

# General Policies

## Family Educational Rights and Privacy Act (FERPA)

**Family Policy Compliance Office**  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-8520  
Ph: (202) 260-3887  
fax: (202) 260-9001  
e-mail: [ferpa@ed.gov](mailto:ferpa@ed.gov)

The *Family Educational Rights and Privacy Act* (FERPA) gives students certain rights with respect to their education records. They are:

1. The right to inspect and review the student's education records within 45 days after the day Hawai'i Community College receives a request for access.

Students should submit to the Registrar, Dean, head of Academic Department, or other appropriate official written requests that identify the record(s) they wish to inspect. The college official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the college official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

2. The right to request the amendment of the student's education records the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Students who wish to amend records should write to the Registrar or other appropriate official responsible for the record, clearly identifying the part of the record they want changed, and specify why it is inaccurate or misleading. If the College decides not to amend the record as requested by the student, the College will notify the student in writing of the decision and advise the student of his/her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

3. The right to provide written consent to disclosures of Personally Identifiable Information (PII) contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

The college discloses education records, without prior written consent under the FERPA exception for disclosure to college officials with legitimate educational interest. A college official is a person employed by Hawai'i Community College in an administrative, supervisory, academic, research, or support staff position (including law enforce-

ment, unit personnel, and health staff); a person serving on the Board of Regents; or a student serving on an official committee, such as disciplinary or grievance committee. A college official also may include a volunteer or contractor outside of Hawai'i Community College who performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the college with respect to the use and maintenance of PII from education records, such as an attorney, auditor, or collection agent. A college official has a legitimate educational interest if the official needs to review an education record in order to fulfill his/her professional responsibilities for Hawai'i Community College.

4. Parents and/or spouses of students are advised that information contained in education records, with the exception of Directory Information, will not be disclosed without the prior written consent of the student.

5. Students are advised that institutional policy and procedures required under FERPA have been published as Administrative Procedure AP 7.022, Procedures Relating to Protection of the Education Rights and Privacy of Students. Copies of Administrative Procedure AP 7.022 may be obtained from the Office of the Vice Chancellor for Student Affairs, or may be viewed online at [www.hawaii.edu/policy](http://www.hawaii.edu/policy) by typing 7.022 in the Keyword Search box at the bottom of the page.

6. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Hawai'i Community College to comply with FERPA requirements. The name and address of the office that administers FERPA is: Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Ave. SW  
Washington, DC 20202

7. **Directory Information:** The University has designated the following information from a student's education record "directory information":

- Name of student
- Major field of study
- Class (i.e. Freshman, Sophomore, etc.)
- Past and present participation in officially recognized activities (including positions held and official statistics related to such participation and performance)
- Past and present participation in officially recognized sports (including positions held and official statistics related to such participation and performance)
- Weight and height of members of athletic teams
- Dates of attendance
- Previous institution(s) attended
- Enrollment status (full-time or part-time)
- Degree(s) conferred (including dates)
- Honors and awards (including Dean's list)

8. At its discretion and in conformance with applicable state law, the University may disclose directory information to the public without obtaining a student's prior consent, so long as certain conditions regarding general notification of disclosure of directory information have been followed. Specific directory information about an individual student will not be released to the public if the student has affirmatively informed the University that he/she does not want any or all of those types of information about him/herself designated as directory information. The procedure for an individual student to "opt out" of disclosure is set forth in UH administrative policy A7.022.

Note: Submission of this FERPA non-disclosure of directory information request does not automatically remove students from the UH online directory of e-mail addresses, which is accessible only to those with a valid UH e-mail address.

To remove one's name from the UH Online Directory:

- Log in to MyUH Services
- Select the "My Profile" tab
- At the bottom, look for "UH Online Directory, Options for Students" and select "Opt-out"

Lists of directory information will not be made publicly available to third parties. The college may provide the UH Foundation with lists of students with the following information: name, school/college/division/department, degree, major and minor fields of study, UH e-mail address, home address, and telephone number for the purpose of University and alumni relations.

9. FERPA Annual Notice Addendum: As of January 3, 2012, the U.S. Department of Education's FERPA regulations expand the circumstances under which education records and PII contained in such records (including Social Security Number, grades, or other private information) may be accessed without consent for Federal or State authorities to evaluate federal- or state-supported education programs, or to perform certain types of studies or research.

By notifying the Hawai'i CCARO in person and in writing no earlier than the first day of instruction and no later than fourteen calendar days from the first day of instruction for the academic term or semester (or the fourth day of summer session), a student may prohibit disclosure of directory information, with the exception of conditions and parties listed above. However, opting out from directory information does not include a right to be anonymous in the classroom or to impede routine classroom communication and interactions.

A non-disclosure request of a former student will be honored even when the student leaves the institution.

To view Policy 7.022 online, visit [www.hawaii.edu/policy](http://www.hawaii.edu/policy) and type FERPA into the "Keyword Search:" box at the bottom.

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## Academic Freedom

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The Agreement between the University of Hawai'i Professional Assembly and the Board of Regents of the University of Hawai'i states in Article IX A that "Faculty Members are entitled to freedom in the classroom in discussing subjects of expertise, in the conduct of research in their field of special competence, and in the publication of the results of their research." It also states in Article IV A that "Faculty Members are responsible for maintaining high professional standards of scholarship and instruction in their field of special competence. In giving instruction upon controversial matters, Faculty Members are expected to set forth justly and without suppression the differing opinions of other investigators, and in their conclusions provide factual or other scholarly sources for such conclusions. Faculty members should be careful not to introduce into their teaching controversial matters that have no relation to their subject." This Article also states that "When speaking and acting as citizens, Faculty Members shall take suitable precaution to assure that personal utterances or actions are not construed as representing the University."

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## Statement on Professional Ethics

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The following are excerpts from the Statement on Professional Ethics (Faculty) policy. The complete policy is available online [www.hawaii.edu/offices/cc/docs/policies/5.211.pdf](http://www.hawaii.edu/offices/cc/docs/policies/5.211.pdf)

Faculty members, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end faculty members devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although faculty members may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.

As teachers, faculty members encourage the free pursuit of learning in their students. Faculty members demonstrate respect for students as individuals, and adhere to their proper roles as intellectual guides and counselors. They respect the confidential nature of the relationship between faculty member and student. They avoid any exploitation, harassment, or discriminatory treatment of students. They protect their academic freedom.

As colleagues, faculty members have obligations that derive from common membership in the community of scholars. Faculty members do not discriminate against or harass colleagues. Faculty members show due respect for the opinions of others. Faculty members accept their share of faculty responsibilities for the governance of their institutions.

As members of an academic institution, faculty members seek above all to be effective teachers and scholars. Faculty members give due regard to their paramount responsibilities within their

institution in determining the amount and character of the work done outside it. When considering the interruption or termination of their service, faculty members recognize the effect of their decision upon the program of the institution and give due notice of their intentions.

As members of their community, faculty members have the rights and obligations of other citizens. When they speak or act as private persons they avoid creating the impression of speaking or acting for their college or university. As citizens engaged in a profession that depends upon freedom for its health and integrity, faculty members have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom. (Policy UHCCP 5.211)

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## Academic Grievances

A student who believes that a faculty member has failed to meet reasonable standards of academic propriety may register a grievance. The Student Academic Grievance Policy has been established to provide guidelines and processes governing academic grievances. The student should first attempt to resolve the grievance on an informal basis with the faculty member. Should the grievance not be resolved at this level the student should discuss it with the division chairperson. (Policy Haw 5.101)

Copies of the Student Academic Grievance Policy are available in the offices of the Vice Chancellor for Academic Affairs, Dean of Student Services, and Director of Hawai'i Community College-Pālanui. The policy is also available on the Hawai'i CC website at:

[www.hawaii.hawaii.edu/ovcadmin/admin-manual/haw5](http://www.hawaii.hawaii.edu/ovcadmin/admin-manual/haw5)

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## Policy of Nondiscrimination, Affirmative Action, and Filing Complaints

Hawai'i Community College is an equal opportunity/affirmative action institution and is committed to a policy of nondiscrimination on the basis of race, sex, age, religion, color, national origin, ancestry, disability, marital status, arrest and court record, sexual orientation, status as a covered veteran, national guard, victims of domestic or sexual violence, gender identity and expression, genetic information, citizenship, credit history, and income assignment. This policy covers admission and access to, and participation, treatment, and employment in Hawai'i CC's programs, activities, and services. With regard to employment, the Hawai'i CC is committed to equal opportunity in all personnel actions such as recruitment, hiring, promotion, and compensation. Sexual harassment and other forms of discriminatory harassment are prohibited under University of Hawai'i policy.

Hawai'i Community College strives to promote full realization of equal opportunity through a positive, continuing affirmative action program in compliance with federal Executive Order 11246. The program includes measuring performance

against specific annual hiring goals, monitoring progress, and reporting on good faith efforts and results in annual affirmative action plan reports. As a government contractor, the Hawai'i CC is committed to an affirmative policy of hiring and advancing in employment qualified persons with disabilities and covered veterans.

## Resources and Filing Complaints

Students, employees, or applicants for admission or employment who believe that they have been discriminated against on the basis of a protected category may file a complaint with any of the individuals listed below. The process of addressing allegations of discrimination are described in the University of Hawai'i Administrative Procedure A9.920, Discrimination Complaint Procedures for Employees, Students, and Applicants for Employment or Admission.

Students may also file complaints of discrimination with the U.S. Department of Education, Office for Civil Rights, 915 Second Ave., Room 3310, Seattle, WA 98174-1099, phone: (206) 607-1600, fax: (206) 607-1601, or e-mail: [ocr.seattle@ed.gov](mailto:ocr.seattle@ed.gov)

For more information on equal opportunity policies, complaint procedures, and available avenues of recourse for Hawai'i Community College:

### Students should contact:

Dorinna Cortez

Interim Vice Chancellor for Student Affairs,

Section 504 Coordinator, Title IX Coordinator, and Title IX

Deputy for Students

Phone: (808) 934-2510

### Students with Disabilities should contact:

Mari Giel,

Disability Service Provider

Phone: (808) 934-2725

### Employees should contact:

Mari Chang

Human Resources Manager,

EEO/AA Coordinator, and Title IX Deputy for Employees

Phone: (808) 934-2526

Dorinna Cortez

Interim Vice Chancellor for Student Affairs,

Title IX Coordinator

Phone: (808) 934-2510

Mary Perreira

Director of EEO/AA

UH Community Colleges

Phone: (808) 956-4650

## Policy of Sexual Harassment and Sexual Assault

**Mari Chang, EEO/AA Coordinator**  
**Hawai'i Community College**  
**1175 Manono Street**  
**Hilo, HI 96720-5096**  
**Ph: (808) 934-2526**

The University of Hawai'i is committed to maintaining and promoting safe, respectful campus environments that are free from discrimination, harassment, and sexual violence. The University prohibits and does not tolerate sexual harassment, sexual assault, domestic violence, dating violence, and stalking. These forms of sex discrimination and sexual misconduct are prohibited by law and are serious offenses that violate the basic standards of behavior expected of members of the University community. Such conduct substantially interferes with a person's civil rights to equal opportunity in employment, education, and/or access to University programs, activities and services, whether on or off campus. The University will take appropriate action to prevent sexual harassment, sexual assault, domestic violence, dating violence, and stalking. Each campus will implement prevention and response procedures that include providing information on Title IX Coordinators and other designated personnel, law enforcement options, safety, interim measures, education and prevention services, and on- and off-campus resources. Each campus will investigate complaints in a manner that is equitable and reasonably prompt. Where appropriate, the campus will take prompt and effective steps (including disciplinary sanctions) reasonably calculated to end the sexual misconduct, eliminate the hostile environment, prevent its recurrence, and remedy its effects.

### Safe Zone Program

The UH Safe Zone Symbol is meant to convey a positive message to the entire University of Hawai'i community—particularly to Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ+) people. This symbol identifies persons and places that are open and accepting to all people, regardless of one's sexual orientation or gender identity/expression. Safe Zone is a program for LGBTQ+ people and their allies on campus, because everyone deserves an educational and work environment free from harassment. The Safe Zone program is an extension of the University of Hawai'i's commitment to providing a safe and supportive environment for all students, faculty, and staff.

People in offices displaying this symbol have undergone training approved by the UH Systemwide Commission on Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ+) Equality. The mission of this commission is to promote a safe and inclusive environment by creating a culture of equality, acceptance, and respect throughout the University of Hawai'i System.



## Electronic Communication Policy

The College has the right to send communications to students via e-mail and to expect that those communications will be received and read in a timely fashion. The College is responsible of ensuring that such communications are timely, accurate, and appropriate. Students must establish a UH Username when admitted to the College. Students are responsible for frequently checking their email accounts and managing their mailboxes so that mail can be delivered. Students may redirect their mail at their own risk. Students with disabilities have the right to receive communications in an accessible format. (E2.213)

## Student Conduct Code

Hawai'i CC has a Student Conduct Code which defines expected conduct for students and specifies those acts subject to University sanctions.

Students should familiarize themselves with the Student Conduct Code, since upon enrollment at Hawai'i CC, the student has placed himself/herself under the policies and regulations of the University and its duly constituted bodies. Disciplinary procedures have been identified in the policy and are designed to afford certain procedural protection to any student alleged to have committed an infraction of the Student Conduct Code warranting disciplinary action. The Committee has developed procedures for hearing allegations of misconduct. (Policy Haw 7.101)

The following are excerpts from the Student Conduct Code. Copies of the complete Student Conduct Code are available at the Offices of the Vice Chancellor for Student Affairs and the Director of Hawai'i Community College-Pālanuanui.

The full policy is available on Hawai'i CC's website at: [www.hawaii.hawaii.edu/student-conduct-code](http://www.hawaii.hawaii.edu/student-conduct-code)

### Categories of Impermissible Behavior

The following categories and specific examples of impermissible behavior are subject to disciplinary sanctions because they conflict with the fundamental purposes and special interests of the University and its constituent campuses. While these impermissible behaviors are described as clearly as possible, it should be recognized that any determination as to whether a given act constitutes a violation on the University's special interests will necessarily involve the institution applying some degree of judgment to the facts and circumstances as they are presented.

#### **Category 1: Interference with the Rights of Others**

A student may not behave towards another member of the University community, even in the name of conviction or under a claim of academic freedom, in a manner that denies or interferes with another member's expression of conviction, academic freedom, or performance of legitimate duties or functions.



## **Interference with Freedom of Speech and the Right to Peaceful Assembly**

Freedom of speech and the right to peaceful assembly are possible only in an orderly environment in which individuals are not endangered by force or violence and are free from coercion and interference. Consequently, behavioral restrictions are considered necessary to preserve both the orderly functioning of the campus and the right of freedom of speech.

1. *Demonstrations*: Demonstrations which coerce individuals, present a hazard to the safety of any person, or threaten the destruction of property are not permitted. Similarly, authorized speakers and approved public demonstrations may not be disrupted by hostile audiences or speakers.
2. *Interference with Campus Operations*: Conduct which disrupts the holding of classes, the carrying out of University business, the holding of campus events, or any other normal functioning of the University, including the discharge of responsibility by any University officer, employee, or student, is not permitted. Demonstrations may not physically obstruct access to university facilities nor may they engage in obstructive noise.
3. *Noncompliance with campus behavioral restrictions on demonstrations*: Persons engaging in disruptive behavior or in demonstrations which coerce individuals or advocate the use of force will be requested to cease by University authorities. In the event the alleged disruptive behavior or demonstration does not end within a reasonable length of time, temporary sanctions, as described in the Code, may be imposed by the Chancellor or his/her designee. If the use of discussion methods of 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 Chancellor or his/her designee may resort to calling in law-enforcement authorities.

## **Category 2: Interference with University Processes**

Impermissible behavior, as described in this category, includes that which directly or indirectly interferes with or disrupts the processes of teaching, learning, research, and administration, or those processes or conditions furthering or facilitating these activities.

### **False or Fraudulent Information**

1. Furnishing false information or academic credentials with the intent to deceive or mislead when applying for admission to any campus of the University or for any of its programs and services.
2. Forging, altering, misrepresenting, or misusing any University or campus document, record, or instrument of identification.
3. Failing to provide required and legally appropriate information to University officials.

4. Misrepresenting facts in connection with any request for any University programs or services or for an exception to any official campus policy or regulation.
5. Assisting anyone in the commission of any acts in this section.

### **Personal Misconduct**

1. Intentionally, recklessly, or negligently causing physical harm to any person on University premises or at University sponsored activities. This includes engaging in any form of fighting.
2. Placing any person under mental duress or causing any person to be in fear of physical danger through verbal abuse, harassment (including repeated phone calls), sexual harassment, hazing, intimidation, threats or other conduct which threatens or endangers that person's emotional, mental, or physical well-being. Reports of sexual harassment will be investigated and addressed under complaint procedures that are separately established by each unit of the University.
3. Criminal sexual behavior including, but not limited to, the implied use or threatened use of force to engage in sexual activity against a person's will and/or engaging in such behavior with a person.
4. Theft of or willful damage to any property of the University or of any person on the campus.
5. The unauthorized occupation, use of, or entry into any University facility, including both indoor and outdoor facilities.
6. Possessing, producing, manufacturing, or having manufactured any key or unlocking device for use on University facilities or locks, without proper authorization.
7. Use or possession of weapons on University premises or at University sponsored events, unless expressly authorized by the University. "Weapon" includes, but is not limited to, all firearms, ammunition, dangerous knives, explosive fuels, dangerous chemicals, and billy clubs.
8. Use or possession on campus or at campus events, of bombs, explosives, incendiary devices, or fireworks.
9. Activating a fire alarm without a cause; damaging or misusing fire safety equipment or initiating a false report, warning or threat of fire, explosion, or other emergency on University premises; or setting any fire on University property.
10. Intentionally obstructing or delaying a police officer, fire fighter, security officer, or University official in the performance of his/her duty.
11. Failure to comply with the directions of University officials including, but not limited to campus security, residence hall staff, faculty or administrators acting in the performance of their duties; failure to present identification upon request to University personnel in the performance of their duties.
12. Being contemptuous or disorderly at any hearing of a campus judicial or review board.

## Theft or Mutilation of College Property

1. Possessing or having under one's control any materials or property belonging to the University without proper authorization.
2. Mutilating or vandalizing University property.
3. Unauthorized or fraudulent use of the University facilities, telephone system, mail system, or computer system or use of any of the above for any illegal act or any act prohibited by this Student Conduct Code or other regulations established by the University or campus related to student use of specific facilities or equipment e.g., computers, dormitory rooms.

## Disruption or Disturbances

1. Creating noise or other disturbance on campus or in student life areas including, but not limited to, Campus Center buildings sufficient to disrupt the normal functioning of campus activities, including classroom instruction or University sponsored events.
2. Violation of published University policies, rules or regulations including, but not limited to, smoking, solicitation, distribution of literature, sexual harassment, residence hall agreement, and amplification and loud speaker use.

## Abuse of Controlled Substances

1. *Alcohol/Intoxicants*: The purchase, distribution, possession, or consumption of alcoholic beverages is regulated by State law. Students are expected to know and abide by State law and by University rules and regulations governing the use and consumption of alcoholic beverages on campus. Students are referred to Board of Regents policy and campus guidelines regulating the use and consumption of alcoholic beverages on campus.
2. *Drugs*: Students are not permitted to be under the influence of, possess, manufacture, distribute, or sell illicit drugs, as prohibited by State law, at University-sponsored or approved events, on University property or in buildings used by the University for its educational or recreational programs. College knowledge of possession or use of illegal drugs on campus may subject the students involved to investigation.

## Off-Campus Behavior

A student's off-campus behavior must comply with applicable Federal and State laws. Off-campus behavior shall not be subject to the University's disciplinary procedures unless such behavior indicates that the student represents a danger to the health or safety of members of the University community.

In addition, off-campus behavior that is violative of professional standards of conduct which are an integral part of professional discipline may be subject to formal hearing procedures and sanctions. Academic or professional programs that require students to abide by such professional standards shall secure the endorsement of the appropriate Chancellor and shall clearly

set forth this requirement to all affected students. Off-campus behavior charged as violative of such standards shall be adjudged pursuant to hearing procedures to be established by the program and approved by the appropriate Chancellor. The hearing process afforded by student so charged must be consistent with the procedural requirements provided herein.

## Academic Dishonesty

Because the University is an academic community with high professional standards, its teaching, research, and service purposes are seriously disrupted and subverted by academic dishonesty. Such dishonesty includes cheating and plagiarism as defined below. Ignorance of these definitions will not provide an excuse for acts of academic dishonesty.

1. *Cheating* includes, but is not limited to, giving or receiving unauthorized assistance during an examination; obtaining or distributing unauthorized information about an examination before it is given; using inappropriate or unallowable sources of information during an examination; falsifying data in experiments and other research; altering the record of any grade; altering answers after an examination has been submitted; falsifying any official University record; or misrepresenting the facts in order to obtain exemptions from course requirements.
2. *Plagiarism* includes, but is not limited to, submitting, in fulfillment of an academic requirement, any document that has been copied in whole or in part from another individual's work without attributing that borrowed portion to the individual; neglecting to identify as a quotation another's idea and particular phrasing that was not assimilated into the student's language and style or paraphrasing a passage so that the reader is misled as to the source; submitting the same written or oral material in more than one course without obtaining authorization from the instructors involved; or dry labbing, which includes obtaining and using experimental data and laboratory write-ups from other sections of the course or from previous terms, or fabricating data to fit the desired or expected results.
3. In cases of suspected or admitted dishonesty, the instructor shall attempt to discuss the matter with the student. If appropriate, the instructor may bring it to the attention of the department chairperson and the student's advisor. Additionally, an instructor may refer such case of academic dishonesty to the Vice Chancellor for Student Affairs for action under this Code.

## Violations of Other Existing College Regulations

Violations of other existing College regulations or policies may subject the affected student to disciplinary actions under this Code. The decision as to whether such action will be initiated will be made by the Vice Chancellor for Student Affairs after a preliminary investigation and after a determination as to whether probable cause exists to establish that there was a repeated or serious violation of College regulations or policies.

## **Sanctions**

One or more of the following sanctions may be imposed as hereinafter provided whenever a student is found to have violated any of the rules contained in this Code.

1. *Warning*: Written or verbal notice to the student that continuation or repetition of specified conduct may be cause for other disciplinary action.
2. *Probation*: A written notice placing the student on disciplinary probation for a specified period of time. The terms of the probation will be decided in each case.
3. *Restitution*: Reimbursement for damage to or misappropriation of property which may take the form of direct financial compensation, of service, or of other forms of indirect compensation.
4. *Temporary Suspension*: In an emergency, the Chancellor or his/her designee is authorized to alter or suspend the rights of a student to be present on campus or to attend class for an interim period prior to a hearing; provided that a hearing pursuant to these rules is conducted within a reasonable period thereafter.
5. *Suspension*: Exclusion from classes and from other privileges or activities or from the campus itself, for a specified period of time.
6. *Expulsion*: Termination of student status for an indefinite period of time.
7. *Rescission of Grades or Degree*: The cancellation of grades or the revocation of an awarded degree as the result of academic dishonesty of the discovery of a material misrepresentation relating to the completion of course or degree requirements.

## **Disciplinary Procedures**

The following procedures are designed to afford certain procedural protection to any student alleged to have committed an infraction of the Student Conduct Code warranting disciplinary action. The procedures described herein shall not affect other non-disciplinary student matters.

For the purpose of these procedures, the term "Vice Chancellor for Student Affairs" shall mean the Vice Chancellor or the Vice Chancellor's designated representative.

### **Temporary Suspension in Emergency Situations**

In an emergency, the Chancellor is authorized to suspend a student prior to a hearing, provided that a hearing pursuant to these rules is conducted within a reasonable period thereafter. An emergency will include such situations as when a student poses a danger of inflicting bodily harm on himself/herself or others, of inflicting serious emotional distress on others or creating a substantial disruption of normal campus activities including classroom instruction. If, after a Student Conduct Committee hearing, it is determined that the student did not violate this Student Conduct Code, consideration will be granted so that the student may be allowed to make up any missed academic work.

## **Pre-disciplinary Hearing Stage**

1. *Reporting of Infractions*: Infraction of the Student Conduct Code should be reported to the Vice Chancellor for Student Affairs. Reports of infractions must be submitted in writing and signed by the complainant. No matter except temporary suspensions in emergency situation will proceed without such written reports. The reports must state information including the specific names(s) (if known), date, and description of the alleged misconduct in sufficient detail to allow the Vice Chancellor for Student Affairs to determine whether further fact-finding is necessary and if sufficient evidence exists for acting on the allegation(s).
2. *Preliminary Investigation*: Upon receiving a written report that a student has allegedly committed a violation of the Student Conduct Code, the Vice Chancellor for Student Affairs shall promptly initiate an investigation. Within five (5) school days of receiving a written report, the Vice Chancellor for Student Affairs shall contact the student or group named in the complaint, and request that they appear before the Vice Chancellor to discuss the alleged misconduct and possible charges. Failure to respond to a written allegation of charges will result in a hold being placed on the student's registration for subsequent terms.

## **Initiation of Charges and Their Disposition**

If the Vice Chancellor for Student Affairs determines that there is reasonable cause to believe that the student or students committed the violation and in his/her judgment the initiation of formal disciplinary procedures is appropriate, the accused student or group will be notified by the Vice Chancellor for Student Affairs that they have been accused of violating this Student Conduct Code. Charges may be disposed of in the following ways:

1. *Administrative Disposition*: The Vice Chancellor for Student Affairs after investigating the charges, shall have the authority, when accepted by the student in writing, to settle matters in lieu of proceeding with a formal disciplinary hearing. In this instance, the Vice Chancellor for Student Affairs may impose only the sanctions of warning or probation. A student shall have five (5) school days within which to accept or reject in writing any proposed administrative disposition.
2. *Student Conduct Committee Disposition*: Failing to secure an administrative disposition of any alleged violation of this Code, the Vice Chancellor for Student Affairs may refer the case to the Student Conduct Committee for a hearing. The Vice Chancellor for Student Affairs may also refer cases to the Student Conduct Committee without first offering an administrative disposition.
3. Student Conduct Committee hearings will usually not be available during the last two weeks of each semester (study period and finals week) nor during the summer. During these periods, a hearing before an administrator may be conducted for students accused of violating the Student Conduct Code or special Committee hearings may be arranged.

## Student Conduct Committee

There shall be a Student Conduct Committee. It shall have jurisdiction and authority to determine cause and recommend sanctions for all cases referred to it by the Vice Chancellor for Student Affairs involving behavior which is alleged to be violative of this Student Conduct Code.

1. The Student Conduct Committee shall consist of seven (7) voting members and shall be constituted as follows:
  - a. Three (3) students selected by the Associated Students of Hawai'i Community College.
  - b. Three (3) faculty members selected by the Faculty Senate.
  - c. A chairperson selected by the Chancellor.
2. A recording device shall be made available to the committee by the Vice Chancellor for Student Affairs.
3. Four (4) members of the Student Conduct Committee shall constitute a quorum.
4. If any member of the committee feels that his/her relationship with either the case of the individuals involved would affect his/her ability to render an impartial judgment, the committee member shall disqualify himself/herself.

## Disciplinary Hearing Stage

1. *Notice*: A student shall be given written notice of a hearing by registered or certified mail with return receipt requested, at least fifteen (15) calendar days prior to the date of the hearing. If service by registered or certified mail is not made because of the refusal to accept service or if the Vice Chancellor for Student Affairs has been unable to ascertain the address of the student after reasonable and diligent efforts, a hearing notice may be given to the student by publication at least once in each of two successive weeks in a newspaper of general circulation. Published notices shall include the date, time, place, and nature of the hearing, and shall invite the student to contact the Vice Chancellor for Student Affairs regarding the charges and other relevant issues and facts. The last published notice shall appear at least fifteen (15) calendar days prior to the date of the hearing.
2. *Hearing Procedures*: Hearings held pursuant to this Student Conduct Code shall be conducted in such a manner as to assure equity for all parties. Having determined through a preliminary investigation that there is reasonable cause to believe that the student has committed a violation of this Code, the Vice Chancellor for Student Affairs or his/her representative shall present the case against the student. The student and his/her counsel and the Vice Chancellor for

Student Affairs or his/her representative shall be afforded the opportunity to present evidence and argument on all issues involved.

3. *Records*: For the purpose of determining Committee findings and recommendations, a record of all hearings shall be maintained.
  - a. The record shall include the following:
    - All pleading, motions, and intermediate rulings
    - All evidence received or considered, including oral testimony, exhibits, and a statement of all matters officially noticed
    - Offers of proof and rulings thereon
    - Proposed findings and exceptions
    - The report of the Committee chairperson
  - b. The Committee may preserve a record of its hearings through recordings. This record shall be retained by the Office of the Vice Chancellor for Student Affairs for a minimum of five (5) years from the date of last attendance by the student.
  - c. It shall not be necessary to transcribe any recordings unless requested for purpose of rehearing or judicial review. The cost of such transcription shall be paid by the party requesting or appealing to a court.
4. *Committee Findings and Recommendations*: After hearing a case, the Committee will decide if the College has reasonable cause to take disciplinary action against the student. No matters outside the record shall be considered by the Committee in making its determination. Accordingly, the Committee may decide as follows:
  - a. No Cause for Disciplinary Action
  - b. Cause for Disciplinary Action
5. Within ten (10) school days after the hearing, the Committee shall transmit its findings and decision as to cause and recommendation in writing to the Chancellor. Simultaneously, a certified copy of the Committee's findings, decision as to cause, and recommendations shall be delivered or posted by registered or certified mail with return receipt requested to the student's last known address.
  - a. The Committee's decision as to cause shall be in writing and shall be accompanied by separate findings of fact.
  - b. If the student has filed proposed findings of fact, the Committee shall rule on each proposed finding in its final decision as to cause.

## Review by the Chancellor

No Committee determination adverse to a student shall be finalized by the Chancellor until the student has been afforded an opportunity to request that the Chancellor review the Committee's findings, decision as to cause, and recommendations. The student shall have five (5) school days after the receipt of the



Committee's findings, decision as to cause, and recommendations to request in writing a review by the Chancellor. The request should be sent by registered mail to the Office of the Chancellor.

The Chancellor may take appropriate action with respect to situations and developments not specifically covered by the Student Conduct Code in order that the intent of the Code may be properly administered. The decision of the Chancellor shall be final within the College.

### **Final Decision and Orders by the Chancellor**

Within thirty (30) calendar days from the receipt of the Committee's findings, decision as to cause, and recommendations, the Chancellor shall notify, by certified or registered mail with return receipt requested, the student/student's attorney of the sanction to be taken and any accompanying orders. A copy of this notification shall be included in the record of proceedings and retained by the Vice Chancellor for Student Affairs for a minimum period of five (5) years after the date of last attendance by the student.

In cases of an alleged sex offense or other "crime of violence" the victim and the accused shall be informed of the outcome of any institutional disciplinary proceedings.

### **Judicial Review**

Any student who feels that his/her rights have been infringed upon by any final decision issued in accordance with this Student Conduct Code, may seek judicial review as provided for in law.

### **Severability**

If any provision of these procedures is held to be illegal or unconstitutional, the remaining rules shall remain valid.

## **Disruptive Students**

These guidelines are based on ensuring personal safety and are consistent with the Hawai'i CC Student Conduct Code. These guidelines are to be used with said code of conduct. The following are excerpts from the Policy on Disruptive Students. Copies of the complete policy are available at the Offices of the Vice Chancellor for Student Affairs and the Director of Hawai'i Community College-Pālanui.

Guidelines:

1. To help promote appropriate student conduct, the instructor includes in the course syllabus reference to the Student Conduct Code available at the Hawai'i CC website. The instructor may include additional expectations of class interaction and decorum in the course syllabus (i.e., respecting students' expectation to learn in a safe and non-disruptive environment) which is distributed on the student's first day in class and acknowledged by the student on a sign-in sheet.
2. *Non-physically distracting and disruptive student in the class.* Examples: coming to class late, sleeping, annoying finger-tap-

ping, talking out of turn, using rude language, inappropriate postings or e-mails in Internet classes. The instructor asks the student to stop, takes the student aside if in a classroom, and reminds the student of the established expectations for class conduct. If the student does not stop, the teacher asks the student to leave in a face-to-face class. If the student does not leave, the instructor should enlist the support of other college personnel (faculty members, administrators, campus security guards, etc.) The instructor must judge, based on the nature of the disruption, whether the class period can continue once the offending student leaves. If the student is prohibited from participating in the next class, the VCAA will notify the student that participation is prohibited until further notice. The incident is reported in writing by the instructor and by the campus security guard, if involved, to the Vice Chancellor for Student Affairs. The instructor may consult with a counselor and request that the student be seen by the counselor. If the behavior persists, the Vice Chancellor for Student Affairs will take disciplinary action according to the Student Conduct Code.

3. *Non-physically threatening and disruptive student in a non-classroom setting* (i.e., division offices, student services offices, library or learning/testing centers, or outside). Examples: being noisy, using rude language, not following guidelines for the use of the non-classroom setting. The staff reports disruptive student to the supervisor. The supervisor takes the student aside and reminds the student that the behavior is not appropriate. If the behavior persists, the supervisor calls the campus security guard to have the student escorted off the campus. The incident is reported in writing by the supervisor to the Vice Chancellor for Student Affairs. The supervisor can consult with a counselor and request that the student be seen by the counselor. If the behavior persists, the Vice Chancellor for Student Affairs will take disciplinary action according to the Student Conduct Code.
4. *Student whose behavior is imminently physically threatening or harmful to himself/herself or others.* Examples: threatening to jump from a building, using a weapon to threaten safety, holding hostages. The UH Administrative Policy for Workplace Non-Violence Campus Procedures requires all four initial tasks:
  - a. Call the police at 911
  - b. Call campus security at sites where security is available
  - c. Call the Vice Chancellor for Administrative Affairs (or the closest administrator) and decide whether to continue operations or evacuate the area
  - d. Call medical emergency service.The Chancellor or his designee convenes the Campus Crisis Management Team (CCMT) to deal with the immediate situation until it is resolved. The CCMT works with the Vice Chancellor for Administrative Affairs and the Vice Chancellor for Student Affairs on incident management activities (investigation, due process, alternative dispute resolution

– ADR), post-incident management, and re-establishing normalcy. The CCMT handles situations through counseling or the student conduct code.

5. If there is a shooting incident, seek cover for protection in a secure place. Do not run outside. If doors can be locked from the inside, lock doors if the shooter is outside. Stay low below windows, out of sight. Call the police at 911 immediately to report the shooting and request medical emergency assistance. Remain in a secure place until “All Clear” announcement is given. The Chancellor or designee convenes the Campus Crisis Management Team (CCMT) to deal with the immediate situation until it is resolved. The CCMT works with the Vice Chancellor for Administrative Affairs and the Vice Chancellor for Student Affairs on incident management activities (investigation, due process, alternative dispute resolution – ADR), post-incident management, and re-establishing normalcy. (Policy Haw 7.102)



### Children of Hawai‘i CC Students

In general, the campus and classroom are not appropriate places for non-student minor children to be present on a frequent or continuing basis. Occasionally, family needs and responsibilities may require students to bring a child on campus for a limited period of time. A student who decides to bring a child to campus is expected to be respectful of the needs of others for a professional educational and work environment. These guidelines are intended to promote respect for the needs of all parties impacted by the presence of minor children as well as to protect the health and safety of the child and the college community. A parent/guardian must provide adult supervision at all times. (Policy Haw 7.103)

#### In the Classroom and Other Rooms

1. For health and safety reasons children will not be allowed to enter high risk areas such as shops, science labs, mechanical rooms, garages, or areas where heavy equipment or power tools are in use.
2. Only under occasional extenuating circumstances may a child be in a classroom while class is in session. Children

may be allowed in the classroom under the supervision of the parent/guardian in the following circumstance:

- a. Alternate arrangements for childcare are impractical or impossible; and
  - b. The faculty member or lecturer responsible for the classroom has granted permission. If the child is disruptive or interferes with instruction and/or testing, the faculty member may require the student and child to leave. The student will be responsible for the day’s material on his/her own.
3. Because the Learning Center and the Testing Center are expected to be free of disruption, children are specifically prohibited.
  4. The UH Hilo Library allows minor children, but they and the parent/guardian will be asked to leave if disruptive behavior occurs.
  5. Children are not to be brought to campus if the parent/guardian knows they are ill with a contagious disease.

#### Outside of Rooms on Campus

1. If a supervisory adult cannot be located, minor children between the ages of 13 and 17, who are engaging in disruptive or dangerous behavior, will be asked to leave the campus. (This will also apply to children of parents/guardians who are not Hawai‘i CC students.)
2. In the interest of the children’s safety, minor children below age 13 will be reported to the Campus Security Office and to the Police when a supervisory adult cannot be located. (This will also apply to children of parent/guardians who are not Hawai‘i CC students.)
3. For the children’s safety, they are prohibited from playing on roof tops, in stairwells, in doorways, on roadways, and in parking areas.
4. Skateboarding and rollerblading are prohibited on campus and this is not limited to minors.

#### Field Trips

Non-student, minor children are not allowed on field trips related to college class.

#### Extra Curricular Activities

During any college inter-generational activity, minor children are the responsibility of the parent/guardian or a supervisory adult designated by the parent/guardian who is expected to ensure the health and safety of the children and prevent disruptive and dangerous behavior.

#### Injuries or Damages Caused by Minor Children

Parents/guardians are responsible and liable for all injuries or damages caused by their children. (Haw.Rev.Stat. §577-3) Parents/guardians, who are Hawai‘i CC students, are responsible for any injuries or damages caused by their child while on campus and are subject to the Hawai‘i CC Student Conduct Code, and if applicable, the State or Federal judicial system.

## Animals on Campus

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No animals, except service animals, are allowed in the buildings nor on the grounds of Manono Campus, Pālananui, or any satellite campuses owned or leased by Hawai'i CC. (Policy Haw 2.100)

A service animal is individually trained to do work or perform tasks for the benefit of an individual with a disability. Service animals are working animals, not pets. The work or task performed must be directly related to the individual's disability. The Americans with Disabilities Act (ADA) provisions do not apply to therapy animals or companion animals used for comfort or emotional support. These animals do not qualify as service animals under the ADA.

**Documentation Requirements:** Service animals are not required to wear a collar, tag, vest, or other identifying equipment indicating that it is a trained service animal.

**Vaccination tags:** Service animals must be immunized against diseases to that type of animal and proof of such immunization is required. Service animals must wear current license and rabies vaccination tags.

**Guidelines for Faculty, Staff, and Students:** Remember that service animals are working animals. Allow service animals to accompany handlers at all times in unrestricted areas on the property except where the animal may pose a significant health or safety hazard.

- Do not pet or feed service animals.
- Do not deliberately startle or try to get the attention of service animals.
- Do not attempt to separate a service animal from its handler.
- Do not request any documentation for the animal, require that the animal demonstrate its task, or inquire about the nature of the handler's disability.
- In situations where it is not obvious that the animal is a service animal, only two specific questions may be asked. Contact the Disability Support Services Coordinator for advice on what to ask and when it is appropriate to ask.

**Restricted Areas:** Hawai'i CC may prohibit the use of service animals in certain locations due to health or safety restrictions, where service animals may be in danger, or where their use may compromise the integrity of a program. Such restricted areas may include, but are not limited to, food preparation areas, areas with moving machinery, and areas with extreme hot/cold surfaces or sharp objects.

**Behavior or Condition:** Hawai'i CC retains the right to request the removal of any service animal from Hawai'i CC property if the animal's behavior or condition poses a direct threat to the health and safety of others, or fundamentally alters the College's services, programs, or activities.

Service animals must not engage in unacceptable or disruptive behavior: uncontrolled barking, whining, growling, or making other distracting noises; uncontrolled jumping on, nudging, lunging at, sniffing, or licking other people; regularly escaping from or overpowering the handler; regularly begging for or taking food

not freely offered by others; destroying University property or the property of others on campus; urinating or defecating indoors or in inappropriate areas; and behaviors that pose a direct threat to the health or safety of others. If an animal engages in unacceptable or disruptive behavior, the handler is expected to use proper training techniques to correct the behavior.

**Control:** Service animals must be on a leash and/or under the full control of their handler at all times. However, a leash may not be required if the handler is unable to use one, if using a leash would harm the handler, or if the animal must perform the task without the use of a leash.

**Hygiene:** Service animals must be housebroken. Handlers must clean up after the animal, unless they are unable to do so because of a disability. If the disability prevents a handler from cleaning up after the service animal, this information must be provided to the ADA (or Disability Support Services) Coordinator.

**Cleanliness:** Service animals must be clean. Daily grooming and occasional baths should be utilized to keep animal odor to a minimum. Adequate flea prevention and control must be maintained.

**Damage:** The handler is responsible for the cost of repair for any damage caused by the service animal, including any expenses incurred due to the need for commercial pest control (e.g. fleas, ticks).

## Smoking on Campus

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Effective July 2018, Hawai'i state law prohibits the use of tobacco products on all 10 University of Hawai'i campuses and university-owned facilities. The law includes, but is not limited to, cigarettes, cigars, vaping apparatus, chewing tobacco and pipes. Hawai'i CC strives to promote a culture of health and wellness on campus in an effort to improve the working and learning environment of the university, and protect students, employees, and visitors from secondhand smoke exposure while on University of Hawai'i campuses. (SB 134, Act 160, SLH 2018)

In addition,

- All advertising and sales of tobacco products on university campuses are prohibited (except for the sale or free distribution of non-university supported magazines and newspapers that incidentally contain tobacco product advertising).
- The distribution of samples of tobacco products or coupons redeemable for tobacco products on university campuses is prohibited.
- The sponsorship of campus events or campus organizations by tobacco industry or tobacco promoting organizations is prohibited.
- On-site tobacco product cessation guidance will be made available to assist and encourage individuals who wish to quit.

For more information on the law, and for resources to become tobacco free, visit [www.hawaii.hawaii.edu/tobacco-free](http://www.hawaii.hawaii.edu/tobacco-free)

## Death of a Hawai'i CC Student

The purpose of this procedure is to ensure that in the event of a death of a student, the College provides compassionate attention to the family of the deceased while processing the necessary documents relating to the student's records in a timely and professional manner. (Policy Haw 7.901)

## Workplace Non-Violence

The University of Hawai'i has adopted a policy of prohibiting any work related or workplace violence against its students, faculty, staff, and visitors. Prohibited violent acts include physical attack, property damage, as well as verbal statements that express or suggest the intent to cause physical or mental harm to another person. More specifically, violent behaviors include but are not limited to hitting, pushing and shoving; throwing or breaking objects; theft; shouting or yelling; threatening gestures or remarks; disruptive or hostile actions; abusive or belligerent language; sabotage of equipment; repetitive or unwanted phone calls, notes, or e-mails, etc.

All administrators, faculty, staff, and students are responsible for maintaining a University campus environment that ensures that all members are treated with civility and respect to fulfill the University's missions and goals. The University fully supports the efforts of the State of Hawai'i and is committed to a workplace that is free of violence.

**Weapons:** The possession or use of lethal weapons on University premises is strictly prohibited unless specifically authorized by the senior administrator. Lethal weapons include but are not limited to firearms, ammunition, spearguns, explosives, and dangerous substances. Any person found in violation may be subject to the provisions of state law, University policy, and the Student Conduct Code.

Retaliation against witnesses, victims, etc. is prohibited. This prohibition will be strictly enforced, and appropriate disciplinary

action may be taken. Disciplinary action shall be subject to the appropriate bargaining agreement. (Policy Haw 9.730)

## Campus Safety and Security

Campus Security Officers and contracted Security Guards are committed to making Hawai'i Community College a safe and secure environment in which students, faculty, staff, and visitors feel at ease while they learn, work, and play.

Campus Security is dedicated to providing safety and security services by responding to emergencies and alarms; making emergency notifications; securing rooms, buildings, parking lots, and grounds; and checking exterior lighting, doors, and shrubbery for unsafe conditions. In addition, the Campus Security Office supports the education of faculty, staff, and students in safety issues and prevention measures.

### Police, Fire, and/or Medical Response Emergencies:

Anyone on the Manono Campus, Upper Campus, or Hawai'i CC-Pāalamanui campus, in a situation requiring police, fire, and/or medical assistance, should call 911 and provide the requested information. Follow up with a call to the respective security emergency number (below). Employees must also notify an immediate supervisor.

### Other Incidents and Situations:

Manono Campus: (808) 854-1420 emergencies  
(808) 934-2760 non-emergencies  
Upper Campus: (808) 974-7911  
NHERC: (808) 775-8890 non-emergencies  
Pāalamanui: (808) 640-6515

### Skateboards, Rollerblades, and Bicycles:

Skateboarding and rollerblading are not allowed on campus. Do not ride bicycles on walkways and sidewalks.

### Crime Statistics

	2015	2016	2017
Aggravated Assault	0	0	1
Arson	0	0	0
Burglary	0	0	0
Dating Violence	0	0	0
Domestic Violence	2	0	0
Drug Abuse: Arrests (Referrals)	0(0)	0(0)	2(0)
Fondling	0	0	0
Incest	0	0	0
Liquor Law: Arrests (Referrals)	0(0)	1(0)	0(0)
Motor Vehicle Theft	3	0	6
Manslaughter by Negligence	0	0	0
Murder/Manslaughter	0	0	0
Rape	0	0	0
Robbery	0	0	0
Sexual Assault	0	0	0
Stalking	2	1	0
Statutory Rape	0	0	0
Weapons Law: Arrests (Referrals)	0(0)	0(0)	0(0)

The Hawai'i Community College Security Office prepares the Annual Disclosure of Crime Statistics Report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The crime statistics can be obtained from the Campus Security Office, or can be viewed online at: [www.hawaii.hawaii.edu/security](http://www.hawaii.hawaii.edu/security)