

LEEWARD CC STUDENT CONDUCT CODE PROCEDURES
MAY 2010

I. REPORTING & INVESTIGATION OF VIOLATIONS

All reports of violations of the Student Conduct Code shall be submitted to the Dean of Student Services in writing and signed by the complainant or reporting person. Reports should be submitted as soon as possible after the event in question occurs. In emergency or exigent situations, the Student Conduct Administrator may proceed initially without a written report.

A. Investigation

Upon receiving a report that an alleged violation of the Student Conduct Code has occurred, the Dean of Student Services shall initiate an investigation. The student(s) accused of misconduct will be notified in writing of the alleged violations and provided an opportunity to meet with the Student Services Officer to discuss the alleged violations. The Dean of Student Services has the authority to render a decision and recommend sanctions if an accused student chooses to not respond to the alleged violations or otherwise participate in the process.

B. Determination of Charge and Administrative Decision

If, following the investigation, the Dean of Student Services finds that the existing evidence fails to support the alleged violation, no action will be taken against the accused student. If the Dean of Student Services determines that it is more likely than not that the accused student violated the Student Conduct Code, s/he will render a decision and sanctions.

The accused student will be informed in writing of the decision and sanction(s). If the accused student accepts the decision and sanction(s), no further action will be taken and the documentation will be filed into the student's case file.

C. Process for Dealing with Academic Dishonesty

In cases of suspected or admitted academic dishonesty, the instructor involved shall attempt to discuss the matter with the student. The instructor may require the student to redo the assignment, give a failing or reduced grade for the course, and/or refer the student to the Dean of Student Services for possible campus action. If appropriate, the instructor may bring the matter to the attention of the Division Chair. Additionally, an instructor may make use of campus mediation services or may refer any case of academic dishonesty to the Dean of Student Services for action under the

Student Conduct Code. The Dean of Student Services shall pursue such cases to determine appropriate disciplinary actions if, after a preliminary investigation, it is his/her determination that probable cause exists to establish that an act of academic dishonesty took place.

II. SANCTIONS

Sanctions, which include but are not limited to the following listed below, may be imposed upon a student found responsible for violating the Student Conduct Code. More than one sanction may be imposed for any single violation:

- A. Written Reprimand—A notice in writing to the student that s/he has violated institutional regulations and that continuation of specified behavior may be cause for more severe disciplinary sanctions.
- B. Probation—Probation for a designated period of time. Includes the probability of more severe disciplinary sanctions if the student is found responsible for violating institutional regulations during the probationary period. While on probation, the student is expected to demonstrate the ability to function as a responsible member of the campus community.
- C. Loss of Privileges—Denial of specified privileges for a designated period of time. This may include loss of Leeward Community College recognition and its associated benefits of a student group or organization for a specified period of time.
- D. Restitution—Compensation for loss, damage, or injury. This may take the form of service and/or monetary or material replacement.
- E. Other Sanctions - Work assignments, essays, and/or service to the college campus; counseling; participation in alcohol or other drug education programs; restorative justice activities, including mediation; or other assignments imposed at the discretion of the Dean of Student Services.
- F. Suspension—Suspension from Leeward Community College for a specified period of time, after which the student is eligible to return. Conditions for readmission may be specified.
- G. Dismissal —Permanent dismissal of the student from Leeward Community College, and in some cases, the University of Hawaii system.
- H. Revocation of Admission and/or Degree—Revocation of admission to or a degree awarded from the Leeward Community College for fraud, misrepresentation, or other violation of University of Hawaii standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

- I. Withholding Degree— Leeward Community College may withhold awarding a degree otherwise earned until the completion of the process set forth herein, including the completion of all sanctions imposed, if any.

- J. Sanctions for Student Organizations - When a student organization is found responsible for violating the Student Conduct Code, the college or university may take action not only against the student(s) involved, but also against the organization itself. Sanctions, including those listed below, may be imposed upon groups or organizations:
 - 1. Those sanctions listed above;
 - 2. Loss of selected rights and privileges for a specified period of time;
 - 3. Deactivation - Loss of all privileges, including Leeward Community College recognition, for a specified period of time.

- K. Interim Suspension - In certain circumstances, the Dean of Student Services, or a designee, may impose a campus or system suspension prior to the Student Services Officer's investigation and recommendation.
 - 1. Interim suspension may be imposed for the following reasons, including but not limited to: a) to ensure the safety and well-being of members of the Leeward Community College community or preservation of Leeward Community College property; b) to ensure the student's own physical or emotional safety and well-being; c) if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the college; or d) to ensure the orderly business of the college.
 - 2. During the interim suspension, a student shall be denied access to the campus (including classes) and/or all other Leeward Community College facilities, activities or privileges for which the student might otherwise be eligible, as the Dean of Student Services may determine to be appropriate.
 - 3. The interim suspension does not replace the regular disciplinary process described herein, which shall proceed accordingly. The student will be notified in writing of the interim suspension and the reasons for it, as well as the duration of the suspension.

III. SYSTEM APPLICABILITY OF SANCTIONS

Sanctions may also be effective on another campus within the University of Hawaii System.

IV. STUDENT CONDUCT RECORDS

Disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record, and will be retained by the institution for a minimum of five (5) years from the date of the final disposition of the case. Cases involving the imposition of sanctions of suspension, dismissal or revocation or withholding of a degree shall be permanently retained by the institution.

V. APPEAL OF ADMINISTRATIVE DECISION

If the accused student disagrees with the decision and/or sanctions rendered by the Dean of Student Services, the student may submit an appeal in writing to the Dean of Student Services postmarked within ten (10) school days of the date of the written decision.

An appeal shall be for one or more of the following purposes:

- A. Fair Process: To determine whether the Dean of Student Services' investigation was conducted fairly in light of the complaint and information presented, and in conformity with prescribed procedures. Deviations from prescribed procedures will not be a basis for sustaining an appeal unless the deviation(s) resulted in significant prejudice.
- B. Substantive Facts: To determine whether the decision reached regarding the accused student was based on information that, if believed by the Dean of Student Services, was sufficient to establish that a violation of the Student Conduct Code occurred.
- C. New Information: To consider new information, sufficient to alter a decision, or other relevant facts not brought out in the Dean of Student Services' investigation, because such information and/or facts were not known to the student appealing at the time of the investigation.

The student's written appeal will be forwarded to the Student Conduct Appellate Board for an appeal hearing. A student's written appeal that fails to specifically state that the appeal is based on one or more of the above purposes shall immediately be denied and the Dean of Student Services' decision and sanction(s) shall become final.

VI. STUDENT CONDUCT APPELLATE BOARD HEARINGS

A date and time shall be set for a Student Conduct Appellate Board Hearing. Prior to the hearing, the accused student may review written documentation that will be presented during the hearing. Personally identifiable information may be redacted. The accused student shall be informed of the membership of the Student Conduct Appellate Board and may request alternates if s/he can make a case for bias. The Chair of the Board shall render such decision(s). If the accused student presents a claim of bias against the Chair of the Board, the Chancellor shall render a decision whether to appoint an alternate Chair of the Board. If any member of the Board feels that his/her relationship, knowledge or familiarity with the incident in question or the individuals involved would affect his/her ability to render an impartial decision, the Board member shall recuse her/himself.

A. Student Conduct Appellate Board Composition and Quorum

The Student Conduct Appellate Board shall have the jurisdiction and the authority to review the Dean of Student Services' investigation and decision involving alleged violations of the Student Conduct Code. The Board shall consist of the Chair and six (6) voting members constituted as follows:

- * A chairperson, appointed by the Chancellor
- * Two (2) faculty members, appointed by the Faculty Senate
- * Two (2) staff members, appointed by the Chancellor
- * Two (2) students, appointed by the Student Senate.

The Chair and at least one member of each constituency of the Board (at least one faculty member, one staff member and one student) shall constitute a quorum. The Chair is a non-voting member unless there is a tie vote.

B. Student Conduct Appellate Board Hearing Guidelines

The Student Conduct Appellate Board Hearing (Appellate Hearing) shall be conducted by a Student Conduct Appellate Board (Appellate Board) according to the following guidelines:

An Appellate Hearing shall be conducted in private.

The accused student and her/his advisor, if any, shall be allowed to attend the Appellate Hearing, excluding deliberations, at which information is received. Admission of any other person to the Appellate Hearing shall be at the discretion of the Appellate Board Chair.

In an Appellate Hearing involving more than one accused student, the Dean of Student Services, at her/his discretion, may permit the Appellate Hearing concerning each student to be conducted either separately or jointly.

The accused student has the right to be assisted by an advisor of her/his choice, at her/his own expense. The advisor may be a member of the Leeward Community College community and may not be an attorney. The accused student is responsible for presenting his/her own information, and therefore, advisors are not permitted to speak during or to participate directly in an Appellate Hearing. An accused student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the Appellate Hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor. If an accused student is also the subject of a pending criminal matter arising out of the same circumstances, s/he may be allowed to have an attorney serve as his/her advisor, at his/her own expense, to behave in the same manner as any other advisor above.

Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Appellate Board at the discretion of the Chair.

All procedural questions are subject to the final decision of the Chair.

After the Appellate Hearing concludes, the Appellate Board shall determine (by majority vote) whether to uphold or deny the appeal. If an appeal is upheld, the matter shall be returned to the Dean of Student Services to re-open the investigation for reconsideration of the original determination and possible reconsideration of the original sanction(s). If an appeal is denied, the matter shall be considered final and binding within Leeward Community College and the University of Hawaii system.

Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Board proceedings.

There shall be a single verbatim record, such as an audio recording, of all Appellate Hearings before the Appellate Board (not including deliberations). Deliberations shall not be recorded. The record shall be the property of Leeward Community College and no copies shall be made or distributed.

If an accused student, without providing advance notice or explanation, fails to appear at a Hearing, the Hearing shall not take place and the original decision of the Dean of Student Services shall stand.

All decisions of the Appellate Board shall be final and binding within Leeward Community College and the University of Hawaii system.

VII. INTERPRETATION AND REVISION

Any question of interpretation or application of the Student Conduct Code shall be referred to the Chancellor or her/his designee for final determination.

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