



# STUDENT CONDUCT & TITLE IX OVERVIEW

STEPHANIE LEE, TITLE IX

LESLIE MITCHELL, JUDICIAL AFFAIRS



# FUNCTIONS

## Office of Judicial Affairs

- Facilitates Academic Grievances
- Administers Student Conduct

## Office of Title IX

- Dee Uwono, Director & Title IX Coordinator
- Oversees all complaints of sex discrimination and/or gender-based violence for faculty, staff, and students:
  - Informal resolution
  - Formal investigation
- Title IX training

# RELEVANT POLICIES

- Non-Discrimination & Affirmative Action Policy (EP 1.20 2)
- Policy on Consensual Relationships (EP 1.20 3)
- **Interim Policy and Procedure on Sex Discrimination and Gender-Based Violence (EP 1.20 4)**
- Use and Management of Information Technology Resources Policy (E2.210 )
- Workplace Non-Violence Policy (E9.210 )
- **Student Conduct Code (E7.20 8)**



# EP 1.20 4: INTERIM POLICY AND PROCEDURE ON SEX DISCRIMINATION AND GENDER-BASED VIOLENCE

OFFICE OF TITLE IX





# EP 1.20 4 POLICIES

- Promotes gender equity
- Establishes an integrated and consistent approach to preventing, reporting, and promptly responding to sex discrimination and gender-based violence across all campuses and centers at the University of Hawai'i
- Governs the conduct of all students and employees that occurs:
  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



# EP 1.20 4 POLICIES

- ✓ Sex discrimination
- ✓ Sexual harassment
- ✓ Gender-based harassment, including harassment based on actual or perceived sex, gender, sexual orientation, gender identity, or gender expression
- ✓ Sexual exploitation
- ✓ Sexual assault
- ✓ Domestic violence
- ✓ Dating violence
- ✓ Stalking



# REVISED SEXUAL HARASSMENT GUIDANCE, U.S. DOE, OCR (20 11)

- “Once a school has notice of possible sexual harassment of students – whether carried out by employees, other students, or third parties, it should take immediate and appropriate steps to:
  - Eliminate the harassment
  - Prevent its recurrence
  - Address its effects
- These steps are the school’s responsibility whether or not the student who was harassed makes a complaint or otherwise asks the school to take action.”
- We must have a work and academic environment free of sexual harassment and sex discrimination.

# RESOURCES

## ON CAMPUS

- Department of Public Safety
  - 956-6911
- Counseling & Student Development Center \*
  - QLC 312, 956-7927
- PAU Violence Program \*
  - QLC 211, 956-8059
- Office of Gender Equity \*
  - QLC 210, 956-9977

## OFF CAMPUS

- Sex Abuse Treatment Center
  - 524-7273
- Domestic Violence Action Center
  - 531-3771

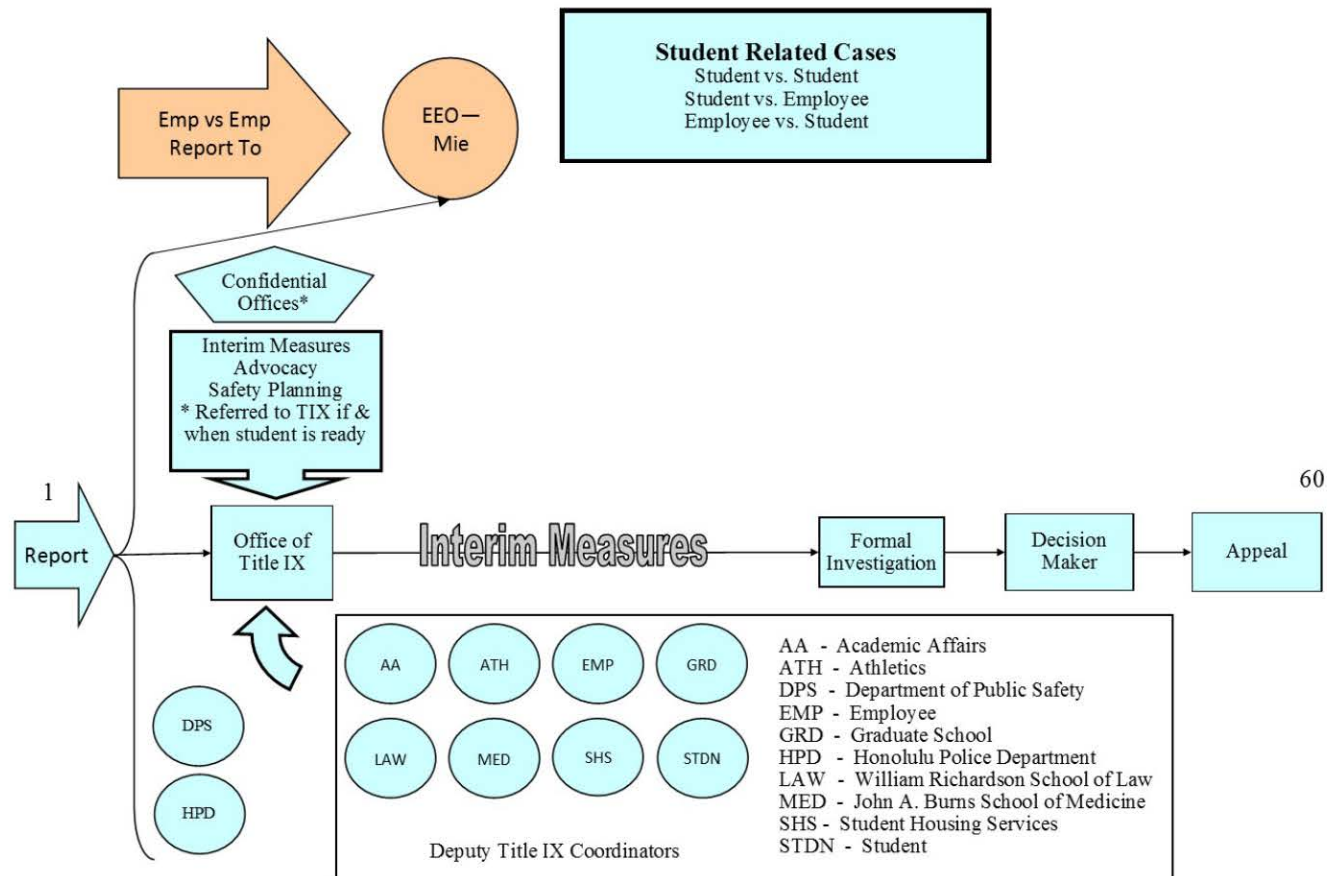
\* Confidential Resource





# INTERIM MEASURES

- On-campus housing changes
- Academic adjustments
- No contact orders
- No retaliation orders
- Trespass bans
- Temporary work-place relocations



\*Confidential offices will remain confidential unless reporting party chooses to share - ie. Counseling Center, Gender Equity Office, Women's Center

\*\* Confidential offices, T9 Office, DPS, & HPD can be contacted at any time



# SANCTIONS FOR STUDENTS

Decisions are made based on the **Preponderance of the Evidence**

- Warning
- Disciplinary Probation
- Suspension
- Expulsion/Discharge
- Withholding of Degree
- Restrictions of Access
  - Space
  - Resources
  - Activities
- Other educational sanctions

**=Permanent disciplinary record for students**

\* For employees, sanctions may be imposed in accordance with applicable collective bargaining agreements

# APPEAL PROCESS FOR STUDENTS

- Both parties have equal rights to an impartial appeal

An appeal may be filed for the following reasons:

- If the clear weight of the evidence shows the determination was erroneous
- Substantial relevant information was not presented, and reasonably could not have been presented during the investigation
- Procedural unfairness

\* For employees, appeals of disciplinary actions shall be filed in accordance with applicable collective bargaining agreements



# Mandatory Title IX Training for All Students

✓ Online

OR

✓ In-Person

# UH CAMPUS CLIMATE SURVEY ON SEXUAL HARASSMENT AND GENDER-BASED VIOLENCE



## YOUR VOICE. YOUR CAMPUS. #BeHeardUH

**WHILE IN  
COLLEGE...**



1 in 5 women are sexually assaulted.



1 in 16 men are sexually assaulted.

**AMAZON GIFT  
CARDS FOR  
EARLY  
RESPONSES  
EACH WEEK!**

### January 20 – February 20, 2017

Take the survey and help ensure a safe learning and work environment. The survey will ask about experiences with sexual harassment and gender-based violence.

#### RESOURCES

If you need help or support, there are safe, confidential places on your campus and in your community available to you. For more information and resources, visit:

[www.hawaii.edu/titleix/survey](http://www.hawaii.edu/titleix/survey)

# 18+

You must be at least 18 years old to take the survey. Your response is strictly confidential.

#### ACCESSIBLE BY:



Check your UH email for the "climate survey" link.



Sponsored by:  
UH Office of the President,  
David Lassner, President  
UH Office of Institutional Equity  
Jennifer Solidum Rose, J.D. Director

Survey Administered by:  
OmniTrak Group inc.  
A Hawaii-Based  
Research Company  
Questions? Call (808) 538-6227

Survey approved by  
UH IRB on 12/13/16  
Principal Investigator:  
Jennifer Solidum Rose, J.D.  
[jennifer.rose@hawaii.edu](mailto:jennifer.rose@hawaii.edu)



# PRACTICE: TITLE IX

- Are Interim Measures only available when a formal investigation has been launched?
- **Consent** is affirmative, conscious, and voluntary agreement to engage in agreed upon forms of sexual contact. If an individual is incapacitated due to alcohol use (i.e. heavily intoxicated), is he/she able to give consent to sexual activity?
- One day after class, a student approaches you and discloses that she has been sexually assaulted. She asks that you not tell anyone else. Are you required to report the information to the Office of Title IX?
- Several times a week, you witness a fellow TA (Jamie) slap another TA's (Jordan) butt. Jordan does not mind and says that Jamie is just being playful, but you feel very uncomfortable. Could Jamie's actions be considered sexual harassment?
- You witness your supervisor engaging in a possible Title IX violation. Who can you turn to for help?



# E7.20 8 STUDENT CONDUCT CODE

OFFICE OF JUDICIAL AFFAIRS







# STUDENT CONDUCT CODE

- Governs behavior of students and holds them accountable for any violations
- Otherwise known as “Common Sense Code”
- Applies to all students
  - On UH premises;
  - At UH sponsored activities;
  - In distance/on-line courses and events; and
  - To off-campus conduct that affects the UH Community and/or the pursuit of its objectives.



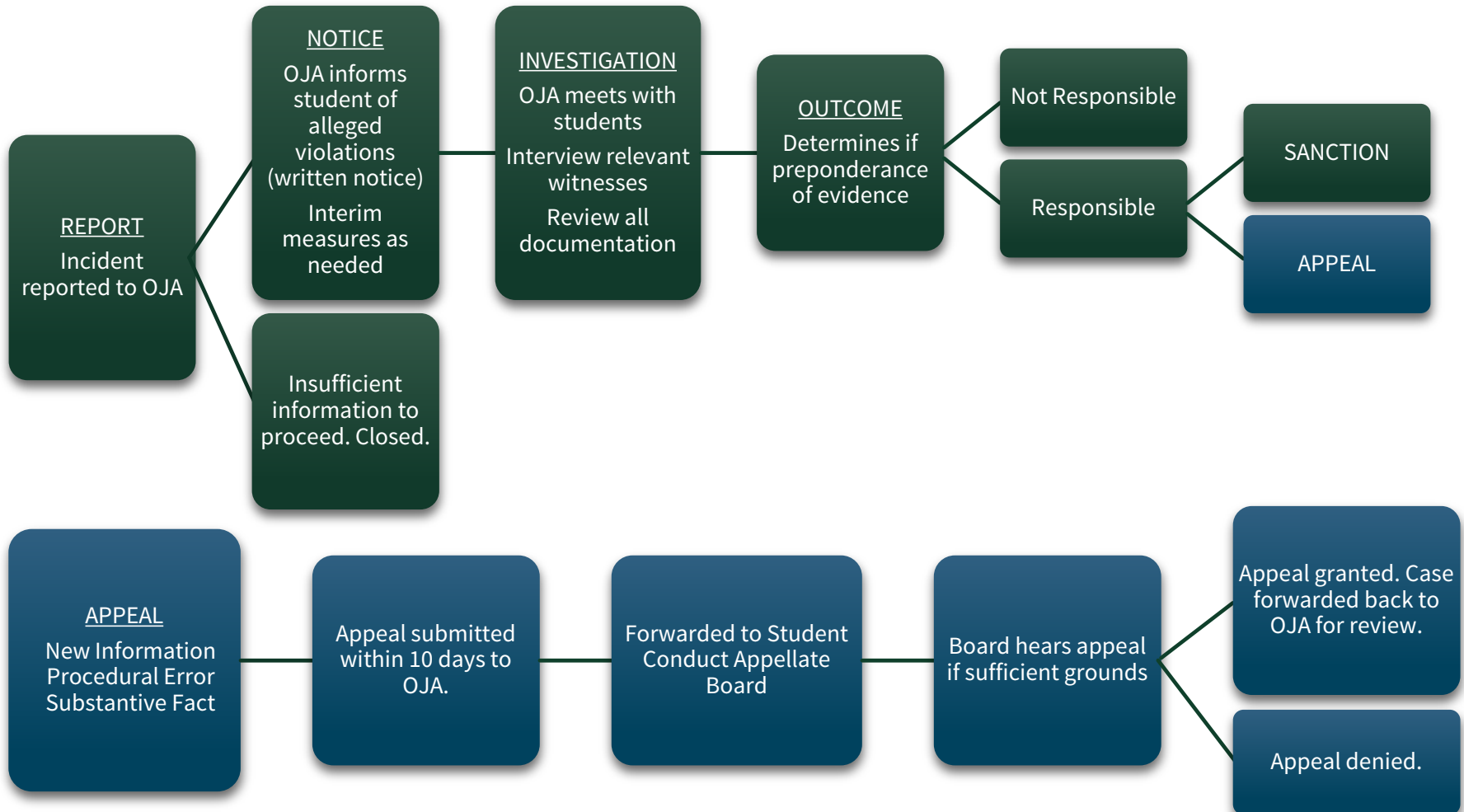
# NATURE OF PROCESSES

- Administrative, internal proceeding of University
- NOT court of law (legal standards of trial do not apply)
- Not designed to be adversarial
- Consistently applied
- As transparent as possible for students

# HOW TO REPORT

- To report an incident of academic dishonesty (cheating, plagiarism, etc.), use the online [Academic Dishonesty Reporting Form](#)
- To report other possible code violations, individuals may schedule an appointment with OJA to discuss the reporting process or submit a written complaint to [oja@hawaii.edu](mailto:oja@hawaii.edu).
  - A written complaint should include all details regarding the incident: time, date, location, specific behavior of the student, actions taken to address the behavior, and the current status of the situation.
  - The student may access this documentation so make sure it contains only factual, descriptive information.

# ALLEGED VIOLATION OF CONDUCT CODE





# SANCTIONS

Decisions are made based on the **Preponderance of the Evidence**

- Written Reprimand
- Probation
- Suspension
- Dismissal
- Withholding Degree
- Loss of Privileges
- Restitution (service or financial)
- Revocation of Admission and/or Degree
- Other educational sanctions

**=Permanent disciplinary record**



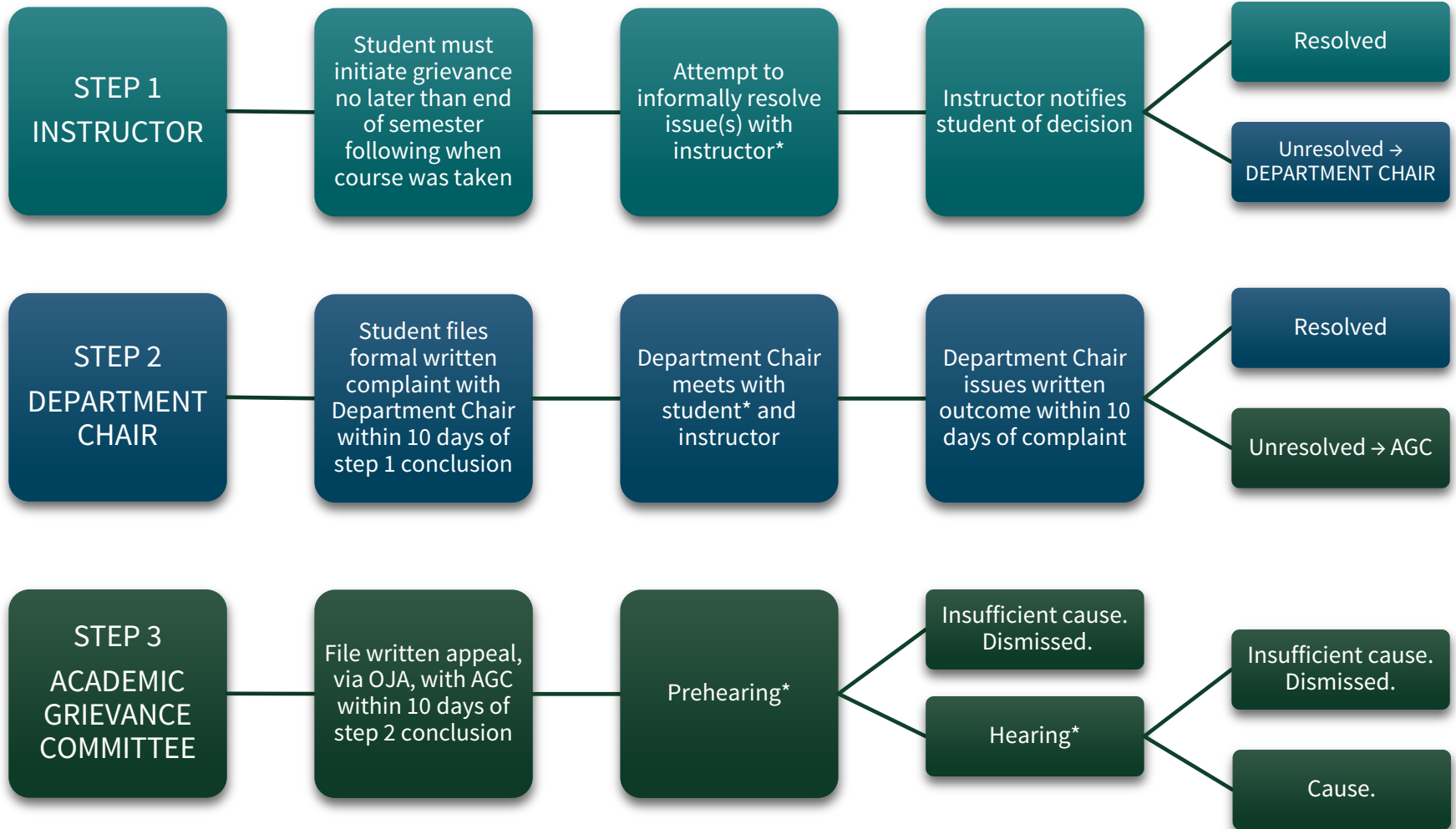
# ACADEMIC GRIEVANCE PROCEDURES

OFFICE OF JUDICIAL AFFAIRS



# ACADEMIC GRIEVANCE PROCEDURES

- Provides students with avenue to grieve final grade of course if they are unsatisfied
- Common Complaints
  - Unfair grading
  - Deviation from course syllabus
  - Poor teaching performance
- Burden of proof rests upon student



\*Burden of proof rests upon student



# ACADEMIC GRIEVANCE COMMITTEE

- Appeals reviewed by the Academic Grievance Committee (AGC)
- Findings and decisions of AGC are final within University
- Remedies imposed by AGC may include change of grade
- Facilitated by Office of Judicial Affairs

# ADVICE TO INSTRUCTORS

- Save all course materials and assignments for one year
  - For example: Spring 20 17 semester save through end of Spring 20 18 semester
- Document conversations with students about a grade or assignment; file and save documentation for one year
- Follow-up with a written (email) outcome to a grade dispute

## PRACTICE: SCC & AGC

- The semester is wrapping up and you've decided to make a slight adjustment to your syllabus, changing the final from 25% to 40 % of the final grade. Should you move forward with the change?
- You have a student who frequently disrupts class in arguments with others about his personal opinions. It appears to be far more disruptive than a normal discussion entails. What would your short term and long term response be?
- You had a student submit a paper that is a 40 % match for an online source with no citations. This is the second time the student has submitted questionable work. What should you consider? Should you report to OJA?
- You're clearing out your office and would like to reduce some of the storage - how many semesters of academic work should you keep?
- If a student is unsatisfied with your response to an academic grievance, what is their next step?



# CASE STUDIES



# ALLYSON

Allyson, an undergraduate student in a course you are teaching, often disagrees with your views presented in class. One day, Allyson's questioning of you escalates into a loud argument. Frustrated, Allyson swears under her breath and leaves the room before the class session is over. Allyson misses the next three class periods. Subsequently, Allyson returns to class. She continues to raise her opposing views throughout the remainder of the semester, but another explosive argument does not ensue. At the end of the course, you assign Allyson a "D" grade. Allyson approaches you and states that she is convinced that this is a result of her expressing her opposing views.

- ❑ What do you do?
- ❑ What can Allyson do to attempt to change her grade?
- ❑ You feel that Allyson's behavior in class was unacceptable on numerous occasions. What do you do?

# MARY

Mary, a student in your class, approaches you to report that her former boyfriend, also a UH student, has been stalking her. Mary breaks down in tears while expressing to you how terrified she is for her safety.

- ❑ What do you do?
- ❑ What options exist for Mary to help rectify her situation?

# CONTACT INFORMATION

## Office of Judicial Affairs

- QLCSS 207
- (808) 956-4416
- [oja@hawaii.edu](mailto:oja@hawaii.edu)
- *studentaffairs.manoa.hawaii.edu/*  
*u/departments/judicial\_affairs*

## Office of Title IX

- Hawai'i Hall 124
- (808) 956-2299
- [t9uhm@hawaii.edu](mailto:t9uhm@hawaii.edu)
- *manoa.hawaii.edu/titleix/*