaliation (causing physical or psychological pain) toward an individual or group who initiated a complaint (including, but not limited to, any violation of the Student Code of Conduct) with the College.
8. Committing acts of dishonesty including, but not limited to, the following:
  - a. Use of unapproved support materials during tests and/or exams shall be considered cheating. This includes the unauthorized possession of tests and/or exams either before, during, or after the use of the test/exam.
  - b. Any student who helps another student cheat is as guilty of cheating as the student he or she assists.
  - c. The submission of the work of someone else as one's own individual work.
  - d. Copying, or allowing another student to copy, a computer file that contains another student's assignment, and submitting it, in part or in its entirety, as one's own.
  - e. Working together on an assignment, sharing the computer files and programs involved, and then submitting individual copies of the assignment as one's own individual work.
  - f. Taking, or permitting someone to take for you, a test, quiz, exam, or some similar evaluation ("ghosting").
  - g. Stealing, buying, or otherwise unauthorized obtaining of all or part of an exam, test, class assignment, and/or project.
  - h. Selling, exchanging of favor(s), or giving away all or part of an unadministered test, including answers to an unadministered test.
9. Engaging in disorderly conduct or fighting. For purposes of this Student Code of Conduct, disorderly conduct is defined to include, but is not limited to:

- a. Acts which breach the peace, are inappropriately loud, or are lewd, indecent, or obscene.
  - b. Acts not in compliance with posted signage requesting specific behavior in designated areas (e.g., the library, study center, learning center, laboratory areas, gymnasium, recreation areas, cafeteria, and computer areas).
  - c. Acts which interfere with, damage or destroy college property, or conduct which attempts to interfere with, damage or destroy college property.
  - d. Conduct which instigates fights, or participation in fights with an MATC student, staff, instructor, administrator, agent or visitor.
  - e. Brandishing or displaying of objects which could be construed as weapons including, but not limited to, toy guns, starting pistols, and knives of any size including blades under three inches.
10. Clinical/Practicum Misconduct Any violation of behavior guidelines as determined and outlined by the academic program. This includes, but not limited to, behavior, which causes the students' temporary suspension or removal from an external placement site, violation of "work rules", etc.
11. Planning, directing or committing acts of hazing, defined as any activity which willfully or recklessly endangers the physical or mental health of an individual or group; or subjects an individual or group to ridicule or embarrassment; or unlawful activity for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization.
12. Interrupting, interfering with, or disturbing the day-to-day academic and operational functions of the College; or committing intentional acts that obstruct, disrupt, or physically interfere with the use of College premises, buildings, or passages.
13. Possessing, duplicating, or using keys to any College building, facility, area, or vehicle without authorization by appropriate College official; or committing an act of unauthorized entry into or use of College buildings, facilities, areas, or vehicles.
14. Engaging or participating in acts of unauthorized possession, use, removal, defacing, tampering, damage, or destruction of College owned or leased property, equipment, programs, or materials; or of property, equipment, programs, or materials belonging to any College community member, guest, visitor, vendor, or contractor.

15. Posting, affixing, or otherwise attaching written or printed messages or materials, e.g. posters, signs, handbills, brochures, or pamphlets, on surfaces including, but not limited to, doors, windows, buildings, sidewalks, and lawn areas (used, owned or leased by MATC), with the exception of designated posting areas where approved posting is expressly permitted. (Refer to the Student Life office at each campus for approved locations.)

16. Possessing, or engaging or participating in the use of explosives, fireworks, and/or firearms or other dangerous weapons while on MATC property, loaned or leased, or at MATC sponsored events (as defined in Wisconsin

State Statutes 939.22(10), 941.2954(1c4)(a), and 948.60(1). Also prohibited are metallic knuckles or knuckles of any substance; a nunchaku or any similar weapon; a knife blade; baton of any type; explosive devices of any type; and "look-alike" instrument or weapon, (i.e. "b.b. gun," pellet gun, or any instrument designed to look like a weapon); oleoresin capsicum spray (pepper spray) or any other device or instrumentality used in a threatening and/or unlawful manner. (Exemptions: Authorized law enforcement officers in uniform — plain clothes officers must keep any authorized weapons concealed at all times. Also, the transportation of firearms for authorized training classes must be in accordance as defined in Wisconsin Statutes 167.31 (1) (g) and 167.31 (1) (b); that is, unloaded and encased.)

17. Committing acts of arson, creating a fire hazard, or possession of or use of, without proper authorization, inflammable materials or hazardous substances on college property.

18. Committing acts which endanger the property of the College including but not limited to altering or misusing any firefighting equipment, safety equipment, or emergency device.

19. Making false reports of a fire, bomb threat, or other dangerous condition; failing to report a fire; or interfering with the response of the College or municipal officials to emergency calls.

20. Failing to comply with the directions of College officials acting in the performance of their duties and/or failing to positively identify one's self to a College official when requested to do so. (The preferred form of identification shall be a current, valid MATC identification card.)

21. Furnishing false information and/or identification to any College official, faculty member, or office.

22. Forging, altering, falsifying, or misusing any College document, record, or instrument of identification. (This includes grade transcripts, student identification, computer records, certificates, and other official documents.) Using a forged or altered document is also prohibited, even if someone else made the changes.
23. Tampering with the election of any College-recognized student organization.
24. Attempting to represent the College, any recognized student organization, or any official College group or agent without the explicit prior written consent of the official(s) of that group or agent.
25. Gambling on College property, whether such property is used, owned, or leased by the College.
26. Engaging in activities, canvassing, or solicitation not authorized by the College.
27. Smoking indoors on MATC property, including entrances, or where prohibited on loaned or leased facilities used by MATC.
28. Leaving a child (children), for whom you are responsible, unattended/unsupervised on MATC property.
29. Engaging in acts of theft on College property (used, owned or leased) of College property or from College personnel including students, visitors, instructors, and staff.
30. Engaging in acts of theft or abuse of computer time or information, including but not limited to:
31. Unauthorized entry into a file to use, read, or change its contents.
  - a. Unauthorized transfer of a file or files.
  - b. Unauthorized use of another person's identification and/or password.
  - c. Use of computing facilities to interfere with the work of another student, faculty, or College member.
  - d. Use of computing facilities to send obscene messages.
  - e. Use of computing facilities to interfere with the normal operation of the College computing system.
  - f. Releasing or exchanging of information and/or codes that are detrimental to the MATC environment, equipment, and or property.

- g. Violation of technology usage policies/procedures (published and/or electronically posted).
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- 32. Using, possessing, or distributing alcoholic beverages, except at approved College functions and as permitted by College policy and procedures (available in the Office of Student Life and subject to statutory age restrictions).
  - 33. Using, possessing, or distributing alcoholic beverages, except at approved College functions and as permitted by College policy and procedures (available in the Office of Student Life and subject to statutory age restrictions).
  - 34. Using, possessing, or distributing cannabis (marijuana), cocaine or any state- or federally-controlled substances except as expressly permitted by law.
  - 35. Using College facilities/property including, but not limited to, the student union, sports fields, gymnasium, classrooms, auditorium, meeting rooms, etc., without adhering to the use of MATC facilities procedures (available in the Student Life office.)
  - 36. Participating in discriminatory unlawful acts including, but not limited to, use of slurs, insults, use of aspersions, denial of legitimate use or admittance to College facilities or college sponsored events, or other verbal or physical conduct related to a person's race, color, national origin, ancestry, religion, creed, sex, sexual orientation, age, disability, pregnancy, marital status, parental status, or other protected class status.
  - 37. Engaging or participating in abuse of the appeal system, including but not limited to:
    - a. Falsifying or misrepresenting information before an appeal body.
    - b. Disrupting or interfering with the orderly conduct of an appeal proceeding.
    - c. Attempting to influence/harass the impartiality of a member of an appeal body prior to, during, and/or after an appeal proceeding.
    - d. Harassing (verbally or physically) and/or intimidating a member of an appeal body prior to, during, and/or after an appeal proceeding.
    - e. Harassing or intimidating complainants and/or witnesses involved with the appeal process system.
    - f. Failing to comply with the sanction(s) imposed under the Student Code of Conduct.
    - g. Influencing or attempting to influence another person to commit an abuse of the appeal process system.

38. Participating in conduct that obstructs or impairs or attempts to obstruct or impair MATC's authorized activities including activities either outdoors or inside a classroom, office, lecture hall, library, laboratory, auditorium, Student Center, or other locations where any MATC authorized activity is conducted. This includes, but is not limited to:
- a. Preventing, blocking, or attempting to block or prevent student, visitor, or authorized personnel entry to, or exit from, an MATC building, corridor, or room.
  - b. Shouting, continually interrupting, whistling, derisive laughter, or other conduct which, by itself, or in conjunction with the conduct of others, prevents or interferes with the fair hearing of a speech, program, event, or classroom instruction.
  - c. Obstructing an MATC official or employee engaged in the lawful performance of his or her duties, including law enforcement personnel whose services have been retained or called upon for protection of MATC students, personnel, community, and property.

#### **A. (2) STUDENT CONDUCT EXPECTATIONS NOT ON MATC OWNED OR LEASED PROPERTY**

In order to maintain a College environment of integrity and justice, the MATC Student Code of Conduct shall apply to conduct which occurs on College property, including facilities with which MATC rents, leases, or otherwise occupies, and to conduct which occurs elsewhere during the course of a related function. Conduct off of College property may also be subject to disciplinary action provided that the conduct adversely affects the College and/or the pursuit of its objectives.

#### **B. SANCTIONS FOR STUDENT CODE OF CONDUCT VIOLATIONS**

The College seeks to ensure equal treatment of students and recognized student organizations who are subject to disciplinary sanction(s). Any sanction(s) imposed by the College shall be confirmed in writing. Sanctions for violations of the student Code of Conduct include:

1. **College Warning.** College warning is an official notice to a student or recognized student organization that the conduct is in violation of the Student Code of Conduct and that the continuation of such conduct or action(s) may result in further disciplinary sanction.
2. **Disciplinary Probation.** Disciplinary probation is a period of observation and review of conduct during which the student or recognized student organization must demonstrate compliance with College standards. Terms of this probationary period will be determined at the time probation is imposed.
  - a. **General.** The student or recognized student organization is placed on General Disciplinary Probation for one or more semesters (usually for a period not longer than one year). This disciplinary action is a warning that any further misconduct will subject the student or recognized student organization to more severe disciplinary action which may include termination from the College or loss of College recognition.

- b. **Strict.** The student or recognized student organization is placed on Strict Disciplinary Probation for a period of one or more semesters (usually for a period not longer than one year). This probation will include specific limitations including, but not limited to, restriction or loss of certain specified privileges which may include the use of specific areas and/or activities. It may also limit the amount of time the student is permitted on campus. Student organizations may have their activities curtailed or their participation may be limited according to the severity of the infraction.
3. **Disciplinary Suspension.** Disciplinary Suspension means the student or recognized student organization has temporary loss of student status for a specified length of time, up to ten days, while an investigation is conducted. The student may not attend classes and may not come on College property for the time specified at Suspension. (In cases involving student organizations, all activities for the student group will cease during this suspension). This sanction is reserved for cases when there is reasonable cause to believe the continued presence of the accused student (or continued activities of the student group) on campus presents an immediate and definite danger to the student or group or other members of the College community, or threatens disruption of College operations or activities.
4. **Other Sanctions.** Other sanctions may be imposed instead of, or in addition to, specific sanctions listed in this section. These include but are not limited to: recommendations for counseling; establishment of mandatory behavior conditions/contract stating agreed-upon behavior expectations for continued enrollment or reenrollment; a specific project designed to assist the student in better understanding the overall impact of his or her behavioral infraction; and/or a contract of terms for restitution of damaged/stolen property before enrollment is continued and/or records are released.
5. **Termination.** Termination is an act of terminating a student's enrollment at MATC and, as such, it means the student may no longer participate in any MATC activity or be on MATC property.
6. **Withdrawal Agreement.** In certain cases where a student's behavior and continued enrollment may adversely affect his or her well-being, the Judicial Officer and the student may agree to discontinue the student's attendance at MATC for a specified amount of time and agree to conditions for readmittance to the College. In such instances, the Judicial Officer and the student will sign a written Withdrawal Agreement.

**LOSS OF RECOGNITION. MATC-recognized student organizations may lose recognition, and, as such, will be deprived of the use of College resources, the use of the College's name, and the right to participate in campus-sponsored activities. This loss of recognition may be for a specific period of time or for an indefinite period of time until stated conditions are met**

## **COMPLAINT RESOLUTION AND JUDICIAL PROCEDURES.**

Any member of the College community may initiate a complaint in the Office of Judicial Affairs. Judicial Affairs Officer (or a designee) may resolve the complaint during the initial interview or may refer the complaint to a designated appropriate department or agent.

1. **Investigation.** If the Judicial Affairs Officer (or a designee) believes a violation of the Student Code of Conduct may have occurred, the Judicial Affairs Officer (or a designee) will then investigate the alleged violation of the Student Code of Conduct. This investigation may necessitate the exchange of student information as deemed necessary by MATC agents, and will be kept private.
2. **Informal Hearing Procedure** The Informal Hearing Agreement provides students with minor or major violations, as determined by the Code, with an option for resolving matters in an informal manner. After conducting an investigation of the facts of the conduct case, the Judicial Affairs Officer or designee (at his or her discretion) determines whether or not the violations committed may be resolved through the Informal Resolution Agreement. This procedure may be exercised in lieu of referring the case to the Disciplinary Committee for a formal conduct hearing. The Informal Resolution Agreement may be conducted by the Judicial Affairs Officer or designee. The Informal Resolution Agreement procedure consists of four steps and the student must agree to all four conditions if he or she wishes to resolve the case informally:
  1. The student must agree that he or she has violated the Student Code of Conduct.
  2. The student must agree with the sanction(s) proposed by the Judicial Affairs Officer or designee.
  3. The student must agree to waive his or her right to a formal disciplinary hearing.
  4. The student must agree to waive his or her right to an appeal. If the student agrees to all four conditions, he/she will be required to sign the Informal Resolution Agreement. The student will be provided with a copy and a disciplinary file and record will be created and maintained.

### **C. FORMAL DISCIPLINARY HEARING PROCEDURE**

The college's Disciplinary Committee provides students and student organizations alleged to have violated the Student Code of Conduct, the opportunity to communicate their position on the allegations brought forward. The student shall have the right to a formal disciplinary hearing within 10 academic days. All participants will be notified in writing of the date, time, and place, and of all charges presented at least three (3) days in advance. The student shall be allowed to bring no more than one (1) observer; which includes, but is not limited to: family members, faculty, staff, and or students. These individuals are not allowed to speak in the actual hearing. If a student fails to appear when the case is called for a hearing, the hearing may proceed in the student's absence. The Judicial Affairs Officer will serve as the Hearing Officer. Hearing Officer is defined as the moderator for hearing committees.

There shall be a single verbatim record, such as an audio tape, of all hearings before the hearing committee. The record shall be the property of Milwaukee Area Technical College and considered the only official record. Hearings normally shall be conducted in private.



Admission of any person shall be at the discretion of the Hearing Officer. In hearings involving more than one accused student, it will be at the Hearing Officer's discretion to decide if the hearings concerning each student may be conducted separately.

The student or student organization has the right to be assisted, at their own expense, by advisor/legal counsel. Only the student or student organization is allowed to present his/her or their own case and, therefore, the advisor/legal counsel is not permitted to speak for the student or student organization, or to participate directly in any way before the hearing committee.

The accused, the complainant, the Hearing Officer, and the hearing committee shall have the questioning by the hearing committee. Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by the hearing committee at the discretion of the Hearing Officer. All procedural questions are subject to the final decision of the Hearing Officer.

After the hearing, the committee shall determine (by majority vote) whether the student or student organization has violated one or more section(s) of the Student Code of Conduct. If the committee agrees that the Student Code of Conduct has been violated, the committee members will then determine appropriate sanction(s) for the violation(s).

The student or student organization will be notified in writing of the hearing committee's determination(s) within five (5) calendar days of the hearing date, unless unusual circumstances exist. In such cases, the Hearing Officer shall notify the student or student organization of such circumstances and will report the final determination at the earliest possible time.

## **D. APPEAL OF DISCIPLINE**

The Student or Student organization charged with a violation may appeal any disciplinary suspension over five (5) academic days, and college dismissal. In that case, the student may appeal the decision in writing to the Vice President of Retention and Completion or designee.

### **(1) Conditions of Appeal**

The student shall have the right to appeal a disciplinary decision arising from a Formal Disciplinary Hearing within ten (10) academic days of the student's receipt of the Formal Disciplinary Committee's decision. Appeals are not re-hearings, are not granted based on disagreement with the original decision, and should be based upon one or more of the following:

- There was a denial of a fair hearing.
- There was insufficient evidence to establish responsibility.
- There was new information available that was not available at the hearing time, which may have affected the disciplinary decision.
- The severity of the sanction exceeds the severity of the violation.
- The hearing process involved a substantial deviation from policy and procedure to the disfavor of the student.

### **(2) Appeal Process and Outcome**

The Vice President of Retention and Completion or designee shall review all Appeals of Discipline for suspensions, dismissals, or expulsions and render a recommendation to uphold the Disciplinary Hearing Committee's decision, limit its duration, reverse the decision, permit the student to enroll in another MATC campus, or make such other disposition as deemed just and proper under the circumstances. The student shall have the right to be notified of the Vice President of Retention and Completion's decisions within ten (10) academic days of receipt of the student's appeal. The decision shall be final and effective immediately upon issuance.

## E. HEARING COMMITTEES

The College shall establish appropriate committees to hear student complaints and make recommendations, conduct hearings and appeal processes for imposed violations of the Student Code of Conduct, and make recommendations based on research or investigative findings on various issues. Such committees are:

**1. Disciplinary Committee** — Comprising not less than three but no more than five members. At least three members will consist of college administration, faculty, and one MATC Student Government Representative. This committee hears all student conduct cases and the academic appeals of all Student Code of Conduct violations with the exception of those involving student organizations. It will be the student's prerogative to request student representation on this committee.

It should be noted that these committees are charged with reviewing evidence, listening to all statements made pertinent to the complaint or appeal and, after reviewing all the information presented, recommending a final disposition of the case. In no instance is the committee charged with the authority to change a student's grade. In almost all instances, only the instructor has the right to change a grade. (See Academic Grade Appeal Policy DD0705, available online <https://www.matc.edu/who-we-are/reports-facts-data/procedures-pdf/dd0705-academic-grade-appeal-procedure-final-as-of-6-28-17-2.pdf>.)

## F. DEFINITIONS

- a. "Academic Dishonesty" includes but is not limited to, cheating, collaborating with another without instructor approval, plagiarizing, stealing the work of another, falsifying records, and knowingly assisting another student on any of the above conduct.
- b. "Board" means the Milwaukee Area Technical College District Board.
- c. "Judicial Affairs Officer" means any person authorized by the Vice President of Retention and Completion to investigate and/or adjudicate a violation of the Student Code of Conduct.
- d. "Code" shall refer to the Student Code of Conduct.
- e. "College" means Milwaukee Area Technical College, also referred to as "MATC."
- f. "College community" includes any person who is a

- student, faculty member or College official, or any person employed by the institution, and all visitors and guests.
- g. “College official or agent” includes any person employed or contracted by the College performing assigned administrative or professional responsibilities.
  - h. “College premises” includes all land, buildings, facilities, and other property in the possession of, or owned, used, leased, or controlled by the College.
  - i. “Executive Vice President” means an authorized person to serve in the capacity assigned by the President of the College or a designee.
  - j. “Designee” refers to a person authorized to serve in the capacity assigned by the President or another college official.
  - k. “Director of Student Life” means the person serving in the position of Director of Student Life at the College or a duly-authorized designee.
  - l. “Disciplinary Sanction” means any action affecting the status of a student, student organization, or person requesting enrollment taken by the appropriate body in response to a violation of the Student Code of Conduct. The term includes, but is not limited to, probation, suspension, and termination.
  - m. “Discriminatory acts (unlawful)” refers to conduct that creates an intimidating, hostile, or offensive academic environment, and/or unreasonably interferes with an individual’s academic performance, or otherwise adversely affects an individual’s academic progress based on a student’s race, color, national origin, ancestry, religion, creed, sex, sexual orientation, age, disability, pregnancy, marital status, parental status, or other protected class status.
  - n. “Faculty member” or “instructor” means any person who is employed to teach at least one course at MATC for an academic period in which an alleged incident took place.
  - o. “Harassment” means conduct which:
    - i. has the purpose or effect of creating an intimidating hostile or offensive academic environment;
    - ii. has the purpose or effect of unreasonably interfering with an individual’s academic performance; or
    - iii. otherwise adversely affects an individual’s well-being.
  - p. “Hearing Committee” is defined as a committee duly

authorized by the Vice President of Retention and Completion to resolve student or certified student organization complaints and assist in the adjudication of violations of the Student Code of Conduct.

- q. "Hearing Officer" is defined as the moderator for hearing committees duly authorized by the Vice President of Retention and Completion to preside over hearing committees.
- r. "May" is a term used in the permissive sense.
- s. "Policy" is defined as the written regulation(s) of the College as found in, but not limited to, the Student Code of Conduct, Student Handbook, the College catalog, and department/division handbooks.
- t. "Sexual harassment" is conduct that includes, but is not limited to, unwelcome conduct determined by a non-consensual verbal or physical conduct related to sex that is determined by a reasonable person to be so severe and pervasive and objectively offensive, that it effectively denies a person equal access to an education program or activity.
- u. "Sexual assault" — is defined as any sexual act directed against another person without consent, as specifically defined in Wisconsin Statutes 940.225 — see "Student's Right to Know" and Administrative Regulation and Procedure CC0200).
- v. "Shall" is a term used in the imperative sense.
- w. "Student" includes all persons taking courses at Milwaukee Area Technical College, both full and part time, or pursuing studies of any kind even if physical attendance on MATC property is unnecessary. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the College are considered "students." Also, persons who are actively in the process of enrollment are considered "students."
- x. "Student organization" means any number of persons who have complied with the formal requirement for College recognition (as outlined in the Student Organization Manual available in the Office of Student Life).
- y. "Student's Right to Know" refers to a publication containing information mandated by law concerning campus security and crime statistics, alcohol and other drug use, and sexual assault and sexual harassment. It includes information on where to inquire about reported statistics and available community assistance. (Note: This publication is available in Student Life offices, is distributed at all new-student orientations, and is mailed to each

student once a year).

- z. "Vice President of Retention and Completion" means the person serving in the position of Vice President of Retention and Completion or a designee.
- aa. "Written notice" means written service in person or by regular mail and/or certified mail to an individual's last known address as conclusively as can be determined by College student records. Where service is by mail, the date of service shall be the second day after mailing.

## **G. AUTHORITY**

- a. The College has established these regulations regarding standards of conduct in order to protect its educational mission, provide for orderly conduct of its activities, and safeguard the interests of the College community.
- b. The Milwaukee Area Technical College District Board authorizes the president of the College (Policy F1100) to administer the Student Code of Conduct and to make changes as necessary to ensure orderliness of process and compliance with law.
- c. The Judicial Affairs Officer (or a designee) retains the responsibility for administering the enforcement of the Student Code of Conduct.
- d. The Vice President of Retention and Completion (or a designee) expressly retains final authority to determine the following:
  - i. Jurisdiction of any hearing committee in any given case where ambiguity exists.
  - ii. Whether a violation of this Student Code of Conduct shall be adjudicated administratively or by a hearing committee.
  - iii. Whether violation of a serious criminal act, occurring off campus, shall be adjudicated by the College's judicial system.
  - iv. The selection, training, and eligibility standards for being a hearing officer, committee member, or advisor.
  - v. The removal, for cause, of any hearing officer, committee member, or advisor.
  - vi. How violations of the Student Code of Conduct are to be adjudicated at the end of the academic year and during the summer session.

## **H. DISCIPLINARY FILES AND RECORDS**

The Office of Judicial Affairs shall maintain disciplinary records and a disciplinary tracking system, which shall include, but not be limited to, the respondent's name and related information, description of the incident, parties involved, Code violations, sanctions, and other data deemed relevant. Disciplinary records shall be made available to appropriate committees and College officials designated by the Vice President of Retention and Completion or a

designee as deemed necessary on a case-by-case and need-to-know basis.

(2) Release of disciplinary information is governed under the provisions of the Family Educational Rights and Privacy Act of 1974. This includes, but is not limited to, a written release from the student before access to College disciplinary files is granted, except pursuant to a lawfully-issued subpoena/warrant and as provided by the Campus Security Act as amended by the Higher Education Amendments of 1992 (Campus Security Act). This Act permits higher education institutions to disclose to alleged victims of any crime of violence (e.g., murder, robbery, aggravated assault, burglary, motor vehicle theft) the results of disciplinary proceedings conducted by the institution against the alleged perpetrator with respect to such crime. The Campus Security Act also requires that both the accused and the accuser be informed of the outcome of any campus disciplinary proceeding involving a sexual assault. (See “D. Definitions, No. 26 — Student’s Right to Know” of this Code.)

(3) Students may arrange to review their own disciplinary records by contacting the Office of Judicial Affairs. Except as provided in the Student Code of Conduct, the College shall not communicate a student’s disciplinary records and related information to any person or agency without the prior written consent of the student, or if the student is a minor, the student’s parents or legal guardian may be notified. Disciplinary proceedings shall be deemed confidential.

(4) Disciplinary records are kept separate from academic records, and transcripts of a student’s academic records will contain no information concerning disciplinary actions.

(5) Disciplinary records are reviewed periodically and inactive disciplinary records are destroyed by the Office of Judicial Affairs, except in cases of termination.

## **I. ALLEGED VICTIMS’ RIGHTS**

(1) An alleged victim (someone who reports to the Judicial Officer that they are an alleged victim and wishes to be included in this process) to of any violation has the option to meet with the Judicial Affairs Officer and discuss the disciplinary process.

(2) An alleged victim has the right to submit a written account of the alleged incident.

(3) The alleged victim has the right to be advised of the date, time, and location of the disciplinary hearing, and to request rescheduling for good cause, where the alleged victim requests to be advised in advance.

(4) An alleged victim may be accompanied by an advisor of the victim’s choosing during the hearing process, although the advisor will not be permitted to speak for the victim during the hearing.

- a. An alleged victim may testify as a witness during the hearing or decline to testify. Failure to testify may result in dismissal of the College's charges for lack of evidence.
- b. An alleged victim may submit a written impact statement to the hearing committee for consideration.
- c. An alleged victim has the right to know the status of the case at any point during the judicial process.
- d. An alleged victim has the right to know the resulting action of his/her complaint.
- e. An alleged victim has the right to an explanation of the available options of redress.

## **J. PERTINENT INFORMATION**

- 1. In all Student Code of Conduct investigations and judicial proceedings, Milwaukee Area Technical College subscribes to the principles of due process, i.e., fundamental fairness. The College is not bound to conform its hearing procedures to those of a formal legal proceeding before a court of law. Formal rules of evidence shall not be adhered to; the burden of proof rests upon the party asserting a fact. Such proof does not extend beyond a reasonable doubt, but rather it is based on the weight of credible evidence.
- 2. All students, regardless of their status in the College community, shall be afforded the rights and privileges of due process when accused of violations of this Code.
- 3. The provisions of the Student Code of Conduct are not to be regarded as a contract between the student and the College. The College reserves the right to amend any provision herein at any time in accordance with established College procedures. Communication of any changes will be made to the College community in an appropriate and timely fashion. Reviews and revisions of the Student Code of Conduct are made periodically and are not to exceed more than five (5) years between such review/revision.
- 4. The Student Code of Conduct shall apply to conduct which occurs on College property and to conduct which occurs elsewhere during the course of a College function. Actions not committed on College property may also be subject to disciplinary action provided that the offense adversely affects the College and/or the pursuit of its objectives.
- 5. The actions of a student organization involved in College-related activities or College-sponsored activities that are in violation of College regulations may result in disciplinary action against the organization *and* individual members of such organization, including actions that negatively reflect upon the College, even though such actions may take place on premises not owned by the College.
- 6. Students may be accountable to both civil authorities and to the College for acts which constitute violations of the law and the Student Code of Conduct.

Disciplinary action at the College will normally occur while criminal proceedings are pending, and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced, or are still pending.

7. Except as otherwise required under federal, state or local law, any behavior which may have been influenced by a student's mental state (regardless of the ultimate evaluation), or by the use of drugs or alcoholic beverages, shall not in any way limit the responsibility of the student for the consequences of his or her actions.
8. The College's refund policy involving a disciplinary sanction of termination is applied in the same manner as when a student voluntarily withdraws. (See Student Handbook for refund information.) The withdrawal date will be the termination date.
9. Students whose behavior indicates that they are under the influence of alcohol or other drugs upon their arrival at an MATC activity or class will be denied admission, will be referred to the Judicial Affairs office, and may be referred to local law enforcement agencies.
10. Students wishing to file formal discrimination or harassment/sexual harassment complaints will be referred to the Title IX Coordinator.
11. Student complaint appeals regarding accommodations for the disabled will be referred to the College ADA/504 Coordinator
12. Student complaints or questions regarding reported crime statistics as recorded in the "Student's Right to Know" publication should be directed to the College's Public Safety Department. Questions on Affirmative Action and harassment/sexual harassment or how to file related complaints should be directed to Human Resources (414) 297-8960 (Note: The "Student's Right to Know" is a publication containing information mandated by law and is available at all Student Life offices, is distributed at all new-student orientations, and is mailed to bona fide enrolled students once a year.)

## **K. READMISSION AFTER DISCIPLINARY DISMISSAL**

All students who have been involuntarily terminated from Milwaukee Area Technical College cannot automatically re-enter MATC. Also, individuals who are unavailable for investigation or who do not respond to written requests to contact the Judicial Affairs office for possible violations of the Student Code of Conduct, may also be denied automatic admission and/or readmission. Readmission to MATC and/or entry onto MATC property in such instances will be at the discretion of the Judicial Affairs Officer (or a designee).

Students seeking readmission/admission to MATC (as described in the preceding paragraph) must apply in writing to the Judicial Affairs Officer requesting admission. Admission may be granted, denied, or postponed subject to fulfillment of conditions prescribed by the College. The Judicial Affairs Officer may also request a reentry interview before a final decision is rendered.



The Judicial Affairs Officer, when considering enrollment/reenrollment, will consider:

1. The conduct which initiated the denial of automatic enrollment/ reenrollment;
2. The likelihood that such conduct (if applicable) will be repeated;
3. Actions the student has taken during his/her absence that may favorably influence the decision of the Judicial Affairs Officer (e.g., the student obtained assistance for substance abuse, anger management, etc.); or,
4. If an appellate process was initiated, the recommendations of the hearing committee concerning reinstatement.

The Judicial Affairs Officer will respond in writing to the party seeking admission/readmission within fourteen (14) calendar days of the final decision.

## NOTES