STUDENT CODE OF CONDUCT VIOLATIONS DEFINITIONS

Discriminatory and Bias-Related Harassment

Harassment constitutes a form of discrimination that is prohibited by Mid-Plains Community College policy as well as the law. Mid-Plains Community College condemns and will not tolerate discriminatory harassment against any employee, student, visitor or guest on the basis of any status protected by policy or law. Mid-Plains Community College will remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a hostile environment. When harassment rises to the level of creating a hostile environment, Mid-Plains Community College may also impose sanctions on the harasser through application of the Equity Resolution Process. Mid-Plains Community College's harassment policy explicitly prohibits any form of harassment, defined as unwelcome conduct on the basis of actual or perceived membership in a protected class, by any member or group of the community.

A hostile environment may be created by harassing verbal, written, graphic, or physical conduct that is severe or persistent/pervasive, and objectively offensive such that it interferes with, limits or denies the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities.

The Mid-Plains Community College reserves the right to address offensive conduct and/or harassment that

1. does not rise to the level of creating a hostile environment, or
2. that is of a generic nature not on the basis of a protected status.

Addressing such behaviors may not result in the imposition of discipline under Mid-Plains Community College policy, but will be addressed through respectful confrontation, remedial actions, education and/or effective conflict resolution mechanisms.

Sexual Harassment

The Department of Education’s Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC) and the State of Nebraska regard sexual harassment as a form of sex/gender discrimination and, therefore, as an unlawful discriminatory practice. Mid-Plains Community College has adopted the following definition of sexual harassment, in order to address the special environment of an academic community, which consists not only of employer and employees, but of students as well.

Sexual harassment is:

• unwelcome,
• sexual, sex-based and/or gender-based,
• verbal, written, online and/or physical conduct.

Anyone experiencing sexual harassment in any Mid-Plains Community College program is encouraged to report it immediately to the Title IX Coordinator or a deputy. Remedies, education and/or training will be provided in response.

Sexual harassment may be disciplined when it takes the form of quid pro quo harassment, retaliatory harassment and/or creates a hostile environment.

A hostile environment is created when sexual harassment is:

• Severe, or
• persistent or pervasive, and
• objectively offensive, such that it:
  • unreasonably interferes with, denies or limits someone’s ability to participate in or benefit from the University’s/College’s educational, employment, social and/or residential program.

Quid Pro Quo Sexual Harassment:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another constitutes sexual harassment when submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual’s educational development or performance.

Sexual Misconduct

State law defines various violent and/or non-consensual sexual acts as crimes. While some of these acts may have parallels in criminal law, Mid-Plains Community College has defined categories of sex/gender discrimination as sexual misconduct, as stated below, for which action under this policy may be imposed. Generally speaking, Mid-Plains Community College considers Non-Consensual Sexual Intercourse violations to be the most serious of these offenses, and therefore typically imposes the most severe sanctions, including suspension or expulsion for students and termination for employees. However, Mid-Plains Community College reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any act of sexual misconduct or other sex/gender-based offenses, including intimate partner (dating and/or domestic) violence, non-consensual sexual contact and/or stalking based on the facts and circumstances of the particular allegation. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, sexual orientation and/or gender identity of those involved. Violations include:

Sexual Harassment

(as defined in section 2 above)

Non-Consensual Sexual Intercourse

Defined as:

• any sexual intercourse
• however slight
• with any object
• by a person upon another person
• that is without consent and/or by force

Sexual intercourse includes:

• Vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation (mouth to genital contact) no matter how slight the penetration or contact.
Non-Consensual Sexual Contact
Defined as:

• any intentional sexual touching
• however slight
• with any object
• by a person upon another person
• that is without consent and/or by force

Sexual touching includes:

• Intentional contact with the breasts, groin, or genitals, mouth or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or
• Any other bodily contact in a sexual manner.

Sexual Exploitation
Sexual Exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and that behavior does not otherwise fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact. Examples of Sexual Exploitation include:

• Sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed).
• Invasion of sexual privacy.
• Taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent).
• Prostitution.
• Sexual exploitation also includes engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV), a sexually transmitted disease (STD) or infection (STI) without informing the other person of the infection.
• Administering alcohol or drugs (such as "date rape" drugs) to another person without his or her knowledge or consent (assuming the act is not completed).
• Exposing one's genitals in non-consensual circumstances.
• Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

Other Civil Rights Offenses
In addition to the forms of sexual misconduct described above, the following behaviors are also prohibited as forms of discrimination when the act is based upon the reporting party's actual or perceived membership in a protected class.

Threatening or causing physical harm
Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;

Discrimination
Discrimination, defined as actions that deprive, limit or deny other members of the community of educational or employment access, benefits or opportunities;

Intimidation
Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;

Hazing
Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the university community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Hazing Policy);

Bullying
Bullying, defined as

• Repeated and/or severe
• Aggressive behavior
• Likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally
• That is not speech or conduct otherwise protected by the 1st Amendment.

Intimate Partner Violence
Intimate Partner Violence, defined as violence or abuse between those in an intimate relationship to each other;

Stalking
Stalking 1:

• A course of conduct
• Directed at a specific person
• On the basis of actual or perceived membership in a protected class
• That is unwelcome, AND
• Would cause a reasonable person to feel fear

Stalking 2:

• Repetitive and Menacing
• Pursuit, following, harassing and/or interfering with the peace and/or safety of another

Any Other College Rules
Any other College policies may fall within this section when a violation is motivated by the actual or perceived membership of the reporting party's sex or gender.

• Sanctions for the above-listed "Other Civil Rights Behaviors" behaviors range from reprimand up through and including expulsion (students) or termination of employment.

Intimidation
Threatening another person face-to-face or via any means of communication, including but not limited to telephone, telegraph, mail, electronic mail (e-mail), or communication of a threat through a third person is regarded as a serious violation of state law.

Retaliation
Any adverse action taken against a person participating in a protected activity because of their participation in that protected activity.

Retaliation against an individual for alleging harassment, supporting a party bringing an allegation or for assisting in providing information relevant to a claim of harassment is a serious violation of Mid-Plains Community College policy and will be treated as another possible
instance of harassment or discrimination. Mid-Plains Community College is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

**Provocation**
Reckless and/or intentional conduct likely to provoke a reasonable person to commit battery is a violation of state law.

**Hazing/Initiation**
Forcing or requiring another person to perform an act that creates a substantial risk of bodily injury or emotional stress, with or without the consent of that person, as a condition of association with a group or organization is considered a violation of human rights and is prohibited.

**Physical Violence**
Acts of physical violence or participation in a physical encounter that a reasonable person would consider aggressive to another or self is prohibited.

**Expression of Hate**
Expressions of hate are defined as gestures, words, or other actions of a physical or psychological nature against another human based on race, gender, age, sexual orientation, religious preference, or disability.

**Disorderly Conduct**
Obstruction or disruption of normal College activities by any means, including physical or psychological methods, disturbing the peace, dropping or throwing objects, sports in hallways, or inappropriate behavior on College property is not permitted.

**Unreasonable Noise Level**
Reasonable quiet is required in or near sleeping, study, and class areas of the campus; actions that interrupt the study, rest or activities of others are not permitted. (Quiet hours are established in each residence hall and are to be observed by all those present in the hall.)

**Guest Conduct**
Members of the College community who bring guests/visitors to the campus assume responsibility for the behavior of those persons. Students hosting guests on campus who violate College policy will be held accountable for the actions of their guests. Guests who violate College policy or guidelines repeatedly or whose violations are of an extremely serious nature are subject to eviction from College property and may be barred from future visits.

**Guest Event Attendance**
Guests attending College-sponsored events and activities must be accompanied by their student host. Guests 16 years or older must be prepared to provide a picture ID (i.e. driver’s license) when requested.

**Non-Compliance with College Officials**
Students must comply with verbal or written instructions of College officials acting in the performance of their duties.

**Soliciting and Sales**
Soliciting or selling merchandise on campus is not permitted. Violators are subject to eviction from College property and/or disciplinary action.

Students, staff, faculty, and registered campus organizations may solicit or sell merchandise for charitable causes in specific locations on campus, in campus buildings, and in residence halls. The College official responsible for the area where the solicitation will occur is the individual authorized to give permission.

The selling of homemade foods (i.e. bake sales), except under conditions established by the Nebraska Board of Health, is not permitted.

**Presence of Fire Hazards**
All open flames, open flame devices, slow burning items, or items that are designed to support open flame or burning items and items that present a potential fire hazard may not be present in campus buildings. Includes, but is not limited to: Candles, incense, hot plates, Christmas trees, and coffee makers.

**Failure to Evacuate or Move to Safety**
Disregard or refusal to follow emergency response procedures during fire/tornado alarms is a violation of College policy.

**Tampering with Safety Equipment**
Tampering with or discharging fire and safety equipment (including smoke detectors, pull stations, or fire extinguishers) is a violation of state law and College policy.

**False Report of Bomb or Fire**
Knowingly initiating or circulating a false report or warning of an impending bombing, fire alarm, activating emergency phones, or other such event, is a violation of both state law and College policy. (The blowing of security whistles on campus without just cause is classified as “a false report.”)

**Fireworks**
Possession and/or use of fireworks, incendiary devices, and other types of explosives are prohibited.

**Unauthorized Cooking**
Cooking in students’ rooms is limited. Details are outlined in the Residential Life section.

**Weapons**
The possession on campus of any instrument that could be perceived as a dangerous and/or deadly weapon, including but not limited to safes, knives (over 3.5” in length) guns, bb and pellet guns, paint ball guns, bows and arrows, martial arts weapons, etc., is not permitted. This prohibition extends to any vehicle parked on College property and to any decor items which, though intended for display only, could be considered potentially dangerous.
Theft
Unauthorized taking of individual or College property is a violation of both state law and College policy.

Property Damage
Damaging or destroying personal or College property or littering on personal or College property is a violation of College Policy.

Removal of Window Screens
Removal of screens from any window within the residence halls or other College buildings is not permitted.

Pets and/or Animals
In accordance with public health regulations, no pets/other animals, with the exception of fish in a 5 gallon or smaller tank, are allowed in residence halls. Fish may not be left unattended in residence halls over scheduled holidays except when permitted by the Director of Housing or his/her designee. Proper notification and approval of service animal per MPCC Policy of presence and use of animals at MPCC - Facilities and Events.

Alcoholic Beverages
Possession, consumption, sale, or transfer of alcoholic beverages or their containers (including providing alcohol to minors) on College property or in College-owned vehicles is prohibited.

Illegal Drugs
The use, possession, sale, or transfer of any narcotic, hallucinogen, or other drug or drug paraphernalia, except as permitted by law, is prohibited.

Disorderly Conduct While Under the Influence
No person while under the influence of alcohol or other drugs shall engage in conduct or create a condition that represents a risk of physical harm to self or another, or results in damage to property, or is likely to be offensive or cause inconvenience, annoyance, or alarm to others.

Tobacco on Campus
The College is a tobacco-free campus. Use of tobacco of any kind on-campus or in campus vehicles is prohibited. Tobacco as used in this policy shall mean all tobacco products, including smokeless (chewing) tobacco and electronic cigarettes.

Honesty
Intentional falsification of information or misrepresentation of identity to College personnel is a violation of College policy.

Unauthorized Use of College Property
Unauthorized use, entry, or occupancy of any College facility, structure (including roofs, building ledges, and special facilities), equipment, or property is not permitted.

Placement of unwanted room furnishings or personal belongings in hallways or any room other than storage rooms is not permitted.

Displays on Window, Doors, and in Rooms
While privacy of the individual’s residence hall room is respected, it is recognized that the decorations and furnishings of that room should reflect positively on the policies, standards, commitments and philosophy of the College and should reflect respect for others.

Signs, containers, trademarks, and other displays on windows and doors that advertise or represent products (such as alcoholic beverages), behaviors, or philosophies not compatible with College policies or commitments are not permitted.

The possession or display in College buildings of signs or other facsimile that appear to be the property of municipalities or private business (without proof of ownership) is not permitted and will be confiscated.

Identification Cards
Identifications cards are issued to all students who are enrolled in classes for credit. Students are expected to carry their ID cards and present them to College officials, or be able to produce them within a reasonable amount of time, whenever such a request is made.

Room Lock-outs / Key Replacement
Residents are responsible for maintaining control of their keys. Residents are allowed one free lock out each semester. Lockouts after the first one are charged according to the following scale: First lock out – No Charge; Second lock out - $10; Third lock out - $25; Fourth and all further lock outs - $40 each.

Vehicle Regulations
All members of the Faculty, staff, and student body must register their motor vehicles and obtain and display registration decals.

Mechanical repairs to any vehicle is prohibited on campus property due to the safety hazard it causes. In the event your vehicle leaks fluid of any kind on campus property, it will be the owner's responsibility to clean up the leaked fluid. Failure to do so will result in towing at the owners expense or possible citations.

Any vehicle found on Mid-Plains Community College (MPCC) property that has not been moved for a period of three days or longer, with the exception of MPCC housing vehicles with displayed housing parking tags, will be considered abandoned and will be towed at the owner's expense.

Each vehicle registered on campus must be covered by the state-required minimum of liability insurance for the state in which the vehicle is registered.

No ATV's or golf carts are allowed on College property.

***Extension cords cannot be ran from an outlet (exterior or interior) across a sidewalk or driveway to a vehicle or charging destination. This presents a hazardous obstacle to employees, students, and/or guests of Mid-Plains Community College. If found violating this rule; sanctions will be given.***

Moving vehicle and parking violations on campus are subject to enforcement.

Skateboarding
Skateboarding is not allowed on any part of the College campus. In-line and quad skating is permitted providing it is done in a safe manner. No
motorized transportation vehicles of any part of the college property (i.e. scooters, hoover boards, motorized carts).

Inappropriate Use of Electronic Devices
Cellular phones, computers, cameras, and other electronic devices may not be used in a manner that causes disruption within any College-owned or College-operated facilities. Utilizing these devices for the purpose of photographing test questions or other forms of academic misconduct or illegal activity is prohibited. Taking photographs of any individual in locker rooms or lavatories is prohibited. Individuals taking photographs of others without prior consent may be subject to sanctions.

Violation of Federal, State, and/or Local Law
Any behavior that violates Nebraska state law and/or United States federal law is also a violation of College policy. The College reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community. Such action may include, but is not limited to, pursuing disciplinary action for any violation of state or federal law — on or off campus — that affects the College's educational interests. Students may be accountable to both civil authorities and to the College for acts that constitute violations of state and/or law. Disciplinary action at the College will normally proceed during pendency of criminal proceedings.

Unauthorized Removal of College Property
Community furnishings are for community usage. The removal of College property located in community spaces (i.e., furniture, televisions, etc.) is not permitted without written approval from the Director of Housing or his/her designee.

Unauthorized Room Change
Residents seeking to change housing room assignments will require the written approval of the Director of Housing or his/her designee prior to changing room assignments. Unauthorized room changes are subject to judicial sanctions. Students moving from one room to another without permission of the Housing Staff will incur a $125.00 improper room change fee.

Inappropriate Use of Internet or E-Communications
Access to the Internet, Email, and all electronic communications provided by the College comes with the responsibility of using these services in a responsible and ethical manner. Violations of this policy include, but are not limited to: illegal downloading of copyrighted materials, or the downloading of illegal images.

Violation of State and/or Federal Law
Any behavior that violates Nebraska state law and/or United States federal law is also a violation of College policy. The College reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community. Such action may include, but is not limited to, pursuing disciplinary action for any violation of state or federal law — on or off campus — that affects the College's educational interests. Students may be accountable to both civil authorities and to the College for acts