

TITLE 20

UNIVERSITY OF HAWAII

CHAPTER 2

STATEMENT ON RIGHTS AND RESPONSIBILITIES

OF THE UNIVERSITY OF HAWAII COMMUNITY

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Historical Note: This chapter is based substantially upon "Statement on Rights and Responsibilities of the University of Hawaii Community" of the University of Hawaii board of regents' rules and regulations. [Eff. 7/3/71; R JUN 22 1984]

§20-2-1 General. The purpose of the university is to pursue the truth through teaching, learning, and research, all in an atmosphere of freedom of body and mind. In order to fulfill this purpose, the members of the academic community, jointly and with mutual responsibility, engage in these activities and assist in the maintenance of conditions conducive to them. Each member of the academic community contributes toward the fulfillment of the university's purpose in a way that best reflects the individual's talents and obligations. The individual members of the academic community may not, however, interfere with or disrupt the institution as determined by the academic community collectively. The right to freedom of conscience enjoyed by each member must not be infringed by others in the name of these rights.

The freedom essential to a university's purpose must be protected from those who would interfere with it. But there are so many different kinds of interference that it is impossible to enumerate them in detail. Therefore, any determination as to whether a given act constitutes interference must always be a matter of procedure and judgment. Nonetheless, it is possible to describe the categories of impermissible behavior in such a manner as to provide a standard by which behavior will be judged and to give fair notice to all members of the community of what is impermissible.

Much of such impermissible behavior is likely to be illegal under generally valid and applicable laws to

which the members of the academic community like other citizens are subject. But the reason for university rules of behavior and for university judicial procedures is the protection of the university's special purposes where these are not otherwise adequately protected or where they may be better protected by the university community itself.
[Eff. JUN 22 1981] (Auth: HRS §304-4) (Imp: HRS §304-4, 304-5)

§20-2-2 The categories of impermissible behavior.
The two categories of impermissible behavior, stated immediately below, apply equally to every member of the academic community. A member of the academic community is defined as any person who permanently or temporarily functions on the campus in pursuit of the university's purpose and includes the staff, faculty and students in all agencies and on all campuses of the University of Hawaii state-wide system.

- (1) Category 1. A member of the academic community may not behave toward another member, even in the name of personal convictions or rights to academic freedom, in a manner denying or interfering with another member's expression of convictions, right to academic freedom or the performance of legitimate duties or functions.
- (2) Category 2. Behavior intended directly or indirectly to interfere with or disrupt the processes of teaching, learning or research or those processes or conditions furthering or facilitating these activities is impermissible behavior. An interference or disruption exists when any of these processes can no longer take place in the planned, normal, or customary form given to them by those legitimately responsible for them, or when any of these conditions has essentially ceased to exist. Processes or conditions furthering or facilitating teaching, learning or research as used in the first sentence of this paragraph include the administration of the university.

[Eff. JUN 22 1981] (Auth: HRS §304-4) (Imp: HRS §304-4)

§20-2-3 Sanctions. In addition to restitution where restitution is appropriate, the sanctions for a member for the academic community who has engaged in impermissible behavior shall range from reprimand and censure, through suspension for a definite period of time, to expulsion or dismissal. [Eff. JUN 22 1981]

(Auth: HRS §304-4) (Imp: HRS §304-4)

§20-2-4 Mediation and hearing procedures. (a) Although the categories of impermissible behavior and the range of sanctions for it apply equally to all campuses or university centers, the mediation and hearing procedures for dealing with cases of impermissible behavior should express the special character and situation of each campus or university center. Each campus or university shall therefore design for adoption by the board of regents its own mediation and hearing procedures, with a provision enabling any member of the academic community to initiate a complaint. In these procedures, the right of due process shall be guaranteed.

(b) The mediation procedure shall deal fairly, expeditiously, and effectively with cases of impermissible behavior on the scene of their occurrence while they are occurring, to prevent their escalation and to terminate them before judicial notice must be taken.

(c) The hearing procedure shall determine speedily and fairly whether an alleged violation did occur and if so what the appropriate sanction shall be. The hearing procedure on each campus shall include the judgment by peers of those charged with violations, and provide the protections of due process as specified in chapter 91, HRS.

(d) Should any campus be without such a hearing procedure when a case of an alleged violation occurs, or should a campus hearing procedure not be activated in such a case within a thirty-day period, the president of the university may, after consultation with the appropriate faculty or student governing bodies, or both, activate a hearing and prescribe a hearing procedure, which procedure shall contain the safeguards contained in this chapter or use procedures existing prior to the adoption of this chapter.

[Eff. JUN 22 1981] (Auth: HRS §304-4) (Imp: HRS §304-4)