

Hawai'i Community College

ADMINISTRATIVE PROCEDURES – STUDENT CONDUCT CODE

Effective Date: October 15, 2019

Corresponding Policy: [Executive Policy 7.208 Systemwide Student Conduct Code](#)

Replaces: [HAW 7.101 Student Conduct Code](#)

The following are definitions of terms per EP 7.208 Systemwide SSCC.

DEFINITIONS

- A. *Reporting Party* refers to any person who submits a report alleging that a student violated the Systemwide Student Conduct Code. When a student believes that they have been a victim of another student's misconduct, the student who believes they have been a victim will have the same recourse under this Systemwide Student Conduct Code as is provided to the Reporting Party, even if another member of the UH community submitted the charge.
- B. *Responding Party* refers to any student (defined under this policy) accused of violating the Systemwide Student Conduct Code.
- C. *Senior Student Affairs Officer* means the campus administrator (i.e., dean or vice chancellor or designee) who is in charge of the division of student affairs, and generally charged by the campus Chancellor to be responsible for the administration of the Student Conduct Code.
- D. *Student* means all persons registered in courses at UH, either full-time or part-time, pursuing undergraduate or graduate studies. In addition, for purposes of the Systemwide Student Conduct Code only, the Code also applies to: (1) students who have been suspended or dismissed, students who withdraw after allegedly violating the Systemwide Student Conduct Code and may return to UH, students who are on a leave of absence from UH, or students who are on medical leave; and (2) persons who (a) have been notified of their admission **and** (b) have registered or officially participated in orientation or other officially recognized UH activities.
- E. *Student Conduct Administrator* means a UH official authorized on a case-by-case basis by the Senior Student Affairs Officer to impose sanctions upon any student(s) found to have violated the Student Conduct Code. The Senior Student Affairs Officer may authorize a Student Conduct Administrator to serve simultaneously as a Student Conduct Administrator and the sole member or one of the members of the Student Conduct Board. The Senior Student Affairs Officer may authorize the same SCA to impose sanctions in all cases.
- F. *Student Conduct Board* means any person or persons authorized by the Senior Student Affairs Officer to determine whether a student has violated the Student Conduct Code

and to recommend sanctions that may be imposed when a rules violation has been committed.

REPORTING & INVESTIGATING OF VIOLATIONS

Any UH community member may file a report against a student for alleged violations of the EP 7.208 Systemwide Student Conduct Code (SSCC). All reports of violations of the SSCC shall be submitted to the Student Conduct Administrator (SCA) in writing and signed by the Reporting Party. An electronic report sent from the reporting party's institutional email account may be accepted. In emergency or exigent situations, the SCA or designee may proceed initially without a written report.

A. Statute of Limitations

Potential violations of the SSCC must be reported to the SCA or designee within 120 days of the incident. Exceptions to this can be made at the discretion of the SCA.

B. Investigation

Upon receiving a report that an alleged violation of the SSCC has occurred, the SCA or designee will review the report to determine if the allegations have merit. If it is found that the alleged behavior does not constitute a potential violation of the SSCC, the SCA or designee may dismiss or attempt to administratively resolve the matter. Such disposition shall be final and there shall be no subsequent proceedings. If the SCA or designee concludes that there is a potential violation of the SSCC, the SCA or designee 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 SCA or designee to discuss the alleged violations. If a Responding Party chooses not to respond to the alleged violations or otherwise participate in the process, the SCA or designee has the authority to render a decision and impose sanctions.

Both the Reporting Party and Responding Party may be assisted by an advisor of their choice, at their own expense. The advisor may be a member of the campus community and may not be an attorney unless provided otherwise herein. The Responding Party is responsible for presenting his/her own information, and therefore, advisors are not permitted to speak during or to participate directly in an investigation. A Responding Party should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the investigatory meeting because delays will not normally be allowed due to the scheduling conflicts of an advisor. If a Responding Party is also the subject of a pending criminal matter arising out of the same circumstances, they may be

allowed to have an attorney serve as their advisor, at their own expense, to behave in the same manner as any other advisor above. In the event that an attorney is present as an advisor, an attorney from the Office of General Counsel may also be present to assist the SCA or designee.

C. Determination of Charge and Administrative Decision

If, following the investigation, the SCA or designee finds that the existing information fails to support the alleged violation or the report is frivolous, no action will be taken against the Responding Party; thus, the case will be dismissed.

If the SCA or designee determines that it is more likely than not that the Responding Party violated the SSCC, s/he will render a decision and sanctions.

The Responding Party will be informed in writing of the decision and sanction(s). Documentation will be filed into the student's disciplinary record.

The Reporting Party will be provided notification that the investigation has concluded.

D. Process for Dealing with Academic Dishonesty

In cases of suspected or admitted academic dishonesty, the instructor involved shall attempt to resolve the matter with the student. Actions may include allowing the student to redo the assignment or giving a failing or reduced grade for the course. Instructors are encouraged to bring the matter to the attention of the departmental chairperson and/or academic dean of the instructor's school or college, and provide an informational report to the SCA. Additionally, an instructor may formally refer any case of academic dishonesty to the SCA for action under the SSCC. The SCA or designee shall pursue such cases to determine appropriate disciplinary actions if, after a preliminary investigation, it is his/her determination that sufficient information exists to establish that an act of academic dishonesty took place.

SANCTIONS

Sanctions imposed under the SSCC are intended to be primarily educational in nature and should be commensurate with the violations found to have occurred.

Sanctions, which include but are not limited to the following consequences listed below, may be imposed upon a student found responsible for violating the SSCC. One or more of the following consequences may be imposed for any single violation when a student has been found to have violated the SSCC:

- A. Written Reprimand - A notice in writing to the student that they are violating or have violated institutional policies and that continuation of specified behavior may be cause for more severe disciplinary sanctions.
- B. Probation - Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found responsible for violating institutional policies 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.
- D. Restitution - Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- E. No Contact - Formal instruction to refrain from contact with related parties. This includes, but is not limited to, in-person, by telephone, email, or text message; contact or reference on social media or other electronic means of communication, verbal, or written interactions, non-verbal gestures, "looks," and any other means of communication and/or contact and contact through a third party (other than attorney-to-attorney communication) such as a friend, family member, co-worker, classmate, teammate, faculty, staff or other.
- F. Other Discretionary Sanctions - Work assignments, essays, and/or service to the campus community; assessments; participation in alcohol or other drug education programs; restorative justice activities; or other related assignments imposed at the discretion of the SCA or designee.
- G. Suspension - Suspension from the designated institution for a specified period of time, after which the student is eligible to return. Conditions for readmission may be specified.
- H. Dismissal - Permanent dismissal of the student from the designated institution.
- I. Revocation of Admission and/or Degree - Revocation of admission to or a degree awarded from designated institution for fraud, misrepresentation, or other violation of UH standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- J. Withholding Degree - Designated institution 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.

- K. Sanctions for Chartered Student Organizations (CSOs) Registered Independent Student Organizations (RISOs) and Other Student Groups/Organizations - When a student organization is found responsible for violating the SSCC, 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 RISOs and other student groups or organizations:
1. Those sanctions listed above and below;
 2. Loss of associated benefits and privileges of RISO designation for a specified period of time;
 3. Deactivation - Loss of all privileges, including institutional recognition, for a specified period of time.
- L. Interim Suspension - In certain circumstances, the Senior Student Affairs Officer or designee, may impose a designated campus or residence hall suspension prior to the SCA's investigation and decision.
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 campus community or preservation of UH 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 designated campus; or d) to ensure the orderly business of the designated campus.
 2. Interim suspension will take effect immediately upon the direction of the Senior Student Affairs Officer or designee and last for no more than ten (10) working days (Saturdays and Sundays are not included). The 10-day period may be extended for good cause by the Senior Student Affairs Officer or designee or by agreement with the Respondent.
 3. During the interim suspension, a student shall be denied access to the residence halls and/or to the designated campus (including face-to-face and online classes when appropriate) and/or all other designated campus facilities, activities or privileges for which the student might otherwise be eligible, as the Senior Student Affairs Officer or designee may determine to be appropriate.
 4. 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.

5. If, following the investigation, the SCA or designee finds that the existing information presented does not support the allegation(s) of a SSCC violation(s), the institution shall ensure that the Responding Party is provided an opportunity to resume access the was denied during the interim suspension without incurring negative consequences (e.g., resolve any resulting financial obligations, provide sufficient time and instruction to complete missed assignments).

SYSTEM APPLICABILITY OF SANCTIONS

Students who have violated the SSCC may be subject to additional systemwide disciplinary sanctions as described in Executive Policy EP 7.205, Systemwide Student Disciplinary Sanctions. In situations where the conduct case involves multiple campuses, sanctions may apply at one or all campuses involved.

DISCIPLINARY RECORDS

Disciplinary records shall be retained by the institution for a minimum of seven (7) years from the date of the final disposition of the case. Cases involving the imposition of sanctions of residence hall expulsion, campus suspension, campus dismissal or revocation or withholding of a degree shall be permanently retained by the institution in accordance with any and all federal, state and institutional regulations pertaining to the maintenance of such records.

APPEAL OF ADMINISTRATIVE DECISION

The student may submit an appeal in writing to the Senior Student Affairs Officer or designee within ten (10) calendar days of the date of the written decision for one or more of the following purposes:

1. New Information: To consider new information or other relevant facts, sufficient to alter a decision, not brought out in the SCA's investigation, because such information and/or facts were not known to the student appealing at the time of the SCA's investigation, the student appealing could not have discovered such information and/or facts through the exercise of reasonable diligence, and the absence of such information and/or facts was sufficient to have materially and detrimentally affected the outcome.
2. Procedural Error: To determine whether the SCA's 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 (e.g., there was significant procedural error of a nature sufficient to have materially and detrimentally affected the outcome).
3. Substantive Facts: To determine whether the decision reached regarding the Responding Party was based on information that, if believed by the SCA, was sufficient to establish that a violation of the SSCC occurred.

Appeal Procedure

The Senior Student Affairs Officer or designee, as Appellate Officer, will review and determine if the student's written appeal meets one or more of the purposes cited in Section III.

The Appellate Officer may request written clarification from the parties, as needed, to make a determination regarding the appeal request.

The Appellate Officer, in consideration of relevant appeal information only shall determine whether to uphold or deny the appeal. If an appeal is denied, the decision shall be considered final and binding. If an appeal is upheld, the Appellate Officer may:

1. Remand the case to the original SCA to re-hear only the information raised on appeal and notify the student in accordance with the procedures.
2. Assign another SCA to review the information and make a decision regarding responsibility.
3. Consider the new information presented and make the final determination and sanctions.

The decision of the Appellate Officer (or a SCA, when the case is assigned by an Appellate Officer for an appellate purpose) when made in any of the circumstances listed above, shall be final and binding.

INTERPRETATION AND REVISION

Any question of interpretation or application of the SSCC shall be referred to the Senior Student Affairs Office or designee for final determination.