UNIVERSITY of HAWAI'I®
LEEWARD
COMMUNITY COLLEGE

Student Conduct Code Procedure

Preamble

Leeward Community College (Leeward CC) seeks to maintain a positive learning and working environment by promoting standards of conduct that are respectful and supportive of all members of our campus community. To that end, all students must adhere to the standards of conduct set forth in the University of Hawaii's Systemwide Student Conduct Code (EP 7.208). It is the responsibility of all members of our campus community to be familiar with the standards set forth in this *Code (Student Conduct Code)*. All alleged violations of the *Student Conduct Code* by Leeward CC students will be adjudicated according to these procedures.

I. Authority

A. Leeward CC derives its authority to implement this *Student Conduct Procedure* from the University of Hawaii *Systemwide Student Conduct Code*, Executive Policy (EP) 7.208 (incorporated by reference here), Part III.B.3, which says: "The Senior Student Affairs Officer shall develop policies for the administration of the student conduct system and procedural rules for the conduct of Student Conduct Board Hearings that are not inconsistent with the provisions of the Student Conduct Code."

B. Further, EP 7.208, Part V says: "Authority to hear and decide on whether or not alleged violations of the Student Conduct Code have occurred as well as to determine subsequent disciplinary sanctions is delegated to senior student affairs officers, student conduct officers, or student conduct boards as described in this policy."

C. Pursuant to this authority, the Chancellor of Leeward CC has designated the Dean of Student Services to serve as the administrator of the *Leeward CC Student Conduct Procedure* at Leeward CC.

II. Student Conduct Code Process

A. Any member of the Leeward CC campus community may file a report alleging a violation of the University of Hawaii's Systemwide Student Conduct Code to the Dean of Student Services. Reports should be made in writing when possible. If a report cannot be made in writing, the reporter should contact the Dean of Student Services for assistance in filing the report. Reports should be filed as soon as possible after the alleged violation has occurred, preferably within one week.

B. Upon receipt of a report, the Dean of Student Services (or designee) shall conduct a preliminary investigation into the facts and circumstances of the conduct alleged in the report to determine if the allegation(s) would rise to the

level of a violation of the *Student Conduct Code* if proven by a preponderance of evidence. If the Dean of Student Services (or designee) determines that the alleged conduct would not rise to the level of a violation of the *Student Conduct Code*, then the Dean of Student Services shall dismiss the case and inform the reporter of the action taken.

C. If the Dean of Student Services (or designee) determines, after preliminary review, that the conduct alleged in report would rise to the level of a violation of the *Student Conduct Code* if proven by a preponderance of the evidence, then the Dean of Student Services (or designee) shall send written notification to the Respondent of the alleged violation. The notification can be sent via U.S. Mail or to the student's UH e-mail address. At a minimum, the notification shall include the date of the alleged violation, the specific conduct giving rise to the alleged violation, and a citation to the specific section of the *Student Conduct Code* that the Respondent is alleged to have violated. The notification shall direct the Respondent to schedule a meeting with the Dean of Student Services (or designee) within five working days (excluding holidays and weekends) to discuss the allegations in the notification and to attempt informal resolution of the case. The notification shall also include notice that any student with a disability may request accommodations as part of the process. Leeward CC will provide reasonable accommodations to the student during all steps of the conduct process in consultation with the Leeward CC Disability Services office.

D. If the Respondent meets to discuss the allegations with the Dean of Student Services (or designee), the Respondent may accept responsibility for the alleged conduct and the Dean of Student Services (or designee) may resolve the case informally. Upon resolution, the Dean of Student Services (or designee) shall determine the appropriate sanction(s) based on the criteria listed in Paragraph J (below).

E. If the Respondent fails to respond to the notice within five working days, fails to meet with the Dean of Student Services (or designee), or a meeting does not resolve the case informally, then the Dean of Student Services (or designee) shall initiate a formal student conduct case. In any event, the case may proceed without the participation of the Respondent.

F. As part of the formal student conduct case procedure, the Dean of Student Services (or designee) shall conduct an investigation into the facts and circumstances alleged in the report. The investigation shall consist of at least the following steps:

    1. Interviewing witnesses who agree to participate, including the person who made the report, Respondent, and other relevant witnesses.

    2. Collecting and reviewing written statements of the person who made the report, Respondent, and other relevant witnesses.

3. Collecting and reviewing other relevant evidence, such as documents, photographs, videos, audio recordings, etc.

G. Upon completion of the investigation, the Dean of Student Services (or designee) shall render a decision as to whether or not each allegation in the report has been proven by a preponderance of the evidence. If any allegation in the report has been so proven, the Dean of Student Services (or designee) shall determine the appropriate sanction(s) based on the criteria listed in Paragraph J (below).

H. At any time during the formal process, the Dean of Student Services (or designee) may terminate the formal process and informally resolve the case with the cooperation of the Respondent.

I. If the Dean of Student Services determines that none of the allegations in the report have been proven by a preponderance of the evidence, the Dean of Student Services shall notify the Respondent and the person who made the report of the outcome.

J. Any student found responsible for a violation of the *Student Conduct Code* is subject to one or more of the following sanctions:

1. Warning—A notice in writing to the student that the student is violating or has violated the *Student Conduct Code*.

2. Probation—A written reprimand for the violation. Probation is for a designated period of time and includes the probability of more severe sanctions if the student is found to violate this *Student Conduct Code* during the probationary period.

3. Loss of Privileges—Denial of specified privileges for a designated period of time.

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

5. Discretionary Sanctions - Work assignments, essays, service to Leeward CC or other related discretionary assignments.

6. Suspension—Separation of the student from Leeward CC for a definite period of time, after which the student is eligible to return. Conditions for return may be specified.

7. Expulsion—Permanent separation of the student from Leeward CC.

8. Revocation of Admission and/or Degree—Admission to or a degree from Leeward CC may be revoked 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.

9. Withholding Degree— Leeward CC may withhold awarding a degree otherwise earned until the completion of the process set forth in this *Student Conduct Code Procedure*, including the completion of all sanctions imposed, if any.

K. More than one of the sanctions listed above may be imposed for any single violation.

L. The Dean of Student Services, in appropriate cases at his/her discretion, may recommend systemwide sanctions pursuant to EP 7.205, *Systemwide Student Disciplinary Sanctions.*

M. Other than expulsion or revocation or withholding of a degree, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record. Upon graduation, the student's disciplinary record may be expunged of disciplinary actions other than suspension, expulsion, or revocation or withholding of a degree, upon application to the Student Conduct Administrator. Cases involving the imposition of sanctions other than suspension, expulsion or revocation or withholding of a degree shall be expunged from the student's confidential record seven years after final disposition of the case.

N. Interim Suspension - In certain circumstances, the Dean of Student Services (or designee) may impose an interim suspension on a student accused of violating the *Student Conduct Code*.

1. Interim suspension may be imposed only (a) to ensure the safety and well-being of members of the Leeward CC community or preservation of Leeward CC property, (b) to ensure the student's own physical or emotional safety and well-being, or (c) if the student poses an ongoing threat of disruption of, or interference with, the normal operations of Leeward CC.

2. The student shall be notified in writing of the interim suspension and the reasons for it. The notice should include the time, date, and location of the student's opportunity to meet with the Dean of Student Services (or designee) to discuss the allegations of violation(s) of this *Student Conduct Code.*

3. During the interim suspension, a student shall be denied access to the campus (including classes) and/or all other Leeward CC activities or privileges for which the student might otherwise be eligible as the Dean of Student Services (or designee) deems appropriate. However, the Dean of Student Services (or designee) will make every effort to allow the Respondent to continue his/her educational activities during the interim suspension period.

4. The interim suspension does not replace the regular process, which shall proceed on the normal schedule up to and through the final determination by the Dean of Student Services (or designee) on the underlying allegations.

O. Appeals. A decision reached by the Dean of Student Services (or designee) or a sanction imposed by Dean of Student Services (or designee) may be appealed by the student to the Vice Chancellor for Academic Affairs within five business days of the decision. Appeals shall be limited to the following:

1. To determine whether the student's case was conducted fairly in light of the charges and information presented and in conformity with this *Student Conduct Procedure*. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.

2. To determine whether the decision reached regarding the allegations was based on substantial information, that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the *Student Conduct Code* occurred.

3. To determine whether the sanction(s) imposed were appropriate for the violation for which the student was found to have committed.

4. To consider new information sufficient to alter a decision or other relevant facts that were not brought out previously because the new information was not known and/or available to the student and/or the Dean of Student Services (or designee) at the time the original decision was made.

P. If an appeal is granted by the Vice Chancellor for Academic Affairs (or designee), the case shall be returned to the Dean of Student Services (or designee) for further action as directed by the Vice Chancellor (or designee). If an appeal is denied by the Vice Chancellor for Academic Affairs (or designee), then the case shall be considered final and binding upon all involved.

III. Interpretation and Revision

A. Any question of interpretation or application of this *Student Conduct Procedure* shall be referred to the Dean of Student Services (or designee) for final determination.

B. This *Student Conduct Procedure* shall be reviewed every five years under the direction of the Dean of Student Services.