



MINISTRY OF EDUCATION
STATE DEPARTMENT OF VOCATIONAL AND TECHNICAL TRAINING
CHUKA TECHNICAL AND VOCATIONAL COLLEGE
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Student Code of Conduct

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Abstract

This Student Code of Conduct indicates the standard procedures and practices of the Chuka Technical and Vocational College (hereinafter referred to as the 'College') for all students enrolling with the college for pursuing varied courses.

SECTION 1:

1.0: PREAMBLE.

This *Student Code of Conduct* indicates the standard procedures and practices of the **Chuka Technical and Vocational College** (hereinafter referred to as the ‘College’) for all **trainees** (hereinafter referred to as ‘Students’) enrolling with the college for pursuing varied courses. A student enrolling at the College assumes an obligation to conduct him/herself in a manner compatible with the College’s function as an educational institution. The College is committed to fostering a safe and healthy college environment conducive to education, study, work, and personal development. In order to establish and maintain this desired environment, the College has adopted the *Code of Student Conduct* by which all students and student organizations are expected to abide at all times.

All students must know that it is incumbent upon themselves to abide by this *Code of Student Conduct* (hereinafter referred to as the ‘Code’) and the rights, the privileges and the responsibilities including the restrictions emanating from it. Not knowing or understanding these standards and policies is not a defence or excuse. The *Code of Student Conduct* states the behavioural expectations and standards of conduct for all students. The college’s endeavour by means of enforcing this code is to pioneer and administer a student discipline process that is egalitarian, conscientious, effectual and expeditious; and providing a system which promotes student growth through individual and collective responsibility.

1.1: INTRODUCTION.

Chuka Technical and Vocational College is committed to the academic achievement, growth and development of its students, and the wellness and safety of the members of its community. In addition, the College is committed to preserving peace, maintaining a civil and respectful academic atmosphere, supporting a moral and just climate, and protecting its property and that of its community members. The College, therefore, has established this Student Code of Conduct to communicate its expectations of students as positive members of the College community and to ensure a fair process for determining responsibility and appropriate sanctions when a student’s behaviour may have deviated from these expectations. The student conduct process in this Student Code of Conduct aims at facilitating an understanding of the balance between individual and College rights. All Students are therefore requested to be well conversant with this Code, which will be reviewed from time to time.

When a nexus between a student’s behaviour and the College exists and the College is aware of the behaviour, a student may be subject to College disciplinary action. The Dean of Students (hereinafter referred to as ‘the main Students Conduct Officer’) shall have the discretion regarding whether the *Code of Student Conduct* shall be applied to conduct occurring off college depending on its nature. Student groups and organizations may also be charged with violations of the *Code of Student Conduct*. A student group or organization and its officers may be held collectively and/or individually responsible when violations of this *Code of Student Conduct* occur.

The student conduct procedures have been established to ensure due process and fundamental fairness to all individuals and organizations involved. The evidentiary standard that guides the student conduct system is the preponderance of the evidence and provides the standard of proof required to determine if a student violated the *Code of Student Conduct*. The standard is met when the evidence brought forth through the conduct process proves the charges to be more likely true than not true.

1.2: JURISDICTION.

The college shall have the jurisdiction over the conduct of the students associated/enrolled with the college and to take cognisance of all acts of misconduct including incidents of ragging or otherwise which are taking place on the college grounds or in connection with the college related activities and functions.

The college may also exercise jurisdiction over conduct which occurs off-college violating the ideal student conduct and discipline as laid down in this Policy and other regulations, as if the conduct has occurred on college ground.

The college, while determining whether or not to exercise such on or off-college jurisdiction in situations enumerated hereinafter, the college shall consider the seriousness of the alleged offense, the risk of harm involved, whether the victim(s) are members of the college community and/or whether the off college conduct is part of a series of actions, which occurred both on, and off-college.

At the time of admission or otherwise, each student must sign a statement accepting this Code and by so doing one shall be giving an undertaking that they shall throughout their student life abide by the provisions of the said code.

By signing the **Acceptance Statement Form** (attached herewith) a student submits himself or herself to the rules and regulations of Chuka Technical and Vocational College, and by so doing affirms that he/she is familiar with all these rules and regulations, and shall obey such rules and regulations. The College has an interest in behaviour, subject to its code and has the right and responsibility to exercise its jurisdiction and take such action as is appropriate to protect this interest.

SECTION 2:

2.0: RULES GOVERNING STUDENT CONDUCT.

The College, as a state-operated institution, is governed by state and local laws, rules, and regulations. Consistent with those laws, rules and regulations, each student is expressly advised that the following behaviour is prohibited. Students or student organizations engaging, attempting to engage, or assisting in the following are subject to disciplinary sanctions:

- 1) Any form of Sexual Harassment against any person or other students of the college. Sexual/Gender Based Misconduct is a broad range of prohibited behaviours. For the purposes of this Code, these behaviours include: Dating violence; Domestic violence; Stalking; Sex and/or Gender based discrimination; Sexual harassment; Non-consensual sexual contact; Non-consensual sexual intercourse; and Sexual exploitation.
- 2) As an institution for advanced scientific and technological research and education, the college values academic integrity and is committed to fostering an intellectual and ethical environment based on the principles of academic integrity. Academic Integrity encompasses honesty and responsibility and awareness relating to ethical standards for the conduct of research and scholarship. The college believes that in all academic work, the ideas and contributions of others must be appropriately acknowledged. Academic integrity is essential for the success of the college and its research missions, and hence, violations of academic integrity constitutes a serious offence.
- 3) Possession, distribution or use of any weapon or potential weapon, ammunition, explosives, fireworks, or destructive devices on or off college contrary to law or policy.

- 4) Unwelcome, hostile or offensive conduct which has a negative impact or constitutes a nuisance to members of the college and surrounding off-college community such as a Harassment (a severe conduct that is motivated on the basis of a person's race, colour, national or ethnic origin, citizenship, sex, religion, tribe, age, sexual orientation, gender, gender identity, marital status, ancestry, physical or mental disability, medical condition etc.

Disorderly and/or disruptive conduct that interferes with the normal operations of the College or infringes on the rights of others, and includes leading or inciting others to disrupt scheduled and/or normal activities associated with the College, whether in a class room or in an event sponsored by the college. Engaging in an inciting, lewd, or indecent conduct, including, but not limited to, creating unreasonable noise; pushing and shoving; inciting or participating in a riot or group disruption at the college.

Intentionally damaging or destroying college image, property or property of other students and/or community, department members etc.

Physical assault (any act that intentionally or recklessly causes physical injury to another person), threats of violence, behaving in threatening or intimidating, insulting or improper manner towards a staff member, member of the Students' Council, fellow student or any other person with authorised access to the College which would cause a reasonable person to become fearful, engaging in a course of conduct or repeatedly committing acts directed at another person, which would seriously annoy a reasonable person, creating a condition which endangers or threatens the health, safety or welfare of another person and also physically restraining or detaining another person or forcibly removing any person from any place where they are authorized to remain.

- 5) Any act of discrimination (physical or verbal conduct) based on an individual's gender, caste, race, tribe, religion or religious beliefs, colour, region, language, disability, or sexual orientation, marital or family status, physical or mental disability, gender identity, etc.
- 6) Hazing is, regardless of intent, any action that degrades, humiliates, abuses or endangers the mental, emotional, or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group, team or organization, whether officially recognized or not, by the College. Hazing includes being present during activity (ies) that constitute hazing or having knowledge of it, and failing to report it.
- 7) Accepting membership of religious or terrorist groups banned by the college/Government of Kenya. Illegal (uncertified) meetings are prohibited.
- 8) Smoking (or otherwise) on the college premises. Smoking is prohibited on all College managed property, both indoors and outdoors, unless officially designated otherwise. Exceptions to the smoke-free provisions include the areas officially designated for Smoking Zones.
- 9) Possessing, consuming, distributing, selling of alcohol in the college and/or throwing empty bottles on the college premises. Being in possession or under the influence of any alcoholic beverage or illegal intoxicating substance while on College grounds or on excursions is criminal. Manufacture, sale, possession or distribution of prohibited drugs, harmful chemicals etc.
- 10) Parking a vehicle or motorcycle in a no parking zone or in area earmarked for parking other type of vehicles.
- 11) Rash driving and hooting (including playing loud music) on the college that may cause any inconvenience to others.

- 12) Failure to comply with the reasonable and lawful requests or directives of College officials or law enforcement officers acting in the performance of their duties and/or interference with faculty, staff, or student staff acting in the performance of their official duties. Compliance includes, but is not limited to, appearing at offices when directed to do so, showing identification and leaving areas when directed to do so.
- 13) Misbehaviour at the time of student body elections or during any other activity of the college. Deliberate disregard to policy and guidelines set out to govern students' elections and other functions related to students life.
- 14) All students are to be in possession of the College identity card at all times. College security must not be hindered in conducting their duties. Failure to identify oneself or present a valid student identification card when requested to do so by any faculty, college security guards, staff, or student staff or law enforcement officer in the performance of their official duties.
- 15) Interacting, on behalf of the college, with media representatives or invite media persons on to the college without the permission of the college authorities. Interacting with, inviting or holding meetings with politicians or such officers in or outside college with a view of discussing college matters. Soliciting for aids or otherwise on behalf of the institution without following due process is punishable.
- 16) Students are expected to use the social media carefully and responsibly. A student cannot post derogatory comments about other individuals of the college on the social media or indulging in any such related activities having grave ramifications on the reputation of the college or a college member.
- 17) Theft or unauthorized access to other students or community resources or property, or abuse of the college computers and other electronic resources such as computer and electronic communications facilities, systems, and services which includes unauthorized entry, use, tamper, etc. of college property or facilities, private residences of staff etc. offices, classrooms, computers networks, and other restricted facilities and interference with the work of others is punishable. Stealing, illegally claiming, using, abusing, destroying or removing property of the college, or of a staff member, a fellow student or any other person on the college. Property also includes, but is not limited to, data and information stored on electronic or computer media and passwords.
Theft or other abuse of electronic technologies, including but not limited to:
Unauthorized entry into a system (voice/data/video/mechanical/security), to use, read or change the contents, or for any other purpose; Unauthorized transfer of a file;
Unauthorized use of another individual's identification and password; Intentional use of computing facilities to interfere with the operation of any computing system; Use of electronic mail/instant messages to send chain letters, harassing messages; Use of College computing facilities for commercial activities; Unauthorized transfer/copying of copyright material (e.g., software, mp3 files) that is not protected by fair use; and Gaining unauthorized access to data or information in College files or stored on College systems.
- 18) Making a video/audio recording, taking photographs, or streaming audio/video of any person in a location where the person has a reasonable expectation of privacy, without that person's knowledge and express consent. Students are not permitted to provide audio and video clippings of any activity on the college to media without prior permission. Students are not permitted to either audio or video record lectures in classrooms or actions of other students, department, or staff without prior permission.

- 19) Mounting, spreading or exhibiting any banner, placard, notice or circular on or near the College grounds without the necessary permission. Advertising, soliciting, or selling any goods or services on campus without prior written permission from the officer in charge of management of students' affairs or designee. Unaddressed and unauthorized handbills, announcements, flyers, posters or advertisements are not to be placed under college premises or on vehicles on college property. Students should get in touch with the Dean of Students for more information. Organizing meetings and processions without permission from the college.
- 20) All students except for good cause must arrive punctually for lectures, tutorials, seminars, practicals and other scheduled instructions and attain a minimum of 75% of the total allocated contact time with their trainers. Students are expected to always look presentable, especially in class or practical sessions. Caps, extremely revealing clothing and general unpleasantness in classrooms shall constitute a criminal offence.
- 21) Medical or any other appointments may not be scheduled in College time. All personal appointments should be scheduled after College hours or during weekends except where the respective Head of Department grants permission.
- 22) A student is expected to comply with all examination rules and take the requisite continuous assessment tests in order to be allowed to sit the end of term and other examinations. Missing to sit a scheduled CAT or any examination without a good cause is one of the highest crimes that can relate to a student. A student who experiences a problem, which is likely to affect his/her examination performance (i.e. sickness, bereavement etc.) must report in writing before such an examination has been sat by other students. CATs and examinations are non-negotiable!
- 23) Tampering with fire safety equipment, fire alarm equipment and/or setting off alarms in any building or on College premises or intentionally interfering with or failing to follow emergency procedures.
- 24) Trespassing/unauthorized use of facilities and services. No person shall enter into and/or utilize any College facility or service without proper authorization. No one shall enter a facility from which they have been restricted, as part of a student conduct sanction. Students who have no specific legitimate reason for being in College buildings or on college grounds may be subject to a charge of unauthorized presence. This includes, but is not limited to, being present in buildings and facilities that are officially closed or where the individual does not have a College official's written permission. Unauthorized possession, duplication, or use of any keys to any College premises or unauthorized entry to or use of College premises.
- 25) Obstruction of justice. Disruption or interference with the orderly conduct of a student conduct proceeding. Providing false or misleading information to the student conduct officer or College official. Attempting to discourage an individual's participation in, or use of, the student conduct system through intimidation or any other means. Retaliating against an individual who made a complaint/report, served as a witness, opposed the reported conduct, is a friend or acquaintance of the person who made a complaint/report, or who participated in the student conduct process. Attempting to influence the impartiality of a member of a student conduct body prior to, and/or during the course of, the student conduct proceeding. Harassment (verbal or physical) and/or intimidation of a member of a student conduct body prior to, during, and/or after a student conduct proceeding. Influencing or attempting to influence another person to commit an abuse of the student conduct system. Violating any disciplinary sanction imposed in accordance with the *Code of Student Conduct*.

Failure to comply with the instructions of a student conduct officer, student conduct body, or College official.

- 26) Forgery or any other act of knowingly furnishing false information to the institution in the form of a false complaint or report or unauthorized alteration or use of institutional documents, including those stored on electronic or computer media, or instruments of identification (such as an ID card). Falsifying information or failing to report required information (such as previous college attendance, prior conduct sanctions or felony history) on any admissions application or related materials.
- 27) Responsibility for Guest(s). Students will be held accountable for the behaviour of all guests in accordance with all College policies. All students are responsible for the actions of their guests for any violations of the *Code of Student Conduct* committed on College premises, or at College-sponsored or supervised functions. Students will be held responsible for damage to or loss of College property by the actions of their guest(s) and may be required to reimburse the College, or the student's account may be charged accordingly. Students are expected to take reasonable action to prevent their guests from violating College policies and are expected to remain with their guests for the length of their visit. The College reserves the right to restrict any guest from college who violates the *Code of Student Conduct*, in the interest of the general welfare of the entire Chuka Technical and Vocational College community.
- 28) All rules cannot be put down on paper. A student is therefore expected to use their common sense at all times.

2.1: STUDENT CONDUCT BOARD.

A conduct board is a formal group comprised of trainers, staff and/or students representative appointed by the Dean or designee. The student representative may be the chair of the students' council or any other student determined by the Dean of students.

The board is comprised of at most five members. If there is a case against a student for a possible breach of code of conduct, then a committee will be formed to recommend a suitable disciplinary action who shall inquire into the alleged violation and accordingly suggest the action to be taken against the said student. Failure to appear in response to the charge(s) on the date fixed for the hearing, unless there has been a continuance approved by the student conduct officer prior to the hearing, will result in the hearing being held and determination made without the responding party.

The student will be notified of the determination and, if applicable, the sanction(s). Within five (5) business days of the date of the notice of outcome/sanction, if the student shows good cause for failure to appear and failure to give prior notice of intention not to appear, the student conduct officer may withdraw the outcome/sanction and schedule a rehearing.

The committee, after the hearings (preferably in at most three sittings) may suggest one or more of the following disciplinary actions based on the majority vote:

2.1.1: OFFICIAL WARNING.

Indicating that the action of the said delinquent student was in violation of the Code and any further acts of misconduct shall result in severe disciplinary action. This is an official

acknowledgment that the student's behaviour violated a rule(s), and indicates more severe disciplinary sanctions may result if the student is found responsible for further violations.

2.1.2: COMMUNITY SERVICE.

For a specified period of time to be extended if need be at an agreed venue. However, any future misconduct along with failure to comply with any conditions imposed may lead to severe disciplinary action, including suspension or expulsion.

2.1.3: EXPULSION/DISMISSAL.

Expulsion of a student from the college permanently, indicating prohibition from entering the college premises or participating in any student related activities or college residences etc. This is the permanent separation of the student from the College without opportunity to re-enrol in the future. "Dismissal after a finding of responsibility for a code of conduct violation" will appear on the student's transcript or any other after document.

2.1.4: MONETARY PENALTY.

This is a decision to have a charge on the student's account accordingly. May also include fines and suspension or forfeiture of scholarship/fellowship for a specific time period. Such a penalty shall be commensurate with the offence committed, losses incurred and or costs incurred in the administration of the conduct process.

2.1.5: SUSPENSION.

A student may be suspended for a specified period of time which will entail prohibition on participating in student related activities, classes, programs etc. This is the separation of the student from the College for a definite period of time. Conduct suspension may be issued for a period of one, two or three semesters/terms/modules accordingly. "Suspension after a finding of responsibility for a code of conduct violation" with the period of suspension specified will appear on the student's transcript or any other after document. Additionally, the student will be forbidden to use various college facilities unless permission is obtained from a competent authority. Suspension, may also be followed by possible dismissal, possible cascaded perpetual suspensions along with the following additional penalties:

2.1.5.1: Ineligibility to reapply for admission to the college for a period of three years, and

2.1.5.2: Withholding the certificate for the courses studied etc. or work carried out.

2.1.6: CONDUCT PROBATION.

Conduct Probation may be issued for a period of one, two or three terms, and includes the probability of more severe disciplinary sanctions if the student is found responsible for violating the *Code of Student Conduct* or College policies during the probationary period. Any violation committed during the probationary period may result in a review of the student's status at the college.

2.1.7: LOSS OF PRIVILEGES.

The student may be denied specific privileges for a designated period of time. The student conduct officer may designate any of the following loss of privileges to students against whom no conduct charges have been brought, if there is concern for the well-being of either

the student(s), or the community, or to prevent disruption to the College community. Loss of privilege may include, but is not limited to:

2.1.7.1: FACILITY RESTRICTION.

The student may be denied use of or may otherwise be restricted from specified college facilities.

2.1.7.2: SOCIAL RESTRICTION.

The student may be restricted from participation in College-sponsored activities for a specified period of time.

2.1.7.3: GUEST PRIVILEGE RESTRICTION.

The student may be restricted from being able to have guests on campus for a specific period of time.

2.1.7.4: NO CONTACT ORDER.

This may include a directive that the parties refrain from having contact (physical or otherwise) with one another, directly or through proxies, whether in person or via electronic means, and may be for a designated period of time.

2.1.8: RECOMMENDATION FOR EXTERNAL PROSECUTION.

The student or student organization may be handed over to the external authorities for prosecution in courts, especially when such a committed offence is a violation of state laws.

2.2: PROCEDURES OF THE CONDUCT BOARD.

The conduct board:

- a) Writes to the college principal regarding the particulars of the case, the scheduled hearing date, time and venue and the hearing officers.
- b) Upon receiving communication from the college principal, the board hears cases as scheduled by the student conduct officer.
- c) Hears statements and information/evidence related to the case in question.
- d) Seeks answers to all questions pertaining to statements and information/evidence presented.
- e) Determines whether the responding party is responsible for violating the charge(s), after a full discussion of the case in closed session.
- f) Recommends disciplinary action, if appropriate, to the College Principal through the student conduct officer.
- g) The College Principal takes actions as recommended by the Conduct Board. The College Principal may choose to make less or more severe the conduct board's recommendations and communicates such positions to the students conduct officer. In any case the principal's decision is final and binding in all the cases where there is a possible misconduct by a student. The Principal shall approve final action in any particular case before it is executed.

2.3: APPEAL.

If the delinquent student is aggrieved by the imposition of any of the aforementioned penalties, he/she may appeal to the principal. The principal may decide on one of the following:

- a) Accept the recommendation of the committee and impose the punishment as suggested by the Committee or modify and impose any of the punishments as stipulated in this Code which is commensurate with the gravity of the proved misconduct, Or
- b) Refer the case back to the conduct board for a prompt reconsideration.

SECTION 3:

3.0: STUDENT CONDUCT CASE POLICIES & PROCEDURES

3.1: Conduct Charges/Complaint:

- a) Any member of the College community may make a report against any student or student organization (collectively, “student”) for misconduct.
- b) The College Principal may take direct disciplinary action or may assign the matter to the student conduct officer (Dean of Students) for more investigations and hearing.
- c) The College Principal or the Dean of Students (collectively, “student conduct officer”) may utilize a co-investigation model in investigating the said violations of the *Code of Student Conduct* and enforce a decision therewith.
- d) Written complaints through available channels, including school suggestion boxes, email addresses etc. shall be regularly reviewed to determine whether or not they constitute a basis for a conduct board.

3.2: Investigation.

A preliminary investigation of the incident(s) may precede a full investigation. The student conduct officers may complete a further investigation of the incident. Following the preliminary or further investigation, the student conduct officers may bring charges against the responding party if reasonable information supports the charge(s).

3.3: Notice of Student Conduct Charges.

- a) The student conduct officer will contact the responding party in writing to notify them of the charges being brought by the College, and schedule a time and place to meet. The responding party is sufficiently notified if informed in person, or if the notice is personally delivered to them or mailed to their local and/or home address that appears in official College records.
- b) If the responding party fails to respond within three (3) business days from personal notification or the date of the notification letter, they will be deemed to have waived their right to choose between a conduct board hearing or an administrative hearing. The student conduct officer will then determine the type of hearing and the date and time it will be held. The student will be notified in writing of the charges against them for a second time, and the date, time and location of the hearing.

3.4: Preliminary Review/Process

The student conduct officer will meet with the student to review the complaint, charges against the student, and the student conduct process, including the rights of the student, and will offer the student three (3) business days within which to select an administrative or conduct board hearing. Students may choose to have their hearing immediately following their preliminary meeting in cases where possible sanctions do not include suspension or dismissal.

3.5: Notice of Hearing

- a) The student's hearing will be held within ten (5) business days from the date of the preliminary review, unless the student conduct officer/board chair determines that legitimate grounds exist for delay.
- b) No fewer than three (3) business days before the date of the hearing, the student will be sent the following, in written form: i) written notice of charges; ii) the date, time and place of hearing; iii) the names of the board members selected, if applicable; iv) possible consequences of being found responsible for the charge(s); and v) a copy of the Code of Student Conduct. The Notice of Hearing will be considered received on the same date as the College writes it.
- c) After Notice of Hearing is sent, the parties are expected to cooperate in scheduling a hearing promptly. If a student fails to appear at the scheduled hearing, the student conduct officer/board chair may either postpone the proceedings, or proceed with the hearing.

3.6: Pre-Hearing Procedures

- a. Pre-Hearing Meeting and Determination of Charges and Witnesses. The student conduct officer/board chair will schedule a pre-hearing meeting with the student(s) to review hearing procedures. The student conduct officer/board chair will also review the charges and the proposed witness list to eliminate redundant testimony and/or testimony deemed not relevant. The College reserves the right, through the student conduct officer/board chair to: (i) add to or modify at the pre-hearing meeting, the charges specified by the student conduct officer/board chair with notice; (ii) add witnesses to the witness lists at the pre-hearing meeting and/or at the hearing with notice; and (iii) make changes to the board composition at any time, with notice.
- b. Notice of Potential Conflict. A student wishing to challenge the participation of any board member (if a board hearing is chosen) must notify the board chair in writing within 24 hours of receipt of the Notice of Hearing, stating the specific reason(s) for the concern. The board chair will determine whether the challenge has merit. If the challenge relates to the participation of the student conduct officer or board chair, the vice president of enrolment management and student affairs or designee will determine whether the challenge has merit.
- c. Informal Resolution. When a case involves conflict among students, groups, or organizations, the student conduct officer will assess whether mediation or restorative conferencing would be an appropriate means for resolution. The principal or deputy principal of student conduct must approve the request.
- d. Submissions. The student conduct officer/board chair will provide the student(s) with a copy of the list of witnesses, and an opportunity to review

documents or other information submitted by the College. In the absence of good cause, as determined by the student conduct officer/board chair, the student(s) may not introduce witnesses, documents, or other evidence at the hearing that were not provided to the student conduct officer/board chair by the designated deadline.

- e. Witnesses. The student(s) are responsible for the attendance of their witnesses at the hearing. Students are responsible for providing a list of their witnesses to the student conduct officer/board chair no fewer than three business days before the date of the hearing.
- f. Board Members' Responsibilities. Once a board member has been appointed to the case, they may not discuss the case with anyone not involved in the proceedings, with the student(s) themselves, or with anyone acting on the behalf of the student(s). The chair will provide the board members with a copy of the Notice of Hearing, the list of witnesses, and materials submitted for the hearing with an instruction to avoid private discussion of the case. The board will review, in advance of the hearing, all of the written materials provided to them by the board chair.
- g. Admission of responsibility. If, at any time prior to the hearing, the responding party elects to acknowledge their actions and take responsibility for the alleged misconduct, they may request that the student conduct officer/board chair propose a resolution to the charges, and, resolve the violation without a hearing.

3.7: Hearing Process

- a. Privacy of the Hearing Process. In order to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the hearing process is not open to the general public
- b. Procedure for Hearing. The student conduct officer/board chair will determine the order of the student(s) and witnesses and will resolve any questions of procedure that arise during the hearing.
- c. Each party will be given the opportunity to provide a statement at the beginning of the hearing.
- d. Only the student conduct officer/board chair and board members may directly question the student(s) and any witnesses. The student(s) or their witnesses may ask the student conduct officer/board chair to pose questions or inquire further into specific matters, by submitting these requests in writing. (If necessary, a brief recess may be granted to allow the student an opportunity to prepare and submit such requests.) The student conduct officer/board chair is empowered to disallow any questions that are deemed irrelevant or redundant.
- e. After the student and all witnesses have been questioned, the student may make a closing statement and request a short recess to prepare it.
- f. If the student conduct officer/board chair/board determines that unresolved issues exist that would be clarified by the presentation of additional evidence, the student conduct officer/board chair may recess the hearing and reconvene it in a timely manner to receive such information. (A recess may not be based on the failure of witnesses to appear without good cause or on the proposed

introduction of documents or other evidence that should have been presented at the pre-hearing meeting).

- g. Statement/Participation. The student has the option of not providing a statement; however, the exercise of that option will not preclude the student conduct officer/board from proceeding and determining the case on the basis of the information presented.
- h. If the student fails to appear at the hearing, after being duly notified of its place and time, the board chair may postpone the proceedings or direct that the board proceed.
- i. The student conduct officer/board may not draw an inference of any kind if the student chooses not to participate. However, the choice not to participate may affect the hearing outcome.
- j. Decision. The student conduct officer/board will make their decision by using the preponderance of evidence standard. If a board hearing, the board must make its decision by majority vote. If an administrative hearing, the student conduct officer alone will make the determination. The student conduct officer/board chair will provide their decision in writing to the student and to the principal within ten (3) business days after the conclusion of the hearing.
- k. Sanction. If an administrative hearing was held, the student conduct officer will determine sanctions. If a board, the board will determine the appropriate sanction(s) by majority vote. In determining an appropriate sanction for a student who is found responsible, the student conduct officer/board may consider any record of past violations of the *Code of Student Conduct*, as well as the nature and severity of such past violation(s). The student conduct officer/board will also consider as part of its deliberations whether the student poses a continuing risk to the College community.
- l. Effective Date of Sanction. Sanctions are effective once the student conduct officer issues notice of the outcome and sanctions to the student. The vice president of enrolment management and student affairs or designee may suspend the student conduct officer's/board's determination while the appeal is pending, or allow the responding party to attend classes or participate in other activities on a supervised or monitored basis, or make such other interim modifications to the determination as may be advisable. The college principal's or designee's decision may not be appealed.
- m. Transcript Notation in Cases of Conduct Suspension or Conduct Dismissal. If the student conduct officer/board imposes a sanction of conduct suspension or conduct dismissal, then, following exhaustion of an appeal, the student conduct officer/board chair will notify the College Registrar to place a notation on the student's transcript, which will read "Suspended after a finding of responsibility for a code of conduct violation" or "Dismissal after a finding of responsibility for a code of conduct violation," as applicable. Students may appeal to the vice president of enrolment management and student affairs, in writing, for removal of a notation that they were suspended, no earlier than one year after the suspension is completed. Notations indicating a student was dismissed from the College shall not be subject to removal, and therefore, cannot be appealed.

- n. Appeals Process. Any student/student organization found responsible for a violation of the *Code of Student Conduct* shall have the right to appeal by submitting a letter, not more than five pages, in opposition to the hearing outcome and/or sanction(s).
- o. Appeals are made to the college principal or designee. The student/student organization must make an appeal in writing within five (5) business days after notice of the written decision. The principal may quash the appeal as ‘lacking sufficient weight’ or may appoint an appeal officer, who must have been in the initial conduct board to hear the appeal.
- p. An appeal may be heard on the following grounds only:
 1. **Due Process.** The conduct board or student conduct officer failed to observe the procedural or substantive requirements established by the *Code of Student Conduct*;
 2. **Severity of Sanction.** The sanction is “too severe” or “not severe enough” based on the proven violation; and
 3. **New Evidence.** New evidence has appeared that:
 - a) was not known at the time of the original hearing;
 - b) could not have reasonably been discovered at the time of the original hearing; and
 - c) is material, so may have had an impact on the outcome of the original conduct decision.
 - q. Students and members of student organizations do not have the opportunity to meet with the appeal officer, unless, in the appeal officer’s discretion, a meeting would serve to clarify an issue on appeal.
 - r. The appeal officer may take any of the following actions: Affirm the findings and sanctions of the original conduct official or conduct board; Modify the findings and/or sanctions; Determine the student/student organization is not responsible for the charge(s); or Remand for a new hearing.

SECTION 4:

4.0: CODE ENFORCEMENT, INTERPRETATION AND REVISION.

- a) The code is expected to be effective starting twelfth of May 2020 or such a time when a new KUCCPS student admission is in place in the college (on which an Acceptance Statement will be signed by every new trainee/student, and a copy of such retained in a file). By default, all continuing students will abide by its provisions as from the effective date.
- b) This code is available in two versions: the popular and comprehensive versions.
- c) Any question of interpretation or otherwise regarding this *Code of Student Conduct* will be referred in writing to the Dean of Students or designee for determination.
- d) The *Code of Student Conduct* will be reviewed every three years under the direction of the College Principal.
- e) The *Code of Student Conduct*, including substantive revisions, must be approved by The College Board of Governors, and is governed by state, and local laws, rules, regulations, and the College Policies.

THE END.



STUDENT CODE OF CONDUCT ACCEPTANCE STATEMENT

I(Official name), of ID Number
....., admission number, a student at
the **Chuka Technical and Vocational College** commit myself through this statement that I
have (shall) read the said Code of Student Conduct, fully understanding its content therein,
shall diligently abide by its provisions throughout my student life in this institution, and so
help me God.

Signature

Date

(Filled in duplicate)