

Prepared by Office of the Vice President for Student Affairs.
This is a NEW Policy

EXECUTIVE POLICY - STUDENT AFFAIRS

July 2009

E7.208 UNIVERSITY OF HAWAII SYSTEMWIDE STUDENT CONDUCT CODE

I. INTRODUCTION

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.

Choosing to join the University community obligates each student to abide by this code of conduct. By enrolling in the University, 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.

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.

II. DEFINITIONS

- A. The term "UH" encompasses any campus or site within the University of Hawaii system.
- B. The term "student" includes all persons taking courses at the UH, either full-time or part-time, pursuing undergraduate or graduate studies. Persons who withdraw after allegedly violating the Student Conduct Code, who are not officially enrolled for a particular term but who have a continuing relationship with the UH or who have been notified of their acceptance for admission are considered "students" as are persons who are living in UH residence halls, although not enrolled in the UH.
- C. The term "faculty member" means 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. The term "UH official" includes any person employed by the UH, performing assigned administrative or professional responsibilities.
- E. The term "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.
- F. The term "member of the UH community" 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.
- G. The term "UH premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the UH (including adjacent streets and sidewalks).
- H. The term "organization" means any group of persons who have complied with the formal requirements for UH registration.
- I. The term "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.
- J. The term "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.
- K. The term "Appellate Board" means any person or persons authorized by 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.

- L. The term "shall" is used in the imperative sense.
- M. The term "may" is used in the permissive sense.
- N. The Senior Student Affairs Officer is that person designated by the UH Chancellor to be responsible for the administration of the Student Conduct Code.
- O. The term "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 Student Conduct Code, any residence hall handbooks, the UH web page and computer use policy, and school catalogs.
- P. The term "Complainant" means 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 under this Student Conduct Code as are provided to the Complainant, even if another member of the UH community submitted the charge.
- Q. The term "Accused Student" means any student accused of violating this Student Conduct Code.

III. STUDENT CONDUCT CODE AUTHORITY

- A. This Student Conduct Code applies at all locations of the UH, including any affiliated residence hall.
- B. 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.
- C. 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.
- D. Decisions made by a Student Conduct Board and/or Student Conduct Administrator shall be final, pending the appeal process.
- E. 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

The UH Student Conduct Code shall apply to conduct that occurs

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. 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, on a case-by-case basis, in his/her sole discretion.

B. Conduct - Rules and Regulations

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.
 - 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.

The term "cheating" 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 (4) engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.

The term "plagiarism" 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.

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.
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.
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 physical. 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 Hawaii Executive Policy on Sexual Harassment and Related Conduct E1.203 contains detailed information.
5. Discrimination of any person based on the UH protected classes.
6. Attempted or actual theft of and/or damage to property of the UH or property of a member of the UH community or other personal or public property, on or off campus.
7. Hazing, 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.
8. 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.

9. Unauthorized possession, duplication, or use of keys/keycards/security mechanisms to any UH premises or unauthorized entry to or use of UH premises.
10. Violation of any UH policy, rule, regulation, contract or agreement.
11. Violation of any federal, state or local law.
12. Use, possession, manufacturing, or distribution of marijuana, heroin, narcotics, or other controlled substances except as expressly permitted by law.
13. Public intoxication is expressly prohibited. Use, possession, manufacturing, or distribution of alcoholic beverages by any person under twenty-one (21) years of age is expressly prohibited.
14. 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.
15. Participating in an on-campus or off-campus demonstration, riot or activity that disrupts the normal operations of the UH and/or 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.
16. Obstruction of the free flow of pedestrian or vehicular traffic on UH premises or at UH sponsored or supervised functions.
17. 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. 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.
18. 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. On-line 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 violation of any UH computer use policy.
19. Abuse of the Student Conduct Code System, including but not limited to:
- a. Failure to obey the notice from a Student Conduct Board or UH official to appear for a meeting or hearing as part of the Student Conduct Code System.
 - b. Falsification, distortion, or misrepresentations of information before a Student Conduct Board.
 - c. Disruption or interference with the orderly conduct of Student Conduct Board proceeding.
 - d. Attempting to discourage an individual's participation in, or use of, the Student Conduct Code System.
 - e. Attempting to influence the impartiality of a member of a Student Conduct Board prior to, and/or during the course of, the Student Conduct Board proceeding.
 - f. Harassment (verbal or physical) and/or intimidation of a member of a Student Conduct Board prior to, during, and/or after a student conduct code proceeding.
 - g. Failure to comply with the sanction(s) imposed under the Student Conduct Code.
 - h. Influencing or attempting to influence another person to commit an abuse of the student conduct code system.
20. Violation of Residence Hall Regulations: Violation of residence hall regulations 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

- 1. 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.

2. 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). 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.