

# Student Conduct Code

University of Hawai'i at Mānoa



Office of Student Affairs  
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## INTRODUCTION

The University of Hawai'i at Mānoa exists for the pursuit of knowledge through teaching, learning, and research conducted in an atmosphere of physical and intellectual freedom. Moreover, members of the UH academic community are committed to engage in teaching, learning, research, and community service and to assist one another in the creation and maintenance of an environment, which supports these activities. It is therefore the policy of the University that members of the academic community may not violate the rights of one another nor disrupt the basic activities of the institution (as provided in section 1-4, chapter 1 of the *Board of Regents' Bylaws and Policies* [Part D]). Students who are disruptive are, consequently, subject to a variety of academically related penalties, which may include reprimand, probation, restitution, suspension or expulsion.

It must be recognized that members of the academic community have the same privileges and responsibilities with respect to the law as do members of the larger society. As a result, members of the UHM campus community must acknowledge that when the interests of the University are violated by a student, the student is accountable to the institution and may also be held responsible to civil authorities. These interests of the University are described in the **Student Conduct Code** referred to in this document as **Conduct Code**.

Any questions regarding the **Conduct Code** should be addressed to the Office of Judicial Affairs, Student Services Center 207, phone 956-4416.

## I. IMPERMISSIBLE BEHAVIOR

### **\*\*IMPORTANT NOTICE:**

E7.208 University of Hawai`i Systemwide Student Conduct Code replaces §I. Impermissible Behavior of the *University of Hawai`i at Manoa Student Conduct Code*

*Refer to: E7.208 University of Hawai`i Systemwide Student Conduct Code*  
(<http://www.hawaii.edu/apis/ep/e7/e7208.pdf>); *This is a NEW Policy; Prepared by Office of the Vice President for Student Affairs; Executive Policy - Student Affairs, July 2009*

## II. DISCIPLINARY SANCTIONS

One or more of the following sanctions may be imposed whenever a student is found to have violated any of the rules contained in the **Conduct Code**:

### **A. Warning**

A warning constitutes administrative action that informs the student in writing that he/she has violated the **Conduct Code** and that a record will be kept in the Office of the Dean of Students for a specified period of time. If a student who is on warning again violates the **Conduct Code**, more serious and formal disciplinary action may be taken.

### **B. Probation**

Probation constitutes administrative action that informs the student in writing that he/she has violated the **Conduct Code** and that a record will be kept in the Office of the Dean of Students until the student graduates. The behavior of the student is expected to be exemplary during the remaining time he/she is at the University. Any future charges against the student may be cause for more serious disciplinary action including the possibility of referral to the *Student Conduct Committee*.

### **C. Restitution**

Restitution constitutes reimbursement for damage to or misappropriation of property, which may take the form of direct financial compensation, of service, or other forms of indirect compensation. This sanction may be imposed by the Dean of Students only after a *Student Conduct Committee* hearing.

## **D. Rescission of Grades or Degree**

When the *Student Conduct Committee* has determined that the student has not appropriately earned a grade or degree, a recommendation to rescind the grade and/or degree shall be made to the Dean of Students.

## **E. Suspension**

Suspension is the exclusion from classes and other privileges or activities, or from the campus itself, for a specified period of time. When privileges are reinstated, the student may petition the Dean of Students to have the notation of suspension expunged from his/her record. This sanction shall be imposed by the Dean of Students only after a *Student Conduct Committee* hearing, unless the situation is an emergency which calls for an immediate decision of temporary suspension.

## **F. Expulsion**

Expulsion is the termination of student status for an indefinite period. This sanction may be imposed by the Dean of Students only after a *Student Conduct Committee* hearing. Conditions for readmission, if any, shall be stated in the notice of expulsion. Readmission will be granted by the Dean of Students, who will determine, in consultation with the dean of the appropriate school or college, if the conditions for readmission have been met. Should the student be allowed to return to school he/she may then petition the Dean of Students to have the notation of expulsion expunged from his/her record.

# **III. PROCESS FOR DEALING WITH VIOLATIONS OF THE Student Conduct Code**

In cases of violations of this **Conduct Code** the procedure described below is followed.

## **A. Authority for Disciplining Violators of the Student Conduct Code**

1. **The Vice President for Student Affairs.** The Vice President for Student Affairs shall hear appeals of disciplinary sanctions prescribed for violations of the **Conduct Code**, either following a *Student Conduct Committee* hearing or as indicated under "Administrative Disposition" (Section III.B.1). The Vice President for Student Affairs may also take appropriate action with respect to situations and developments not specifically covered by the **Conduct Code** in order that the intent of the **Conduct Code** may be accomplished.
2. **The Dean of Students.** The Dean of Students shall conduct investigations of incidents involving possible violation of the **Conduct Code**. Following a *Student Conduct Committee* hearing or as indicated under "Administrative Disposition"

(Section III.B.1) and after appropriate consultation with the relevant school or college dean, associate dean or assistant dean, the Dean of Students shall impose sanctions as provided in this **Conduct Code**. The severity of such sanctions shall be in proportion to the seriousness of the violation committed.

3. **Student Conduct Committee.** The *Student Conduct Committee* has jurisdiction and authority to determine cause and recommend sanctions for all cases referred to it by the Dean of Students, involving behavior which is alleged to violate this **Conduct Code**. Nominations for membership from the Faculty Senate, Associated Students of the University of Hawai'i and Graduate Student Organization are submitted annually during the first week in March to the Dean of Students who appoints the *Student Conduct Committee*. All hearings of the *Committee* are governed by the following:
  - a. The *Student Conduct Committee* consist of seven members appointed by the Dean of Students and is constituted as follows:
    - Two undergraduate students;
    - One graduate student;
    - Two faculty members;
    - One staff member from the Office of Student Affairs;
    - A chairperson, from the Office of Student Affairs, who is a nonvoting member of the Committee except in the case of a tie vote.
  - b. When the chairperson determines there is a need, legal assistance may be requested from the Department of the Attorney General to advise the *Student Conduct Committee*.
  - c. Four members (including the chairperson) of the *Student Conduct Committee*, of which at least two are faculty or staff and at least one is a student, shall constitute a quorum.
  - d. The voting members of the *Student Conduct Committee* shall be appointed for staggered terms, with students serving one year and faculty and staff serving for staggered two-year periods.
  - e. A tape recorder for use at hearings shall be made available to the *Student Conduct Committee* by the Office of Student Affairs.
  - f. If any member of the *Student Conduct Committee* feels that his/her relationship with either the case or the individuals involved may affect his/her ability to render an impartial judgment, that member shall disqualify himself/herself at the outset. This does not relieve the *Student Conduct Committee* of the responsibility to maintain a quorum; thus, it may be necessary for the Dean of Students to supplement the membership of the Committee.

## B. Preliminary Process

1. **Administrative Disposition.** The Dean of Students and/or the Vice President for Student Affairs may use the sanction noted below to respond to behavioral problems with serious implications, while providing the student with the opportunity for continued personal development. In all cases where a student is facing serious disciplinary action, there will be systematic communication and consultation with the appropriate academic dean.
  1. Temporary Suspension in Emergency Situations. Upon determination by the Dean of Students that an emergency exists, the Dean is authorized to suspend temporarily a student for a maximum of twelve (12) calendar days prior to a hearing, provided that a hearing pursuant to these rules is conducted within a reasonable period there-after. This temporary suspension may be renewed if it is determined by the Dean of Students that the original emergency continues to exist. An emergency will include such situations as the danger that the student will inflict bodily harm on himself/herself or others, cause emotional distress to others or create a substantial disruption of normal campus activities. If, after a *Student Conduct Committee* hearing, it is determined that the student did not violate this **Conduct Code**, consideration will be granted so that the student may, within the constraints of the instructional setting, be allowed to make up any academic work missed as a result of the temporary suspension.
2. **The Investigation by the Dean of Students.** Initial complaints of infractions of this **Conduct Code** must be reported either verbally or in writing to the Dean of Students. The appropriate academic dean must be informed of the complaint. Within twelve (12) calendar days, the Dean of Students shall contact the student(s) named in the complaint to arrange a conference to discuss the alleged misconduct, possible charges, and sanctions. The student shall be informed by the Dean of Students that he or she is under no obligation to admit that the complaint is true or to make any other statement to any member of the University community.

The Dean of Students may determine that the evidence does not support a finding of a violation against the student. If such a determination is made, all charges against the student shall be dropped.

If the Dean of Students determines that the student has violated the **Conduct Code**, the Dean of Students shall consult with the appropriate academic dean and attempt to resolve the matter by consultation, counseling, mediation, issuing a warning, and/or imposing probation.

In the event that the Dean of Students determines that a disciplinary hearing before the *Student Conduct Committee* is necessary, the dean of the college or school in which the student is enrolled must be consulted before the decision to hold a hearing is made. The student and other appropriate individuals and/or groups must be then

informed, and the Dean of Students shall forward the case in writing to the *Student Conduct Committee*. If the original complaint was transmitted verbally, a written complaint must be obtained for inclusion in the case record at this time.

## C. Disciplinary Hearing

1. **Issuance of Notice of the Hearing.** A charged student shall be sent written notice of a hearing and a copy of the **Conduct Code** by certified mail with return receipt requested, at least fifteen (15) calendar days prior to the date of the hearing. Regular mail may be used as a follow-up if the student has not acknowledged receipt of the notice. The notice shall invite the student to contact the Dean of Students regarding the charges and other relevant issues and facts. In addition, the notice shall include the following:

- The date, time, place and nature of the hearing.
- The name of the committee before which the hearing is to be held.
- The particular sections of the **Conduct Code** which are pertinent.
- An explicit statement in plain language of the issues involved and the facts alleged in support of the charges. (If the *Student Conduct Committee* is unable to present such issues and facts in detail at the time the notice is served, the initial notice may be limited to a statement of the pertinent issues with more detailed statements to be provided at a later date *prior to* the hearing. If the University provides additional issues and facts after the initial notice has been sent and if the student requests additional time to review such information, then the hearing may be rescheduled.)
- A statement that the student is entitled to retain counsel or an advisor, at his/her own arrangement and/or expense, or that the student may appear on his/her own behalf, at any meeting or hearing relevant to the charge.
- A statement informing the student of his/her right to inspect his/her case file.

b. **Hearing Procedures.** As a general rule, *Student Conduct Committee* hearings will usually not be scheduled during the last two weeks of each semester, because of study periods and final examination schedules, nor during the summer. Therefore, during these periods, a hearing before an administrator or ad hoc committee may be arranged by the Dean of Students and conducted for students accused of violating the **Conduct Code**.

Hearings shall be conducted in such a manner as to accord fairness to all parties.

Having determined through a preliminary investigation that there is reason to believe that the student has committed a violation of the **Conduct Code**, the Dean of Students shall present the case against the student.

- a. The student and his/her counsel, the Dean of Students or his/her alternate, and the complainant shall be afforded the opportunity to present evidence and argument on all issues involved.
- b. Any procedure in a disciplinary hearing may be modified or waived by mutual agreement between the student and the Dean of Students subject to the approval of the *Student Conduct Committee*.
- c. The following process shall apply in all hearings before the *Student Conduct Committee*:
  - Unless otherwise determined by the *Student Conduct Committee*, information shall be submitted in the following order: information submitted in support of the charges, information submitted by the student, rebuttal information in support of the charges, rebuttal information submitted by the student, and closing statements.
  - Any written evidence may be presented, but the *Student Conduct Committee* shall exclude irrelevant, immaterial or repetitious evidence.
  - Written evidence may be presented in the form of a copy or an excerpt if the original is not readily available, provided that the student and the Dean of Students may compare the copy or excerpt with the original.
  - No information shall be received by the *Student Conduct Committee* when a party to the complaint has not been afforded the right of confrontation and a reasonable opportunity for cross-examination.
  - Members of the *Committee* may ask questions of any participant in the hearing. The student or the student's counsel, and the Dean of Students or his/her alternate may ask questions of the *Committee*.
  - The University shall be responsible for presenting information in support of the charge. Proof of a violation shall be established when confirmed by a preponderance of the evidence.
  - No matters outside the record of the charge before the *Student conduct Committee* shall be considered by the *Committee* in making its findings.
- d. Both the student and the Dean of Students or his/her alternate are expected to be present at the hearing. If the student is not present at the hearing, the Student Conduct

Committee will proceed to conduct the hearing if its members are satisfied that the student has been given notice of the hearing as provided for in this document. Then, whether or not the student is present for the hearing, the Committee will hear the evidence, consider the facts and render its findings and recommendations.

- All hearings shall be closed unless the student requests that the hearings be open.
  - In hearings involving more than one student in which one or more of the charged students shall request a separate hearing, separate hearings shall be permitted.
  - The Student Conduct Committee may adopt any further rules or make any further regulations necessary for a fair and impartial hearing provided such rules and regulations are not inconsistent with the provisions of this **Conduct Code**.
- e. Records. For the purpose of supporting the findings and recommendations of the Student Conduct Committee, a record of all hearings shall be maintained in the Office of the Dean of Students.
- The record shall include the following:
    1. All pre-hearing statements;
    2. All evidence received or considered;
    3. Proposed findings and recommendations; and
    4. Reports of the Committee chairperson.
  - The Committee may preserve a record of its hearings through taped recordings. These recordings shall be the property of the University.
- f. Committee Findings and Recommendations. After hearing a case, the Student Conduct Committee shall decide whether the University has reasonable cause to take disciplinary action against the student. The Committee must recommend:
- “No cause for disciplinary action.” No violation of the **Conduct Code** has been proven. In this case no sanction may be taken against the student; or
  - “Cause for disciplinary action.” A violation of the **Conduct Code** has been proven. The Committee has the authority to make appropriate findings which will assist the student in understanding his/her rights and responsibilities within the University community. If the Student Conduct Committee finds cause for disciplinary action, the Committee may recommend one or more of

the sanctions provided for in this **Conduct Code**.

Within five (5) calendar days after the hearing, the Student Conduct Committee shall transmit in writing its report to the Dean of Students. Simultaneously, a copy of the report of the Committee shall be delivered or posted by certified mail, with return receipt requested, to the student at his/her current or last known address.

g. Consideration of Committee Recommendation by the Student and by the Dean of Students:

- Within twelve (12) calendar days after receiving the recommendation from the Student Conduct Committee, the Dean of Students will invite the student to review the findings. This review does not entitle the student to a full rehearing of his/her case. Except in cases of newly discovered evidence, the review shall be confined to the record.
- No sanction of a student shall be imposed by the Dean of Students until the Dean has considered the report of the Committee as provided below:
  1. Did the Committee follow the procedures contained in this **Conduct Code**?
  2. Was the Committee hearing conducted in such a way as to provide the student an adequate opportunity to present his/her defense?
  3. Did the evidence presented at the hearing satisfy the requisite burden of proof?
  4. Is the sanction reasonable in relation to the gravity of the violation?

The student may decline the review by the Dean of Students and the Dean shall proceed to decide the case.

h. Final Decision. Prior to any final decision being made, the academic dean of the college in which the student is enrolled shall be consulted in regard to the case and the recommendations of the *Student Conduct Committee*.

The Dean of Students may accept, reject, and/or modify the sanction proposed by the *Student Conduct Committee*.

Within twenty (20) calendar days of the receipt of the report of the *Student Conduct Committee*, the Dean of Students shall notify, by certified mail with return receipt requested, the student or the student's counsel of the decision regarding the sanction to be taken. The decision of the Dean of Students shall be final and may be appealed only to the Vice President for Student Affairs. Copies of this decision shall be transmitted to the appropriate academic dean, the chairperson of the *Student Conduct Committee* and the complainant.

#### **D. Process for Dealing with Interference with the Rights of Others**

In the event that disruptive behavior or a demonstration does not end within a reasonable length of time, temporary sanctions as described in this **Conduct Code** may be imposed by the Dean of Students or his/her designee. If discussions, warnings or temporary sanctions are not effective in ending the disruption or demonstration, or when alleged violators are not members of the University community, or when the gravity of the situation requires it, the Dean of Students or his/her designee may summon law-enforcement authorities.

#### **E. Process for Dealing with Academic Dishonesty**

In cases of suspected or admitted academic dishonesty, the instructor involved shall attempt to discuss the matter with the student. If appropriate, the instructor may bring the matter to the attention of the departmental chairperson and the student services office of the instructor's school or college. Additionally, an instructor may make use of campus mediation services or may refer any case of academic dishonesty to the Dean of Students for action under this **Conduct Code**. In cases where the student admits that an act of academic dishonesty was committed, the instructor may require the student to redo the assignment, give a failing or reduced grade for the course, or refer the student to the Dean of Students for possible University action. If the student denies that an act of academic dishonesty was committed, the matter shall be referred to the Dean of Students for hearing and disposition. The Dean of Students shall pursue such cases to determine appropriate disciplinary actions if, after a preliminary investigation, it is his/her determination that probable cause exists to establish that an act of academic dishonesty took place. In all cases the student should be advised of the appeal rights provided under the *Academic Grievance Procedure*.

## **IV. MISCELLANEOUS**

### **A. Severability**

If any provision of this document is held invalid, the invalidity does not affect other provisions or applications of the **Conduct Code** which can be given effect without the invalid provision or application, therefore the provisions of this **Conduct Code** are severable.

**Advice or assistance on matters related to this Code is available from the Office of the Judicial Affairs in Student Services Center 207 or at 956-4416. Please direct questions to the Office of Judicial Affairs or arrange an appointment by contacting Ms. Stephanie Lee.**

**This document is available upon request in alternate format for persons with print disabilities.**