



# STUDENT CODE OF CONDUCT

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# Preamble

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A University is an academic community. Like any other community, it relies upon “core” values that reflect the collective beliefs, governing principles and boundaries of deportment that are expected of its individual members. These are the virtues and obligations usually referred to as the “rules of conduct” that any society must stress if it is to function and remain viable. The most basic expression of these core values includes “the abstract virtue of justice, some form of obligation to mutual aid and mutual abstention from injury, and, in some form and in some degree, the virtue of honesty.” In addition to these common values, at NUHS we also believe that civilized conduct and an atmosphere conducive to intellectual and personal development are vital if learning is to flourish. This *NUHS Student Code of Conduct* has been formulated to promote and fortify optimal learning conditions that advance the University’s Mission Statement, protect individual student liberties and safeguard the interests of all members of the NUHS academic community.

A fundamental obligation each member must accept and support, holds that students, staff, faculty and administrators share collective responsibility to maintain the “rules of conduct” within our community and to discipline those who violate its standards, policies and/or procedures. This responsibility, however, is premised upon an assumption that community order cannot be maintained by threat of punishment alone. Instead, we believe the soundest way to ensure the requisite conditions exist for learning and personal development is for every individual at NUHS to assertively claim their personal stake in the collective ownership of the welfare of our University, and likewise, for every inhabitant within it.

As a condition of enrollment in NUHS, all students are automatically enjoined to share this responsibility to abide by the standards, rules and/or policies set forth in the *NUHS Student Code of Conduct*, the *NUHS Clinic Intern Manual*, the *NUHS Bulletin* and other official University publications. Student organizations are similarly obligated to follow these standards, rules and/or policies.

Certain programs within the University have additional standards of conduct that are enforced during the clinical phase of training. These standards are designed to promote specific behaviors, to achieve a required clinical competency or to demonstrate evidence of a higher degree of responsibility, moral reasoning, personal accountability or ethical deportment expected of the students enrolled in programs that include intern training within a NUHS clinic. These standards may not be expressly included in the *NUHS Student Code of Conduct* but, rather, Ch. 7 of the *NUHS Clinic Intern Manual*. Nevertheless, the *NUHS Student Code of Conduct* should be broadly construed as the primary document governing the conduct, competencies and additional clinic standards of all University students.

## Authority & Jurisdiction

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For over a century, NUHS has proudly asserted a leading role in healthcare education by maintaining a learning community firmly grounded in a tradition of progressive, science-based thought, high academic standards, and a steadfast belief in the inherent strength and viability that accrues to an organization when it draws from a diverse talent pool of human beings. Thus, it follows that our University is deeply committed to the principle of equality in access to its facilities and programs and in the fair and unbiased treatment of individual differences in age, disease or disability, creed, ethnic origin, gender, nationality, political affiliation, race, sexual orientation, social standing or any other diverse human quality. NUHS does not discriminate in the admission, housing and education of students or in policies governing discipline, extracurricular life or student activities.

The University community has a responsibility to provide its members with the privileges, opportunities and protections that encourage and maintain an environment conducive to educational development. Accordingly, this *Code* shall apply to:

- Student conduct at both the Florida and Illinois sites, and
- Student conduct within the NUHS (or NUHS sponsored) clinic system, and
- Student conduct occurring on property owned or controlled by the University, and
- Student conduct occurring elsewhere, which adversely affects the interests of the University community and/or the pursuit of its mission, goals and objectives.

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If a student has been apprehended for violating the law the University will not request special consideration because of the individual's status as a NUHS student. The University will cooperate fully with law enforcement and other agencies administering a corrective or rehabilitative program for a student. However, the University reserves the right to initiate concurrent disciplinary action against a student or student organization representative(s) accused of the same (or similar) misconduct which violates the law and the *NUHS Student Code of Conduct, Ch. 7 of the Clinic Intern Manual* or any other applicable University policy or procedure.

The University conduct process is not analogous to, is not equivalent to, and does not conform to criminal law processes. The *NUHS Student Code of Conduct* is designed, in part, to determine responsibility, or lack thereof, for violations of the *NUHS Student Code of Conduct* and *Ch. 7 of the NUHS Clinic Intern Manual* only – not guilt or innocence relative to criminal matters.

All proceedings shall be conducted in a fair, impartial and just manner and shall not be constricted by the formal rules of evidence that characterize criminal and civil judicial proceedings, nor shall minor deviations from prescribed procedures necessarily invalidate a decision, unless significant prejudice to a student or the University may result.

Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of an academic credential, even though misconduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if the misconduct is not discovered until after a certificate or degree is awarded). The *NUHS Student Code of Conduct* and *Ch. 7 of the NUHS Clinic Intern Manual* shall apply to a student's conduct even if the student withdraws from the University while a disciplinary matter is pending.

Any behavior that may have been influenced by a student's mental state (regardless of the ultimate evaluation) or use of drugs or alcoholic beverages will not, in any way, limit the responsibility of the student for the consequences of his or her actions.

The Dean of Students (or the Dean's designee) is the person designated by the University President to be responsible for the administration of the *NUHS Student Code of Conduct* for the University. The Dean also functions as the arbiter of procedural interpretations or disputes related to student conduct and discipline arising out of administration of the *NUHS Student Code of Conduct* and *Ch. 7 of the NUHS Clinic Intern Manual*. Finally, the Dean of Students shall also serve as the University official who arbitrates all informally managed charges/complaints pertaining to conduct and discipline and any situations where ambiguity or other uncertainty arises related to the policies, procedures, sanctions or processes governing student conduct.

## ***Standards of Conduct & Disciplinary Protocols During Internship***

During the internship phase of a program, clinicians assume the primary role of supervisor/instructor to the interns assigned to them. Clinicians are faculty members tasked with the responsibility of evaluating an intern's skill at distilling all the information acquired from their academic coursework into useful clinical knowledge. At the same time, clinicians are also evaluating an intern's development of non-cognitive skills, character traits and personal attributes that are just as important as clinical knowledge. An intern's trainee status dictates restriction of full practice privileges, but it does not diminish their obligation to cultivate and demonstrate the habits and mannerisms of professional conduct far in advance of graduation. These skills are revealed over time through acts of compassion, trustworthiness, sound judgment, personal accountability, respect for others, and the capacity to exceed mere compliance with rules or avoiding prohibited behavior.

The *NUHS Clinic Intern Manual* is used to orient interns to the NUHS clinic system of rules, regulations and office protocols. Interns are also informed that failure to comply with the NUHS clinic system rules or procedures described within the *NUHS Clinic Intern Manual* may have automatic penalties ordered by their supervising clinician when specific infractions (listed within the *NUHS Clinic Intern Manual in Chapter 7*) occur.

If an intern fails to complete a penalty, decides to dispute an assigned penalty, or the supervising clinician and the Chair of Clinical Practice deem the nature or severity of an intern's infractions to merit additional administrative review or referral for disciplinary sanctions that may result in suspension or expulsion of the intern, then the matter shall be referred to the Dean of Clinics. The Dean of Clinics shall confer with the Dean of Students to discern which hearing procedure (formal or informal) is best suited to address the issues resulting from the infractions while safeguarding the interests of the student and the institution. The hearing procedures used to conduct a formal or informal hearing are derived from the *NUHS Student Code of Conduct*. The *NUHS Clinic Intern Manual (Chapter 7)* describes the way the Dean of Clinics manages conduct and discipline issues using the formal or informal hearing procedures.

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# Prohibited Conduct

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**NOTE:** Sexual misconduct is included in this *Code* as a form of prohibited conduct but it shall **not** be managed under the *NUHS Student Code of Conduct*. Instead, sexual misconduct complaints shall be processed using the [\*NUHS Title IX and Sex Discrimination Policy\*](#).

Any student or student organization found to have committed the following types of misconduct (but not limited to the misconduct cited herein) shall be subject to the disciplinary sanction(s) described in this *Code*.

## **A. Abuse of the Student Conduct System**

Examples include but are not limited to:

1. Falsification, distortion or misrepresentation of information before the Committee on University Discipline or the Dean of Students.
2. Disruption/interference with the orderly conduct of a disciplinary proceeding.
3. Institution of disciplinary proceeding without cause or knowing the charge was false or with reckless disregard of its truth.
4. Attempting to discourage an individual's proper participation in, or use of, this Code.
5. Attempting to influence the impartiality of a member of the Committee on University Discipline or the Dean of Students prior to, and/or during the course of, the disciplinary proceeding by any means, including bribery and/or blackmail.
6. Harassment (verbal or physical) and/or intimidation, or any form of retaliation toward a member of the Committee on University Discipline or the Dean of Students prior to, during and/or after a disciplinary proceeding.
7. Failure to comply with the sanction(s) or attached conditions imposed in accordance with this Code.
8. Influencing or attempting to influence another person to commit a violation of this Code, including acts of extortion (obtaining something by force or threats), blackmail (to coerce something from someone who may wish to prevent disclosure of something that could bring disgrace) or bribery (which means to give or promise something to another person as an inducement to do something in return).
9. Retaliation against any individual (including intimidating, threatening, coercing or in any way discriminating against the individual) for utilizing the Student Code of Conduct by bringing a complaint, testifying, or participating in any manner in an investigation or proceeding.

## **B. Academic Misconduct**

(See full text of the [\*Academic Integrity and Dishonesty Policy\*](#) online.) Examples include but are not limited to:

1. Cheating by the use of any unauthorized aid, sources, and/or assistance or assisting others in taking a course, quiz, test, or examination, writing papers, preparing reports, solving problems, or carrying out assignments.
2. Cheating also includes: unauthorized copying from the work of another student, using notes or other materials not expressly authorized, giving or receiving work when it is expected that the student will do his/her own work, or engaging in any similar act that violates the spirit of simply "earning credit by doing your own work." Cheating may occur on an examination, test, quiz, laboratory work report, theme, out of class assignment or any other work submitted by a student to fulfill course requirements and presented as solely the work of the student.
3. The intentional use, misuse or alteration of University materials or resources so as to make them inaccessible to others. Such misuse includes the unauthorized use of computer accounts, alteration of passwords, violation of library procedures or other intentional misuse or destruction of educational materials (e.g., moving marked structures to be identified during an anatomy exam.)
4. Gaining unauthorized access to an examination by entering an office, classroom, laboratory or building to cheat or otherwise obtain an unfair advantage by dishonest actions.
5. The acquisition, without permission, of tests or other academic material belonging to a member of the University community.
6. Alteration of grade records.
7. Bribing or blackmailing, or attempting to bribe or blackmail a member of the University community or any

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other individual to alter a grade or commit any other act of academic misconduct.

8. Plagiarism, which means the representation of another's work as one's own and includes, but is not limited to, the use by paraphrase or direct quotation of the published or unpublished work of another person without full and clear acknowledgement. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.
9. Use of any electronic device (i.e., cell phone, hand-held computer/calculator/digital storage unit, miniature audio or visual unit, etc.) to cheat.
10. Intentional and unauthorized falsification or invention of any information or citation in an academic exercise. This includes but is not limited to: knowingly reporting data, research or reports so that either the process or the product is shown to be different from what actually occurred; falsely reporting having met responsibilities of attendance or participation in class, practicum, internship or other types of field work experience; or submission of falsified excuses for attendance or participation in such experiences. Falsification also includes submitting work to meet the requirements of one course when it was done in whole or in part, to meet graduation requirements or the requirements of another course. Exceptions to this provision must be given prior approval by the instructor to whom the work is to be submitted.

### **C. Acts of Theft**

1. Possession of stolen property or the belongings of another person without the owner's permission.
2. Unauthorized use of another person's cell phone, phone card, telephone credit card, or unauthorized acceptance of collect telephone calls.
3. Misappropriation or conversion of University funds, supplies, equipment, labor, material, space or facilities.
4. Theft, unauthorized use or other abuse of University photocopiers, fax machines, telephone service or computing facilities and resources to interfere with normal operation of the University computing system, and/or any other act that violates the [NUHS Electronic Communication Policy](#).
5. Use of computing facilities and resources in violation of copyright laws. This includes, but is not limited to: unauthorized peer-to-peer file sharing and illegal downloading or unauthorized distribution of copyrighted materials using the institution's information technology system. **(Refer to the full text of the [NUHS Peer-to-Peer File Sharing Policy](#).)**
6. Attempted or actual theft of and/or damage to property of the University, or property of a member of the University community or other personal or public property.
7. Attempted or actual unauthorized use of a credit card, debit card, secured card, smart card, automated teller machine card, personal check, or any other instrument of credit.
8. Alteration, forgery or misrepresentation of any form of identification.

### **D. Alcohol Violations**

Violations associated with alcohol use include, but are not limited to **(Refer to the full text of the [NUHS Drug and Alcohol Abuse Prevention Policy](#)):**

1. The unlawful possession, use or distribution of alcohol or other drugs by anyone, either on our institution's property or as any part of University sponsored activities, is prohibited. Any person who is determined to violate this policy will be subject to intervention by The National University of Health Sciences. That intervention may include disciplinary action up to and including expulsion, or termination of employment and/or referral for prosecution, for violations of the standards of conduct.
2. Illinois and Florida law prohibits the consumption and possession of alcohol by persons under the age of 21 and the supplying of alcohol to any person under the age of 21. Additionally, Illinois law prohibits the sale of alcoholic beverages except by those licensed to sell such beverages. Laws in Illinois and Florida together with City ordinances in both states also prohibit public intoxication, the operation of a vehicle or bicycle under the influence of alcohol or other intoxicants, and the consumption of alcohol in a public place. Violation of these laws or other laws relating to drugs and alcohol may result in probation, fines, imprisonment and a permanent criminal record. Violation of drug laws may also result in civil seizure and forfeiture of property used in connection with the offense. A conviction may also result in University disciplinary action.

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## **E. Arson/Fire Hazard**

Committing or attempting to commit acts of arson, a fire hazard, or possessing and/or using, without proper authorization, flammable materials or hazardous substances on University property. **(Refer to the full text of the Fire Safety Report within the [NUHS Combined Report: Annual Campus Security and Fire Safety Reports](#)).**

## **F. Controlled Substance Violations**

Federal law penalizes the manufacture, distribution, possession with intent to manufacture or distribute and simple possession of drugs (“controlled substances”). Federal penalties and sanctions for the simple possession of a controlled substance are quite severe **(Refer to the full text of the [NUHS Drug and Alcohol Abuse Prevention Policy](#)).** The law sets forth sentences and fines that include the following:

- First conviction: up to one-year imprisonment, a fine of at least \$1,000 or both. After one prior drug conviction: at least 15 days in prison, not to exceed two years, and a fine of at least \$2,500. After two or more prior drug convictions: at least 90 days in prison, not to exceed three years, and a fine of at least \$5,000. A special, harsher sentencing provision applies for possession of flunitrazepam (Rohypnol). *(21 U.S.C. §844(a))*
- Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one-year imprisonment, as well as forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance. *(21 U.S.C. §§853(a) & 881(a))*
- **Denial of federal benefits, such as student loans**, grants, contracts, and professional and commercial licenses, up to five years for the first offense, up to 10 years for the second offense, and permanently upon the third offense. *(21 U.S.C. §862)*
- Ineligibility to receive or purchase a firearm. *(18 U.S.C. §922(g))*

Moreover, revocation of certain federal licenses and benefits (e.g., pilot licenses, public housing tenancy) are vested within the authorities of individual federal agencies. These penalties may be doubled, however, when a person at least 18 years old: (1) distributes a controlled substance to a person under twenty-one years of age (a term of imprisonment for this offense shall not be less than one year), and/or (2) distributes, possesses with intent to distribute, or manufactures a controlled substance **in or on, or within one thousand feet of, the real property comprising a public or private elementary or secondary school, or a public or private college.** *(21 U.S.C. §§859 & 860)*

### **ILLINOIS: CONTROLLED SUBSTANCES SANCTIONS**

Illinois statutes also cover a wide range of drug offenses *720 ILCS 550/1*, et seq. (cannabis); *720 ILCS 570/401*, et seq. (other controlled substances). Sentences and fines for simple possession of various controlled substances are outlined in **Table B of the [NUHS Drug and Alcohol Abuse Prevention Policy](#).**

In addition to the sanctions listed in this table, Illinois law prescribes the following additional penalties for possession of an illegal substance.

- Possession of cannabis plants may result, depending on the number of plants, in prison terms of up to fifteen years and fines of up to \$100,000 plus costs.
- Conviction under the *Controlled Substances Act* or the *Cannabis Control Act*, in addition to all other penalties, may result in a fine of no less than full street value of the items seized.

As with federal law, Illinois law provides much stiffer penalties for trafficking in a controlled substance.

### **FLORIDA: CONTROLLED SUBSTANCES SANCTIONS**

The 1990 session of the Florida Legislature led to stronger measures against those who traffic in illegal drugs, especially crack and cocaine, which are considered extremely dangerous. **Florida law now calls for life imprisonment, without possibility of parole, for the trafficking of 150 kilograms or more of cocaine.** If violence surrounds the incidents, the act could be **punishable by death.** Harsher penalties were also written into law for the sale of lesser amounts of cocaine and other lethal drugs. The Legislature also made it illegal to traffic in controlled substances within 200 feet of a public housing facility, a public or private college or university, or a public park. It has also been unlawful to do so near an elementary or secondary school.

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Under Florida law and Pinellas County city ordinances, it is unlawful for any person to sell, purchase, manufacture, deliver or possess a controlled substance. A person who violates this provision is guilty of a felony of the first, second, or third degree, which is partially determined by the type of drug and the quantity involved. Violators may be subject to the stiffest penalties available. The maximum penalty for trafficking specified amounts of cocaine or any mixture containing cocaine including, but not limited to crack, under Florida law is a first-degree felony **punishable by death**.

Based on the quantity involved, penalties for trafficking in illegal drugs including, but not limited to, the narcotics morphine, opium, and heroin, range from mandatory minimum imprisonment of three years and a \$50, 000 fine to 25 years and a \$500, 000 fine. Based on the quantity involved, other penalties for trafficking in illegal drugs including, but not limited to, marijuana, inhalants, depressants and other stimulants, range from five years imprisonment and a \$5, 000 fine to 30 years imprisonment and a \$15, 000 fine. Further, it is unlawful for any person to use, or to possess with intent to use, to deliver, possess with the intent to deliver, or to manufacture with intent to deliver drug paraphernalia. It is unlawful for any person to sell, purchase, manufacture, or deliver, or to possess with the intent to sell, purchase, manufacture, or deliver, a controlled substance **in, on, or within 200 feet of the real property comprising a public or private college, university, or other postsecondary educational institution**.

*For further information, consult Florida Statutes, Chapter 893. Local city and Pinellas County ordinances are not cited in this policy, as they do not increase or strengthen the sanctions mandated by Florida law.*

## **G. Damage to Property**

Examples include but are not limited to:

1. Willful or malicious participation in acts of destroying, damaging or defacing University property, University vending machines or the property of any member of the University community, or any property adjacent to property owned or operated by NUHS.
2. Damage to property done with malicious intent.
3. Tampering with or changing locks to University-owned facilities without authorization.
4. Committing or attempting to commit acts of arson, a fire hazard, or possessing and/or using, without proper authorization, flammable materials or hazardous substances on University property.

## **H. Disruptive or Disorderly Conduct**

1. Disruptive behavior by any student, in class or out of class, which for any reason materially disrupts the class work of others, involves substantial disorder, invades the rights of others or otherwise disrupts the regular and essential operation of the University. This includes, but is not limited to the following:
  - a. Persistent or gross acts of willful disobedience or defiance toward University personnel.
  - b. Disruption, or interference that impedes, impairs, or obstructs teaching, research, administration, conduct proceedings, or other projects, processes, or functions including public-service activities or other authorized University or non-University activities when the conduct occurs on University premises.
  - c. Participation in a demonstration that disrupts the normal operations of the University and infringes on the rights of other members of the University community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.
  - d. Obstruction of the free flow of pedestrian or vehicular traffic, on University premises or at University sponsored activities.
  - e. Students who engage in any prohibited or unlawful acts that result in disruption of a class may be directed by a faculty member to leave the class for the remainder of the class session. Longer suspensions from a class, or dismissal on disciplinary grounds, must be preceded by notification and a disciplinary hearing, as set forth in the *Hearing Procedures* section of this *Code*.
2. Conduct that is disorderly, a breach of peace; or aiding, abetting, or procuring another person to breach the peace on University premises or at University sponsored activities. Disorderly conduct also includes but is not limited to:
  - a. Assembling to commit or intending to commit any unlawful act by force; carrying out or planning to carry out any action which has the potential to disturb or threaten the public peace, even without unlawful intention; or conducting themselves in a disorderly manner so as to disrupt or threaten to

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disrupt the public peace, even without unlawful purpose.

- b. Use of personal portable sound amplification equipment (e.g., iPod, mp3 players, radio, etc.) in a manner that disturbs the privacy of other individuals and/or the instructional programs of the University.
- c. Use of any electronic or other device to covertly listen and/or observe, make an audio, video or digital recording of any person while on University premises without his/her prior knowledge, or without his/her consent when such activity or record of such activity is likely to cause injury or distress. This includes, but is not limited to, surreptitiously eavesdropping, photographing, video recording, or web-camera recording another person in an athletic facility, locker room, restroom, bedroom, dorm room, or any place a person believes he/she has an expectation of privacy and that society would find his/her expectation objectively reasonable.

## ***I. False Representation***

Providing false information to the University. This includes, but is not limited to:

1. Making false reports of a fire, bomb threat, or other dangerous condition; causing or contributing to the cause of a false fire alarm; failing to report a fire, or interfering with the response of University or municipal officials to emergency calls.
2. Furnishing false information to any University employee or office.
3. Forging, altering or misusing any University document, record or instrument of identification.
4. Tampering with the election of any University-recognized student organization.
5. Attempting to represent the University, any recognized student organization, or any official University group without the explicit prior consent of the official representatives of that group.

## ***J. Financial Misconduct***

1. Failure to meet financial obligations owed to the University, including, but not limited to the writing of checks on accounts with insufficient funds.
2. Acting as an agent of the University without authorization.
3. Unauthorized use of the University non-profit status tax ID number.

## ***K. Gambling***

Gambling (including legalized gambling) as a University-sponsored or University-related activity either on or off campus is prohibited. Lotteries or raffles may be permitted when restricted to members of the University community. (See full text of the [NUHS Gambling Policy](#).)

## ***L. Harassment***

Engaging in behavior knowing (or having reasonable grounds to know) that it will (or potentially could) alarm, anger, harm, or disturb others, or provoke an assault or breach of peace. This includes written and verbal forms of harassment. Online social media users (i.e. Facebook, Twitter, Yik-Yak, etc.) are subject to the same restrictions on misconduct as e-mail and other forms of communication. This includes, but is not limited to:

1. Engaging in actions that harass, threaten or otherwise endanger the health or safety of any person.
2. Intimidating, demeaning or injuring an individual physically, mentally or emotionally.
3. Engaging in a course of misconduct or repeatedly committing acts that alarm or seriously annoy another person and that serve no legitimate purpose.
4. Obscene or harassing communication including making obscene or harassing phone calls, sending obscene or harassing letters, emails, text messages or any other social media platform to communicate in an obscene, harassing, threatening, intimidating, demeaning or repeatedly willful and malicious manner directed at a specific person or group that would cause a reasonable person to feel fear.
5. Making, attempting to make, or distributing a sound or visual recording of any person(s) in bathrooms, showers, bedrooms, or any other premises where there is a reasonable expectation of privacy, without the knowledge and consent of all participants subject to such recordings.

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## **M. Hate Motivated/Bias Based Behavior**

Conduct specifically directed at an individual or group on the basis of age, race, ethnicity, gender, sexual orientation including gender identity, religion, pregnancy, citizenship status, ancestry, order of protection status, genetic information, marital status, arrest record status, status as a military veteran, socioeconomic status or disability with the intention to intimidate, demean or injure an individual(s) physically, mentally or emotionally.

## **N. Hazing**

Committing any intentional, knowing or reckless act, occurring on or off the NUHS University campus, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in or maintaining membership in any organization or athletic team whose members are or include NUHS students. A student commits an offense if he/she engages in hazing, encourages another to engage in hazing, knowingly permits hazing to occur or has knowledge of hazing and fails to report said knowledge to an appropriate official of the University. Having the expressed or implied consent of the student being hazed will not be accepted as a defense. Apathy or acquiescence in the presence of hazing is not a neutral act; and still violates this *Code*. (Refer to the [NUHS Anti-Hazing Policy](#))

## **O. Obstructing University or Police Official Duties**

Failure to comply with directions of University officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.

## **P. Physical Violence or Verbal Abuse (Threats)**

Committing any physical or verbal attack against another person or group through the use of violence, threat of violence, physical or verbal abuse, threats (expressing intent to cause harm or pain), intimidation (creating feelings of fear, anxiety or inadequacy in someone), harassment, coercion and/or any other conduct that threatens or endangers the health or safety of any person or group.

1. Physical violence of any nature against any person, on or off campus, other than for self-defense. This includes fighting; assault; battery; the use of a knife, gun, or other weapon; physical abuse; restraining or transporting someone against his/her will; or any action that threatens or endangers the physical health or safety of any person or causes reasonable apprehension of such harm.
2. Verbal abuse and/or threats characterized by persistent, severe, and/or pervasive abuse, threats, intimidation, coercion, bullying and/or other conduct which threatens or endangers the mental or physical health or safety of any person or causes reasonable apprehension of such harm.

## **Q. Reckless Endangerment**

Reckless endangerment is conduct that creates a substantial risk of serious physical injury to another person. A person committing this form of conduct isn't required to intend the resulting or potential harm, but must have acted in a way that showed a disregard for the foreseeable consequences of the actions. Examples include but are not limited to:

1. Committing or attempting to commit acts of arson, a fire hazard, or possessing and/or using, without proper authorization, flammable materials or hazardous substances on University property.
2. Entering a false fire alarm or bomb threat.
3. Discharging, causing to be discharged or tampering with fire and life safety equipment, including but not limited to altering or misusing any fire fighting or safety equipment, or emergency device; exiting through alarmed doors; propping open exterior or interior doors that allow access to a locked facility.
4. Failure to evacuate during a fire, fire drill or false alarm.
5. Removal, destruction or vandalizing traffic safety signs, temporary barriers, safety cones or caution signs placed in or around an area to warn others to use caution, avoid a hazardous condition ahead, refrain from using, or stop and use an alternate device, route, etc.
6. Knowingly or recklessly exposing another person to a significant risk of any sexually transmitted infection (including HIV).
7. Abuse of any person by any action that threatens or endangers the emotional well-being, health or safety of a person by any means not specifically described within this *NUHS Student Code of Conduct*.

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## R. Sexual Misconduct

Sexual misconduct violates University policy (*NUHS Student Code of Conduct, Title IX and Sex Discrimination Policy, Policy on Consensual Relationships Between Faculty and Students, and the Clinic Intern Manual*) and Federal Civil Rights Law (*Title IX of the Higher Education Amendments of 1972, 20 U.S.C. § 1681 et seq.*). Any complaints related to Sexual Misconduct shall **not** be managed under the *NUHS Student Code of Conduct*. Instead, sexual misconduct complaints shall be processed using the [\*NUHS Title IX and Sex Discrimination Policy\*](#). In order to promote a clearer understanding of the prohibited conduct that constitutes sexual misconduct at NUHS, excerpts from that policy are cited below.

1. Sexual Misconduct is a broad term encompassing a range of behaviors including rape, attempted rape, sexual battery, attempted sexual battery, sexual assault, intimate partner violence (e.g., dating or domestic violence), stalking, cyber-stalking, sexual exploitation, sexual harassment, non-consensual sexual intercourse, and non-consensual conduct in which a person deliberately touches, fondles, pinches, grabs, etc., another person's (of either sex) intimate body part (including genitalia, groin, breast or buttocks, or clothing covering any of these areas), voyeurism, possession of child pornography, public indecency, and/or knowingly or recklessly exposing another person to a significant risk of sexually transmitted infection (including HIV), and any other non-consensual conduct of a sexual nature that has the purpose or effect of threatening, intimidating, or coercing a person or persons. Sexual misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual Misconduct can be committed by men or by women, and it can occur between people of the same or different sex.
2. Most sexual misconduct includes non-consensual sexual contact, but it is not a necessary component. Threatening speech, which is sufficiently serious to constitute sexual harassment, for example, constitutes sexual misconduct. Photographs, video or other visual or auditory records of sexual activity made without explicit consent constitute sexual misconduct, even if the activity documented was consensual. Similarly, sharing such recordings without explicit consent is a form of sexual misconduct. For example, distributing a harassing electronic recording may also constitute an offense.
3. At NUHS, sexual misconduct also includes any violation of NUHS's [\*Policy on Consensual Relationships Between Faculty and Students\*](#) wherein it states in part, "*The University forbids the empowered (faculty and others having a professional responsibility for students, supervisory or otherwise) to establish, to encourage, or attempt to encourage, or to maintain, or attempt to maintain, an amorous, romantic, or sexual relationship with students.*"
4. Sexual misconduct by a healthcare provider is a particularly odious transgression upon vulnerable individuals who seek the healing services offered within the NUHS clinic system. Consequently, clinical training at NUHS has always emphasized ethical development to be worthy of the public's trust. This development is cultivated by the influence of the [\*NUHS Clinic Intern Manual\*](#), which states: NUHS students are barred from any behavior that sexualizes, or appears to sexualize, the student's professional relationship with a patient/client. The intimacy of the therapeutic relationship may activate unmet student and/or patient needs or desires that weaken objectivity and may lead to sexualizing the therapeutic relationship. Therefore, NUHS students are barred from engaging in romantic, sexual, or other non-professional relationships with a patient/client, even at the apparent request of a patient/client, while the student is involved with the patient's/client's care. Conversely, students are not expected to tolerate inappropriate sexual behavior on the part of any NUHS employee, patient or client. Within the healthcare community, these boundaries are **very** real and distinct. They are designed to protect the consumer, the practitioner, and to safeguard the universal sanctity of the healer-patient clinical encounter. In the role of healthcare provider, students should use special care to avoid specific interpersonal alliances, and shall:
  - a. Not engage in **any** sexual activity with a patient/client.
  - b. Recognize his/her influential position with a patient/client and shall not exploit the relationship for personal gain at the patient's/client's expense.
  - c. Recognize and restrict the powerful impact of **transference** (a patient's unresolved feelings and issues that are unconsciously transferred to the practitioner) and **counter-transference** (a practitioner's unresolved feelings and issues that are unconsciously transferred to the patient) with a patient/client.
  - d. Avoid **dual** (an alliance in addition to the doctor/patient relationship, such as social, familial, business or any other relationship that is outside the therapeutic relationship) or **multidimensional relationships** (overlapping relationships in which doctor and patient share an alliance, in addition to the therapeutic relationship) that could impair professional judgment or result in exploitation of the patient/client.

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## **S. Smoking on University Premises**

Smoking is prohibited on University premises, this includes but is not limited to: elevators, private offices, general office space, lounges, lobbies, classrooms, hallways, rest rooms, stairwells, the library, the public areas of student housing and laboratories. This does not include private residences.

## **T. Solicitation of Funds**

Unauthorized canvassing or fundraising solicitation by individuals or representatives of student organizations on University premises, within the communities adjacent to the University, or to any third-party vendors or businesses without the authorization of the Office of Student Services.

## **U. Trespass or Unauthorized Entry**

Trespassing or unauthorized possession and/or duplication and use of keys or ID card to any University premises including unauthorized entry to or use of University premises.

## **V. Unauthorized Use or Abuse of University Computing Resources**

Including but not limited to the following:

1. Any attempt to breach or the actual breach of network or computer security.
2. Unauthorized entry into a file, to use, read, delete or change the contents, or for any other purpose.
3. Unauthorized copying or distribution of copyrighted computer software or other materials. Use of computing facilities and resources in violation of copyright laws. This includes, but is not limited to: unauthorized peer-to-peer file sharing and illegal downloading or unauthorized distribution of copyrighted materials using the institution's information technology system. (*See: [NUHS Peer-to-Peer File Sharing Policy](#).*)
4. Unauthorized transfer of a file.
5. Use, or attempted use, of another person's identification and/or password or assisting another to misuse any identification or password.
6. Use of computing facilities to interfere with the work of another student, faculty member, University official, or any other member of the University community.
7. Use of computing facilities to send obscene or abusive messages.
8. Use of computing facilities to send unauthorized mass emailing or chain mail.
9. Use of computing facilities to interfere with normal operation of any University computing system network.
10. Use of computing facilities/resources to violate any campus policy or rule to violate any local, state or federal law.

## **W. Unauthorized Posting**

Placing notices, posters, signs, handbills, etc. anywhere on University premises and/or through University resources without proper authorization. (The Office of Student Services authorizes all posting on University premises.)

## **X. Unauthorized Practice**

Attempting and/or claiming to practice chiropractic, naturopathy, acupuncture, Oriental medicine or therapeutic massage without proper authorization and supervision and/or outside the scope of University's educational activity. (*Refer to the full text of the [Unauthorized Practice by NUHS Students Policy](#).*)

## **Y. Violation of Other Laws, Policies or Procedures**

Violating federal, state, or local laws on University premises or while in attendance at University sponsored or supervised events or committing off-campus violations of federal, state, or local law that adversely affect the reputation of the University, the safety of the campus community, and/or the pursuit of its objectives.

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## Z. Weapons, Explosives & Hazardous Material Restrictions

All NUHS students, employees (faculty and staff), vendors conducting business with the University and visitors, unless authorized by law or a specific exception (noted below), are prohibited:

1. From possessing, storing, carrying, or unlawfully using any weapon or firearm on restricted University property (including on-campus University housing) or in any vehicle owned, leased or controlled by the University, even if that person has a valid federal or state license to possess or carry a firearm.
2. From displaying, brandishing, discharging or otherwise using any and all weapons or firearms, including concealed weapons or firearms on restricted University property.

All weapons, including but not limited to a concealed firearm/handgun are prohibited on any restricted University property unless all provisions of a firearms exception (*noted below under: Exceptions*) are met, or waived (e.g. an on duty security official or law enforcement officer).

Prohibited weapons, explosives or hazardous material include but are not limited to:

1. Firearm, Handgun, Firearm ammunition, BB gun, pellet gun, paintball gun, tear gas gun, stun, taser, or other dangerous or deadly device of similar type; (*In Florida, a registered student who is licensed to carry a concealed weapon may carry a stun gun or nonlethal electric weapon or device designed solely for defensive purposes if the weapon does not fire a dart or projectile*);
2. Knife with a blade of at least 3 inches in length (except an ordinary eating utensil), dagger, dirk, switchblade knife, stiletto, ax, hatchet, or other deadly or dangerous weapon or instrument of similar type;
3. Bludgeon, blackjack, slingshot, sandbag, sand club, metal knuckles, billy-club, throwing star, nunchaku, or other dangerous or deadly weapon of similar type;
4. Bomb, bombshell, grenade, firework, bottle, or other container containing an explosive, toxic, or noxious substance, unless under academic/classroom supervision, (other than an object containing a nonlethal noxious liquid, gas, or substance designed solely for personal defense possessed by a person 18 years of age or older);
5. Souvenir weapon or other weapon that has been rendered permanently inoperative.

### **EXCEPTIONS** (Refer to the full text of the [Weapons & Firearms Restriction Policy](#))

The carrying or use of a firearm will be permitted in the following circumstances:

1. The firearm is carried by an on duty law enforcement officer required to carry a weapon or firearm as a condition of his or her employment; the firearm is carried by an enforcement officer from an external agency conducting official business on University property; or
2. A concealed firearm may be stored within a personally owned vehicle on University property only if all of the following conditions are met:
  - **In Illinois:** the individual must have a valid concealed-carry license,
  - **In Florida:** the individual may do so *without a license*; and
  - The firearm and its ammunition must be concealed in a locked case within a locked vehicle ("case" includes a glove compartment or console that completely encloses the firearm or ammunition, the trunk of the vehicle, or a firearm carrying box, shipping box, or other container) OR within a locked container out of plain view within a locked vehicle; and
  - If the person removes the concealed firearm from the vehicle, it must first be unloaded inside the vehicle, and it may only be removed for the limited purpose of storing or retrieving it from the trunk of the vehicle.
3. **Florida site only:** a firearm in the possession of a student or instructor while actively involved as a student or instructor at the Allstate Campus or persons actively utilizing the Allstate Campus' indoor firing range, but only while actively involved in these two activities or directly and immediately going to or coming from those activities. All such firearms (except those in the possession of a law enforcement officer) must be completely unloaded, with any magazine removed, until the student or instructor arrives at the Allstate Campus, and before leaving the Allstate Campus to go to a parked automobile or to leave campus.

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# Hearing Procedures

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## ***Filing a Complaint***

1. Any member of the University community may file a complaint against any student or student organization for alleged misconduct. Charges should be prepared in writing and directed to the Dean of Students. The Dean is the President's designee responsible for the administration of the University Student Code of Conduct. The Dean is also the arbiter of procedural interpretations or disputes related to student conduct and discipline arising out of administration of this *NUHS Student Code of Conduct* and Ch. 7 of the *NUHS Clinic Intern Manual*.
2. A complaint should be submitted as soon as possible after the event takes place, preferably within 2 business days. Any complaint filed beyond 90 days of the incident shall not be processed unless the Dean determines the delay was influenced by the nature of the complaint or that strict enforcement of the deadline would undermine the purpose of the policy and/or the best interests of the University. Only under extraordinary circumstances shall any action be taken on unwritten or unsigned charges.
3. The Dean of Students will inquire, gather, and review information about the reported student or student organization misconduct and will evaluate the accuracy, credibility and sufficiency of the information. If the Dean determines the complaint has enough merit to proceed, then the Dean shall decide whether the hearing format will be informal (generally, more expeditious and decided by one person) or formal (a process governed by more procedural steps and decided by more members of the University). Both formats safeguard a student's rights; use the same standard of proof, sanctions, and appeal process.
4. Students, who fail to obey the summons of the Dean of Students or the Committee on University Discipline after proper notification, will be deemed to have pled "innocent" or "not responsible" to the charges pending against them.
5. Notification will be regarded as delivered if the notice is sent to the current local address of the student as provided to the Registrar's Office by the student. Thus, failure to notify the University of changes of address could result in a hearing being held in absentia.

## ***Rights Of Students Charged With Misconduct:***

1. To be notified of the charge and alleged misconduct upon which the charge is based.
2. To be considered innocent of the charges until proven responsible by applying the standard of proof known as a "more likely than not" weighing of the evidence.
3. To be informed of the support upon which a charge is based and offered an opportunity to respond.
4. To be allowed a reasonable time to prepare a defense.
5. The limited ability to call and confront relevant witnesses.
6. To be assured of confidentiality, in accordance with the federal FERPA.
7. To be allowed to challenge the involvement of any person conducting an informal hearing or serving as a member of a formal hearing board on the ground of personal bias.
8. To be informed of the sanctions, conditions and/or restrictions which may be imposed.
9. To be allowed to refrain from making any statement relevant to the allegation(s).
10. To be accompanied by an advisor at any formal disciplinary hearing (for advisory purposes only, not for representation).

## ***Informal Hearing Procedure***

1. Generally, in cases in which the accused does not dispute the preliminary findings gathered by the Dean (Dean of Students or Dean of Clinics) and readily accepts responsibility for the misconduct; the matter may then be managed by an informal hearing with the Dean.
2. If a complaint is managed informally, the accused student shall be notified in writing of the complaint(s) before meeting with the Dean of Students or Dean of Clinics to prepare a response to the charge/complaint. The Dean may tape record this meeting and consider record(s), witness(s), written statement(s) or exhibit(s) deemed contributory or important to a fair hearing. An advisor or an attorney shall not assist the accused

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student. If the Dean determines the *Code* or the *Clinic Intern Manual* has been violated, the full range of sanctions may be imposed (as set forth within this *Code* or Ch. 7 of the *Clinic Intern Manual*).

3. The Dean of Students (or Dean of Clinics, if an intern is informally disciplined by the Dean for a violation of the *NUHS Clinic Intern Manual*) shall write a summary report of the hearing that shall include the Dean's findings and conclusion whether the student or student organization (on the basis of a "more likely than not" weighing of the evidence) violated the section(s) of the *Code of Conduct* or *Intern Manual* as the charges stipulate in the complaint. The report shall include the sanction(s) imposed, if any. The summary report shall be the property of the University. This report shall be on file in the Dean's Office. The Dean shall notify the accused student in writing of his/her disposition in a timely manner. The decision of the Dean of Students or Dean of Clinics shall be final pending an appeal based upon the criteria in the **Appeal Process** (below).
4. Formal rules of process, procedure, and/or technical rules of evidence, such as those applied in criminal or civil court, are not used in *Student Code of Conduct* or *Clinic Intern Manual* proceedings. Any change in status of the student with the University resulting from the Dean's decision shall be transmitted in writing to the Chairperson of the Committee on University Discipline, the Dean of the appropriate college, the Dean of Clinics (if the complaint involved an NUHS intern and was adjudicated by the Dean of Students), the Director of the Business Office, the Director of Financial Aid and the Registrar.

### **Formal Hearing**

If the accused student or student organization's student representative disputes the charge(s), the information and/or the findings reported to or discovered by the Dean that a violation has been committed, then the matter may be adjudicated through a formal hearing. All charges shall be presented to the accused student or student organization in written form and a copy of this notification shall also be forwarded to the chairperson of the Committee on University Discipline. Upon receipt of the copy of the notice to the accused student or student organization from the Dean of Students, the chairperson of the Committee on University Discipline shall set a time for a formal hearing, not less than five nor more than 15 business days after the student has been notified. Maximum time limits for scheduling of hearings may be extended at the discretion of the Dean of Students. The Committee on University Discipline shall conduct a formal hearing according to the following guidelines:

1. The burden of proof at an initial hearing is on the University. At the appeal level, however, the student bears the burden of providing grounds for the appeal as set forth in the section on "Appeal Process" of this *Code*.
2. Admission of any person to the hearing shall be at the discretion of the Chairperson of the Committee on University Discipline. Hearings normally shall be conducted in private.
3. In hearings involving more than one accused student, the chairperson of the Committee on University Discipline, in his or her discretion, may permit the hearings concerning each student to be conducted separately.
4. The complainant and the accused have the right to be assisted by any advisor they choose, at their own expense. The advisor may be an attorney. The complainant and/or the accused are responsible for presenting his or her own case and, therefore, advisors are not permitted to speak or to participate directly in any hearing before the Committee on University Discipline.
5. The complainant, the accused and the Committee on University Discipline shall have the privilege of presenting witnesses, subject to the right of cross-examination by the Committee on University Discipline.
6. The Committee on University Discipline may accept pertinent records, exhibits and written statements as evidence for consideration at the discretion of the chairperson.
7. All procedural questions are subject to the final decision of the chairperson of the Committee on University Discipline.
8. After the hearing, the Committee on University Discipline shall determine (by majority vote) whether the student has violated each item of the *Student Code of Conduct* or *Clinic Intern Manual* that the student is charged with violating.
9. The Committee on University Discipline shall determine that a violation(s) occurred by applying the standard of proof known as a "more likely than not" weighing of the evidence.
10. There shall be a single verbatim record, such as a tape recording, of all hearings before the Committee on University Discipline. The record shall be the property of the University.
11. Except in the case of a student charged with failing to set up or keep an appointment with a staff member in

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the Office of the Dean of Students, no student may be found to have violated the *Student Code of Conduct* or Ch. 7 of the *Clinic Intern Manual* solely because the student failed to attend a conduct hearing. In all cases, the evidence in support of the charges shall be presented and considered. The failure of a student to appear shall not preclude a hearing from proceeding.

12. The University conduct process is not analogous to, is not equivalent to, and does not conform to criminal law processes. The *NUHS Student Code of Conduct* or *Clinic Intern Manual* is designed, in part, to determine responsibility, or lack thereof, for violations of the *NUHS Student Code of Conduct* or a breach of the disciplinary protocols described in Ch. 7 of the *Clinic Intern Manual* only – not guilt or innocence relative to criminal matters.

All informal and formal proceedings shall be conducted in a fair, impartial and just manner and shall not be constricted by the formal rules of evidence that characterize criminal and civil judicial proceedings, nor shall minor deviations from prescribed procedures necessarily invalidate a decision, unless significant prejudice to a student or the University may result.

## Sanctions

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Sanction determination shall be based on the severity of the current conduct violation. A student's (or student organization's) disciplinary history shall have no bearing on determining whether the *Student Code of Conduct* or *Clinic Intern Manual* has been violated as it applies to the current complaint. If, however, a student is found to be responsible for a violation of the *Code* or *Intern Manual* in the current instance, the full disciplinary history shall be considered when determining the sanction(s). Sanctions shall be determined as a discrete and separate part of the hearing process and shall only be imposed upon a finding that a violation has occurred. Sanctions may be applied independently or in combination depending on the particular circumstance of the violation. More than one of the sanctions may be imposed for any single violation; chronic and/or multiple violations shall increase the severity of sanctions applied.

Where there is reason to believe that a student has intentionally selected a person or persons to victimize or selected property to damage, or violated other provisions of the *Student Code of Conduct* or Ch. 7 of the *Clinic Intern Manual* because of the personal characteristics or status of a person or group of persons or personal characteristics or status of the owner(s) or occupant(s) of any property, sanctions may be increased. These characteristics include, but are not limited to: age, race, ethnicity, gender, sexual orientation including gender identity, religion, pregnancy, citizenship status, ancestry, order of protection status, genetic information, marital status, arrest record status, status as a military veteran, socioeconomic status or disability, or inclusion in any group or class protected by state or federal law or university policy. Intent shall be determined by consideration of all relevant circumstances.

Any student/student organization who fails to meet the deadline for completing any assigned sanction(s) set by the Committee on University Discipline, the Dean of Students, or the Dean of Clinics shall not be eligible to register for classes, receive financial aid, receive a diploma, or obtain any transcripts (official or unofficial) until he/she complies with the terms of the original sanction(s) and any additional sanctions that may have accrued as a resultant failure to complete the original sanction(s) in a timely manner.

The following sanctions may be imposed upon any student or student organization found to have violated the *NUHS Student Code of Conduct* or Ch. 7 of the *NUHS Clinic Intern Manual*:

1. **Warning:** Notice, verbally or in writing, that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.
2. **Censure:** A written reprimand for violation of specified regulations, including a warning that continuation or repetition of prohibited conduct may be cause for additional disciplinary action. Notice of this action may appear on the student's academic transcript for up to one year.
3. **Loss of Privileges:** Denial of specified privileges for a designated period of time. Examples of privileges that can be denied include: campus registration of an automobile, parking in a specific area or during specific time periods, access to a building or portion of a building, access to a program, on-campus living, holding an office within a Registered Student Organization, participation in extra-curricular activities, access to a particular living group, and any other privilege that the Hearing Officer or Committee deems appropriate to deny.
4. **Fines:** Previously established and published fines may be imposed.

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5. **Restitution:** Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement to the University or to an affected party.
  6. **Behavioral Contract:** A written contract between the student and the University wherein the student agrees to correct inappropriate behaviors within a designated period of time.
  7. **Discretionary Sanctions:** Service to the University, service to the community, attendance at educational seminars, classes or workshops, written assignments, or other activities deemed appropriate by the conduct body. The student is required to submit written proof of participation in and/or completion of the sanction to the conduct body. (Some seminars, classes and workshops may require a registration fee.)
  8. **Residence Hall Suspension:** Separation of the student from the residence hall for a definite period of time, after which the student may be eligible to return. Conditions for readmission should be specified.
  9. **Residence Hall Expulsion:** Permanent separation of the student from the residence halls.
  10. **Disciplinary Probation:** Probation requires that a student's conduct be reviewed for a specified period of time. Conditions of the probationary period will be specified to the student by the hearing body and may be applied during the probationary period. All conditions must be satisfied and verified prior to the completion of the probationary period. If a student is found responsible for violation of any institutional policy(s) during the probationary period, more severe sanctions could be applied. Notice of this action may appear on the student's academic transcript for up to two years.
  11. **Disciplinary Suspension:** Separation of the student from the University or a University program for a period of time, after which the student is eligible to return. During this time, the student under suspension shall forfeit all rights of her/his student status for the duration of her/his suspension and may have her/his privileges of access to University premises revoked. Conditions for readmission and/or continued enrollment after re-admittance may be specified. All conditions for readmission must be satisfied, completed and certified to the Office of the Dean of Students or the Dean's designee prior to re-admittance. Additionally, a written plan for adherence to conditions of continued enrollment after re-admittance from a suspension should be provided to the Office of the Dean of Students or the Dean's designee for review and approval. Notice of this action may appear on the student's academic transcript for up to four years. Conditions for readmission may be specified.
  12. **Disciplinary Expulsion:** Permanent termination of student status, and exclusion from University premises, privileges and activities. An expelled student shall forfeit all rights of his/her student status immediately and permanently upon expulsion. This action will be recorded on the student's academic transcript, but may be removed by the President or the President's designee after five years, for good cause.
  13. **Revocation of Admission, Certificate, and/or Degree:** Admission to the University, or any certificate or degree that has been awarded by the University may be revoked for fraud, misrepresentation, or other violation of University standards in obtaining a certificate and/or degree, or for other serious violations committed by a student prior to graduation.
  14. **Withholding Certificate and/or Degree:** The University may withhold awarding of a certificate and/or degree otherwise earned until the completion of the process set forth in this *NUHS Student Code of Conduct*, including the completion of all sanctions imposed, if any.
  15. More than one sanction listed above may be imposed for any single violation.

Violations of the *NUHS Student Code of Conduct* or Ch. 7 of the *NUHS Clinic Intern Manual* that may result in suspension or expulsion from the University, may take into account specific and significant mitigating factors. Factors to be considered in mitigation shall be the present demeanor and past disciplinary record of the offender, as well as the nature of the offense and the severity of any damage, injury or harm resulting from it.

Repeated or aggravated violations of the *Student Code of Conduct* or *Clinic Intern Manual* may also result in expulsion or suspension or in the imposition of such lesser penalties as may be appropriate. Attempts to commit acts prohibited by the *NUHS Student Code of Conduct* or *Clinic Intern Manual* may be punished to the same extent as completed violations.

The following sanctions may be imposed upon groups or organizations:

- a. Those sanctions listed above from #1 to #15.
- b. Deactivation - Loss of all privileges, including recognition, for a specified period of time.

Following the formal hearing, the Committee on University Discipline shall advise the accused student(s) in writing of its determination and of the sanction(s) imposed within five (5) business days.

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## ***Interim Suspension***

In certain circumstances, the Dean of Students may suspend a student from the University for an interim period pending disciplinary or criminal proceedings or a medical evaluation.

1. Interim suspension may be imposed only:
  - a. To ensure the safety/well-being of University members, or preservation of University property;
  - b. To ensure the student's own physical or emotional safety and well-being;
  - c. If the student poses a definite threat of disruption or interference with the normal operations of the University.
2. During the interim suspension, students may be denied access to the University premises (including residence halls) and/or all other University activities or privileges (including classes) for which the student might otherwise be eligible, as the Dean of Students may determine to be appropriate. A suspended student shall, however, be given a prompt opportunity to appear personally before the Dean to discuss the following issues only:
  - a. The reliability of the information concerning the student's misconduct, including the matter of the identity of the person(s) reporting the misconduct.
  - b. Whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on University premises poses a substantial and immediate threat to himself/herself, others, or to the continued stability of normal University functions.
3. The interim suspension does not replace the regular disciplinary process, which shall proceed on the normal schedule, up to and through a formal or informal hearing, if required.

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## **Appeal Process**

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A decision reached by the Committee on University Discipline or Dean of Students may be appealed by the individual(s) who filed the original complaint or by a student or student organization found responsible for violating the *NUHS Student Code of Conduct* to the Appellate Body (usually the Vice President for Administrative Services) in writing within five (5) business days of the decision.

However, filing an appeal does not mean that an appeal will automatically be granted nor does it entitle the appellant to a complete rehearing of the case. The appeal process shall be limited to a review of the file and supporting documents (except as necessary to gain insight into any new information). An acceptable appeal leading to a review of the decision by the hearing body **must** be based upon one of the four (1. through 4.) reasons listed below.

The Appellate Body may: request that the original hearing official(s) clarify some aspect of the original decision, remand the case back to the original hearing body with instructions, grant the request to have the specific basis for the appeal reviewed, or uphold the decision of the original hearing body. An appeal review, if granted, shall be limited to the following issues:

1. To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and present information that substantiates that the *Student Code of Conduct* or Ch. 7 of the *Clinic Intern Manual* was violated, and giving the alleged violator a reasonable opportunity to prepare and present a rebuttal of those allegations.
2. To determine whether the decision reached regarding the actions of the alleged violator was based on the standard of proof known as a "more likely than not" weighing of the evidence, that is, whether the facts in the case were sufficient to conclude that a violation of the *Student Code of Conduct* or Ch. 7 of the *Clinic Intern Manual* occurred and the student was responsible.
3. To determine whether the sanction(s) imposed were appropriate for the violation the student was found to have committed.
4. To consider new evidence, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such evidence and/or facts were not known to the appellant at the time of the original hearing.

In any appeal granted by the Appellate Body, review of the case may not result in more severe sanction(s). The imposition of sanctions may be deferred while an appeal is pending, unless, in the discretion of the Appellate Body, the continued presence of the student on the campus poses a substantial threat to him/herself or to others, or to the

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continued stability of normal University functions.

Adjudication by the Appellate Body shall be binding and final. The Appellate Body's decision shall be transmitted in writing to the student(s) or student organization and the individual who filed the original complaint. Notice of the decision and the resulting status of the student with the University shall also be transmitted in writing to the Chairperson of the Committee on University Discipline, the Dean of Students, the Dean of the college the student(s) were enrolled within, the Dean of Clinics (if the student is/was enrolled as an intern assigned to one of the University's clinical settings), the Director of the Business Office, the Director of Financial Aid and the Registrar.

The files of students or student organizations found responsible for any charges filed against them will normally be retained for seven years from the date of the letter providing notice of final disciplinary action.

## Expungement Process

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Individual students or student organizations that have been sanctioned with a suspension or expulsion shall have the documentation of their proceedings permanently kept on file in the Dean of Students Office. All other conduct files resulting in less punitive sanctions shall be kept for seven years from the date of the letter providing notice of final disciplinary action unless the files have been expunged (as described below). Students may request to have their conduct record expunged under the conditions listed below. Expungement shall be at the sole discretion of the President of the University and shall require the entire record to be expunged or none of it to be expunged (i.e., no partial expungement shall be allowed). Conditions include:

1. Application for expungement shall occur only upon completion of all certificate and/or degree requirements and attainment of a certificate and/or degree.
2. Expungement may occur only for students who have sanctions other than suspension or expulsion and whose violations were determined not to have threatened or endangered the health or safety of any person. Records for a student(s) who has been suspended or expelled are not eligible for expungement.
3. Expungement decisions shall be made based on obvious long-term improvement in behavior, or lack thereof, (e.g., no violations of the student code for two or more consecutive semesters prior to graduation), and/or demonstration, or lack thereof, of cooperation in previous student conduct matters, and/or any other reasonable factor.

Upon written petition, disciplinary records may be voided at the discretion of the President or the President's designee for reasons deemed to be appropriate, just, or ultimately in the best interests of the student, the student organization, or the University. Factors to be considered in mitigation (on a case by case basis) shall be the present demeanor of the student or student organization, the conduct of the student or student organization subsequent to the violation, as well as the nature of the violation(s) and the severity of any damage, injury, or harm resulting from it.

## Interpretation & Revision

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Any question, need for clarification or interpretation of the *NUHS Student Code of Conduct* or *Clinic Intern Manual* should be referred to the Dean of Students or other University official designated by the President of the National University of Health Sciences. The Dean of Students is responsible for the administration of the *NUHS Student Code of Conduct* and Chapter 7 (Clinic Disciplinary Protocols) of the *Clinic Intern Manual*.

In this role, the Dean reviews (or assists other University officials) information about reported student misconduct and evaluates the accuracy, credibility and sufficiency of information that may result in charges that the *NUHS Code of Conduct* or Ch. 7 of the *Clinic Intern Manual* has been violated.

The *NUHS Student Code of Conduct* and Chapter 7 of the *Clinic Intern Manual* shall be reviewed every three (3) years under the direction of the Dean of Students. The President of the University (or the President's designee) shall tender final approval of any revision or update to the *NUHS Student Code of Conduct* or Chapter 7 of the *Clinic Intern Manual*.

## **When used in this Code:**

1. The term “**adjudication**” means the resolution of disciplinary charges, including the appeal process.
2. The term “**appeal**” means a process for reviewing an earlier decision.
3. The term “**Appellate Body**” means any person or persons authorized by the President to consider an appeal that a student has violated the *NUHS Student Code of Conduct* or Ch. 7 of the *Clinic Intern Manual* or failed to comply with the sanctions or attached conditions imposed by the Committee on University Discipline, the Dean of Students or the Dean of Clinics. In most situations it will be the Vice President for Administrative Services.
4. The term “**blackmail**” means to coerce something from a University official who may wish to prevent disclosure of information that could bring disgrace.
5. The term “**bribery**” means anything given or promised to a University official as an inducement to do something.
6. The term “**charge**” means an accusation or complaint of a violation of the *NUHS Student Code of Conduct* or Ch. 7 of the *NUHS Clinic Intern Manual* of National University of Health Sciences.
7. The term “**Code**” means the *NUHS Student Code of Conduct* of National University of Health Sciences.
8. The term “**consent**” means:  
*In Illinois*, consent is defined as “(i) a freely given agreement to the act of sexual activity, (ii) a person’s lack of verbal or physical resistance or submission resulting from the use of threat or force does not constitute consent, (iii) a person’s manner of dress does not constitute consent, (iv) a person’s consent to past sexual activity does not constitute consent to future sexual activity, (v) a person’s consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another, (iv) a person can withdraw consent at any time, and (vii) a person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to the circumstances, including without limitation the following: (A) the person is incapacitated due to the use or influence of alcohol or drugs; (B) the person is asleep or unconscious; (C) the person is under age; or (D) the person is incapacitated due to a mental disability.” 110 155/5 ILCS  
*In Florida*, consent is defined as “intelligent, knowing, and voluntary consent and does not include coerced submission. Consent shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender.” Florida Statute 794.011
9. The term “**Committee on University Discipline**” means a group appointed by the University President that shall hear all formal complaints to determine if a violation of the *NUHS Student Code of Conduct* or Ch. 7 of the *NUHS Clinic Intern Manual* has occurred and recommends sanctions.
10. The term “**cyber-stalking**” means:  
*In Illinois*, cyber-stalking is committed when “he or she knowingly and without lawful justification, on at least 2 separate occasions, harasses another person through the use of electronic communication. 720 ILCS 5/12-7.5  
*In Florida*, cyber-stalking is defined as “to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail, or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.” Florida Statute 784.048
11. The term “**dating violence**” means:  
*In Illinois*, dating violence is defined as “physical abuse, harassment . . . interference with personal liberty or willful deprivation” directed toward “persons who have or have had a dating or engagement relationship. [N]either a casual acquaintanceship nor ordinary fraternization between 2 individuals in business or social contexts shall be deemed to constitute a dating relationship.” 750 ILCS 60/103  
*In Florida*, dating violence is defined as “violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors: a dating relationship must have existed within the past 6 months, the nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties, the frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and

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on a continuous basis during the course of the relationship. The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.” Florida Statute 784.046

12. The term “**days**” means all days when classes are in session.
13. The term “**Dean of Students**” refers to the Dean (or the Dean’s designee, such as the Assistant Dean) designated by the University President to be responsible for the administration of the *NUHS Student Code of Conduct* for the University. The Dean is also the arbiter of procedural interpretations or disputes related to student conduct and discipline arising out of administration of the *NUHS Student Code of Conduct* and Ch. 7 of the *NUHS Clinic Intern Manual*.
14. The term “**domestic violence**” means:  
*In Illinois*, is defined as “physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation, but does not include reasonable direction of a minor child by a parent or person in loco parentis.” 750 ILCS 60/103  
*In Florida*, is defined as “any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member, Florida Statute 741.28
15. The term “**extortion**” means the act of obtaining something by force or threats.
16. The term “**faculty member**” means any person hired by the University to conduct academic activities.
17. The term “**formal**” hearing means the hearing and recommendation of sanctions are to be conducted by the Committee on University Discipline.
18. The term “**incapacitation**” means the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, without limitation, sleep, blackouts, and flashbacks. Where alcohol or other drugs are involved, one does not have to be intoxicated or drunk to be considered incapacitated. Rather, incapacitation is determined by how the alcohol or drugs consumed impacts a person’s decision-making capacity, awareness of consequences, and ability to make informed judgments. The question is whether the respondent person knew, or a sober, reasonable person in the position of the respondent should have known, that the complainant was incapacitated. Because incapacitation may be difficult to discern, everyone is strongly encouraged to err on the side of caution (i.e., when in doubt, assume that the person is incapacitated and therefore unable to give consent. Being intoxicated or drunk is never a defense to a complaint of sexual misconduct).
19. The term “**informal**” hearing means the hearing and recommendation of sanctions are to be conducted by the Dean of Students or the Dean of Clinics.
20. The term “**intimidation**” is defined as creating feelings of fear, anxiety or inadequacy in someone.
21. The term “**may**” is used in the permissive sense.
22. The term “**member of the University community**” means, students, faculty members, University officials or any other person(s) employed by the University.
23. The term “**student organization**” means a number of students who have complied with the formal requirements to create and maintain a University sanctioned group, club, sorority/fraternity and thereby earn the privilege of limited access to available University resources and recognition to conduct business as an authorized agent of the University.
24. The term “**policy**” is defined as the written regulations of the University as found in, but not limited to, the *NUHS Student Code of Conduct* and Ch. 7 of the *NUHS Clinic Intern Manual*, the Student Handbook, the University web page and computer use policy, and the University Bulletin.
25. The term “**public indecency**” means lewd exposure of the body with the intent to arouse or to satisfy the sexual desire of the person.
26. The term “**rape**” means:  
*In Illinois*, is defined as, “sexual penetration by force or threat of force or an act of sexual penetration when the victim was unable to understand the nature of the act or was unable to give knowing consent.” 720 ILCS 5  
*In Florida*, is defined as, “when a person has unconsensual oral, anal, or vaginal contact with another person using their sexual organ or an object,” Florida Statute 794.011
27. The term “**reckless conduct**” means action that any member of the university community can be expected to know would create a risk of harm to persons or property, or would disrupt the lawful activities of others,

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including studying, research, teaching and university administration.

28. The term “**sanction**” means a punitive or corrective measure(s) imposed upon an individual or student organization found to have committed misconduct in violation of the *NUHS Student Code of Conduct*.
29. The term “**sexual assault**” is defined as:  
*In Illinois*, “a person commits criminal sexual assault if that person commits an act of sexual penetration and (1) uses force or threat of force, (2) knows that the victim is unable to understand the nature of the act or is unable to give knowing consent; (3) is a family member of the victim, and the victim is under 18 years of age; or (4) is 17 years of age or over and holds a position of trust, authority, or supervision in relation to the victim, and the victim is at least 13 years of age but under 18 years of age.” 720 ILCS 5/11-1.20  
*In Florida*, “sexual battery [sexual assault] means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object.” Florida Statutes 794.011
30. The term “**sexual misconduct**” is defined as a broad term encompassing a range of behaviors including rape, attempted rape, sexual battery, attempted sexual battery, sexual assault, intimate partner violence, stalking, cyber-stalking, sexual exploitation, sexual harassment, non-consensual sexual intercourse, and non-consensual conduct in which a person deliberately touches, fondles, pinches, grabs, etc., another person’s (of either gender) intimate body part (including genitalia, groin, breast or buttocks, or clothing covering any of these areas), voyeurism, possession of child pornography, public indecency, and/or knowingly or recklessly exposing another person to a significant risk of sexually transmitted infection (including HIV), and any other non-consensual conduct of a sexual nature that has the purpose or effect of threatening, intimidating or coercing a person or persons. Sexual misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual misconduct can be committed by men or by women and it can occur between people of the same or different sex.
31. The term “**shall**” is used in the imperative sense.
32. The term “**stalking**” means:  
*In Illinois*, stalking is defined as “knowingly and without lawful justification, on at least 2 separate occasions, follows another person or places the person under surveillance or any combination thereof.” 720 ILCS 5/12-7.30  
*In Florida*, stalking is defined as “a person who willfully, maliciously, and repeatedly follows, harasses, or cyber-stalks another person and makes a credible threat to that person.” Florida Statutes 784.048
33. The term “**student**” includes all persons taking courses at the University, both full-time and part-time, to satisfy certification or degree requirements within a university program. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University are considered “students.”
34. The term “**threat**” is defined as spoken or written words with the intent and effect to intimidate or menace others.
35. The term “**University**” or “**institution**” means the National University of Health Sciences and all of its certification, pre-professional, undergraduate, graduate, professional and post-professional programs.
36. The term “**University official**” includes any person employed by the University performing assigned administrative or professional responsibilities.
37. The term “**University premises**” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University including adjacent streets and sidewalks.
38. The term “**University sponsored activity**” means any activity on or off campus that is initiated, aided, authorized or supervised by the University.
39. The term “**violation**” means a breach of conduct governed by the *NUHS Student Code of Conduct* or Ch. 7 of the *NUHS Clinic Intern Manual*. The standard of proof that a violation has occurred shall be met by applying a “more likely than not” weighing of the evidence.
40. The term “**voyeurism**” is defined as the act of obtaining sexual gratification by observing sexual activity, especially secretly.

**Approved & Updated: September 2016**