

McHenry County College

2023-2024

Student Code of Conduct



McHenry
County College

STUDENT CODE OF CONDUCT

TABLE OF CONTENTS

ARTICLE I. PURPOSE	1
ARTICLE II. CODE POLICIES	1
ARTICLE III. STUDENT CONDUCT OFFICER	1
ARTICLE IV. STUDENT RIGHTS	2
ARTICLE V. COLLEGE JURISDICTION	2
ARTICLE VI. PROHIBITED CONDUCT	2
A. ACADEMIC DISHONESTY	3
B. DISRUPTING OR OBSTRUCTING THE WORK AND OPERATION OF THE COLLEGE	3
C. HARASSMENT AND DISCRIMINATION	6
ARTICLE VII. DISCIPLINARY SANCTIONS	6
A. INTERIM MEASURE/SUSPENSION	6
B. WARNING	7
C. PROBATION	7
D. RESTITUTION	7
E. WITHDRAWAL FROM CLASS	7
F. LIMITED ACCESS	7
G. OTHER PENALTIES	7
H. COLLEGE SUSPENSION	7
I. COLLEGE EXPULSION	7
J. DISCRETIONARY SANCTIONS	8
K. EDUCATIONAL SEMINARS	8
L. GROUP/ORGANIZATION SANCTIONS	8
M. REVOCATION OF ADMISSION OR DEGREE	8
ARTICLE VIII. COMPLAINT OVERVIEW	8
A. FILING A COMPLAINT	8
B. NOTICE AND RESPONSE	9
ARTICLE IX. COMPLAINT PROCEDURES	9
A. PRELIMINARY INVESTIGATION AND CONFERENCE	9
B. STUDENT APPEALS COMMITTEE PROCEDURES	10

PROCEDURES IMPLEMENTING THE COLLEGE'S PROHIBITION OF SEXUAL DISCRIMINATION, HARASSMENT AND MISCONDUCT

PURPOSE	10
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ARTICLE I. PURPOSE

McHenry County College (the “College”) students are expected to behave appropriately, with self-respect and respect for others. The College, in turn, respects the properly exercised rights of its students. The College recognizes students’ rights to freedom of speech, inquiry and assembly; to the peaceful pursuit of education; and to the reasonable use of College services and facilities.

This Student Code of Conduct (the “Code”) aims to maintain a learning environment of respect, civility, safety, and integrity for all members of the College community. In addition to the Code, students must also recognize and comply with the standards of classroom behavior stated in their individual course syllabi. Acts of academic dishonesty, disruptive student behavior, and appeals of sanctions imposed in each case are under the jurisdiction of the Student Conduct Office. Further, threats of violence are considered a serious infringement upon the learning environment and will be acted upon accordingly.

Whenever possible, sanctions for violations of the Code may be educational in nature. However, Code violations affecting the health and safety of the College community are deemed to be the most serious. Therefore, acts of violence, threats or dangerous behavior may result in suspension or expulsion from the College. Violations of the academic dishonesty policy may also result in suspension or expulsion from the institution and/or a reduced or failing grade.

ARTICLE II. CODE POLICIES

No disciplinary action shall be initiated nor any sanction imposed against students or student organizations until they have been notified in writing of the charges against them and their rights under this Code, and given the opportunity to be heard, except in cases where interim measure is warranted for the health and safety of the community.

All College regulations and policies pertaining to student discipline shall be published, distributed, or posted in such a manner as to furnish adequate notice of their contents to students and student organizations. Each student is responsible for knowledge of and compliance with the Code.

All policies found in the Board Policy Manual are subject to change from time to time as approved by the College Board of Trustees. The Student Conduct Office disseminates hard copies of additions/revisions not more than three times each year. The web copy, located at www.mchenry.edu/conduct, is updated annually, as needed. Prior to acting in reliance upon a specific board policy as it appears in any copy of the Board Policy Manual, please check to make sure that the Board of Trustees has not recently approved any additions/revisions to that specific policy.

ARTICLE III. STUDENT CONDUCT OFFICER

The Student Conduct Officer is responsible for the administration of the Code. The Student Conduct Officer may designate other College officials to conduct student disciplinary hearings, if appropriate.

The Student Conduct Officer will ensure that the best interests of students and student organizations are served, regardless of whether disciplinary action is taken, by making full use of the appropriate counseling and other professional services at the College.

The Student Conduct Officer shall serve as non-voting Secretary of the Conduct Review Committee and as advisor to all individuals and groups authorized to impose disciplinary sanctions.

Sexual Discrimination, Harassment and Misconduct

Complaints of sexual discrimination, harassment and/or misconduct will be promptly and thoroughly investigated by an investigator appointed by the College's Title IX Coordinator in accordance with the procedures set forth in Article VI.

ARTICLE IV. STUDENT RIGHTS

Any student facing possible disciplinary action is entitled to the following procedural rights:

- The right to be notified in writing of the charges against him/her.
- The right to know the nature of the evidence against him/her (unless release of the evidence would endanger the health or safety of victim(s) or witness(es)).
- The right to present information and witnesses relevant to his or her defense.
- The right to appear with an advisor.

ARTICLE V. COLLEGE JURISDICTION

Sanctions may be imposed for prohibited conduct which occurs on College property, at off-campus instructional sites (e.g., experiential coursework, internships, lab, or clinical sites), at College-sponsored extracurricular activities or events when a student serves as a representative of the College, or in the course of using College technology or property. Sanctions may also be imposed for conduct that occurs on or off campus which materially and substantially interferes with the College's operation or educational programs or the health and safety of the College community. The Student Conduct Officer shall exercise sole discretion in determining whether the Code shall be applied to conduct occurring off campus in accordance with the best interests of the College.

Records created and maintained by a law enforcement unit of an educational institution (e.g., campus security) which were created by that law enforcement unit for purposes of law enforcement are not considered "student records" under the Family Educational Rights and Privacy Act (FERPA) and may be released to third parties as necessary without violating FERPA.

Jurisdiction is maintained between periods of enrollment unless the accused individual's official record in the Registration Office shows a complete withdrawal prior to the expiration of the published deadline for registration for the succeeding period of enrollment. For students enrolled in the spring term, jurisdiction is maintained until the expiration of the published deadline for registration for the succeeding fall term.

Incidents involving non-employees and non-students are governed under Board Policy 6.2.3 Discrimination, Harassment, and/or Anti-Violence.

ARTICLE VI. PROHIBITED CONDUCT

College students are expected to demonstrate qualities of morality, integrity, honesty, civility, honor, and respect. Disciplinary action may be initiated by the College and sanctions imposed against any student or student organization found responsible of committing, attempting to commit, or intentionally assisting in the commission of any of the following prohibited forms of conduct. Sexual discrimination, harassment and misconduct, as detailed in Article VI, is also strictly prohibited.

A. ACADEMIC DISHONESTY

In the academic community, we value honesty and integrity. In cases involving academic dishonesty, faculty partner with the student conduct process to determine outcomes that hold the student accountable while emphasizing the learning process. On the first instance of academic dishonesty in a course, faculty are encouraged to follow their syllabus policy as it relates to consequences and report it to the institution. The Student Conduct Officer will notify the student and faculty that the report was received. If multiple offenses are reported, the student will be referred to the student conduct process. The student will be required to meet with the Student Conduct Officer. Sanctions may follow, ranging from a formal written warning to suspension. A full list of potential sanctions can be found on page 7.

Acts of academic dishonesty for which sanctions may be imposed include, but are not limited to:

1. Cheating, which includes, but is not limited to:
 - a. Use of any unauthorized assistance, resources or materials in taking quizzes, tests, or examinations;
 - b. Dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments;
 - c. The acquisition, without permission, of a test or other academic material belonging to McHenry County College, to any department, or to any staff;
 - d. The use of artificial intelligence software or tools in homework, writing assignments, quizzes, tests, and other assignments unless otherwise authorized by the course instructor.

2. Plagiarism, which includes, but is not limited to:
 - a. Use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment;
 - b. Unacknowledged use of materials prepared by another person;
 - c. Use of any agency engaged in the selling of term papers or other academic materials;
 - d. The use of artificial intelligence software or tools in homework, writing assignments, quizzes, tests, and other assignments unless otherwise authorized by the course instructor.

3. Fabrication, which includes, but is not limited to:
 - a. Falsification or forgery of any resources or materials used in an academic assignment or other exercise; and
 - b. Invention of any information or citation in an academic assignment or other exercise
 - c. The use of artificial intelligence software or tools in homework, writing assignments, quizzes, tests, and other assignments unless otherwise authorized by the course instructor.

B. DISRUPTING OR OBSTRUCTING THE WORK AND OPERATION OF THE COLLEGE

Being a member of the College community comes with certain rights and privileges. As in other communities, members of the College community must assume the responsibilities and obligations that accompany these freedoms. There is an expectation that behaviors and actions do not violate the rights and privileges of other community members. In such cases, where a College representative determines that a student has disrupted or obstructed the work and operation of the College, the representative is encouraged to report the incident to the Student Conduct Officer or his or her designee. Acts of disruption and obstruction for which sanctions may be imposed include, but are not limited to, the following:

1. Making false statements and/or providing false information to any College official;
2. Physical, verbal and/or non-verbal conduct which threatens or endangers the health or safety of any person;

3. Verbal threats, harassment, intimidation, and/or similar threatening conduct that disrupts the educational environment or members of the College community;
4. Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Hazing includes the initiation of or participation in a hate crime as defined in Article XV.
5. Using electronic technology (which includes, but is not limited to: internet, e-mail, telephone, fax machines, text messaging, and instant messaging) and/or engaging in on-line behavior to disrupt, threaten, harass, and/or intimidate another member of the College community;

The College does not regularly seek out this information, but will take action if and when such information is brought to the attention of College officials.

6. Theft (actual or attempted) of College property or property belonging to a member of the College community.
7. Destruction (actual or attempted) of College property or property belonging to a member of the College community.
8. Abuse of College computer facilities, programs, technology and equipment, including, but not limited to:
 - a. Unauthorized entry into a file to use, read or change the contents, or for any other purpose;
 - b. Unauthorized transfer of a file including the use of peer-to-peer file-sharing;
 - c. Unauthorized use of an individual's identification and password;
 - d. Use of student email, portal and/or the learning management system to send SPAM or other non-instructional related messages to other students and/or College employees;
 - e. Use of computing facilities to interfere with the work of a student, faculty member or College official;
 - f. Use of computing facilities to interfere with operation of the College computing systems;
 - g. Unauthorized use or copying of copyrighted software;
 - h. Unauthorized installation or use of an unauthorized program;
 - i. Unauthorized use of computer time for personal or business purposes;
 - j. Use of College computer facilities, programs, equipment or technology to send obscene or abusive messages;
 - k. Unlawful or unauthorized use of the Internet;
 - l. Unauthorized connection of technological and computing equipment to the College's computers and/or

network;

- m. Unauthorized use of any form of a digital camera or imaging equipment; and
 - n. Unauthorized use of another individual's identity, including unauthorized use of financial information.
 - o. Unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, is subject to civil and criminal liabilities.
9. Unauthorized use of cell phones, pagers and other communication devices in all instructional areas and the Library, Testing Center, Learning Center and computer labs, including all labs and classrooms during instructional sessions.
 10. For safety purposes, children (defined as minors less than 16 years of age) are not permitted on campus unattended by a parent/guardian, except when they are attending classes offered by the College for children. The College prohibits children in a classroom/laboratory environment including the Testing Center, Learning Center and computer labs, solely for the purpose of a parent/guardian to provide direct supervision of his or her child.
 11. Coercion, which is defined as attempting to compel, control, or manipulate another through the threat of force, intimidation, exploitation of fear or anxiety, including explicit and implied physical and verbal threats against another person.
 12. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other College activities, including its public service functions on or off campus, or of other authorized non-College activities when the conduct occurs on College property.
 13. Intentionally obstructing or denying access to facilities or services to individuals entitled to use such services or facilities.
 14. Intentionally interfering with the lawful rights of other persons on College property.
 15. Violation of local, county, state, or federal law, whether it be on or off campus, only when a definite College interest is involved and where the student misconduct distinctly and adversely affects the College's pursuit of its educational mission. Violation of these laws may lead to prosecution by law enforcement agencies in addition to sanctions by the College.
 16. Possession, use, or attempt to distribute or sell illicit drugs, alcohol or other controlled substances except as expressly permitted by law (i.e., prescription medications used by a person for whom the medication was prescribed).
 17. Being under the influence of drugs and/or alcohol while on College property.
 18. The use of tobacco/vaping products on or in any College owned property.
 19. Wearing, transporting, storing, or possession of firearms or other weapons on College property (including College-owned vehicles, personal vehicles and parking lots), at College-sponsored or College-related functions or events, and during times when acting as a representative of the College whether on or off College property. Individuals who commit such acts may be removed from College property and/or subject to disciplinary action, criminal penalties, or both. "Weapons" includes but is not limited to: firearms (including any gun, rifle, shotgun, pistol, BB or pellet gun, any firearm or device from which a projectile may be fired by an explosive, any firearm or device operated by gas or compressed air); knives (including any bowie knife, spring blade knife, dagger,

switchblade knife); explosives; chemical or biological weapons; slingshot; metal knuckles; blackjack; any object which by use, design, or definition may be used to inflict injury upon a person; and any object if used, attempted to be used, or threatened to be used to cause bodily harm. "Weapons" does not include mace or pepper spray type products designed and carried solely for the purpose of self-protection. Weapons will be confiscated immediately and are subject to the Weapons Destruction Procedure outlined in Board Policy 6.2.3 Discrimination, Harassment, and/or Anti-Violence.

- a. This does not apply to any certified law enforcement personnel engaged in official duties.
 - b. Activities requiring use of the prohibited items may be conducted only with the approval of Campus Police.
20. Intentional obstruction of the freedom of movement of pedestrian or vehicular traffic on College property.
 21. Participation in a campus demonstration which disrupts the normal operations of the College and infringes on the rights of other members of the College community.
 22. Leading or inciting others to disrupt scheduled and/or normal activities on College property.
 23. Detention or physical abuse of any person or conduct which is intended to threaten imminent bodily harm or endanger the health or safety of any person on any property owned or controlled by the College, or at any College sponsored or supervised function.
 24. Failure to comply with reasonable directions of College officials or public safety officers acting in performance of their duties on College property or affecting conduct on College property.
 25. Unauthorized possession, duplication or use of keys to any College property or unauthorized entry to or use of College property.
 26. Being an accessory to any person who violates this Code.
 27. Violation of College policies, rules or regulations.
 28. Conduct that is disorderly, lewd, or indecent; a breach of the peace; or aiding, abetting, or procuring another person to breach the peace on College property or at functions sponsored by, or participated in by, the College or members of the academic community.
 29. Abuse of the Student Code of Conduct, including but not limited to:
 - a. Failure to obey the notice from the Conduct Review Committee or College official to appear for a meeting or hearing as part of the Conduct Review Committee;
 - b. Falsification, distortion, or misrepresentation of information before the Conduct Review Committee;
 - c. Disruption or interference with the orderly conduct of the Conduct Review Committee proceeding;
 - d. Institution of a Code proceeding in bad faith;
 - e. Attempting to discourage an individual's proper participation in, or use of the Code system;

- f. Attempting to influence the impartiality of a member of the Conduct Review Committee prior to and/or during the course of the Student Conduct Board proceeding;
- g. Harassment (verbal or physical) and/or intimidation of a member of the Conduct Review Committee prior to, during, and/or after a Code proceeding;
- h. Failure to comply with the sanctions(s) imposed under the Code; and
- i. Influencing or attempting to influence another person to commit an abuse of the Code system.

C. HARASSMENT AND DISCRIMINATION

Pursuant to Board Policy 6.2.3, Discrimination, Harassment, and/or Anti-Violence the College seeks to maintain an academic and work environment free of harassment and discrimination for students, faculty and staff. Harassment and discrimination are contrary to the standards of the College community; it diminishes individual dignity and impedes equal employment and educational opportunities. In compliance with the College Affirmative Action Policy, Executive Order 11246 and 11375, Title IX of the Educational Amendments of 1972, Civil Rights Act of 1964, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and the Illinois Human Rights Act, the College prohibits discrimination and harassment based on sex, race, ethnicity, religion, age, disability, national origin, sexual orientation, or gender-related identity, color, marital status, military status or unfavorable military discharge in its admissions, employment, educational programs, or activities. The College seeks to provide academic and work environments that are free from intimidation, discrimination, and harassment based on any of these characteristics and the College specifically prohibits such intimidation, discrimination, and harassment, including sexual discrimination (see page 11).

Intimidation, discrimination and harassment can arise from a broad range of verbal, nonverbal and/or physical behaviors and from employees, students, outside contractors or other individuals. Discrimination, harassment or similar unacceptable activities that could become a condition of employment or a basis for educational or personnel decisions, or which create a hostile, intimidating or offensive environment are specifically prohibited by the College. Any individual who engages in such discrimination or harassment, or retaliates against another individual because he or she made a report of discrimination or harassment or participated in the investigation of a claim of discrimination or harassment, is subject to immediate discipline up to and including suspension or expulsion.

ARTICLE VII. DISCIPLINARY SANCTIONS

The following sanctions may be imposed upon any student found to have violated the Code.

A. INTERIM MEASURE/SUSPENSION

In certain circumstances, the Student Conduct Officer or his or her designee may impose an immediate interim suspension when the Student Conduct Officer (or his or her designee) determines that the student's conduct poses:

- An immediate threat to the safety and well-being of members of the College community or preservation of College property;
- A material and substantial disruption of or interference with the normal operations of the College.

An interim suspension may be imposed as necessary at any stage prior to, during, or subsequent to the disciplinary process described in the Code.

During the interim suspension, the student will be denied access to the campus (including classes) and to College-sponsored events or privileges for which the student might otherwise be eligible, as the Student Conduct Officer or his or her designee determines appropriate. In certain circumstances, the Student Conduct Officer or his or her designee may impose an immediate interim loss of privilege/ interim measure sanction when the Student Conduct Officer or his or her designee determines that the student's conduct poses a material and substantial disruption of or interference with the normal operations of the College or a student's right to participate in their educational process.

B. WARNING

A notice in writing to the student that the student is violating or has violated institutional regulations.

C. PROBATION

A reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any institutional regulation(s).

D. RESTITUTION

Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

E. WITHDRAWAL FROM CLASS

Administrative withdrawal with consequent loss of tuition and fees from a class, classes, or program.

F. LIMITED ACCESS

Administrative restriction to selected parts/locations of College property.

G. OTHER PENALTIES

The student may be denied a transcript or degree until all of the obligations specified by a disciplinary body are met or other penalties as may be imposed as ones determined to fit the misconduct.

H. COLLEGE SUSPENSION

Separation of the student with consequent loss of tuition and fees from the College for a definite period of time, after which the student is eligible to return. The College will officially withdraw the student from course(s) after the deadline for appeal or when the appeals procedure is completed. During the period of suspension, students are not permitted access to College facilities, classes and services. Students approved to be on campus must be granted access by Campus Police and the Student Conduct Officer. Upon re-admission, the student must meet with the Student Conduct Officer to complete the re-enrollment process. Conditions for readmission or re-enrollment may be identified, including ineligibility for specific courses, services, and/or programs of study.

I. COLLEGE EXPULSION

Permanent separation with consequent loss of tuition and fees of the student from the College.

J. DISCRETIONARY SANCTIONS

Work assignments, service to the College or neighboring communities, or other related discretionary assignments (such assignments must have the prior approval of the Student Conduct Officer).

K. EDUCATIONAL SEMINARS

A student may be required to participate in educational workshops in lieu of, or in addition to, the imposition of sanctions.

L. GROUP/ORGANIZATION SANCTIONS

The following sanction may also be imposed upon student clubs, groups or organizations: Deactivation - Loss of privileges, including College recognition, for a specified period of time.

M. REVOCATION OF ADMISSION OR DEGREE

Admission to the College may be revoked based on fraud, misrepresentation or other forms of misconduct related to the admissions process. The granting of a degree by the College may be revoked based on fraud, misrepresentation or other forms of misconduct related to obtaining the degree.

ARTICLE VIII. COMPLAINT OVERVIEW

A. FILING A COMPLAINT

Any member of the College community may file a complaint against any student for misconduct. Complaints must be presented in writing to the Student Conduct Officer or his or her designee and should be submitted within ten (10) business days after the occurrence of the alleged misconduct. Incident report forms are available on the MCC Student Conduct webpage. A violent incident report form filed in accordance with Board Policy 6.2.3 Discrimination, Harassment, and/or Anti-Violence shall satisfy the requirement of filing a written complaint.

B. NOTICE AND RESPONSE

Within five (5) business days after receiving a complaint, the Student Conduct Officer (or his/her designee) will notify the accused student in writing of the complaint and afford the student an opportunity to meet with the Student Conduct Officer (or his/her designee) in order to respond to the complaint and/or evidence provided in relation to the complaint. Such notice shall include:

(a) Summary of potential violation

(b) The opportunity for the student(s) to meet with the Student Conduct Officer for purposes of discussing the options for disposition of the complaint; and

(c) The student's right to have an advisor accompany the student during the meeting. When the Student Conduct Office receives information regarding a potential violation of the Student Code of Conduct, a restriction shall be placed on the student's account if the student fails to make an appointment two (2) business days after the initial letter is sent.

If the student chooses not to meet with the Student Conduct Officer or to participate in the investigation process, the Student Conduct Officer will proceed with disposition of the case without input from the student.

Pending student conduct issues will result in a student conduct restriction on the student's account. In order for the hold to be lifted, the student must contact the Student Conduct Office.

ARTICLE IX. COMPLAINT PROCEDURES

A. PRELIMINARY INVESTIGATION AND CONFERENCE

The Student Conduct Officer (or his/her designee) will conduct a preliminary investigation to determine if the complaint has merit and/or if the complaint can be disposed of administratively or by mutual consent of the parties involved. The Student Conduct Officer shall conference separately with the complaining individual (and advisor) and the accused student (and advisor), inform the accused student of his or her options and rights, and take any of the following actions:

- Make findings of fact on the nature of the complaint;
- Dismiss the case;

Adjudicated at the preliminary investigation stage, such disposition will be final and there will be no subsequent proceedings.

In matters which result in suspension or expulsion, the accused student or respondent who wishes to appeal the decision reached by the Conduct Officer (or his/her designee) at the conclusion of a formal investigation must submit a written request for appeal to the Student Appeal Committee. This request must be submitted to the College's Administrative Assistant of the Vice President of Student Affairs (or his/her designee) within five (5) business days after receipt of the Conduct Officer's final letter.

In the event a victim and/or complainant or a student respondent does not appeal within the required five (5) business day period, the decision of the Conduct Officer will be final.

The appeal request must be typewritten and must state the grounds for appeal. Students with documented disabilities may seek assistance from the MCC Manager of Access and Disability Services in Room A260, (815) 455-8676. Appeals must be made on the basis of one or more of the following grounds:

1. Procedural error was committed.
2. New evidence not offered during the investigation that would substantially change the outcome of the finding is now

available. In such cases, the new evidence must be described/provided.

3. The sanction imposed is lenient, excessive or otherwise disproportionate with the violation.

B. STUDENT APPEALS COMMITTEE PROCEDURES

The Student Appeal Committee members will review and consider the written findings and decision of the Conduct Officer (or his/her designee), the written appeal, and, if applicable, new evidence offered for consideration. The Conduct Officer (or his/her designee) will provide all relevant documentation to the Student Appeal Committee. The Committee shall render a decision after the conclusion of its review and shall inform both the victim and/or complainant and the student respondent, concurrently, by certified mail. The decision of the Student Appeal Committee shall be final.

Quorum for Student Appeal Committee will be conducted according to the following guidelines:

1. Closed to the public;
2. Quorum requires a minimum of three (3) Student Appeal Committee members present;
3. Quorum may consist of a faculty, staff, and administrator
4. The Conduct Officer (or his/her designee) will coordinate a time conducive to the Student Appeal Committee and Student schedule. This allows the Student Appeal Committee to contact the student with questions pertaining to the appeal, if applicable

PROCEDURES IMPLEMENTING THE COLLEGE'S PROHIBITION OF SEXUAL DISCRIMINATION, HARASSMENT AND MISCONDUCT

PURPOSE

The College is committed to maintaining a safe and healthy educational and employment environment that is free from discrimination, harassment and misconduct on the basis of sex, which includes sexual orientation or gender-related identity. The purpose of this procedure is to implement the College's Sexual Discrimination, Harassment and Misconduct Policies (Board Policy 6.2.2 and Board Policy 6.2.3), ensure a safe and healthy educational and employment environment, and meet legal requirements in accordance with: Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in the College's programs or activities; relevant sections of the Violence Against Women Reauthorization Act; Title VII of the Civil Rights Act of 1964, which prohibits discrimination on the basis of sex in employment; relevant sections of the Illinois Human Rights Act, which prohibits discrimination on the basis of sex or sexual orientation, including gender-related identity; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, which requires timely warning to the community of certain immediate threats; and the Illinois Preventing Sexual Violence in Higher Education Act. The College has an affirmative duty to take immediate and appropriate action once it knows of any act of sexual discrimination, harassment and/or misconduct in any of its educational or employment programs or activities. The College will promptly and thoroughly investigate any complaints of sexual discrimination, harassment and/or misconduct in accordance with the procedures set forth on the Title IX Sexual Misconduct website. www.mchenry.edu/sexualmisconduct/TitleIX.pdf

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