

Code of Conduct

This section defines minimum expectations for student behavior at Mount Mercy and outlines complaint, procedural due process, and grievance procedures. When student behaviors are found to be in violation of state law, Mount Mercy policies, or reasonable standards of community life, students are usually called upon to discuss with an administrator the circumstances surrounding the incident. Settlement is typically reached at this point. A referral to the Disciplinary Board may result when the administrator or student is not satisfied with the outcome of the meeting.

Complaint Procedure

Any person may bring a complaint against a student under these procedures, based on an alleged violation of any Mount Mercy rule or regulation or based on behavior not specifically covered by rules or regulations, but which is considered detrimental to the Mount Mercy community. All complaints shall be made to the Dean of Students (DOS).

Complaints will be investigated, evidentiary hearings may be conducted, disciplinary action may be recommended, and appeals heard as provided for by the Disciplinary and Appeal Procedure for Students.

The Disciplinary and Appeal Procedure may be reviewed and amended by the DOS.

General Standards of Conduct

Any student who commits any of the following acts of misconduct shall be subject to disciplinary action by Mount Mercy.

1. Conduct that disrupts the orderly process of Mount Mercy or is immoral, lewd, or indecent according to commonly accepted standards.
2. Actions that obstruct or deny access to services or facilities of Mount Mercy or intentionally incite and counsel others to deny individuals their right of ingress or egress throughout the campus.
3. Actions that incite and counsel others to deny to other students and members of the Mount Mercy community their right to attend and/or implement authorized programs and functions of the institution.
4. Theft, malicious destruction, misappropriation, or misuse of Mount Mercy property, or private property on campus, including possession of stolen property.
5. Physical or emotional abuse through actions, intimidation, or threats of another person during daily university life or at any Mount Mercy-sponsored or supervised function or event.
6. Giving false information, altering or misusing Mount Mercy documents and records, and non-responsiveness to Mount Mercy officials.
7. Violation of regulations concerning the use of alcoholic beverages or drugs.
8. Leaving or entering a residence hall or Mount Mercy housing or assisting others to do so in any manner except the proper manner.
9. A repeated violation of lesser regulations.
10. Academic dishonesty, including cheating, plagiarism, or academic misconduct. (See Academic Integrity Policy, page 18).

11. Misrepresentation of any material fact to any member of the faculty or staff of Mount Mercy or to any office, department, or committee thereof, or willful misrepresentation to anyone within or without the Mount Mercy community of his or her status or academic performance with the institution or of the support, sponsorship or approval of Mount Mercy of the services or activities of any person, group or organization.
12. Demonstrations on the campus or within the interior of any Mount Mercy building or structure, except as specifically authorized and subject to reasonable conditions imposed to protect the rights and safety of other persons, and to prevent damage to property.
13. Unauthorized entry into or occupation of any Mount Mercy room, building or area of the campus, including such entry or occupation at any unauthorized time, or an unauthorized or improper use of any Mount Mercy property, equipment or facilities.
14. Setting of fires in any Mount Mercy building or on the campus without the proper authority, or intentional sounding of a false fire alarm or improper use of fire prevention equipment in any Mount Mercy building or on the campus.
15. Disrupting access of other students, faculty or staff members to Mount Mercy computer resources, or obtaining without authorization access to a computer account assigned to another person, or using an account belonging to another Mount Mercy student, faculty or staff member or academic department for other than its intended purpose without permission from the owner, or using an inactive account, or using Mount Mercy computer equipment to interfere with the lawful rights of others by such activities as falsifying or altering records or documents, creating false or fraudulent documents, damaging programs belonging to another, sending harassing or threatening material, or duplicating copyrighted software unlawfully, or assisting another person to do any act proscribed under this paragraph.
16. Violation of any other regulation or any other rule or policy that may be promulgated by the President of Mount Mercy or an authorized representative, by any department, residence, office or other facility within the scope of its authority, provided such rules, regulations or policies were published, posted or otherwise adequately publicized or the student had actual knowledge of such rule, regulation or policy. All provisions contained in Mount Mercy residence hall or apartment contracts that pertain to personal conduct shall be deemed rules subject to this regulation with respect to all residence hall students. (See also Computer Systems Acceptable Use Policy, page 28).
17. Violations of rules and regulations, or conduct, not covered above but considered detrimental to the educational process, missions or goals of Mount Mercy or threatening the health, well-being, or safety of any member of the Mount Mercy community.

Sanctions

The following sanctions serve as guidelines rather than as a definitive list.

1. Disciplinary warning – written warning that if there is a repetition of the same action or any other action in violation of the rules or regulations of Mount Mercy, the student can expect additional disciplinary action.

2. Disciplinary probation – the student on disciplinary probation is not considered to be in good standing with respect to the non-academic disciplinary system and any further violations may lead to suspension or expulsion from Mount Mercy.
 3. Fines and/or Restitution – a student may be assessed the repair/replacement cost for any damage he or she has caused to property. When appropriate, fines may also be assessed.
 4. Educational sanction – a student may be required to provide a specific service or participate in a specific program, receive specific instructions, or complete a research assignment. The student may be responsible for related expenses, including expenses for education, counseling, or treatment, if any expense is entailed.
 5. Exclusion from Mount Mercy facilities or activities – a student may be prohibited from attending a class, undertaking Mount Mercy employment, entering a building, participating in an extra-curricular activity sponsored by the institution, representing Mount Mercy in an official capacity, or using other services provided the institution. Such exclusion may be for a definite or indefinite period of time.
 6. Disciplinary suspension – a student may be involuntarily separated from Mount Mercy for a stated period of time after which readmission is possible. The DOS shall determine when the suspension will become effective. A student with one or more violations may be suspended from Mount Mercy for an indefinite period of time. A student suspended indefinitely may petition the DOS for reinstatement.
 7. Expulsion – for a serious violation of rules or regulations of Mount Mercy, a student may be dismissed from Mount Mercy permanently.
- C. Once responsibility is determined, appropriate sanctions, in keeping with the violation(s), will be applied.
 - i At the hearing, the individual student(s) will be given the opportunity to provide testimony or evidence regarding the incident/event. Students who fail to schedule or attend a hearing by the deadline indicated will waive their right to such a hearing, and a decision may be made without that student(s)' testimony. All decisions made as a result of the hearing(s) will be communicated in writing.
3. Right to Appeal Students may request an appeal findings and/or sanctions on the following grounds:
 - A. If there is new evidence not considered in the original hearing.
 - B. If the sanction(s) applied do not reasonably fit the violation.
 - C. Generally, appeals will be heard by:
 - i Residential – Director of Residence Life
 - ii Athletics – Director of Athletics
 - iii Academics – Refer to the Academic Integrity Policy
 - iv Other – DOS
 - D. In order to file an appeal, the student must:
 - i Submit the appeal in writing. A complete appeal will include the date(s)/time(s) of the original incident, the finding(s) and/or sanction(s) being appealed, and the grounds on which the appeal is being made (see list above of the three grounds for appeals).
 - ii If multiple individuals were found in violation and/or sanctioned and wish to appeal, each individual must submit a separate appeal letter.
 - E. An appeal hearing may or may not be scheduled. Student(s) should arrive at the hearing prepared to share testimony or evidence supporting their appeal. Once a decision on the appeal is made, it will be communicated in writing. Every effort will be made to conclude the appeals process in a timely fashion. As a general rule, the status and/or participation in sport or other university activities will not be altered until a decision is made. This may not be true in cases in which a student's continued presence constitutes an immediate threat or potential injury to himself/herself or others and/or could disrupt the orderly functioning of Mount Mercy.

Disciplinary Process

1. Violations As a general rule, violations of Mount Mercy policies and behavioral standards will be referred to the following:
 - A. Residential – Violations of residential policies or of institutional standards of conduct committed in the residence halls or by residential students will generally be referred to the Residence Hall Director of the hall the student resides in or in which the incident occurred.
 - B. Athletic – Violations of athletic department or team policies or behavioral expectations will be referred to the Head Coach of the student's sport. (Please note: sport regulations governed by NAIA are not university regulated; therefore, the university may not set them aside or change their outcome. Ex: red cards in Soccer)
 - C. Academics – Please refer to the Academic Integrity Policy, page 18.
 - D. Other – Violations of university standards of conduct occurring at campus events or committed by non-residential students will be referred to the DOS or referred by the DOS to an appropriate staff member of her/his choice.
2. Hearings A hearing will be called by the staff member listed above, designated by the DOS. The purpose(s) of such hearings will be to determine:
 - A. Were policies, standards, or behavioral expectations (i.e. team rules), or legal statutes violated?
 - B. If it is determined that a violation of the above occurred, the hearing(s) will seek to ascertain who is responsible for the violation(s).
4. Summary Decision or Referral to a Disciplinary Hearing Board
 - A. If the student is still not satisfied with the outcome of the first appeal, they may ask for a summary judgment from the DOS (or from the President, in appeals originally heard by the DOS).
 - B. Students must submit a request, in writing, for a review of all documents pertinent to the case. This request should be submitted to the DOS.
 - C. The DOS will review the materials pertaining to the case, and:
 - i Call witnesses if desired/necessary to render a decision; OR
 - ii Determine that the case has been adequately investigated and the appeal appropriately decided.
 - D. In either of the two cases above, the DOS will make a final judgment and communicate that in writing to the student.

E. The DOS reserves the right to refer cases to a Disciplinary Hearing Board when the issues are judged by her/him to be of a substantive nature and/or would best be resolved by the action of a Board. The Disciplinary Hearing Board may be convened at any point in the process outlined above, beginning with the initial disciplinary investigation/hearings.

5. Disciplinary Hearing Board Process

- A. If the DOS has referred the case to the Disciplinary Hearing Board as part of an appeal decision, all documents, notes, etc. associated with the investigation and previous hearings will be forwarded to the Board.
- B. If the case has not been heard (by Residence Life, Athletics, or other designated authority), the student will be given notice in writing that it has been referred to the Disciplinary Hearing Board. The specific allegation(s) and the nature of the evidence on which disciplinary charges are made will be included in this communication.
- C. In both instances above, the student will be given a hearing before the Disciplinary Board membership. If the issue has not been heard by another campus authority prior to Board referral, the student may choose to plead guilty of the charges, and must state so in writing to the DOS prior to or at the hearing.
- D. A decision shall be made based on the evidence presented at the hearing.
- E. If a student does not appear at the hearing, or if a student pleads guilty, the student waives all rights of appeal. Also, the Disciplinary Hearing Board will be the final step of appeal in the event that the student was referred upon an appeal to the DOS.
- F. A student who has appeared at the hearing, has not plead guilty, and is not already before the Board on appeal, may appeal the Board's decision to the Appeal Board of the Student Development Committee. The appeal must be made in writing to the DOS within 48 hours after the Disciplinary Board decision. The Appeal Board will review the Disciplinary Board decision and submit its findings in a timely fashion to the DOS.
- G. As a general rule, the status of a student should not be altered until the case has been settled. This, however, is not true in cases in which a student's continued presence on the campus constitutes an immediate threat or potential injury to himself/herself or others and could disrupt the orderly functioning of Mount Mercy.
- H. A record of the Disciplinary Board hearing proceedings will be kept and this will be considered confidential except in cases where it is deemed necessary by the Disciplinary Board that prepared statements be released to protect the welfare of persons or Mount Mercy.
- I. With the agreement of the student and Mount Mercy, a settlement may be reached at any time during the process.

Student-Initiated Grievance Procedure Concerning Non-Academic Areas

1. Occasions for grievance. Grievance may arise in the following areas and/or situations:
 - A. discrimination
 - B. unfair or abusive treatment

2. Informal grievance procedure. Required steps before initiating a formal grievance are:
 - A. The student will inform the DOS within five (5) working days of the alleged injustice and the intent to initiate a conference with the involved person or people to determine if he/she can resolve the problem(s) at this level. If the student decides not to initiate such a conference, he/she may not initiate a formal grievance. It is also strongly suggested that the student speak to the Vice President who supervises the involved area.
 - B. A written response from the involved faculty/staff personnel (with a copy of the response sent to the DOS) must be given within five (5) working days.
 - C. If the student considers the response unacceptable and inconsistent with the alleged injustice, the student may then initiate a formal grievance within five (5) working days.

Formal Grievance Procedure

1. The formal typewritten "Statement of Grievance" is to be submitted to the DOS within five (5) working days following receipt of the written response from the faculty/staff member. It must include:
 - A. the date(s), time(s) of day, and setting relevant to the alleged injustice and name(s) of the person or people involved.
 - B. the nature of the problem and alleged injustice.
 - C. a narrative, objective description of events relevant to the grievance.
 - D. the student's previous attempts to resolve the problem and the specific results of those attempts, including the written response given by the involved faculty/staff during the informal grievance procedure.
2. Within five (5) working days following Step 1 of the formal grievance procedure, the DOS has the responsibility to convene a committee that will hear both sides. This committee shall consist of persons representing the following categories:
 - A. The DOS serves, with no vote, as chairman of the grievance committee. All other members shall vote.
 - B. One full-time faculty/staff member selected by the student.
 - C. One full-time faculty/staff member that could be selected by the involved faculty/staff member.
 - D. A student representative selected by the student.
 - E. The president of the class (freshman, sophomore, junior, senior) to which the student belongs (if not involved in the situation).
 - F. Mount Mercy's Equal Opportunity Officer, if different from all of the above.
3. The student shall receive the written recommendation of the committee postmarked no later than three (3) working days after the final meeting of the committee. Copies of the recommendation shall also be sent to the involved faculty/staff member and his/her supervisor. The committee chairman shall also send the committee's recommendation to the President, who shall report in writing, normally within five (5) working days, his decision to the committee and the parties concerned. The President's decision is final.