

**HONOLULU COMMUNITY COLLEGE
STUDENT CONDUCT CODE PROCEDURES**

I. **SANCTIONS**

One or more of the following sanctions may be imposed as hereinafter provided whenever a student is found to have violated any of the rules contained in this code:

A. Warning

Written or verbal notice to the student that continuation or repetition of specified conduct may be cause for other disciplinary action. This sanction may be imposed by the Provost after a Conduct Committee hearing, or it may be imposed by the Dean of Student Services as part of the administrative disposition of any case. If a student, after being warned, is found to have committed further violations of this code, the student will usually be subject to more severe disciplinary action.

B. Probation

A written notice placing the student on disciplinary probation for a specified period of time. The terms of the probation will be decided in each case. This sanction may be imposed by the Provost after a Conduct Committee hearing or it may be imposed by the Dean of Student Services as part of the administrative disposition of any case. If a student, while on disciplinary probation and after a hearing, is found to have committed further violations of this code, the student will usually be subject to more severe disciplinary action.

C. Restitution

Reimbursement for damage to or misappropriation of property which may take the form of direct financial compensation, of service, or other forms of indirect compensation. This sanction may be imposed by the Provost after a Conduct Committee hearing, or it may be imposed by the Dean of Student Services as part of the administrative disposition of any case, provided that the student admits that he or she was responsible for the damages or loss. Any student who does not make restitution as required will be deemed to have a financial obligation and will be subject to the provisions of the University's policy regarding delinquent financial obligation.

D. Temporary Suspension

In an emergency, the Provost or designee is authorized to alter or suspend the rights of a student to be present on campus or to attend classes for an interim period prior to a hearing provided that a hearing pursuant to these rules is conducted within a reasonable period thereafter. An emergency will include such situations as when the Provost or designee believes that the student poses a danger of inflicting bodily harm on himself or others, or of inflicting serious emotional distress on others, or creating a substantial disruption of normal campus activities, including classroom instruction.

E. Suspension

Exclusion from classes and from other privileges or activities or from the campus itself for a specified period of time. This sanction may only be imposed by the Provost after a Conduct Committee hearing.

F. Expulsion

Termination of student status for an indefinite period. This sanction may only be imposed by the Provost after a Conduct Committee hearing. Conditions for readmission, if any, shall be stated in the notice of expulsion. The Dean of Student Services will determine if the conditions for readmission have been met.

G. Rescission of Grades or Degree

The cancellation of grades or the revocation of an awarded degree as the result of academic dishonesty or the discovery of a material misrepresentation relating to the completion of course or degree requirements. This sanction may only be imposed by the Provost after a Conduct Committee hearing.

II. DISCIPLINARY PROCEDURES

The following procedures are designed to afford certain procedural protections to any student alleged to have committed an infraction of the student conduct code warranting disciplinary action. The procedures described herein shall not affect other non-disciplinary student matters.

For the purposes of these procedures, the term Dean of Student Services shall mean the Dean or the Dean's designated representative.

A. Temporary Suspension in Emergency Situations

In an emergency, the Provost or designee is authorized to suspend a student prior to a hearing provided that a hearing pursuant to these rules is conducted within a reasonable period thereafter. An emergency will include such situations as when the Provost or designee believes that the student poses a danger of inflicting bodily harm on himself or others, of inflicting serious emotional distress on others, or creating a substantial disruption of normal campus activities, including classroom instruction. If, after a Conduct Committee hearing, it is determined that the student did not violate this Conduct Code, consideration will be granted so that the student may be allowed to make up any missed academic work.

B. Pre-Disciplinary Hearing Stage

1. Reporting of infractions

Infractions of this Student Conduct Code should be reported to the Dean of Student Services. Reports of infractions must be submitted in writing and signed by the complainant. No matter except temporary suspensions in emergency situations will proceed without such written reports. The reports must state information including the specific name(s) (if known), date, and description of the alleged misconduct in sufficient detail to allow the Dean of Student Services to determine whether further fact-finding is necessary and if sufficient information exists for further actions.

2. Preliminary investigation

Upon receiving a written report that a student has allegedly committed a violation of the Student Conduct Code, the Dean of Student Services shall promptly initiate an investigation. Within ten school days of receiving a written report, the Dean of Student Services shall contact the student or group named in the complaint and request that they appear before the Dean to discuss the alleged misconduct and possible charges. Failure to respond to a written allegation of charges will result in a hold being placed on the student's registration for subsequent terms. The student should be informed that he or she is under no obligation at any time to admit that the complaint is true or to make any other statement to any member of the University community, including the Dean of Student Services, relevant to the complaint. The Dean should not promise that any statement made by the student will be held in confidence.

C. Initiation of Charges and Their Disposition

If the Dean of Student Services determines that there is reasonable cause to believe that the student or students committed the violation, and in his or her judgment the initiation of formal disciplinary procedures is appropriate, the accused student or group will be notified by the Dean of Student Services that they have been accused of violating this Student Conduct Code. Charges may be disposed of in the following ways:

1. Administrative disposition

The Dean of Student Services, after investigating the charges, shall have the authority, when accepted by the student in writing, to settle matters in lieu of proceeding with a formal disciplinary hearing. In this instance, the Dean of Student Service may impose the sanctions of warning, probation, or restitution. Additional appropriate recommendations of behavioral contracts, administrative referrals, community service hours, and attendance at drug and alcohol education classes may be made by the Dean. A student shall have five school days within which to accept or reject in writing any proposed administrative disposition. Where the settlement proposed by the Dean of Student Services is rejected by the student in writing, the Dean may request a hearing before the Committee. If a student fails to make any response in writing to a proposed administrative disposition within five school days, it will be assumed that the student has rejected the proposed administrative disposition and the Dean of Student Services may refer the case to the Student Conduct Committee.

2. Student conduct committee disposition

Failing to secure an administrative disposition of any alleged violation of this Code, the Dean of Student Services may refer the case to the Student Conduct Committee for a hearing. The Dean of Student Services may also refer cases to the Student Conduct Committee without first offering an administrative disposition. Moreover, any violation of this code that may result in the imposition of the sanction of suspension, expulsion, or rescission of grades or degree must be heard by the Student Conduct Committee.

- a. Usually, Student Conduct Committee hearings will not be available the last two weeks of each semester (study period and finals week) nor in the summer. During these periods, a hearing before an administrator may be conducted for students accused of violating the conduct code, or special Committee hearings may be arranged.

D. Student Conduct Committee

There shall be a Student Conduct Committee. It shall have jurisdiction and authority to determine cause and recommend sanctions for all cases referred to it by the Dean of Student Services involving behavior which is alleged to be in violation of this Student Conduct Code.

1. The Student Conduct Committee shall consist of seven voting member and shall be constituted as follows:
 - a. Three students selected by the Associated Students of Honolulu Community College.
 - b. Three faculty members selected by the Faculty Senate.
 - c. A chairperson selected by the Provost.
2. A tape recorder shall be made available to the committee by the Dean of Student Services.
3. Four members of the Student Conduct Committee shall constitute a quorum.
4. If any member of the Committee feels that his or her relationship with either the case or the individuals involved would affect his/her ability to render an impartial judgment, the committee member shall disqualify him/herself. This does not relieve the Student Conduct Committee of maintaining a quorum; thus, it may be necessary to supplement the membership of the committee.

E. Disciplinary Hearing Stage

1. Notice

A student shall be given written notice of a hearing by registered or certified mail with return receipt requested at least fifteen calendar days prior to the date of the hearing. If service by registered or certified mail is not made because of the refusal to accept service or if the Dean of Student Services has been unable to ascertain the address of the student after reasonable and diligent efforts, a hearing notice may be given to the student by publication at least once in each of two successive weeks in a newspaper of general circulation. Published notices shall include the date, time, place, and nature of the hearing and shall invite the student to contact the Dean of Student Services regarding the charges and other relevant issues and facts. The last such published notice shall appear at least fifteen calendar days prior to the date of the hearing.

- a. Except in the case of published notices, the notice of a hearing shall include a statement of the following:
 - 1) The date, time, place, and nature of the hearing.
 - 2) The committee before which the hearing is to be held.
 - 3) The particular sections of this Student Conduct Code involved.
 - 4) An explicit statement in plain language of the issues involved and the facts alleged in support of the charges; however, if the Committee is unable to present such issues and facts in detail at the time the notice is served, initial notice may be limited to a statement of the issues involved with more detailed statements to be provided at a later date but prior to the hearing.

- 5) The fact that the student is entitled to retain counsel or an advisor, at his or her expense, or that the student may appear on his or her own behalf, at any meeting or hearing relevant to the complaint.
- 6) That the student has the right to inspect, before any hearing, any affidavits or exhibits to be introduced at the hearing.

2. Hearing procedures

Hearings held pursuant to this code shall be conducted in such a manner as to assure equity for all parties. Having determined through a preliminary investigation that there is reasonable cause to believe that the student has committed a violation of this Student Conduct Code, the Dean of Student Services or the Dean's representative shall present the case against the student.

- a. The student and his/her counsel and the Dean of Student Services or his/her representative shall be afforded the opportunity to present evidence and argument on all issues involved.
- b. Any procedure in a disciplinary hearing may be modified or waived by mutual agreement between the student and the Dean or his/her representative subject to the approval of the committee.
- c. The following process shall apply in all hearings before the Student Conduct Committee:
 - 1) Unless otherwise determined by the Student Conduct Committee, testimony shall be submitted in the following order: testimony submitted in support of the charges, testimony submitted by the student, rebuttal testimony in support of the charges, rebuttal testimony submitted by the student, and closing arguments.
 - 2) Any oral or documentary evidence may be presented, but the committee shall exclude irrelevant, immaterial or repetitious evidence. The committee shall honor the rules of privilege recognized by law.
 - 3) Documentary evidence may be presented in the form of copies or excerpts, if the original is not readily available, provided that the student and the Dean or his/her representative may compare the copy with the original.
 - 4) No testimony shall be received by the Committee when the opposing party has not been afforded the right of confrontation and a reasonable opportunity for cross-examination.
 - 5) Members of the Committee are entitled to ask questions of any participant in the hearing. The student or the student's counsel and the Dean or his/her representative are entitled to ask questions of the Committee.
 - 6) The University shall have the burden of proof, including the burden of producing evidence as well as the burden of argument. Proof that a violation has been committed shall be established when confirmed by a preponderance of the evidence.
- d. Both the student and the Dean or his/her representative are expected to be present at the hearing. If the student is not present at the hearing, the committee will proceed to conduct the hearing if its members are satisfied that the student has been given notice of the hearing as provided for in this code. In the absence of the student, the committee will hear the evidence, consider the facts, and render a judgment.

- e. All hearings will be closed unless the student requests that the hearing be open.
- f. In cases involving more than one student, separate hearings shall be allowed upon request.
- g. The committee may adopt any further rules or make any further regulations necessary for a fair and impartial hearing that are not inconsistent with the provisions of this code.

3. Records

For the purpose of determining committee findings and recommendations, a record of all hearings shall be maintained.

- a. The record shall include the following:
 - 1) All pleadings, motions, and intermediate rulings
 - 2) All evidence received or considered, including oral testimony, exhibits, and a statement of all matters officially noticed
 - 3) Offers of proof and rulings thereon
 - 4) Proposed findings, exceptions, and recommendations
 - 5) The report of the Committee chairperson.
- b. The Committee may preserve a record of its hearings through taped recordings. This record shall be retained by the Office of the Dean of Student Services for a minimum of five years from the date of last attendance by the student.
- c. It shall not be necessary to transcribe any taped record unless requested for purposes of rehearing or judicial review. The cost of such transcription shall be paid by the party requesting or appealing to a court.

4. Committee findings and recommendations

After hearing a case, the Committee will decide if the University has reasonable cause to take disciplinary action against the student. No matters outside the record shall be considered by the Committee in making its determination. Accordingly, the Committee may decide as follows:

- a. No cause for disciplinary action: No violation of this conduct code has been proven. In this case no sanction may be taken against the student.
- b. Cause for disciplinary action: A violation of the conduct code has been proven. In this case the conduct committee may recommend one or more of the sanctions provided for in this code including warning, probation, restitution, suspension, expulsion, and rescission of grades or degree.

Within ten school days after the hearing, the Committee shall transmit their findings, decision as to the cause and recommendations in writing to the Provost. Simultaneously, a certified copy of the Committee's findings and decision as to cause and recommendations shall be delivered or posted by registered or certified mail with return receipt requested to the student's last known address.

- a. The Committee's decision as to cause shall be in writing and shall be accompanied by separate findings of fact.
- b. If the student has filed proposed findings of fact, the Committee shall rule on each proposed finding in its final decision as to cause.

F. Review by the Provost

No Committee determination adverse to a student shall be finalized by the Provost until the student has been afforded an opportunity to request that the Provost review the Committee's findings, decision as to cause, and recommendations.

1. This review does not entitle the student to a full rehearing of his/her case. Such review shall be requested in writing.
2. The student shall have five school days after the receipt of the Committee's findings, decision as to cause, and recommendations to request in writing a review by the Provost. The request should be sent by registered mail to the Office of the Provost.
3. The review by the Provost upon request, except in cases of newly discovered evidence, shall be confined to the record.
4. Upon request, the Provost shall limit the review of the Committee's findings, decision as to cause, and recommendations to the following four issues:
 - a. Did the Committee follow the procedures contained in this code?
 - b. Was the Committee hearing conducted in such a way as to provide the student an adequate opportunity to present his or her defense?
 - c. Did the evidence presented at the hearing satisfy the requisite burden of proof?
 - d. Is the sanction reasonable in relation to the gravity of the violation?

G. Final Decision and Orders by the Provost

Within thirty calendar days from the receipt of the Committee's findings, decision as to cause, and recommendations, the Provost shall notify, by certified mail with return receipt requested, the student or the student's attorney of record of his/her decision regarding the sanction to be taken and any accompanying orders. A copy of this notification shall be included in the record of proceedings and retained by the Dean of Student Services for a minimum period of five years after the date of last attendance by the student.

In cases of an alleged sex offense or other "crime of violence," the victim and the accused shall be informed of the outcome of any institutional disciplinary proceeding.

The decision of the Provost shall be final within the University.

III. AUTHORITY OF THE PROVOST

The Provost may take appropriate action with respect to situations and developments not specifically covered by the Student Conduct Code in order that the intent of the Code may be properly administered.

IV. JUDICIAL REVIEW

Any student who feels that his or her rights have been infringed upon by any final decision issued in accordance with this conduct code may seek judicial review as provided by law.

V. SEVERABILITY

If any of these procedures is held to be illegal or unconstitutional, the remaining rules shall remain valid.