Title

System wide Student Conduct Code

Header

Proposed Version as of June 25, 2017

Table of Contents

STUDENT CONDUCT CODE POLICIES

I. Purpose .......................................................... 2
II. Definitions ...................................................... 3
III. Executive Policy ............................................. 5
IV. Delegation of Authority .................................... 13
V. Contact Information .......................................... 13
VI. References .................................................... 13
Executive Policy Chapter 7, Student Affairs
Executive Policy EP 7.208 System wide Student Conduct Code
Effective Date: October 2014
Prior Dates Amended: July 2009
Responsible Office: Office of the Vice President for Academic Affairs
Governing Board of Regents Policy RP 1.204, Rights and Responsibilities of the University of Hawai‘i Community
Review Date: August 2018

I. STUDENT CONDUCT CODE POLICIES

I. Purpose

The purpose of this policy is to establish the policy and guidelines relating to the system wide student conduct code.

II. Definitions

A. Accused Student refers to any student accused of violating this Student Conduct Code.

B. Appellate Board means any person or persons authorized by including standards for the ways in which members of the Senior Student Affairs Officer to consider an appeal from a Student Conduct Board’s determination as to whether a student has violated the Student Conduct Code or from the sanctions imposed by the Student Conduct Administrator.

C. Cheating is an act of academic dishonesty and includes, but is not limited to: (1) use of any unauthorized assistance in taking quizzes, tests, or examinations; (2) use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; (3) the acquisition, without permission, of tests or other academic material belonging to a member of the UH faculty, staff or student; and (4) engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.

D. Complainant The System wide Student Conduct Code is neither a criminal nor a civil code and does not operate like one. UH’s expectations for our fellow community members are for a significantly higher standard of conduct than the bare minimum prescribed by law; conduct that is legal may nevertheless still be unacceptable within the bounds of our UH community.

The policies set forth in this code are intended to serve primarily as an extension of UH’s educational mission -- to guide students in their growth as members of the UH and broader communities.
II. Definitions

A. Registered Independent Organization (RIO) refers to a student organization, association, or club that has been formed to meet special interests of certain groups of students on campus.

B. Reporting Party refers to any person who submits a charge alleging that a student violated this Student Conduct Code. When a student believes that s/he has been a victim of another student’s misconduct, the student who believes s/he has been a victim will have the same rights of recourse under this Student Conduct Code as are provided to the Complainant-Reporting Party, even if another member of the UH community submitted the charge.

C. Faculty member—means Responding Party refers to any person hired by the UH to conduct classroom or teaching activities or who is otherwise considered by the UH to be a member of its faculty.

D. Hazing is student (defined as an act which endangers the mental 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 the continued membership in, a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing is not a neutral act; both are violations of this rule.

E. Plagiarism is also an act of academic dishonesty and includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgement. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

F. Policy—means the written regulations of the UH as found in, but not limited to, its Policies and Bylaws of the Board of Regents, its Administrative Procedures, the under this policy) accused of violating this Student Conduct Code, any residence hall handbooks, the UH web page and computer use policy, and school catalogs.

G. Registered Independent Organization (RIO)—means any group of persons who have complied with the formal requirements for UH registration.

H. Senior Student Affairs Officer—means the campus administrator (i.e., dean or vice chancellor or designee) who is in charge of the division of student affairs, and generally charged by the campus Chancellor to be responsible for the administration of the Student Conduct Code.

I. Student—includes means all persons taking registered in courses at the UH, either
full-time or part-time, pursuing undergraduate or graduate studies. Persons In addition, for purposes of this Student Conduct Code only, this Code also applies to: (1) students who have been suspended or dismissed, students who withdraw after allegedly violating the Student Conduct Code, and may return to UH, students who are not officially enrolled for on a particular term but who have a continuing relationship with the leave of absence from UH, or students who are on medical leave; and (2) persons who (a) have been notified of their acceptance for admission are considered students, as are persons who are living in UH residence halls, although not enrolled and (b) have registered or officially participated in the orientation or other officially recognized UH activities.  

F. Student Conduct Administrator means a UH official authorized on a case-by-case basis by the Senior Student Affairs Officer to impose sanctions upon any student(s) found to have violated the Student Conduct Code. The Senior Student Affairs Officer may authorize a Student Conduct Administrator to serve simultaneously as a Student Conduct Administrator and the sole member or one of the members of the Student Conduct Board. The Senior Student Affairs Officer may authorize the same Student Conduct Administrator to impose sanctions in all cases. 

G. Student Conduct Board—means any person or persons authorized by the Senior Student Affairs Officer to determine whether a student has violated the Student Conduct Code and to recommend sanctions that may be imposed when a rules violation has been committed. 

H. UH—encompasses any campus or site within the University of Hawaii system. 

I. UH community member—includes any person who is a student, faculty member, UH official or any other person employed by the UH. A person’s status in a particular situation shall be determined by the Senior Student Affairs Officer. 

J. UH official—includes any person employed by the UH, performing assigned administrative or professional responsibilities. 

K. UH premises—include all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the UH (including adjacent streets and sidewalks). 

L. The term "shall" is used in the imperative sense. 

1 Please note that other policies may apply a different definition of “student,” such as UH’s Administrative Procedure, AP 7.022, Procedures Relating to Protection of the Educational Rights and Privacy of Students, available at http://www.hawaii.edu/policy/index.php?action=viewPolicy&policySection=ap&policyChapter=7&policyNumber=022&menuView=closed.
M.  The term "may" is used in the permissive sense.

III. Executive Policy

A. Introduction

1. The purposes of The University of Hawaii are to give thorough instruction, conduct research and disseminate knowledge in and of branches of advanced learning as prescribed by its Board of Regents. The University is committed to ensuring a safe, civil, learning and working environment in which the dignity of every individual is respected. All members of the University community - students, faculty and staff - share responsibility for its growth and continued welfare.

2. Choosing to join the University community obligates each student to abide by this code of conduct. By enrolling in As members of the University community, students accept the responsibility to become fully acquainted with the University’s regulations and to comply with the University’s authority. The University expects students to maintain standards of personal integrity that are in harmony with the educational goals of the institution; to respect the rights, privileges, and property of others; and to observe national, state, and local laws and University regulations policies and procedures.

3. The University views the disciplinary process as a learning experience which aims to promote growth and understanding of one’s responsibilities and privileges within the University environment. To this end, the disciplinary process attempts to balance an understanding and knowledge of students and their needs with the needs of the academic community. Pursuit of a college education provides an opportunity for exploration of new ideas, experimentation, self-examination, formation of new relationships, and development of ideals and direction. However, the University does not absolve students from accepting responsibility for their behavior in their pursuit of a college education. Rather, it reaffirms the principle of student freedom that is coupled with an acceptance of responsibility for one’s actions and the consequences of such actions.

B. Student Conduct Code Authority

1. This Student Conduct Code applies at all locations of the UH, including any affiliated residence hall.

2. The Student Conduct Administrator shall determine the composition of Student Conduct Boards and Appellate Boards and determine which Student Conduct Board, Student Conduct Administrator and Appellate Board shall be authorized to hear each matter.
3. The Senior Student Affairs Office shall develop policies for the administration of the student conduct system and procedural rules for the conduct of Student Conduct Board Hearings that are not inconsistent with provisions of the Student Conduct Code.

4. Decisions made by a Student Conduct Board and/or Student Conduct Administrator shall be final, pending the appeal process.

5. At the Student Conduct Board Hearing and for purposes of any appeal, the technical rules of evidence applicable to civil and criminal cases shall not apply.

CIV. Proscribed Conduct

A. Jurisdiction of the UH Student Conduct Code
   The UH Student Conduct Code shall apply to:
   1. On University property; or
   2. Outside of University property if:
      a. the conduct that occurs on UH premises, at UH was in connection with a University-sponsored activities, in distance/on-line courses and events, and to off-program or activity; or
      b. the conduct may have a continuing adverse effect or could create a hostile environment on campus conduct that affects the UH Community and/or the pursuit of its objectives. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree. Conduct that occurs before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if his/her conduct is not discovered until after a degree is awarded), is subject to the Student Conduct Code. The Student Conduct Code shall apply to a student’s conduct even if the student withdraws from school or a particular course while a disciplinary matter is pending.

   The Senior Student Affairs Officer shall decide whether the Student Conduct Code shall be applied to conduct occurring off campus, (including but not limited to the use of social media and other electronic forums), on a case-by-case basis, in their sole discretion.

B. Conduct – Rules and Regulations Standards

The following are examples of the types of behavior that conflict with the community standards that the UH values and expects of students. Engaging in, or attempting to engage in any of these behaviors subjects a student to the disciplinary process and sanctions on each campus.
1. Acts of dishonesty, including but not limited to the following:
   a. Cheating, plagiarism, or other forms of academic dishonesty.
      Cheating is an act of academic dishonesty and includes, but is not limited to: (1) use of any unauthorized assistance in taking quizzes, tests, or examinations; (2) use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; (3) the acquisition, without permission, of tests or other academic material belonging to a member of the UH faculty, staff or student body; and (4) engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.
      Plagiarism is also an act of academic dishonesty and includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgement. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.
   b. Furnishing false information to any UH official, faculty member, or office.
   c. Forgery, alteration, or misuse of any UH document, record, or form of identification.

2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other UH activities, including its public service functions on or off campus, or of other authorized non-UH activities when the conduct occurs on UH premises. This includes creating noise or other disturbances on campus or in student life areas sufficient to disrupt the normal functioning of campus activities including classroom instruction.

3. Any conduct which threatens or endangers the health or safety of any person including but not limited to, physical abuse, verbal abuse, threats, intimidation, harassment, coercion, stalking, bullying, coercion, stalking as defined below. (For any conduct that is sexual or romantic in nature and committed by a current or former partner of an intimate, romantic, or sexual relationship, or is related to an individual’s actual or perceived sex or gender, sexual orientation, gender identity or gender expression, refer to EP 1.204 for detailed information.)

4. Sexual advances, requests for sexual favors or other behavior of a sexual nature that is unwelcome and sufficiently severe or pervasive that it interferes with a person’s academic or professional performance or creates an intimidating, hostile or offensive educational or employment environment. The behavior can be verbal, non-verbal or
Examples include sexual innuendo, spreading sexual rumors, sexual put-downs and jokes, remarks of a sexual nature about a person's clothing or body, offensive written notes or emails, sexual propositions, insults or threats, leering, whistling, suggestive or insulting sounds and gestures, and touching someone's body when unwelcome. The University of Hawai‘i Executive Policy on Sexual Harassment and Related Conduct EP 1.203 contains detailed information.

a. **Threat** is written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.

b. **Intimidation** is implied threats or acts that cause a reasonable fear of harm in another.

c. Bullying and cyberbullying are repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally, and are not protected by freedom of expression.

d. **Stalking** is two or more acts of unwanted and harassing behavior, directed at a specific person that is sufficiently serious to cause physical, emotional, or psychological fear or to create a hostile, intimidating or abusive environment.

e. **Physical abuse** is intentionally or recklessly causing physical harm or endangering the health or safety of any person.

f. **Verbal abuse** is shouting or yelling in a threatening or hostile manner and/or use of abusive or belligerent language.

g. **Harassment** is sufficiently severe, pervasive (or persistent) and objectively offensive conduct that unreasonably interferes with, limits or denies the ability to participate in or benefit from the University/College's educational program or activities.

h. **Hostile Environment** is when unwelcome harassment is sufficiently severe, pervasive (or persistent) and objectively offensive that it unreasonably interferes with, limits or denies the ability to participate in or benefit from the University/College's educational program or activities.

i. **Coercion** is intentionally compelling or inducing another person to engage in conduct from which another has a legal right to abstain, or to abstain from conduct in which another has a legal right to engage, by threatening with words or conduct to take some negative action that may impact the other person. In this context, some examples of "negative action" include, but are not limited to: causing bodily injury, causing property damage, physical confinement or restraint, or revealing information that is sought to be concealed.

4. **Creation of health and/or safety hazards**, e.g., dangerous pranks, hanging out of or climbing from/on/in windows, balconies, roofs.
5. Sex discrimination and/or gender-based violence as defined in EP 1.204.


7. Attempted or actual theft of and/or damage to property of the UH or property of a member of or the UH community or other personal or public property of another individual or entity, including goods, services and other valuable, on or off campus, and/or knowingly maintaining possession of stolen property.

8. Intentional, reckless and/or unauthorized damage to or destruction of UH property or the personal property of another individual or entity.

9. Hazing is an act that endangers the mental 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 the continued membership in, a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing is not a neutral act; both are violations of this rule—g. Hazing as defined in this policy.

10. Failure to comply with any directions of UH officials or law enforcement officers acting in performance of their duties and/or failure to provide identification to these persons when requested to do so.

11. Unauthorized possession, duplication, or use of keys/keycards/security mechanisms to any UH premises or unauthorized entry to or use of UH premises, including trespassing, propping or unauthorized use of doors for entry into or exit from a UH building.

12. Violation of any UH policy, rule, regulation, contract, or agreement—published in hard copy or available electronically on any UH website https://www.hawaii.edu/policy/.

13. Violation of any federal, state or local law.

14. Use, possession, manufacturing, or distribution of marijuana, heroin, narcotics, or other unauthorized use of controlled substances or paraphernalia except as expressly permitted by law. Controlled substances include but are not limited to marijuana, methamphetamine, narcotics, and opioids.

15. Public intoxication is expressly prohibited. Use, possession, manufacturing, or distribution, or being under the influence of alcoholic beverages
by (except as expressly permitted by UH System Policies, state or federal law), or public intoxication while on any UH premise or at any UH sponsored event or ancillary site. Alcoholic beverages may not, in any circumstance, be used, possessed, or distributed to any person under twenty-one (21) years of age is expressly prohibited.

— n. 16. Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on UH premises or use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others.

— o. 17. Participating in an on-campus or off-campus demonstration, riot or activity that disrupts the normal operations of the UH and/or unreasonably infringes on the rights of other members of the UH community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.

— q. 18. Obstruction of the free flow of pedestrian or vehicular traffic on UH premises or at UH sponsored or supervised functions.

— r. 19. Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on UH premises or at functions sponsored by, or participated in by, the UH or members of the academic community.

a. Disorderly Conduct includes but is not limited to: Any unauthorized use of electronic or other devices to make an audio or video record of any person while on UH premises without his/her prior knowledge, or without his/her consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom.

— s. 20. Complicity involves action or inaction with another or others to violate the Student Conduct Code, and may be assumed when a student is present during a policy violation. The student may be held responsible for the underlying policy violation(s).

21. Violation of local, state, federal or campus fire policies including, but not limited to:

a. Intentionally or recklessly causing or attempting to cause a fire which damages or is intended to damage UH or personal property or which causes or is intended to cause injury.

b. Failure to evacuate a UH-controlled building during a fire alarm.

c. Improper or reckless use of UH fire safety equipment.

d. Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on UH property.
22. Theft or other abuse of computer and other electronic facilities and resources, including but not limited to:

   a. ______(1) Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
   b. ______(2) Unauthorized transfer of a file.
   c. ______(3) Use of another individual's identification and/or password.
   d. ______(4) Use of computing facilities and resources to interfere with the work of another student, faculty member or UH Official.
   e. ______(5) Use of computing facilities and resources to send obscene or abusive messages.
   f. ______(6) Online harassment of members of the UH community.
   g. ______(7) Use of computing facilities and resources to interfere with normal operation of the UH computing system.
   h. ______(8) Use of computer facilities and resources in violation of copyright laws.
   i. Any unauthorized use of electronic or other devices to make an audio or video record of any person while on UH premises without their prior knowledge, or without their consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom.

24. Abuse of the Student Conduct Code System or other related UH processes, including but not limited to:

   a. ______(1) Failure to obey the notice from a Student Conduct Board or Administrator, UH official, or Student Conduct Board to appear for a meeting or hearing as part of the Student Conduct Code System.
   b. ______(2) Falsification, distortion, or misrepresentations of information before a Student Conduct Administrator, UH official, or Student Conduct Board.
   c. ______(3) Disruption or interference with the orderly conduct of any proceeding.
   d. ______(4) Attempting to discourage an individual's participation in, or use of, the Student Conduct Code System or other related UH processes.
   e. ______(5) Attempting to influence the impartiality of a member of a Student Conduct Administrator, UH official, or Student Conduct Board prior to, and/or during the course of, the Student Conduct Board proceeding Code System or other related UH processes.
   f. ______(6) Harassment (verbal or physical) and/or intimidation of a member of a Student Conduct Board.
Conduct Administrator, UH official, or Student Conduct Board prior to, during, and/or after a student conduct code proceeding.

f. (7) Failure to comply with during the sanction(s) imposed under course of, the Student Conduct Code System or other related UH processes.

g. (8) Failure to comply with imposed sanction(s).

h. Influencing or attempting to influence another person to commit an abuse of the student conduct code Student Conduct Code System or other related UH processes.

25. Retaliation. UH prohibits and will not tolerate retaliation as defined in EP7.205. Retaliation is adverse actions taken against a person because of their good faith participation in the following types of protected activities:

a. Seeking advice or assistance about a Student Conduct Code or system wide sanction concern;

b. Opposing or filing an informal or formal complaint regarding an alleged violation of this policy;

c. Testifying, assisting, or participating in an investigation or other proceeding related to an alleged violation of this policy.

Adverse actions are actions that would dissuade a reasonable person from making or supporting a complaint under this policy. A retaliation complaint, allegation, or report will be reviewed as a separate offense under this policy; that is, a student can be found responsible for retaliation even if not found to be responsible for the underlying reported Student Conduct Code violation.

Additionally, UH prohibits and does not tolerate retaliation as defined in EP1.204.

26. Violation of Residence Hall Regulations Rules and/or Policies: Violation of residence hall regulations rules and/or policies where the violation also involves some aspect of this Student Conduct Code, may subject the student to disciplinary procedures under this Student Conduct Code.

C. 3. Violation of Law and UH Discipline

a. UH disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Student Conduct Code (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Student Conduct Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Senior Student Affairs Officer. Determinations made or sanctions imposed under this Student Conduct Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of
University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

b. When a student is charged by federal, state, or local authorities with a violation of law, the UH will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also being processed under the Student Conduct Code, the UH may advise off-campus authorities of the existence of the Student Conduct Code and of how such matters are typically handled within the UH community. The UH will cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). In the event of law enforcement and/or government agency enforcement of laws and regulations, UH may, as appropriate, adjust any Student Conduct Code investigation and/or proceeding so as not to interfere or unduly prejudice the law enforcement process. Individual students and other members of the UH community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

IV. Delegation of Authority

Authority to hear and decide on whether or not alleged violations of the Student Conduct Code have occurred as well as to determine subsequent disciplinary sanctions is delegated to senior student affairs officers, student conduct administrators, officers, or student conduct board, or appellate boards as described in this policy.

V. Contact Information

Subject Matter Experts

Office of the Vice President for Academic Planning and Policy

ovpaa@hawaii.edu

956-6897

Office of the Associate Vice President for Student Affairs at telephone number 956-8753 or by email at avpsa@hawaii.edu.

VI. References

A. Federal and State Laws, rules and/or regulations: Jeanne Clery Disclosure of Campus Security Policy & Campus Crime Statistics Act, as amended ("Clery Act"); the Violence Against Women Act, as amended ("VAWA"); Title IX of
the Education Amendments of 1972 ("Title IX"), as amended; Hawaii Revised Statutes (HRS) Chapter 586-1 (domestic abuse (Domestic Abuse Protective Orders)); and HRS Chapter 707 (sexual offenses); HAR Offenses Against the Person; Hawaii Administrative Rules Title 20, Chapter 2 (Statement on the Rights and Responsibilities of the University of Hawaii Community)

B. Board of Regents Policies: Policies: RP 1.204, Rights and Responsibilities of UH Community and RP 1.205 Non Discrimination and Affirmative Action;


D. Administrative Policy: AP 9.920


F. Link to Superseded University of Hawaii Executive Policies http://www.hawaii.edu/policy/archives/ep/

G. Link to Administrative Procedures for Employees, Students, & Applicants for Employment or Admission in old format https://www.hawaii.edu/policy/archives/apm/sysap.php

— C. Link to superseded Executive Policies in old format https://www.hawaii.edu/policy/archives/ep/

— D. Link to Administrative Procedures in old format https://www.hawaii.edu/policy/archives/apm/sysap.php

VII. Exhibits and Appendices
No Exhibits and Appendices found

Approved

— Signed

— David Lassner

— October 31, 2014

— Date

— President

Topics
No Topics found.