Executive Policy EP 7.208 Systemwide Student Conduct Code

Proposed Edits

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STUDENT CONDUCT CODE POLICIES

I. Purpose

The purpose of this policy is to establish guidelines relating to the Systemwide Student Conduct Code, including standards for the ways in which members of the University of Hawaii (UH) community interact with each other in the pursuit of both academic excellence and social responsibility.

The Systemwide 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 an 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 recourse under this Student Conduct Code as are provided to the Reporting Party, even if another member of the UH community submitted the charge.

C. Responding Party refers to any student (defined under this policy) accused of violating this Student Conduct Code.

D. 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.

E. Student means all persons registered in courses at UH, either full-time or part-time, pursuing undergraduate or graduate studies. In addition, for purposes of 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 on a leave of absence from UH, or students who are on medical leave; and (2) persons who (a) have been notified of
their admission and have registered or officially participated in orientation or other officially recognized UH activities.¹

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 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 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 UH (including adjacent streets and sidewalks).

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

M. The term "may" is used in the permissive sense.

III. Executive Policy

A. Introduction

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

2. Choosing to join the UH community obligates each student to abide by this code of conduct. As

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.
members of the UH community, students accept the responsibility to become fully acquainted with UH’s rules and to comply with UH’s authority. UH expects students to maintain standards of personal integrity that are in harmony with the educational goals of UH; to respect the rights, privileges, and property of others; and to observe national, state, and local laws and University policies and procedures.

3. UH views the disciplinary process as a learning experience which aims to promote growth and understanding of one’s responsibilities and privileges within the UH 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, UH 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 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 Officer 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.

IV. Proscribed Conduct

A. Jurisdiction of the UH Student Conduct Code

1. On University property; or

2. Outside of University property if:

   a. the conduct was in connection with a University-sponsored program or activity; or

   b. the conduct may have a continuing adverse effect or could create a hostile environment on campus.

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 his/her sole discretion.

B. Conduct – Rules and Standards

The following are examples of the types of behavior that conflict with the community standards that 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 that threatens or endangers the health or safety of any person including but not limited to, physical abuse, verbal abuse, threats, intimidation, harassment, 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.)

   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 UH property or the personal 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.

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, 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, opioids.

15. Use, possession, manufacturing, distribution, or being under the influence of alcoholic beverages (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.

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.

17. Participating in an on-campus or off-campus demonstration, riot or activity that disrupts the normal operations of 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.

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

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, UH or members of the academic community.

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. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
   b. Unauthorized transfer of a file.
c. Use of another individual’s identification and/or password.
d. Use of computing facilities and resources to interfere with the work of another student, faculty member or UH Official.
e. Use of computing facilities and resources to send obscene or abusive messages.
f. Online harassment of members of the UH community.
g. Use of computing facilities and resources to interfere with normal operation of the UH computing system.
h. 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 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.

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

a. Failure to obey the notice from a Student Conduct Administrator, UH official, or Student Conduct Board to appear for a meeting or hearing.
b. Falsification, distortion, or misrepresentations of information before a Student Conduct Administrator, UH official, or Student Conduct Board.
c. Disruption or interference with the orderly conduct of any proceeding.
d. Attempting to discourage an individual’s participation in, or use of, the Student Conduct Code System or other related UH processes.
e. Attempting to influence the impartiality of a Student Conduct Administrator, UH official, or Student Conduct Board prior to, and/or during the course of, the Student Conduct Code System or other related UH processes.
f. Harassment (verbal or physical) and/or intimidation of a Student Conduct Administrator, UH official, or Student Conduct Board prior to, and/or during the course of, the Student Conduct Code System or other related UH processes.
g. Failure to comply with imposed sanction(s).
h. Influencing or attempting to influence another person to commit an abuse of the 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 his/her good faith participation in the following types of protected activities:

a. Seeking advice or assistance about a Student Conduct Code or systemwide 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 Rules and/or Policies: Violation of residence hall 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. 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 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, 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, 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. UH may 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 officers, or student conduct boards as described in this policy.

V. Contact Information

**Subject Matter Experts**: 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; the Violence Against Women Act, as amended; Title IX of the Education Amendments of 1972, as amended; Hawaii Revised Statutes (HRS) Chapter 586 (Domestic
Abuse Protective Orders); and HRS Chapter 707 (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: RP 1.204, RP 1.205


D. Administrative Policy: AP 9.920

E. Link to University of Hawaii Systemwide Policies https://www.hawaii.edu/policy/

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

I. Reporting & Investigation of Violations

Any UH community member may file reports against a student for alleged violations of the Student Conduct Code. All reports of violations of the Student Conduct Code shall be submitted to the Student Conduct Administrator or designee in writing and signed by the Reporting Party. In emergency or exigent situations, the Student Conduct Administrator or designee may proceed initially without a written report.

A. Statute of Limitations

Potential violations of the Student Conduct must be reported to the student Conduct Administrator or designee within 120 days of the incident. Exceptions to this can be made at the discretion of the Student Conduct Administrator.

B. Investigation

Upon receiving a report that an alleged violation of the Student Conduct Code has occurred, the Student Conduct Administrator or designee will review the report to determine if the allegations have merit. If it is found that the alleged behavior does not constitute a potential violation of the Student Conduct Code, the Student Conduct Administrator or designee may dismiss or attempt to administratively resolve the matter. Such disposition shall be final and there shall be no subsequent proceedings. If the Student Conduct Administrator or designee concludes that there is a potential violation of the Student Conduct Code, the Student Conduct Administrator or designee shall initiate an investigation.

The student(s) accused of misconduct will be notified in writing of the alleged violations and provided an opportunity to meet with the Student Conduct Administrator or designee to discuss the alleged violations. If a Responding Party chooses not to respond to the alleged violations or otherwise participate in the process, the Student Conduct Administrator or designee has the authority to render a decision and impose sanctions.

Both the Reporting Party and Responding Party may be assisted by an advisor of their choice, at their own expense. The advisor may be a member of the campus community and may not be an attorney unless provided otherwise herein. The Responding Party is responsible for presenting his/her own information, and therefore, advisors are not permitted to speak during or to participate directly in an investigation. A Responding Party should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the investigatory meeting because delays will not normally be allowed due to the scheduling conflicts of an advisor. If a Responding Party is also the subject of a pending criminal matter arising out of the same circumstances, s/he may be allowed to have an attorney serve as his/her advisor, at his/her own expense, to behave in the same manner as any other advisor above. In the event that an attorney is present as an advisor, an attorney from the Office of General Counsel may also be present to assist the Student Conduct Administrator or designee.

C. Determination of Charge and Administrative Decision
If, following the investigation, the Student Conduct Administrator or designee finds that the existing information fails to support the alleged violation or the report is frivolous, no action will be taken against the Responding Party; thus, the case will be dismissed.

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

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

The Reporting Party is provided notification that the investigation has concluded.

D. Process for Dealing with Academic Dishonesty

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

II. Sanctions

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

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

A. Written Reprimand - A notice in writing to the student that s/he is violating or has violated institutional policies and that continuation of specified behavior may be cause for more severe disciplinary sanctions.

B. Probation - Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found responsible for violating institutional policies during the probationary period. While on probation, the student is expected to demonstrate the ability to function as a responsible member of the campus community.

C. Loss of Privileges - Denial of specified privileges for a designated period of time.

D. Restitution - Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

E. No Contact - Formal instruction to refrain from contact with related parties. This includes, but is not
limited to, in-person, by telephone, email, or text message; contact or reference on social media or other electronic means of communication, verbal, or written interactions, non-verbal gestures, "looks," and any other means of communication and/or contact and contact through a third party (other than attorney-to-attorney communication) such as a friend, family member, co-worker, classmate, teammate, faculty, staff or other.

F. Other Discretionary Sanctions - Work assignments, essays, and/or service to the campus community; assessments; participation in alcohol or other drug education programs; restorative justice activities; or other related assignments imposed at the discretion of the Student Conduct Administrator or designee.

G. Suspension - Suspension from the designated institution for a specified period of time, after which the student is eligible to return. Conditions for readmission may be specified.

H. Dismissal - Permanent dismissal of the student from the designated institution.

I. Revocation of Admission and/or Degree - Revocation of admission to or a degree awarded from designated institution for fraud, misrepresentation, or other violation of UH standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

J. Withholding Degree - Designated institution may withhold awarding a degree otherwise earned until the completion of the process set forth herein, including the completion of all sanctions imposed, if any.

K. Sanctions for RIOs and Other Student Groups/Organizations - When a student organization is found responsible for violating the Student Conduct Code, the college or university may take action not only against the student(s) involved, but also against the organization itself. Sanctions, including those listed below, may be imposed upon RIOs and other student groups or organizations:

1. Those sanctions listed above and below;

2. Loss of associated benefits and privileges of RIO designation for a specified period of time;

3. Deactivation - Loss of all privileges, including institutional recognition, for a specified period of time.

L. Interim Suspension - In certain circumstances, the Student Conduct Administrator, or a designee, may impose a designated campus or residence hall suspension prior to the Student Conduct Administrator’s investigation and decision.

1. Interim suspension may be imposed for the following reasons, including but not limited to: a) to ensure the safety and well-being of members of the campus community or preservation of UH property; b) to ensure the student’s own physical or emotional safety and well-being; c) if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the designated campus; or d) to ensure the orderly business of the designated campus.

2. Interim suspension will take effect immediately upon the direction of the Student Conduct Officer and last for no more than ten (10) working days (Saturdays and Sundays are not included). The 10-day period may be extended for good cause by the Student Conduct Administrator or designee or by agreement with the Respondent.
3. During the interim suspension, a student shall be denied access to the residence halls and/or to the designated campus (including face-to-face and online classes when appropriate) and/or all other designated campus facilities, activities or privileges for which the student might otherwise be eligible, as the Student Conduct Administrator or designee may determine to be appropriate.

4. The interim suspension does not replace the regular disciplinary process described herein, which shall proceed accordingly. The student will be notified in writing of the interim suspension and the reasons for it, as well as the duration of the suspension.

III. System Applicability of Sanctions

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

IV. Disciplinary Records

Disciplinary records shall be retained by the institution for a minimum of seven (7) years from the date of the final disposition of the case. Cases involving the imposition of sanctions of residence hall expulsion, campus suspension, campus dismissal or revocation or withholding of a degree shall be permanently retained by the institution.

V. Appeal of Administrative Decision

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

A. New Information: To consider new information or other relevant facts, sufficient to alter a decision, not brought out in the Student Conduct Administrator’s investigation, because such information and/or facts were not known to the student appealing at the time of the Student Conduct Administrator’s investigation, the student appealing could not have discovered such information and/or facts through the exercise of reasonable diligence, and the absence of such information and/or facts was sufficient to have materially and detrimentally affected the outcome.

B. Procedural Error: To determine whether the Student Conduct Administrator’s investigation was conducted fairly in light of the complaint and information presented, and in conformity with prescribed procedures. Deviations from prescribed procedures will not be a basis for sustaining an appeal unless the deviation(s) resulted in significant prejudice (e.g., there was significant procedural error of a nature sufficient to have materially and detrimentally affected the outcome).

C. Substantive Facts: To determine whether the decision reached regarding the Responding Party was based on information that, if believed by the Student Conduct Administrator, was sufficient to establish that a violation of the Student Conduct Code occurred.

VI. Appeal Procedure

The appeal procedures for the University are as follows:
A. University of Hawai‘i - Manoa and University of Hawai‘i - Hilo
The student’s written appeal will be forwarded to the Chair of the Student Conduct Appellate Board for appropriate action (please see VI.A.2. Student Conduct Appellate Board Preliminary Review Guidelines).

1. Student Conduct Appellate Board Composition and Quorum

   The Student Conduct Appellate Board shall have the jurisdiction and the authority to review the Student Conduct Administrator’s investigation and decision involving alleged violations of the Student Conduct Code. The pool of Board members who hear appeals shall consist of the Chair and four (4) voting members constituted as follows:

   * A chairperson, appointed by the Student Conduct Administrator
   * 1 faculty member, nominated by the {University] Faculty Senate
   * 1 staff member, nominated by the Office of Student Affairs (OSA) Assembly
   * 1 graduate student, nominated by the Graduate Student Organization (GSO) - if applicable
   * 1 undergraduate student, nominated by the Associated Students of The University of Hawai‘i.

   Of the above pool of board members, the Chair and two (2) members shall constitute a quorum in order for decisions to be made during preliminary reviews and full hearings of appeals. The Chair is a non-voting member unless there is a tie vote.

2. Student Conduct Appellate Board Preliminary Review Guidelines

   Upon receipt of a written appeal, the Chair of the Student Conduct Appellate Board will:

   1. Review and act upon the appeal or transmit the appeal to the Board for a preliminary review (to determine whether the appeal meets one or more of the required purposes outlined under V. Appeal of Administrative Decision) and recommendation;
   2. Notify, in writing, the student of any action on the appeal; and
   3. In the event of a decision that the appeal meets one or more of the required purposes, hold a hearing.

   N.B. The presentation of an appeal is a request by the student to the Board and does not automatically lead to a hearing. Should the Board decide during the preliminary review that the appeal fails to meet one or more of the required purposes, no hearing will be held. **A student’s written appeal that fails to meet one or more of the required purposes shall immediately be denied and the Student Conduct Administrator’s decision and sanction(s) shall become final.**

3. Student Conduct Appellate Board Hearing Guidelines

   A date and time shall be set for a Student Conduct Appellate Board Hearing. Prior to the hearing, the Responding Party may review written documentation that will be presented during the hearing. Personally identifiable information may be redacted. The Responding Party shall be
informed of the membership of the Student Conduct Appellate Board and may request alternates if s/he can make a case for bias. The Chair of the Board shall render such decision(s). If the Responding Party presents a claim of bias against the Chair of the Board, the Student Conduct Administrator shall render a decision whether to appoint an alternate Chair of the Board. If any member of the Board feels that his/her relationship, knowledge or familiarity with the incident in question or the individuals involved would affect his/her ability to render an impartial decision, the Board member shall recuse her/himself.

The Student Conduct Appellate Board Hearing (Appellate Hearing) shall be conducted by a Student Conduct Appellate Board (Appellate Board) according to the following guidelines:

An Appellate Hearing shall be conducted in private.

The Responding Party, Reporting Party, and their advisor, if any, shall be allowed to attend the entire portion of the Appellate Hearing at which information is received, excluding deliberations. Admission of any other person to the Appellate Hearing shall be at the discretion of the Appellate Board Chair.

In an Appellate Hearing involving more than one Responding Party, the Student Conduct Administrator, at her/his discretion, may permit the Appellate Hearing concerning each student to be conducted either separately or jointly.

The Responding Party has the right to be assisted by an advisor of her/his choice, at her/his own expense. The advisor may be a member of the University community and may not be an attorney. The Responding Party is responsible for presenting his/her own information, and therefore, advisors are not permitted to speak during or to participate directly in an Appellate Hearing. A Responding Party should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the Appellate Hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor. If a Responding Party is also the subject of a pending criminal matter arising out of the same circumstances, s/he may be allowed to have an attorney serve as his/her advisor, at his/her own expense, to behave in the same manner as any other advisor above.

Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Appellate Board at the discretion of the Chair.

All procedural questions are subject to the final decision of the Chair.

After the Appellate Hearing concludes, the Appellate Board shall determine (by majority vote) whether to uphold or deny the appeal. If an appeal is upheld, the matter shall be returned to the Student Conduct Administrator to re-open the investigation for reconsideration of the original determination and possible reconsideration of the original sanction(s). If an appeal is denied, the matter shall be considered final and binding within the University.

Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Board proceedings.

There shall be a single verbatim record, such as an audio recording, of all Appellate Hearings
before the Appellate Board (not including deliberations). Deliberations shall not be recorded. The record shall be the property of the University and no copies shall be made or distributed.

If a Responding Party, without providing advance notice or explanation, fails to appear at a Hearing, the Hearing shall not take place and the original decision of the Student Conduct Administrator shall stand.

All decisions of the Appellate Board shall be final and binding within the University.

B. Community Colleges and UH-West Oahu

At the Community Colleges, and UHWO, a Student Conduct Appellate Officer or designee reviews and determines the outcome of a student’s appeal. The student’s written appeal will be forwarded to the designated Appellate Officer for review. This review will determine if the student’s written appeal meets one or more of the purposes cited in Section V.

The designated Appellate Officer may, at his or her discretion, request written clarification from the parties that the Appellate Officer deems appropriate to make a determination regarding the appeal request.

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

a. Remand the case to the original Student Conduct Officer to re-hear only the information raised on appeal and notify the student in accordance with the procedures.

b. Assign another Student Conduct Officer to review the information and make a decision regarding responsibility.

c. Consider the new information presented and make the final determination and sanctions.

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

VI. Interpretation and Revision

Any question of interpretation or application of the Student Conduct Code shall be referred to the Student Conduct Administrator or her/his designee for final determination.