

SECTION: Student Policies

SUBJECT: Student Code of Conduct & Student Hearing Board

Background: Lewis-Clark State College's Student Code of Conduct was established to provide guidelines to students concerning behavior inside and outside of the classroom. The Student Code describes a system of due process for students who are accused of breaking college rules and outlines potential sanctions that may be imposed upon those who are found to have violated the provisions of the Student Code. The Student Code of Conduct reflects rules and guidelines as established by federal, state, and local governments as well as college faculty and administration.

Point of Contact: Vice President for Student Affairs

Other LCSC offices directly involved with implementation of this policy, or significantly affected by the policy: Campus Security, Faculty Senate, President, Student Counseling, Title IX Coordinator, Residence Life, LCSC Legal Counsel, Idaho State Board of Education

Date of approval by LCSC authority: February 22, 2015

Date of State Board Approval:

Date of Most Recent Review: February 2015

Summary of Major Changes incorporated in this revision to the policy: LCSC Faculty Senate and administration approved a revised Student Code of Conduct in Spring/Summer 2013. The current revision expands upon policies and procedures tied to the U.S. Department of Education's clarification of Title IX rules and upon the recently passed federal SAVE Act (dealing with violence against women), which goes into effect January 2014.

The following policies are designed for the general well-being of all members of the College community. Violations of the Student Code of Conduct may result in remedial action against the student violator and in sanctions being imposed as hereinafter provided. The Student Code of Conduct is also in effect off-campus when students are in attendance at a function sponsored by the College, Associated Student Body or other groups, if the offense constitutes a violation of Title IX, or if students are otherwise participating in a college sponsored entity including sporting events and home stay. These could include dances, social events, club activities, athletic events, educational pursuits, internships, trips, or other College related experiences. The Student Code of Conduct also applies to students in non-credit educational programs.

Updates to the Student Code of Conduct are posted on the Vice President for Student Affairs website (<http://www.lcsc.edu/student-affairs/student-code-of-conduct/>).

SECTION: Student Policies

SUBJECT: Student Code of Conduct & Student Hearing Board

Academic Dishonesty

Cheating or plagiarism in any form is unacceptable. The College functions to promote the cognitive and psychosocial development of all students. Therefore, all work submitted by a student must represent his/her own ideas, concepts and current understanding. Academic Dishonesty includes:

1. **Cheating** - intentionally using or attempting to use unauthorized materials, information, or study aids in any academic exercise. The term "academic exercise" includes all forms of work submitted for credit hours.
2. **Fabrication** - intentional and/or unauthorized falsification or invention of any information or the source of any information in an academic exercise.
3. **Collusion facilitating academic dishonesty** – intentionally or knowingly helping or attempting to help another to commit an act of Academic Dishonesty.
4. **Plagiarism** - the deliberate adoption or reproduction of ideas or words or statement of another person as one's own without acknowledgment.

The sanctions imposed for a violation of this section of the Code are independent of, and in addition to, any adverse academic evaluation which results from the student's conduct. The course instructor is responsible for academic evaluation of a student's work and shall make that evaluation without regard to any disciplinary action which may or may not be taken against a student under the Student Code of Conduct.

Alcoholic Beverages

1. Illegal possession or consumption of alcoholic beverages (beer, wine, liquor or other beverage which is controlled as an alcoholic beverage under Idaho law) is prohibited in College or College-owned, leased or operated facilities and on campus grounds.
2. Alcoholic beverages may not be possessed or consumed under any circumstances in areas open to and most commonly used by the general public. Public areas include, but are not limited to, lounges, College Union buildings, recreation rooms, conference rooms, athletic facilities and other public areas of College-owned buildings or grounds.
3. Sale of alcoholic beverages is prohibited in College-owned, leased or operated facilities and on campus grounds.
4. Guests and visitors shall observe these regulations while on campus or other College property. Non-compliance may subject a person to sanctions imposed by the College as well as to the provisions of local and state law. (Adopted by the State Board of Education, December 1, 1977).
5. For LCSC sponsored events which are open to the campus community and at which alcohol will be present, the sponsor will work with the Vice President for Student Affairs or the appropriate academic or vocational associate vice president to assure adherence to this policy. The following information will need to be provided to assure adherence:

SECTION: Student Policies

SUBJECT: Student Code of Conduct & Student Hearing Board

- a. Names and ages of individuals designated as bartenders or servers to check identification
 - b. Means to inform participants of applicable state and federal laws regarding alcohol consumption
 - c. Non-alcoholic beverages and food consumption
 - d. Designated driver program
6. No social event shall include any form of drinking contest in its activities or promotion. The Idaho law states that it is illegal to sell, serve or furnish beer, wine or other alcoholic beverages or intoxicating liquor to a person under 21 years of age. It is illegal for any person under 21 years of age to purchase or attempt to purchase, procure, possess, or consume any alcoholic or intoxicating liquor.
- a. There are a number of minors attending LCSC and as a state institution; the College is legally obligated to comply with the state law.

Non-Smoking Policy and Building Access

By Executive Order Number 92-2 of the Governor of Idaho, smoking tobacco or similar substances is not allowed inside any College-owned or operated building. To provide building access which is smoke-free, while still accommodating those who elect to smoke, the campus has established designated smoking areas on the outer parking lots of the campus. Smoking within the campus grounds, around or in buildings, or anyplace other than a designated smoking area is considered a violation of the Student Code of Conduct. A map of the designated smoking areas may be found at the following web site: <http://www.lcsc.edu/media/1559505/Campus-Map.pdf>.

Drugs

Possession, manufacture, distribution, use or sale of marijuana, drug narcotics or other controlled substances classified as illegal under Idaho law, except those taken under a doctor's prescription is prohibited on College-owned or controlled property (as that term is herein and hereafter used, College-owned or controlled property includes student housing owned by or rented through the College), or at any College-sponsored or supervised function (See campus policy on Alcohol and Drug abuse, and rules on sanctions for alcohol and drug abuse; <http://www.lcsc.edu/student-counseling/substance-abuse-assistance/alcoholdrug-information/>).

Falsification of College Records

The willful falsification of official records or documents or the submission of records or documents to the College with knowledge of their falsity is prohibited. Falsification of records or documents includes but is not limited to the following: the forging or alteration of, or the knowing use of false or inaccurate registration documents, documents submitted in support of residency determinations, transcripts, fee receipts, identification cards, meal tickets, parking decals, financial aid forms, telephone billing cards, and ASLCSC forms or documents.

SECTION: Student Policies

SUBJECT: Student Code of Conduct & Student Hearing Board

Campus SaVE Act and Clery Act

Lewis-Clark State College prohibits domestic violence, dating violence, sexual assault, and stalking. Educational and awareness programs are offered routinely to generate awareness of these issues. Training programs and publications inform people how to report incidents of sexual misconduct as well as how to implement safe and positive interventions on behalf of victims and potential victims.

Domestic/Dating Abuse and Violence

A form of harassment which may include the use of physical, sexual, verbal, emotional, or technological abuse, or similar behaviors intended to control a partner, by a person to harm, threaten, intimidate, or control another person in a relationship of a romantic or intimate nature, regardless of whether that relationship is continuing or has concluded or the number of interactions between the individuals involved.

Domestic violence is a crime under Idaho Code § 18-918 (2002).

Domestic Violence is defined (in Idaho Code § 39-6303) as “the physical injury, sexual abuse or forced imprisonment or threat thereof of a family or household member, or of a minor child by a person with whom the minor child has had or is having a dating relationship, or of an adult by a person with whom the adult has had or is having a dating relationship” (2002).

Sexual Misconduct

1. Sexual Harassment

Sexual Harassment can include unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, including sexual assault. Sexual harassment, including sexual assault, can involve persons of the same or opposite sex. Consistent with the law, this policy prohibits two types of sexual harassment:

a. Tangible Employment or Educational Action

This type of sexual harassment occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, living environment or participation in a College activity is conditioned upon, either explicitly or implicitly, submission to or rejection of unwelcome sexual advances or requests for sexual favors, or such submission or rejection is a factor in decisions affecting that individual’s employment, education, living environment, or participation in a College program or activity. Generally, perpetrators will be agents or employees with some authority from the College.

b. Hostile Environment

Sexual harassment may create a hostile environment as defined in section I.B below.

2. *Sexual Misconduct* includes sexual assault, inducing incapacitation for sexual purposes, sexual exploitation, and relationship violence.

3. *Sexual Assault* means an actual or attempted sexual contact with another person without that person’s consent. Sexual assault includes, but is not limited to:

SECTION: Student Policies

SUBJECT: Student Code of Conduct & Student Hearing Board

- a. Involvement in any sexual contact when the victim is unable to consent.
- b. Intentional and unwelcome touching of, or coercing, forcing, or attempting to coerce or force another to touch a person's intimate parts (defined as genital area, groin, inner thigh, buttocks, or breast).
- c. Sexual intercourse without consent, including acts commonly referred to as "rape."
 - i. *Consent* is informed, freely given, and mutual. If coercion, intimidation, threats, or physical force are used there is no consent. If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption, or being asleep or unconscious. There is no consent when there is force, expressed or implied, or use of duress or deception upon the victim. Silence does not necessarily constitute consent. Past consent to sexual activities does not imply ongoing future consent. Whether an individual has taken advantage of a position of influence over an alleged victim may be a factor in determining consent.

Title IX

"Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 et seq., and its implementing regulations, 34 C.F.R. Part 106, prohibit discrimination on the basis of sex in education programs or activities operated by recipients of federal financial assistance. Sexual harassment of students, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX." (Source: U.S. Department of Education Office of Civil Rights, Dear Colleague Letter, April 4, 2011). Acts of sexual discrimination, sexual harassment, and sexual violence represent violations of the LCSC Code of Conduct even when they occur off campus. Inquiries concerning Title IX may be directed to the Title IX Coordinator:

Title IX Coordinator
Spalding Hall, Room 103B
208-792-2553

Students who believe they are victims of sexual misconduct are encouraged to report same to any campus official immediately. Similarly, students who believe they have witnessed or otherwise know of a case of sexual misconduct should report it to a campus official. Specifically, students may file such reports to:

Vice President for Student Affairs
Reid Centennial Hall, Room 112
208-792-2218
studentaffairs@lcsc.edu

Title IX Coordinator
Spalding Hall, Room 103B
208-792-2553

SECTION: Student Policies

SUBJECT: Student Code of Conduct & Student Hearing Board

Director of Human Resource Services
Administration Building, Room 102
208-792-2269
hr@lcsc.edu

Director of Campus Security
Meriwether Lewis Hall, Room 110
208-792-2226
security@lcsc.edu

Head Athletic Trainer
Activity Center, Room 168
208-792-2000

Coeur d'Alene Center
1031 N Academic Way, Suite 140
Coeur d'Alene, Idaho 83814
208-666-6707

Reports may be filed confidentially. Students filing complaints requesting anonymity will be apprised of the potential limitations of the student judicial process when such requests are granted and, the granting of those requests may not be guaranteed if the safety of the campus community is deemed at risk.

If school officials know or reasonably should know about possible sexual harassment or sexual violence, a report must be filed. A prompt investigation will occur even if an alleged victim or victim's advocate (parent, faculty member, etc.), requests that no action on the part of the institution be taken.

Complainants in such cases will be apprised of the estimated timeframe in which investigation procedures and student disciplinary proceedings will occur. Generally, from the time a report is received until a final decision has been rendered (e.g., sanctions have been imposed), the process may take up to 60 calendar days (this does not include appeals). Circumstances surrounding an individual case may require the process to take longer.

Harassment

Any practice by a group or an individual that detains a member of the College community against his or her will without cause or authority to do so, endangers his/her health, jeopardizes his/her safety, or interferes with class attendance or the pursuit of education or work responsibilities and which occurs on College-owned or controlled property or while the violator is attending or participating in a College-sponsored event or activity is prohibited. Use of College Internet addresses or College technology to harass is also prohibited on and off campus. Furthermore, the Idaho Criminal Code has designated malicious harassment as a serious act punishable by the State. LCSC supports Idaho authorities and will not tolerate harassment in any form.

SECTION: Student Policies

SUBJECT: Student Code of Conduct & Student Hearing Board

**Idaho Criminal Code: 18-7902... Harassment
Stalking and Trespassing**

It shall be unlawful for any person, maliciously and with the specific intent to intimidate or harass another person because of that person's race, color, religion, ancestry or national origin to:

1. cause physical injury to another person; or
2. damage, destroy, or deface any real or personal property of another person; or
3. threaten, by word or act, to do the acts prohibited; if there is reasonable cause to believe that any of the acts described in 1 or 2 above.

For purposes of this section, "deface" shall include, but not be limited to cross-burnings or the placing of any word or symbol commonly associated with racial, religious or ethnic terrorism on the property of another person without his or her permission.

Idaho Criminal Code: 18-7903...Penalties

1. Malicious harassment is punishable by imprisonment in the state prison for a period not to exceed five (5) years or by fine not exceeding five thousand dollars (\$5,000) or by both.
2. In addition to the criminal penalty provided in subsection (a) of this section, there is hereby created a civil cause for action for malicious harassment. A person may be liable to a victim of malicious harassment for both special and general damages, including, but not limited to, damages for emotional distress, reasonable attorney fees and costs, and punitive damages.
3. The penalties provided in this section for malicious harassment do not preclude victims from seeking any other remedies, criminal or civil, otherwise available under law.

Stalking

Stalking is prohibited on campus and by state law. Stalking is repeatedly contacting another person when the contacting individual(s) knows, or should know, that the contact is unwanted by another person, and the contact causes the other person reasonable apprehension of imminent physical harm or substantial impairment of the other person's ability to perform the activities of daily life and obtaining an education. "Contacting" includes, but is not limited to, communicating with or remaining in the physical presence of the other person. It also includes "cyberstalking," which is the use of technology including personal computers, telephones, and social media.

Lewd or Indecent Conduct

Lewd or indecent conduct, as prohibited by city and/or state laws and ordinances which occurred on College-owned or controlled property or while the violator is attending or participating in a College-sponsored event or activity, is prohibited.

SECTION: Student Policies

SUBJECT: Student Code of Conduct & Student Hearing Board

Physical Harm to Others

Detaining a person against his or her will, or threatening or physically abusing another person, is prohibited.

Verbal Abuse to Others

Verbal behavior that involves an expressed or implied threat to interfere with an individual's personal safety, academic efforts, employment, or participating in College-sponsored activities and which would cause a reasonable person to have reasonable apprehension that such harm is about to occur, or "fighting words" that are spoken face-to-face as a personal insult to the listener or listeners in personally abusive language inherently likely to provoke a violent reaction by the listener to the speaker is prohibited.

Illegal Entry

Any unauthorized or forcible entry, whether actual or attempted, into any facility or building located on College-owned or controlled property is prohibited.

Campus Disorders and Disruptions

Members of the College community have the right to lawful freedom of movement on campus; the lawful use of property, facilities or parts of the College; and to lawfully ingress to and egress from the College's physical facilities. Violations of these rights of the College community with intent by: physically hindering entrance to, exit from, or normal use of any College facility or part thereof; remaining in any College building after being advised by an appropriate delegate of the President that the building is closed for business; interfering, through harassment, with the College's operation (this may include the use of noise making or amplifying devices); interfering with reasonable use of College driveways, parking lots or sidewalks; disruptively interfering with authorized events on property owned or controlled by the College or in College facilities; or intentionally interfering with College officials and instructors in the lawful conduct of their duties is prohibited.

Disruption of the Classroom

Disruption of the classroom is prohibited. Each faculty member controls the direction of education in the classroom setting. The educational atmosphere is the heart and purpose of higher education. Students have the obligation to respect the educational rights of others as they seek to maximize their learning. Faculty have the right to utilize whatever methods they deem appropriate to ensure the quality of the educational atmosphere. This includes, but is not limited to, requesting an investigation of disruptive classroom behavior under the Student Code of Conduct.

Disobeying or Deceiving College Officials

Students must obey the reasonable requests of College officials such as security officers, residence hall administrators and residence hall assistants in the performance of their duties.

SECTION: Student Policies

SUBJECT: Student Code of Conduct & Student Hearing Board

Students may not provide College officials with false identification or false information while officials are in performance of their duties.

Theft

Theft or the conversion of College property or the theft or conversion of the property of another, which occurs on College-owned or controlled property is prohibited.

Destruction or Damage of Property

Vandalism (willful or malicious damage, destruction or defacement) of College-owned or controlled property or vandalism of property belonging to others which occurs on College-owned or controlled property or while the violator is attending or participating in a College-sponsored event or activity is prohibited. This also applies to students participating in the LCSC home stay program.

Fire Regulations and Equipment

Smoking in unauthorized areas, the setting or building of fires upon property owned or controlled by the College without proper authorization, removal or tampering with fire equipment or fire alarm systems on College-owned or controlled property, or failure to vacate College buildings promptly when fire alarms sound is prohibited.

Gambling

Gambling as prohibited by city and/or state laws and ordinances is prohibited on College-owned or controlled property.

Firearms and Dangerous Weapons

Possession of firearms on college-owned or college-controlled property, except as expressly authorized by Idaho Code, section 18-3309(2), State Board of Education Policy V.L., and LCSC Policy 4.123, is prohibited. The college will provide safe storage of firearms for students who live in housing managed by the college or other students upon request.

Possession of illegal weapons, explosives, chemical, or incendiary devices, except as expressly authorized by law or institutional policy, is prohibited on college-owned or college-controlled property.

Students in violation of this provision of the student code will be subject to college-based disciplinary action and, depending upon the nature of the infraction, may be referred to local law enforcement.

SECTION: Student Policies

SUBJECT: Student Code of Conduct & Student Hearing Board

Group Offenses

Living organizations, clubs and similarly organized groups are responsible for compliance with College regulations. Upon satisfactory proof that a group encourages, or did not take satisfactory steps to prevent violations of College regulations, that group may be subject to permanent or temporary suspension, loss of recognition or charter, social probation, or other action.

National City/State Laws

Violation of any United States Federal law, State of Idaho law or City of Lewiston ordinance which occurs on College-owned or controlled property or while the violator is participating or attending a College-sponsored event or activity is in violation of this Code.

Accessories

A person is in violation of this Code if he or she intentionally aids or abets another in the commission of any offense mentioned in this Code. Abuse of the Student Code, including but not limited to:

1. Failure to obey the summons of the Vice President for Student Affairs, designee of the Vice President for Student Affairs or the Campus Hearing Board.
2. Falsification, distortion, or misrepresentation of information during a judicial investigation.
3. Disruption or interference with the orderly conduct of a judicial proceeding.
4. Institution of a judicial proceeding knowingly without cause.
5. Attempting to discourage an individual's proper participation in, or use of, the judicial system.
6. Attempting to influence the impartiality of a member of a judicial body prior to, and/or during the course of, the judicial proceeding.
7. Harassment (verbal or physical) and/or intimidation of a member of a judicial body prior to, during, and/or after a judicial proceeding.
8. Failure to comply with the sanction(s) imposed under the Student Code.
9. Influencing or attempting to influence another person to commit an abuse of the judicial system.

DUAL CREDIT STUDENTS

Acts of Academic Dishonesty are subject to appropriate discipline through the student's high school, with the exception of those students taking Dual Credit courses on-campus or online. Title IX, which prohibits discrimination on the basis of sex in education programs or activities operated by recipients of federal financial assistance (including sexual harassment and sexual violence), applies to all LCSC students and Dual Credit students, wherever they are taking classes. In Title IX-related cases, college officials will coordinate investigative and adjudication processes with high school officials. Other provisions of the LCSC Student Code of Conduct

SECTION: Student Policies

SUBJECT: Student Code of Conduct & Student Hearing Board

apply to Tech Prep and Dual Credit Students but disciplinary action may be coordinated with the student's high school.

SANCTIONS

Sanctions which may be recommended or imposed for a violation are listed here in order of their severity:

1. Warning;
2. Probation (with terms and length as determined by the person or Board levying the sanction);
3. Withheld suspension (failure to comply with the terms of withheld suspension may result in immediate suspension from College. Withheld suspension may also be a "delayed" suspension whereby a student is permitted to remain enrolled for the duration of the current term but will not be permitted to enroll in subsequent terms unless certain conditions are met);
4. Suspension (removal from the College for a specific length of time, e.g., semester or academic year) which may include readmission following the suspension period subject to an additional period of probation or withheld suspension;
5. Expulsion (indefinite removal from College). Any request for re-enrollment must be submitted in writing to the Vice President for Student Affairs.

In situations involving violations of City of Lewiston, State of Idaho, or Federal law, violence, or threats the police may be informed of the occurrence. The person or Board levying or recommending the sanction may impose or recommend any combination of the following and may include them as terms of probation:

1. Community service (to be performed for a specific period of time under the direction of the Vice President for Student Affairs or his/her designee)
2. Fines not exceeding two hundred dollars (\$200)
3. Restitution of damages
4. Special sanctions deemed appropriate and reasonable by the person or Board levying or recommending the sanctions (e.g., counseling, restrictions on behavior or requiring letters of apology to be written)
5. Administrative fees not exceeding fifty dollars (\$50)

When appropriate, a student may be given the option of working off the equivalent of the fines and restitution for the College at minimum wage. Until fines or restitution have been paid, the

College may deny a student the privilege of re-registering, may hold transcripts and/or diplomas, and may refuse to release information based on the student's records.

SECTION: Student Policies

SUBJECT: Student Code of Conduct & Student Hearing Board

Sanctions affecting a student's residence in College-controlled housing may be imposed. These sanctions are loss of privileges within the living group and temporary or permanent removal from College-controlled housing.

Sanctions already imposed by civil or criminal process are taken into account when any College sanction is imposed.

Extensive, organized, serious or repeated violations of this Code are taken into account when determining the appropriate sanction.

The State Board of Education adopted the following "Guidelines for Enforcement and Monitoring of Alcohol Rule" on November 18, 1993.

Note: LCSC also includes the illegal use of drugs in this policy, and any illegal use of drugs or combination of alcohol and drug violations of the Student Code of Conduct will lead to the enforcement of the following rules:

FIRST INFRACTION

Infraction: Without injury; or without conduct likely to lead to injury.

Sanction: Referral to judicial council, or similar authority, for action which must include a treatment and/or education program.

Infraction: With injury; or with conduct likely to lead to injury.

Sanction: Referral to the proper administrative body of the Institution for action must include notification to the criminal justice system, strict probation, and a treatment of education.

SECOND INFRACTION

Infraction: Without injury; or without conduct likely to lead to injury.

Sanction: Referral to the appropriate administrative body of the institution for appropriate action, which must include, at least, suspension from school for one semester.

Infraction: With injury; or with conduct likely to lead to injury.

Sanction: Referral to the proper administrative body of the Institution for appropriate action, which must include, at least, referral to the criminal justice system and expulsion from the institution for one year.

SECTION: Student Policies

SUBJECT: Student Code of Conduct & Student Hearing Board

THIRD INFRACTION

Infraction: Without injury; or without conduct likely to lead to injury.

Sanction: Referral to the appropriate administrative body of the institution for appropriate action, which must include, at least, suspension from school for one semester.

Infraction: With injury; or with conduct likely to lead to injury.

Sanction: Referral to the proper administrative body of the Institution for appropriate action, which must include, at least, referral to the criminal justice system and expulsion from the institution for one year.

Disciplinary Structure

The President of the College is responsible to the State Board of Education for the administration and enforcement of all regulations or policies adopted by them. The State Board of Education possesses all the power necessary or convenient to accomplish the objectives and perform the duties prescribed by law. The Vice President for Student Affairs is responsible to the President of the College for enforcement of the Student Code of Conduct and has been designated as the Senior Student Judicial Officer of the

College. Primary responsibility for investigating alleged violations, preferring charges, recommending/imposing sanctions and educational remedies, representing the College in hearing and appeals under this Student Code of Conduct and enforcing sanctions and educational remedies is assigned to the Vice President for Student Affairs. These functions may be performed by Vice President for Student Affairs, or his/her designee.

General

Any notice, report, decision or request which is to be given or served under these proceedings will be deemed given or served when either personally delivered to the person or office entitled to the notice or when deposited in the United States Mail, certified mail, postage prepaid, addressed to the person or office at that person's last-known address as shown on the records of the College.

Written notification of the outcome of the results of student disciplinary proceedings will be issued to the defendant in such matters. Upon written request, the alleged victim or victims of a crime of violence, or a non-forcible sex offense will also be notified of the outcome of the student disciplinary proceedings. If the alleged victim is deceased as a result of such crime or offense, the next of kin of the victim will receive notification of the outcome. Victims of other sex-based offenses will be notified in writing of the outcome of student disciplinary proceedings.

Summary Suspension

The Vice President for Student Affairs, with the concurrence of the President, shall have the right to summarily suspend a student who he/she believes has committed a violation of the Student Code

SECTION: Student Policies

SUBJECT: Student Code of Conduct & Student Hearing Board

of Conduct when, based upon such investigation and informal hearing as is reasonable under the circumstances, the Vice President determines that the student's continued presence poses a continuing danger to persons or property or an ongoing threat of disruption of the academic process.

Emergency Powers

Nothing in the Student Code of Conduct shall be in derogation of the power of the President of LCSC or his/her duly authorized subordinates to declare a state of emergency on College-owned or controlled property, and to suspend the procedural and substantive rights specified herein for the duration of the declared emergency. Any sanctions imposed on any student violating this Code or any emergency rules or the lawful order of any College official may be imposed by the President of the College or his/her duly authorized subordinates after such summary proceedings as are reasonable under the circumstances but such sanctions shall continue only for duration of the emergency. Any sanctions, other than those imposed for the duration of the emergency, must be brought under the Student Code of Conduct and, with respect to those proceedings, students are guaranteed all substantive and procedural rights specified herein.

Student Hearing Board

Function and Jurisdiction: The Student Hearing Board (hereinafter "Hearing Board") shall provide the original formal hearing in student discipline matters in all cases when a student is dissatisfied with the report and recommendation of the Vice President for Student Affairs and requests a hearing.

Structure and Organization

The Hearing Board contains the same faculty appointees as the Faculty Hearing Board. The Hearing Board shall be composed of seven (7) members (the majority of whom shall be tenured): three (3) members from the faculty elected by the Faculty Association; three (3) members from the faculty appointed by the President; and one (1) division chair appointed by the Faculty Senate. Three (3) alternate members will be designated: one (1) appointed by the President; and two (2) appointed by the Faculty Senate. The chair shall be elected each year from the members of the Hearing Board. In cases involving students, four (4) students shall be included, with voice and vote, in the Hearing Board membership except in cases of sexual misconduct. The students shall be appointed by the Student Body President. A quorum shall consist of a simple majority of the members of the Hearing Board so long as two (2) student members are present. The decision of the Hearing Board shall be made by a majority of those members who have attended the hearing.

Term of Office

Faculty members are to serve for two (2) College years, one-half (1/2) of those members with as nearly as one-half (1/2) of the faculty members being selected each year. Student members shall serve for one (1) year, but may be re-appointed for a second year.

SECTION: Student Policies

SUBJECT: Student Code of Conduct & Student Hearing Board

Hearing Officer

Either the President or the Hearing Board may determine to appoint a Hearing Officer to preside at any hearing held by the Hearing Board. The Hearing Officer may or may not be an attorney at law but must be experienced in conducting hearings. He/she shall act in an impartial manner as the presiding officer at the Hearing. If requested by the Hearing Board, the Hearing Officer may participate in its deliberations and act as its legal advisor but shall not be entitled to vote.

College President

The President shall review and determine appeals from the decisions of the Hearing Board. The President has the authority to uphold, modify or overrule those decisions, or to return the matter to the Hearing Board for further consideration. A party may appeal the President's decision to the State Board of Education when, if and in such manner as the State Board of Education determines that such appeal shall be heard.

Investigation of Violation, Recommendation by the Vice President for Student Affairs, and Appeal Process

The Vice President for Student Affairs or a designee approved by the Vice President shall receive all student judicial complaints and shall investigate all complaints against students alleged to have violated the Student Code of Conduct. The investigation should include, if possible, an interview with the student where the student is told of the alleged violation and given an opportunity to deny or explain it. The investigator shall make an initial determination of whether the violation occurred, shall place the burden upon the party seeking judicial action to prove that the charges against the student are more likely to be true than not true, and, if so, shall make his/her recommendation of the sanction or educational remedy to be imposed. If the investigator determines that a violation of the Student Code of Conduct has occurred, he/she shall write a report identifying the alleged violation, set forth his/her determination and recommendation of the sanction to be imposed. If the report of the investigator is adverse to the student (the report finds that the student committed a violation and recommends any sanction) for one of the following reasons: (1) a material error in procedure, (2) new evidence relevant to the student's case surfaced, or (3) the student believes the sanction was disproportionate to the violation, the affected student may request a hearing before the student Hearing Board by delivering a written request for a hearing to the Office of the Vice President for Student Affairs within seven (7) calendar days after the date on which he or she is served with a copy of the investigator's report. Victims in cases of sexual misconduct may also request an appeal under same circumstances and conditions.

The report shall also advise the student that the report and the recommended sanction of the investigator shall become final if a timely request for a hearing is not made.

SECTION: Student Policies

SUBJECT: Student Code of Conduct & Student Hearing Board

Hearing Before Student Hearing Board

If the student makes a written request for a hearing before the Student Hearing Board upon the report of the investigator for Student Affairs within seven (7) days after he/she is served with a copy of the investigator's report, the student shall be entitled to a hearing before the Student Hearing Board. If the student fails to make a timely written request for a hearing, the report and recommendation for sanctions made by the Vice President shall become a final decision and the student shall have no further rights of hearing or appeal under this Student Code of Conduct.

The following provisions shall be applicable to hearings before the Hearing Board:

1. The student charged with the violation:
 - a. shall be entitled to a prompt hearing,
 - b. shall be informed in writing of the specific charges and the proposed judicial action be given sufficient time to prepare for the hearing.
2. During the judicial hearing, the student charged with the violation:
 - a. shall be given the opportunity to testify and present evidence and witnesses on his or her behalf,
 - b. shall have the opportunity to hear and question adverse witnesses,
 - c. shall have all testimony or evidence introduced in his or her presence unless he or she refuses to appear or fails to appear after having received proper notice, and
 - d. shall not be forced to testify against him/herself and his/her refusal to testify shall not be considered as evidence against him or her.
3. The Hearing Board:
 - a. shall place the burden upon the party seeking judicial action to prove that the charges against the student are more probable to be true than not true and that the recommended sanction is reasonable,
 - b. shall base its findings and decisions exclusively upon proper evidence and testimony presented at the hearing and upon facts that are universally regarded as true (the Hearing Board should hear evidence of any disputed points - however, the Board may itself take notice of facts that everyone agrees are true - for example, evidence does not have to be introduced to show it was dark if the act in question is clearly shown to have occurred in an unlit area at midnight), but the Hearing Board shall not be bound by the strict rules of evidence followed in courts of law,
 - c. must state its findings and its decision in writing.
4. The student shall not have the right to be represented by an attorney before the Hearing Board except:
 - a. when the party seeking the disciplinary action will be represented at the hearing by an attorney he/she shall give written notice to the student of such representation and the student shall then have the right to be represented by an attorney at his/her own expense and

SECTION: Student Policies

SUBJECT: Student Code of Conduct & Student Hearing Board

- b. where the charges against the student are, or are likely to be, the subject of a separate criminal action against the student, the student may be accompanied to the hearing by an attorney and shall have the right to consult with the attorney throughout the hearing, but the attorney shall not be entitled to present evidence, question witnesses, make arguments or otherwise participate in the hearing. When not accompanied by or represented by an attorney, the student may be accompanied by a non-lawyer advisor of his/her choice.
5. In cases involving accusations of sexual assault, acquaintance rape, or rape, the rights of the alleged victim will be respected. The alleged victim may be accompanied to the hearing by an individual of his/her choosing. The alleged victim will have the right to restrict any discussion of his/her previous sexual history. The alleged victim will also have the right to make a victim impact statement to the Hearing Board concerning physical and/or mental and/or emotional effects caused by the alleged incident.
6. A record of testimony presented at the hearing will be made using a recording device or stenographic court reporter. A copy of that record shall be made available to the student upon payment of the reasonable cost of that copy.
7. The hearing before the Hearing Board shall be open to the public if both parties make a written request for an open hearing and deliver it to the Vice President for Student Affairs before the day of the hearing. If parties to the complaint do not agree on an open hearing or both prefer a closed hearing, the hearing will not be open to the public. If neither party requests an open hearing before the day of the event, the hearing will not be open to the public.
8. A copy of the written decision of the Hearing Board shall be served to the student and the Vice President for Student Affairs. The Hearing Board may affirm, reverse or modify the decision of Vice President for Student Affairs or the sanction assessed but shall not increase the sanction imposed by the Vice President. A notice accompanying the decision shall advise each party that if either party is dissatisfied with the decision of the Hearing Board, that party may request a review of that decision by the President by delivering a request for such a review to the office of the President within seven (7) calendar days after the date the party receives the Hearing Board's decision and the notice. That notice shall advise each party that the decision of the Hearing Board shall become final unless a timely written request for review is made by either party. The failure of a party to make a timely written request for review shall constitute a waiver of that party's right to any further review of the decision of the Hearing Board and that decision shall become final.

Review by College President

Within seven (7) days after requesting a review, the party seeking review may submit to the President a written statement setting forth the reasons why that party believes the decision of the Hearing Board is incorrect. The other party shall have seven (7) days to respond in writing to that statement. Review of the decision of the Hearing Board shall then be conducted in such manner as the President shall determine and may or may not include the right to present oral argument to

SECTION: Student Policies

SUBJECT: Student Code of Conduct & Student Hearing Board

the President. The President may affirm, reverse, or modify the decision of the Hearing Board or the sanction assessed, provided that the President shall not increase the sanctions beyond that which was recommended by the Vice President for Student Affairs in the first instance. The President may also remand the case to the Hearing Board for further hearing upon such issues as the President may designate. The President's decision shall be in writing and shall be served on the interested parties. If no written appeal is submitted within seven (7) days to the President the case is considered closed, and the decision by the Vice President for Student Affairs will be upheld. Students should refer to Section III, Subsection P., Part 18 for guidelines on submitting an appeal to the State Board of Education

(http://www.boardofed.idaho.gov/policies/documents/policies/iii/iiip_students_0610.pdf).