

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

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 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 Administrative Procedure number 7.022 online, visit www.hawaii.edu/policy and type FERPA into the "Search PPIS" box on the left.

Academic Freedom

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."

Statement on Professional Ethics

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

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)

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

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, breastfeeding, arrest and court record (except as permissible under state law), 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 for child support. 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. (Policy A9.910)

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

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

Students should contact:

Christine Quintana
Vice Chancellor for Student Affairs
Phone: (808) 934-2510

Mari Giel
Disability Services Coordinator/Counselor
504 Coordinator
Title IX Deputy Coordinator for Students
Phone: (808) 934-2825 [v/t]

Employees should contact:

Shana Kojiro
Human Resources Specialist
EEO/AA Coordinator
Phone: (808) 934-2527

Sara Vogel
Title IX Coordinator
Phone: (808) 934-2765

Christine Chun
Director, Office of Compliance, EEO/AA, and Title IX
Office of the Vice President for Community Colleges
Phone: (808) 956-4564

Policy of Sexual Harassment and Sexual Assault

Shana Kojiro, EEO/AA Coordinator
Hawai'i Community College
1175 Manono Street
Hilo, HI 96720-5096
Ph: (808) 934-2527

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

The University of Hawai'i system has a Student Conduct Code which defines expected conduct for students, and specifies those acts subject to University sanctions. Students are expected to maintain standards of personal integrity that are in harmony with the educational goals of UH; to respect the rights, privileges, and property of others; and to observe national, state, and local laws and University policies and procedures. Conduct that is legal may nevertheless still be unacceptable within the bounds of the UH community. (EP 7.208)

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. For purposes of this Student Conduct Code, this Code also applies to students who have been suspended or dismissed; students who withdraw after allegedly violating the Student Conduct Code and may return to a UH campus; students who are on a leave of absence, including medical leave, from UH; and those who have been notified of their admission and have participated in orientation, registration, or other officially recognized UH activities.

UH views the disciplinary process as a learning experience which aims to promote growth and understanding of one's responsibilities and privileges within the UH environment. To this end, the disciplinary process attempts to balance an understanding and knowledge of students and their needs with the needs of the academic community. Pursuit of a college education provides an opportunity for exploration of new ideas, experimentation, self-examination, formation of new relationships, and the development of ideals and direction. However, UH does not absolve students from accepting responsibility for their behavior in their pursuit of a college education. Rather, it reaffirms the principle of student freedom that is coupled with an acceptance of responsibility for one's actions and the consequences of such actions.

This Student Conduct Code applies at all locations of the University of Hawai'i, and applies outside of campus property if the conduct was in connection with a University-sponsored program or activity, or if the conduct may have a continuing adverse effect or could create a hostile environment on campus.

The Code shall be applied to conduct occurring off-campus (including, but not limited to, the use of social media and other electronic forums) on a case-by-case basis.

The following are excerpts from the Student Conduct Code. The full policy is available on Hawai'i CC's website at: www.hawaii.hawaii.edu/student-conduct-code

Student Conduct - Rules and Standards

The following are examples of the types of behavior that conflict with the standard 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.

Academic Dishonesty

Acts of dishonesty, including, but not limited to:

1. *Cheating* which includes, but is not limited to:
 - a) the use of any unauthorized assistance in taking quizzes, tests, or examinations;
 - b) the use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments;
 - c) the acquisition, without permission, of tests or other academic material belonging to a member of the UH faculty, staff or student body; and
 - d) engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.
2. *Plagiarism* includes, but is not limited to:
 - a) the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgement; and
 - b) the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.
3. *Furnishing false information* or academic credentials to any UH official, faculty member, or office.
4. *Forgery*, alteration, or misuse of any University or campus document, record, or form of identification.

Disruption or Disturbances

Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other UH activities, including its public service functions on or off campus, or of other authorized non-UH activities when the conduct occurs on UH premises. This includes creating noise or other disturbances on campus or in student life areas sufficient to disrupt the normal functioning of campus activities including classroom instruction.

Threatening Behavior

Any conduct that threatens or endangers the health or safety of any person including but not limited to, physical abuse, verbal abuse, threats, intimidation, harassment, bullying, coercion, stalking as defined below. (For any conduct that is sexual or romantic in nature and committed by a current or former partner of an intimate, romantic, or sexual relationship, or is related to an individual's actual or perceived sex or gender, sexual orientation, gender identity or gender expression, refer to EP 1.204 for detailed information.)

1. *Threat* is written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
2. *Intimidation* is implied threats or acts that cause a reasonable fear of harm in another.
3. *Bullying* and *cyberbullying* are repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally, and are not protected by freedom of expression.
4. *Stalking* is two or more acts of unwanted and harassing behavior, directed at a specific person that is sufficiently serious to cause physical, emotional, or psychological fear or to create a hostile, intimidating or abusive environment.
5. *Physical abuse* is intentionally or recklessly causing physical harm or endangering the health or safety of any person.
6. *Verbal abuse* is shouting or yelling in a threatening or hostile manner and/or use of abusive or belligerent language.
7. *Harassment* is sufficiently severe, pervasive (or persistent) and objectively offensive conduct that unreasonably interferes with, limits, or denies the ability to participate in or benefit from the University/College's educational programs or activities.
8. *Hostile Environment* is when unwelcome harassment is sufficiently severe, pervasive (or persistent) and objectively offensive that it unreasonably interferes with, limits, or denies the ability to participate in or benefit from the University/College's educational programs or activities.
9. *Coercion* is intentionally compelling or inducing another person to engage in conduct from which another has a legal right to abstain, or to abstain from conduct in which another has a legal right to engage, by threatening with words or conduct to take some negative action that may impact the other person. In this context, some examples of "negative action" include, but are not limited to:
 - a) causing bodily injury,
 - b) causing property damage, physical confinement or restraint, or
 - c) revealing information that is sought to be concealed.

Health and/or Safety Hazards

Creation of health and/or safety hazards, e.g., dangerous pranks, hanging out of or climbing from/on/in windows, balconies, roofs, etc.

Sex Discrimination and/or Gender-Based Violence

Sex discrimination and/or gender-based violence as defined in EP 1.204.

Discrimination

Discrimination of any person based on UH protected classes as defined in EP 1.202.

Theft or Possession of Stolen Property

Attempted or actual theft of UH property or the personal property of another individual or entity, including goods, services and other valuable, on or off campus, and/or knowingly maintaining possession of stolen property.

Damage to or Destruction of Property

Intentional, reckless and/or unauthorized damage to or destruction of UH property, or the personal property of another individual or entity.

Hazing

Hazing is an act that endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for the continued membership in a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing is not a neutral act; both are violations of this rule.

Failure to Comply

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.

Unauthorized Access to College Premises (Trespassing)

Unauthorized possession, duplication, or use of keys/key-cards/security mechanisms to any UH premises, or unauthorized entry to or use of UH premises, including trespassing, propping open, or unauthorized use of doors for entry into or to exit from a UH building.

Violation of Policies, Rules, Regulations

Violation of any UH policy, rule, regulation, contract, or agreement published in hard copy or available electronically on any UH website.

Violation of Federal, State, or Local Laws

Violation of any federal, state or local law.

Abuse of Controlled Substances

Use, possession, manufacturing, or distribution, or other unauthorized use of controlled substances or paraphernalia except as expressly permitted by law. Controlled substances include but are not limited to marijuana, methamphetamine, narcotics, and opioids.

Abuse of Alcoholic Beverages

Use, possession, manufacturing, distribution, or being under the influence of alcoholic beverages (except as expressly permitted by UH System Policies, state or federal law), or public intoxication while on any UH premise or at any UH-sponsored event or ancillary site. Alcoholic beverages may not, in any circumstance, be used, possessed, or distributed to any person under twenty-one (21) years of age.

Weapons or Dangerous Chemicals

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.

Demonstrations

Participating in an on-campus or off-campus demonstration, riot, or activity that disrupts the normal operations of UH and/or unreasonably infringes on the rights of other members of the UH community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.

Obstruction of Traffic

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

Disorderly Conduct

Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on UH premises or at functions sponsored by, or participated in by, UH or members of the academic community.

Complicity

Complicity involves action or inaction with another or others to violate the Student Conduct Code, and may be assumed when a student is present during a policy violation. The student may be held responsible for the underlying policy violation(s).

Violation of Fire Policies

Violation of local, state, federal or campus fire policies including, but not limited to:

1. Intentionally or recklessly causing or attempting to cause a fire which damages or is intended to damage UH or personal property or which causes or is intended to cause injury.
2. Failure to evacuate a UH-controlled building during a fire alarm.
3. Improper or reckless use of UH fire safety equipment.
4. Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on UH property.

Theft of Computers/Abuse of Electronic Resources

Theft or other abuse of computer and other electronic facilities and resources, including but not limited to:

1. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
2. Unauthorized transfer of a file.
3. Use of another individual's identification and/or password.
4. Use of computing facilities and resources to interfere with the work of another student, faculty member or UH Official.
5. Use of computing facilities and resources to send obscene or abusive messages.
6. Online harassment of members of the UH community.
7. Use of computing facilities and resources to interfere with normal operation of the UH computing system.
8. Use of computer facilities and resources in violation of copyright laws.
9. Any unauthorized use of electronic or other devices to make an audio or video record of any person while on UH premises without their prior knowledge, or without their 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.
10. Any violation of any UH computer use policy, including but not limited to EP 2.210.

Abuse of the Student Conduct Code

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

1. Failure to obey the notice from a Student Conduct Administrator, UH official, or Student Conduct Board to appear for a meeting or hearing.
2. Falsification, distortion, or misrepresentations of informa-

tion before a Student Conduct Administrator, UH official, or Student Conduct Board.

3. Disruption or interference with the orderly conduct of any proceeding.
4. Attempting to discourage an individual's participation in, or use of, the Student Conduct Code System or other related UH processes.
5. Attempting to influence the impartiality of a Student Conduct Administrator, UH official, or Student Conduct Board prior to, and/or during the course of, the Student Conduct Code System or other related UH processes.
6. Harassment (verbal or physical) and/or intimidation of a Student Conduct Administrator, UH official, or Student Conduct Board prior to, and/or during the course of, the Student Conduct Code System or other related UH processes.
7. Failure to comply with imposed sanction(s).
8. Influencing or attempting to influence another person to commit an abuse of the Student Conduct Code System or other related UH processes.

Retaliation

UH prohibits and will not tolerate retaliation as defined in EP 7.205. Retaliation is adverse actions taken against a person because of their good faith participation in the following types of protected activities:

1. Seeking advice or assistance about a Student Conduct Code or systemwide sanction concern;
2. Opposing or filing an informal or formal complaint regarding an alleged violation of this policy;
3. Testifying, assisting, or participating in an investigation or other proceeding related to an alleged violation of this policy.

Adverse actions are actions that would dissuade a reasonable person from making or supporting a complaint under this policy. A retaliation complaint, allegation, or report will be reviewed as a separate offense under this policy; that is, a student can be found responsible for retaliation even if not found to be responsible for the underlying reported Student Conduct Code violation.

Violation of Residence Hall Rules and/or Policies

Violation of Residence Hall rules and/or policies where the violation also involves some aspect of this Student Conduct Code, may subject the student to disciplinary procedures under this Student Conduct Code.

Violation of Law and UH Discipline

UH will cooperate with law enforcement and other agencies in the enforcement of criminal law on campus.

Disciplinary Proceedings

UH disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Student Conduct Code (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Student Conduct Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings at the discretion of the Senior Student Affairs Officer. Determinations made or sanctions imposed under this Student Conduct Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

Student Status with Regards to Violations of Law

When a student is charged by federal, state, or local authorities with a violation of law, UH will not request or agree to special consideration for that individual because of their status as a student. If the alleged offense is also being processed under the Student Conduct Code, UH may advise off-campus authorities of the existence of the Student Conduct Code and of how such matters are typically handled within the UH community. UH may cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). In the event of law enforcement and/or government agency enforcement of laws and regulations, UH may, as appropriate, adjust any Student Conduct Code investigation and/or proceeding so as not to interfere or unduly prejudice the law enforcement process. Individual students and other members of the UH community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

Delegation of Authority

The authority to hear and decide on whether or not alleged violations of the Student Conduct Code have occurred, as well as to determine subsequent disciplinary sanctions, is delegated to:

- **Senior Student Affairs Officers** - the campus administrators (for example, Dean, Vice Chancellor, or designee who are in charge of the Division of Student Affairs) generally charged by the campus Chancellor to be responsible for the administration of the Student Conduct Code,
- **Student Conduct Administrator** - 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.
- **Student Conduct Board** - 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.

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 Reprimand - A notice in writing to the student that they are violating or have violated institutional policies and that continuation of specified behavior may be cause for more severe disciplinary sanctions.
2. *Probation*: Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found responsible for violating institutional policies during the probationary period. While on probation, the student is expected to demonstrate the ability to function as a responsible member of the campus community.
3. *Loss of Privileges*: Denial of specified privileges for a designated period of time.
4. *Restitution*: Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
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. *No Contact*: Formal instruction to refrain from contact with related parties. This includes, but is not limited to, in-person, by telephone, email, or text message; contact or reference on social media or other electronic means of communication, verbal, or written interactions, non-verbal gestures, "looks," and any other means of communication and/or contact and contact through a third party (other than attorney-to-attorney communication) such as a friend, family member, co-worker, classmate, teammate, faculty, staff or other.
6. *Other Discretionary Sanctions*: Work assignments, essays, and/or service to the campus community; assessments; participation in alcohol or other drug education programs; restorative justice activities; or other related assignments imposed at the discretion of the Student Conduct Administrator or designee.
7. *Suspension*: Suspension from the designated institution for a specified period of time, after which the student is eligible to return. Conditions for readmission may be specified.
8. *Dismissal*: Permanent dismissal of the student from the designated institution.
9. *Revocation of Admission and/or Degree*: Revocation of admission to or a degree awarded from designated institution

for fraud, misrepresentation, or other violation of UH standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

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

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-Pālanani.

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-tapping, talking out of turn, using rude language, inappropriate postings or e-mails in Internet classes, refusing to turn on the camera in Zoom classes, etc. 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

No animals, except Service Animals, are allowed in the buildings nor on the grounds of Manono Campus, Pālanui, Kō Education Center, or any satellite campuses owned or leased by Hawai'i CC. Under federal and state law, Service Animals are allowed in areas where animals, including pets, are generally not permitted. (EP 1.207)

Service Animals: Service Animals are working animals, not pets. A Service Animal is individually trained to do work or perform important tasks for an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or task performed must be directly related to the individual's disability. Animals in training are not considered Service Animals under this policy.

Emotional Support Animals: An Emotional Support Animal (ESA) is any animal that provides necessary emotional support to an individual with a mental or psychiatric disability. They are sometimes referenced as therapy animals or comfort animals. An ESA is not a Service Animal. Students and employees with disabilities who are seeking permission to have an ESA on campus must request an accommodation.

Documentation: Contact the Disability Services Office to notify the campus of a documented need to have a Service Animal or Emotional Support Animal (ESA) present on campus.

Identification 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, sterile areas, food preparation areas, areas with moving machinery, areas with chemicals or corrosive materials, and areas with extreme hot/cold surfaces or sharp objects. Access to restricted areas may be granted on a case-by-case basis. Contact the Disability Services Office.

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: All Service Animals must be under the individual's control at all times, whether by voice control, signals, or other effective means. All animals shall be restrained with a leash, harness, or other tether; however, a restraint may not be required if the handler is unable to use one, if using a restraint would harm the handler, or if the animal must perform the task without the use of a restraint.

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

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

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 A9.730)

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-Pālanui 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
Kō Education Center:	(808) 775-8890 non-emergencies
Pālanui:	(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	<u>2020</u>	<u>2021</u>	<u>2022</u>
Aggravated Assault	0	0	0
Arson	0	0	0
Burglary	2	2	4
Dating Violence	0	0	0
Domestic Violence	0	0	0
Drug Abuse: Arrests (Referrals)	0(0)	0(0)	0(0)
Fondling	0	0	0
Incest	0	0	0
Liquor Law: Arrests (Referrals)	0(0)	0(0)	0(0)
Motor Vehicle Theft	1	2	1
Manslaughter by Negligence	0	0	0
Murder/Non-Negligent Manslaughter	0	0	0
Rape	0	0	0
Robbery	0	0	0
Sexual Assault	-	-	0
Stalking	0	2	1
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