



COLLEGE of ALLIED HEALTH SCIENCES

*Standards of Conduct & Performance*

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# Table of Contents

<b>INTRODUCTION.....</b>	<b>1</b>
<b>PURPOSE .....</b>	<b>1</b>
<b>STANDARDS OF CONDUCT AND PERFORMANCE .....</b>	<b>1</b>
ACADEMIC PERFORMANCE REQUIREMENTS .....	1
PROFESSIONAL CONDUCT REQUIREMENTS.....	2
1. <i>Professionalism</i> .....	2
2. <i>Legal and Ethical Issues</i> .....	2
3. <i>Confidentiality</i> .....	3
4. <i>Roles and Boundaries</i> .....	3
5. <i>Preventing Sexual Misconduct</i> .....	3
<b>RESPONSIBILITIES AND JURISDICTION .....</b>	<b>4</b>
ACADEMIC PERFORMANCE ISSUES.....	4
PROFESSIONAL CONDUCT ISSUES.....	4
CONDUCT AND PERFORMANCE STANDARDS DURING INTERNSHIP .....	5
<b>HEARING PROCEDURES .....</b>	<b>6</b>
ACADEMIC PERFORMANCE ISSUES.....	6
PROFESSIONAL CONDUCT ISSUES.....	6
HEARING PROCEDURES DURING INTERNSHIP .....	7
<b>HEARING RECOMMENDATIONS.....</b>	<b>8</b>
ACADEMIC PERFORMANCE ISSUES .....	8
1. <i>Remediation</i> .....	8
2. <i>Formal Warning</i> .....	8
3. <i>Probation</i> .....	8
4. <i>Suspension</i> .....	9
5. <i>Expulsion</i> .....	9
PROFESSIONAL CONDUCT ISSUES.....	9
<i>Interim Suspension</i> .....	10
<b>APPEALS.....</b>	<b>11</b>
<b>INTERPRETATION AND REVISION.....</b>	<b>12</b>
<b>GLOSSARY .....</b>	<b>13</b>

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# Introduction

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These Standards have been developed to provide National University of Health Sciences students enrolled in the College of Allied Health Sciences with a clear understanding of the expectations and responsibilities that apply to them as students and future practitioners of the profession of therapeutic massage and bodywork. They are intended to serve as the minimum levels of achievement to which each student shall be held accountable. These *Standards of Conduct and Performance* are consonant with the Standards of Practice set by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB).

Students enrolled in the College of Allied Health Sciences (CAHS) are members of the greater NUHS community and, as such, are subject to all the policies and regulations of the University, including the *NUHS Student Code of Conduct*. To promote their educational development, CAHS students are also obligated to comply with these *Standards of Conduct and Performance*, especially where a higher degree of responsibility, moral reasoning, personal accountability or ethical deportment is described. These *Standards* are designed expressly for the College of Allied Health Sciences and are consonant with the regulations and policies of the National University of Health Sciences.

# Purpose

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The purpose of the *Standards of Conduct and Performance* is to emphasize that the qualities of competence, integrity, self-discipline, and ethical conduct shall be required attributes that every CAHS student will be expected to possess before being granted certification. Developing the skill to demonstrate acquired knowledge on a written exam or to apply “classroom content” wisely and effectively within a clinical setting is known as a “performance” skill. Earning a certificate implies that a student has acquired the knowledge and has demonstrated the performance skills necessary to assume responsibility as a certified practitioner of therapeutic massage. These standards also seek to emphasize to those individuals who may not achieve nor value these requirements, and to remind and protect those who do, that a procedural framework exists to evaluate and to remediate students who encounter impediments to achieving the standards. It is the responsibility of each student to know, and to manifest by his/her behavior, the standards described in this document. It is the responsibility of all members of the College of Allied Health Sciences, but primarily of the faculty, to determine that the standards have been met.

# Standards of Conduct and Performance

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The *Standards of Conduct and Performance* apply to students enrolled in the College of Allied Health Sciences (CAHS). They are requirements that consist of two (2) performance skill categories: ***Academic Performance*** and ***Professional Conduct***.

## ***Academic Performance Requirements<sup>1</sup>***

- a. Students must successfully complete all required coursework within 1.5 times the required clock hours. Successful completion of a course is defined as achieving a grade of “D” or better.
- b. Students must successfully complete 67 percent of all hours attempted per trimester.
- c. Students must maintain a minimum C.G.P.A. (cumulative grade point average) of 2.0 on a 4.0 scale.

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<sup>1</sup> National University of Health Sciences, *Bulletin*.

## **Professional Conduct Requirements<sup>2</sup>**

Professional Conduct as a performance standard involves behavior consistent with professional and personal integrity and honesty, a sense of individual responsibility, accountability and ethical deportment as well as acting in compliance with laws and applicable guidelines, rules and regulations. Thus, in addition to various forms of academic and social misconduct prohibited by the *NUHS Student Code of Conduct*, students enrolled in the College of Allied Health Sciences (CAHS) are also expected to exhibit Professional Conduct. For CAHS students, this means avoiding acts that could be construed as rendering them unfit for a career in healthcare or that casts serious doubts upon their potential suitability or competence as a certified practitioner of therapeutic massage and bodywork. This also means that every CAHS student must see themselves as a member of the greater healthcare community, because, while their trainee status dictates restriction of privileges within this community, it does not diminish their obligation to cultivate and demonstrate the habits and mannerisms of professional conduct far in advance of graduation. The specific conditions, competencies or conduct described herein, though not meant to be exhaustive, describe the minimum levels of Professional Conduct Requirements currently in force.

### **1. Professionalism**

Students shall foster high standards of ethical and professional conduct through responsible, compassionate and respectful deportment. In his/her professional role the student shall:

- a. Conduct themselves in a manner meriting the respect of the public and other professionals,
- b. Treat each client with respect, dignity and worth,
- c. Use professional verbal, nonverbal and written communications,
- d. Use standard precautions to insure professional hygienic practices and maintain a level of personal hygiene appropriate for practitioners in the therapeutic setting,
- e. Wear clothing that is clean, modest, and professional,
- f. Use restraint when applying cologne, after-shave or perfume when treating clients,
- g. If applicable, conduct an accurate needs assessment, develop a plan of care with the client, and update the plan as needed,
- h. Use appropriate draping to protect the client's physical and emotional privacy,
- i. Acknowledge the limitations of their skills, and;
- j. Refer to other professionals when in the best interest of the client,
- k. Seek other professional advice when needed,
- l. Respect the traditions and practices of other professionals, foster collegial relationships and not falsely impugn the reputation of any colleague.

### **2. Legal and Ethical Issues**

Students shall:

- a. Accept responsibility for their own actions,
- b. Maintain accurate and truthful records, including progress notes for each client session,
- c. Not exploit the trust and dependency of others, including clients, employees and other students of the university,
- d. Provide services within the scope and limits of their training and not employ those massage or bodywork techniques for which they have not had adequate training and shall represent their education, training, qualifications and abilities honestly,
- e. Not perform manipulations or adjustments of the human skeletal structure, diagnose, prescribe, or provide any other service, procedure or therapy which requires a license to practice chiropractic, osteopathy, physical therapy, podiatry, orthopedics, psychotherapy, acupuncture, dermatology, cosmetology, or any other profession or branch of medicine

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<sup>2</sup> These requirements are excerpted from a variety of NUHS policies in tone and spirit but special acknowledgement must be made to the *National Certification Board for Therapeutic Massage and Bodywork's "Standards of Practice"* document. Accessible online at: [www.ncbtmb.com/standards\\_of\\_practice.htm](http://www.ncbtmb.com/standards_of_practice.htm).

unless specifically licensed to do so,

- f. Be thoroughly educated and understand the physiological effects of the specific massage or bodywork technique utilized in order to determine whether such application is contraindicated.

### **3. Confidentiality**

Students shall respect the confidentiality of client information and safeguard all records. In his/her professional role the student shall:

- a. Protect the client's identity in social conversations and all other interactions unless requested to do so by the client in writing, when medically necessary, or to satisfy a legal requirement,
- b. Protect the interests of clients who are minors or who are unable to give voluntary consent by securing permission from an appropriate custodial representative or guardian,
- c. Solicit only information that is relevant to the professional client/therapist relationship.

### **4. Roles and Boundaries**

Students shall adhere to ethical boundaries and professional behavior designed to protect the client, the practitioner, and safeguard the therapeutic value of the clinical encounter. In his/her professional role the student shall:

- a. Recognize his/her personal limitations and practice only within these limitations,
- b. Recognize his/her influential position with the client and shall not exploit the relationship for personal or other gain,
- c. Recognize and limit the impact of transference and counter-transference with a client,
- d. Avoid dual or multidimensional relationships that could impair professional judgment or result in exploitation of the client,
- e. Not engage in any sexual activity with a client,
- f. Not touch the genitalia,
- g. Acknowledge and respect the client's freedom of choice in the therapeutic session,
- h. Respect the client's right to refuse the therapeutic session or any aspect of the session,
- i. Refrain from practicing under the influence of alcohol, drugs, or any mind-altering substances (with the exception of prescription medication which does not significantly impair the student nor threaten the safety of any other person),
- j. Have the right to refuse and/or terminate the service to a client who is abusive or appears to be under the influence of alcohol, drugs, or any mind-altering substance.

### **5. Preventing Sexual Misconduct<sup>3</sup>**

Students shall refrain from any behavior that sexualizes, or appears to sexualize, the client/therapist relationship. The intimacy of the therapeutic relationship may activate practitioner and/or client needs and/or desires that weaken objectivity and may lead to sexualizing the therapeutic relationship. In his/her professional role the student shall:

- a. Refrain from participating in a sexual relationship or sexual conduct with the client, whether consensual or otherwise,
- b. In the event that the client initiates sexual behavior, clarify the purpose of the therapeutic session, and, if such conduct does not cease, terminate or refuse the session,
- c. Recognize that sexual activity with clients, employees, or supervisors, *is prohibited even if consensual*,
- d. Not touch the genitalia,

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<sup>3</sup> Sexual misconduct includes, but is not limited to: sexual assault (which includes rape, attempted rape, sexual battery & attempted sexual battery), voyeurism, stalking, public indecency and sexual harassment. See *Glossary* within the *NUHS Student Code of Conduct* wherein each of these terms is specifically defined by the *Illinois Criminal Sexual Assault Act*.

# Responsibilities and Jurisdiction

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## ***Academic Performance Issues***

The overall progress of each student is monitored on a continuous basis. Barring any record of academic deficiency, each student proceeds through the curriculum without formal notice of satisfactory progress other than being able to register and enroll for each succeeding trimester without limitation or stipulation by the Dean of the College of Allied Health Sciences. Generally, course grades serve as the primary indicators of performance. However, the totality of assessing students is not bound by categorical or arithmetic assessment of scholastic and performance requirements alone but rather, each student should be reviewed in the context of his/her total record of conduct and performance and any other circumstances that may influence conduct or performance.

The Dean of the College of Allied Health Sciences is responsible for monitoring student progress, identifying problem areas, assisting students in dealing with these problems, and determining whether the established standards of Academic Performance and Professional Conduct requirements have been met. The Dean may delegate any or all responsibilities to the Academic Standards, Grades and Records (ASGR) Committee. The ASGR Committee shall function as a formal hearing body to the Dean of the College of Allied Health Sciences. The ASGR Committee shall also serve as the hearing body when the Dean of Clinics or the Supervisor of the Massage Therapy Clinic Program elects to refer an intern with deficient Academic Performance evaluations to a formal hearing body. The ASGR Committee shall have jurisdiction to consider all matters of Academic Performance.

### *Academic Standards, Grades and Records (ASGR) Committee Responsibilities & Jurisdiction*

- a. Review, evaluate and discuss the progress of each student's academic competence and professional development referred by the Dean of the College of Allied Health Sciences (or, under certain conditions, the Dean of Clinics or the Supervisor of the Massage Therapy Clinic Program.) This shall include development of clinical skills, problem solving abilities, sound judgment, professional attitudes and personal integrity. In particular, ASGR will be concerned with addressing impediments to individual academic performance and professional development, such as deficiencies in cognitive or noncognitive skills, personal and interpersonal problems, etc., and recommending individual action plans or academic contracts for continued study.
- b. Respond to and adjudicate issues that may arise concerning the application of student evaluation criteria and guidelines in specific situations (e.g., during clinical internship rotations.)
- c. Interpret the rules concerning satisfactory progress, unsatisfactory student performance, probation, suspension, and expulsion as applied to individual students and situations and to recommend action when needed.
- d. Recommend changes that may be needed in the process of evaluating student performance.
- e. Recommend changes that may be needed in the rules governing satisfactory progress, student performance, probation, suspension, expulsion, remediation protocols, and similar topics.

## ***Professional Conduct Issues***

Students enrolled in the College of Allied Health Sciences (CAHS) are required to conform to the *NUHS Student Code of Conduct*. The Code prohibits various forms of academic and social misconduct that apply to *all* NUHS students. In general, any issue involving student conduct (including allegations of Professional Conduct violations) should be brought to the attention of the Dean of Students. The Dean is responsible for the administration of the *NUHS Student Code of Conduct*. The Dean is also the arbiter of procedural interpretations or disputes related to conduct and/or discipline arising out of alleged violations of these *Standards of Conduct and Performance*.

The Dean of Students will inquire, gather, and review information about the reported student misconduct and will evaluate the accuracy, credibility and sufficiency of the information. If the Dean determines the

complaint has enough merit to proceed, the matter shall then be managed by either an informal hearing (with the Dean) or formal hearing conducted by the Committee on Discipline.<sup>4</sup>

#### *Committee on Discipline Responsibilities & Jurisdiction*

- a. To provide a fair evaluation of an accused student's responsibility for violating University regulations. Formal rules of evidence shall not be applied, nor shall deviations from prescribed procedures necessarily invalidate a decision, unless significant prejudice to the accused student or the University may result.<sup>5</sup>
- b. To function as the formal hearing body in matters related to allege violations of Professional Conduct Requirements as outlined in this document and the various forms of social and academic misconduct prohibited by the *NUHS Student Code of Conduct*. The Committee on Discipline shall also hear cases referred by the Supervisor of the Massage Therapy Clinic Program when an intern with Professional Conduct deficiencies either fails to satisfactorily complete clinician-assigned remediation or violates the Professional Conduct Requirements with enough frequency or severity to merit referral to a formal hearing body.
- c. To conduct a hearing in accordance with the guidelines set forth in the Hearing Procedures section of this document.

### ***Conduct and Performance Standards During Internship***

Failure to achieve and maintain the standards of Academic Performance and Professional Conduct during the internship phase of academic coursework may result in immediate remedial action (depending upon the frequency or context of a deficiency) by a supervising clinician. These remedial actions are primarily formulated to help an intern correct a deficiency in performance or conduct without interrupting:

- a. the quality or continuity of client care; and/or
- b. the timely completion of internship; and/or
- c. the certificate completion credit an intern may have earned toward graduation requirements.

Monitoring the progress of each student's development during the internship phase of the curriculum relies upon a carefully fostered mentoring relationship with a clinician and usually involve more subtle, interactive assessment of a student than the restrictive contour of a written exam format. The intern/clinician relationship provides opportunities for a student to reveal personal attributes of autonomy, responsible behavior, sound judgment, and specific technical skills. These qualities are most effectively cultivated and monitored under the interactive scrutiny of a clinical internship.

During this phase of the curriculum, a clinician functions as the primary instructor responsible for assessing an intern's ability to achieve the *Standards of Conduct and Performance*. To this end, clinicians are authorized to employ short-term remedial measures to foster better reinforcement and retention of attitudes, knowledge and skills. However, frequent remediation and/or the extent of an intern's inability to remediate shall be a major consideration in determining the severity of an intern's deficiency. When, after due consideration of an intern's overall record and any special circumstances, it has been determined that the intern has failed to meet the conduct and performance standards, the intern may be given Formal Warning, placed on Probation, Suspension, or Expelled from the College of Allied Health Sciences. Any of these actions may be taken based upon the severity of the intern's academic deficiency.

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<sup>4</sup> For a full explanation of Hearing Procedures, see the section on Formal Hearing Procedures within this document.

<sup>5</sup> Disciplinary proceedings in the University environment must not evolve into a quest for procedural error. The courts have recognized, even in the context of a criminal case, that procedural perfection is impossible. See *United States v. Hasting* 461 U.S. 499 (1983): "...taking into account the reality of the human fallibility of the participants, there can be no such thing as an error-free perfect trial, and the Constitution does not guarantee such a trial."

# Hearing Procedures

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## ***Academic Performance Issues***

When a student has not achieved nor maintained good academic standing and/or satisfactory progress in the curriculum, the Dean of the College of Allied Health Sciences will set forth a prescribed course of action and the student will be notified in writing. Students facing probation, suspension or expulsion on academic grounds and who wish to challenge this action by the Dean may file an appeal with the Academic Standards, Grades and Records Committee (through the office of the Dean of the College of Allied Health Sciences.) The request **must** explain the reason for the appeal and propose a **realistic** remedy for the ASGR Committee to consider as a reasonable alternative to automatic enforcement of the academic policies governing eligibility for continued enrollment. The student has two (2) business days after written notification to request a hearing with the Academic Standards, Grades and Records (ASGR) Committee. At a hearing, the student will be expected to explain why the prescribed course of action should not be implemented and to propose an effective alternative course of action to address the academic deficiencies. Following the hearing with the student, the ASGR Committee may then vote to uphold the prescribed course of action or to recommend an alternative course of action by consulting with the Dean of the College of Allied Health Sciences and forming a consensus. With a quorum present, the committee action will be determined by a majority vote. ASGR recommendations will be made only after careful review and deliberation. Every reasonable effort will be made to secure adequate, accurate and carefully documented information on which to base ASGR recommendations. Humanistic concerns and extenuating circumstances will be taken into account. The chair of the ASGR Committee shall notify the student in writing of the Committee's decision.

## ***Professional Conduct Issues***

Students enrolled in the College of Allied Health Sciences (CAHS) are required to conform to the *NUHS Student Code of Conduct*. The Code prohibits various forms of academic and social misconduct that apply to all NUHS students. In general, any issue involving student conduct (including allegations of professional conduct violations by a CAHS student prior to internship) should be brought to the attention of the Dean of Students. The Dean is responsible for the administration of the *NUHS Student Code of Conduct*. The Dean is also the arbiter of procedural interpretations or disputes related to unprofessional conduct and/or discipline arising from alleged violations of these *Standards of Conduct and Performance*.

1. Any member of the University community may file a complaint against any CAHS student for alleged violation(s) of *The NUHS Student Code of Conduct* or the *Professional Conduct* component of these standards. Charges should be prepared in writing and directed to the Dean of Students.<sup>6</sup>
2. A complaint should be submitted as soon as possible after the event takes place, preferably within 48 hours. 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 misconduct and will evaluate the accuracy, credibility and sufficiency of the information. If the Dean determines the complaint has enough merit to proceed, the matter shall then be managed by either an

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<sup>6</sup> The Dean is the President's designee responsible for the administration of the *NUHS Student Code of Conduct*. The Dean is also the arbiter of procedural interpretations or disputes related to student conduct and discipline arising from alleged violations of the NUHS College of Professional Studies "*Professional Performance Standards*," and the NUHS College of Allied Health Sciences "*Standards of Conduct and Performance*."

informal or formal hearing.

**Informal Hearing Procedure (excerpted from *NUHS Student Code of Conduct*)**

- a. Generally, in cases in which the accused does not dispute the charge(s), or the preliminary information or the findings gathered by the Dean of Students and accepts responsibility for the misconduct, the matter may be managed by an informal hearing with the Dean. If a complaint is managed informally, the accused student shall be notified (verbally or in writing) of the complaint(s) before meeting with the Dean of Students to prepare a response to the charge/complaint. The Dean may tape record this meeting and admit record(s), witness(es), written statement(s) or exhibit(s) deemed contributory or important to a fair hearing. The accused shall not be assisted by an advisor nor an attorney. If the Dean determines the Code has been violated, the full range of sanctions may be imposed (as set forth in this policy.) The Dean of Students shall write a summary report that includes sanction(s) imposed, if any. The report shall be the property of the University. This report shall be on file with the Dean of Students. The Dean shall notify the accused student in writing of his/her disposition in a timely manner. The decision of the Dean of Students shall be final pending an appeal based upon the criteria set forth in the Appeals section of this document.
- b. 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 Discipline, the Dean of the College of Allied Health Sciences, 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.

**Formal Hearing Procedure (excerpted from *NUHS Student Code of Conduct*)**

- a. If the accused student disputes the charge(s), the information and findings reported to or discovered by the Dean that a violation has been committed, then the matter shall be adjudicated through a formal hearing. All charges shall be presented to the accused student in written form and a copy of this notification shall also be forwarded to the chairperson of the Committee on Discipline.
- b. The Committee on Discipline shall conduct a formal hearing according to the guidelines set forth in the Formal Hearing section of the *NUHS Student Code of Conduct*.

***Hearing Procedures During Internship***

Failure to achieve and maintain the standards of Academic Performance and Professional Conduct during the internship phase of academic coursework may result in immediate remedial action (which will vary in application due to the frequency and context of a deficiency) by a supervising clinician. This remedial action is primarily formulated to help an intern correct a deficiency in competence or conduct without interrupting:

- a. the quality or continuity of client care; and/or
- b. the timely completion of internship; and/or
- c. the certificate completion credit an intern may have earned toward graduation requirements.

If an intern fails to remediate a deficiency after completing the assignment issued by the clinician, wishes to dispute a remedial assignment, or; if, in the judgment of the intern's supervising clinician the nature or severity of an intern's academic deficiency warrants review by the Dean of Clinics or the Supervisor of the Massage Therapy Clinic Program, then the matter shall be referred to the Dean or Supervisor. The Dean or Supervisor shall informally resolve the issue or refer it to the Academic Standards, Grades and Records Committee (for issues related to academic performance) or to the Committee on Discipline (for issues related to professional conduct) for a formal hearing depending upon the fundamental nature of the unmet standard in dispute.<sup>7</sup>

- a. If managed informally, the intern shall be notified in writing of the issue(s) before the meeting and allowed a reasonable time to prepare a response. The Dean or Supervisor may tape record this meeting and admit record(s), witness(es), written statement(s) or exhibit(s) deemed contributory or important to a fair hearing. The accused shall not be assisted by an advisor or an attorney. The Dean or Supervisor shall write a brief summary report that includes a final decision (to take no further action, assign additional remediation, or impose an additional disciplinary sanction.) The report shall be the property of the University. This report shall be on file with the Supervisor of the Massage Therapy Clinic Program.

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<sup>7</sup> The Dean of Clinics or the Supervisor of the Massage Therapy Clinic Program may confer with the Dean of Students to discern which hearing procedure is best suited to address the issue in dispute while safeguarding the interests of the student and the institution.

The Supervisor shall notify the intern in writing of his/her disposition in a timely manner. If the intern does not challenge it, the Dean or Supervisor's decision shall be final. If the intern challenges the Dean or Supervisor's decision or seeks an appeal, the Dean or Supervisor will refer the entire issue to the appropriate Committee for a formal hearing.

- b. If the issue is to be referred for a formal hearing, the intern shall be notified in writing and a copy of this notification shall also be forwarded to the chairperson of the Academic Standards, Grades & Records Committee or the Committee on Discipline.
- c. A formal hearing by either committee shall follow the guidelines set forth in the Hearing Procedures section of this document.
- d. Any change in status of the intern with the University resulting from the Dean or Supervisor or a committee decision shall be transmitted in writing to all principal parties (e.g., Dean of the College of Allied Health Sciences and/or Dean of Clinics) including the Director of the Business Office, the Director of Financial Aid and the Registrar.

## Hearing Recommendations

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### ***Academic Performance Issues***

Informal or Formal hearing recommendations may include, but are not limited to the following:

#### **1. Remediation**

Failure to achieve scholastic and performance standards will likely necessitate that the same course or entire trimester be repeated. Unlimited opportunity to repeat courses or entire trimesters is neither feasible nor desirable. Accordingly, frequent remediation and/or the extent of the student's inability to remediate shall be a major consideration in determining the severity of the student's academic competence deficiency. When, after due consideration of a student's overall academic performance and any special circumstances, it has been determined that the student has failed to meet the scholastic and/or performance standards, the student may be given a Formal Warning, placed on Probation, Suspension or Expelled from the College of Allied Health Sciences. Any of these actions may be taken based upon the severity of the student's academic performance deficiency.

The Committee uses a number of procedures to help the student achieve the goal of satisfactorily completing the program or to permanently remove the student from the program if warranted. These include, but are not limited to, the following:

- a. S/R-stop and repeat courses in which a grade of D, F, I, or U have been received;
- b. LL-limited load which varies dependent upon the severity of the academic difficulty;
- c. NNS-no new subjects which allows for registration in repeat courses only;
- d. MC-mandatory counseling with individuals on or off campus;
- e. MT-mandatory tutorial;
- f. MR-mandatory remedial study and test taking skills improvement via programs on or off campus which may include special audit;
- g. MW-mandatory withdrawal from courses which are deficient at midterm;

#### **2. Formal Warning**

Formal Warning shall take the form of written notice and may be issued as appropriate when a trend toward increasing academic difficulty develops. The notice of Formal Warning shall describe the problems in reasonable detail and shall indicate possible consequences if the trend continues.

#### **3. Probation**

A student with any of the following deficiencies may be placed on academic probation:

- a. Failure to achieve or maintain the status of "good academic standing."
- b. Unauthorized withdrawal from a required course/internship rotation.

- c. Documented incidents of academic misconduct, or other breaches of professional behavior.

#### **4. Suspension**

A student with any of the following deficiencies may be placed on academic suspension:

- a. The student falls below the number of quality points necessary to maintain a cumulative GPA of 2.00.
- b. The student has received repeated academic warnings of academic deficiencies.
- c. The student's GPA drops below 1.00.
- d. After the student fails the same course twice.
- e. For other circumstances which the Dean of the College of Allied Health Sciences deems appropriate.

#### **5. Expulsion**

With regard to expulsion, it should be emphasized that a pattern of scholastic and/or performance difficulty creates serious doubts about a student's competence and potential ability to function as a massage therapist. As a student moves from one trimester to the next, there are increasing expectations relative to academic competence. Accordingly, when a student has experienced prior academic competence deficiencies, there will be decreasing tolerance for deficient performance in subsequent curricular activities. Therefore, a student may be expelled from the College of Allied Health Sciences as a result of frequent remediation, or repetition of courses and/or trimesters.

In the absence of extraordinary circumstances, ASGR may recommend expulsion for a student who fails to meet the standards of Academic Performance previously described, and for any of the following deficiencies:

- a. Difficulties in academic performance resulting in two (2) previous academic probations.
- b. Withdrawal from NUHS programs without written permission of the Dean of the College of Allied Health Sciences.
- c. Failure to satisfactorily meet all of the requirements for graduation within four (4) calendar years of the date of first entry into NUHS College of Allied Health Sciences as a beginning student without advanced standing.
- d. The student's cumulative GPA drops below 1.00.
- e. After the student has failed to maintain good academic standing for the number of trimesters noted above for each individual program.
- f. The student has received any combination of warnings, probations or suspensions that cumulatively exceed those noted above.
- g. The student has failed the same course a third time.
- h. For other circumstances which the Dean of the College of Allied Health Sciences deems appropriate.

### ***Professional Conduct Issues***

A student's disciplinary history shall have no bearing on the question of guilt or innocence. If, however, a student is found to be in violation of the *NUHS Student Code of Conduct* or any of the requirements described within the *Standards of Conduct and Performance*, the full disciplinary history shall be considered in determining the sanction. The following sanctions may be imposed upon any CAHS student found to have committed a violation. Also, a condition may accompany a sanction. Conditions include, but are not limited to, restitution of damages, work projects, counseling or therapy, required improvement in academic performance, or loss of certain University privileges. If a condition accompanies a sanction, the condition must be related to the violation.

Informal or Formal hearing recommendations may include, but are not limited to the following:

- a. Warning - Notice, verbally or in writing, that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.
- b. 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.<sup>8</sup>
- c. Disciplinary Probation - Exclusion from participation in privileged or extra-curricular institutional activities for a specified period of time. Additional restrictions or conditions may also be imposed. Violations of the terms of disciplinary probation, or any other violation of this Code during the period of probation, will normally result in suspension or expulsion from the University. Notice of this action may appear on the student's academic transcript for up to two years.
  - d. Loss of Privileges - Denial of specified privileges for a designated period of time.
  - e. Fines - Previously established and published fines may be imposed.
  - f. 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.
  - g. Discretionary Sanctions - Work assignment, service to the University or other related discretionary assignments.
  - h. Residence Hall Suspension - Separation of the student from the residence hall for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
  - i. Residence Hall Expulsion - Permanent separation of the student from the residence halls.
  - j. University Suspension - Exclusion from University premises, and other privileges or activities, as set forth in the suspension notice. Notice of this action may appear on the student's academic transcript for up to four years.
  - k. University Expulsion - Permanent termination of student status, and exclusion from University premises, privileges and activities. 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.
  - l. More than one sanction listed above may be imposed for any single violation.
1. Violations 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.
  2. Repeated or aggravated forms of social, academic, or professional misconduct may also result in expulsion or suspension or in the imposition of such lesser penalties as may be appropriate.
  3. Attempts to commit acts prohibited by the *NUHS Student Code of Conduct* or any of the requirements described within the *Standards of Conduct and Performance* may be punished to the same extent as completed violations.

### **Interim Suspension**

If, in the judgment of the Dean of Clinics or the Supervisor of the Massage Therapy Clinic Program,<sup>9</sup> an intern satisfies the conditions for an interim suspension, the Dean or Supervisor may suspend an intern from the University for an interim period pending disciplinary or criminal proceedings or a medical evaluation. An interim suspension may be imposed only:

- a. to ensure the safety and well-being of others or preservation of University property;
- b. to ensure the intern's own physical or emotional safety and well-being;
- c. if the intern poses a definite threat of disruption or interference with the normal operations of the University.

During the interim suspension, students shall be denied access to the University premises and/or all other University activities or privileges (including classes) for which the student might otherwise be eligible, as

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<sup>8</sup> A transcript notation is a serious sanction. Done in accordance with fair and established procedures it is not a violation of due process, or any other constitutional protection (see, *Schulman v. Franklin and Marshall College*, 538 A.2d 49, Superior Court of Pennsylvania, 1988: "[S]hould the [college] prevail, a notation will appear on the transcript; this is a permissible sanction and appellant cannot claim relief from sanctions brought about by his own behavior"). The removal of transcript notations can be keyed to educational interventions. Experienced teachers and administrators recognize that the habits and values of students can change for the better, especially if effective educational interventions are devised. Lifelong stigmatizing penalties should be employed as a last resort.

<sup>9</sup> The Dean of Clinics or the Supervisor of the Massage Therapy Clinic Program shall confer with the Dean of Students to discern if the student satisfies the conditions requisite for imposing an interim suspension.

the Supervisor of the Massage Therapy Clinic Program may determine to be appropriate. A suspended student shall, however, be given a prompt opportunity to appear personally before the Dean or Supervisor to discuss the following issues only:

- a. the reliability of the information concerning the student's conduct, including the matter of his/her identity.
- 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 or herself or to others or to the stability and continuance of normal University functions.

## Appeals

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1. Any decision reached by the Dean of the College of Allied Health Sciences, the Academic Standards, Grades and Records (ASGR) Committee, the Dean of Students, the Supervisor of the Massage Therapy Clinic Program, or the Committee on Discipline may be appealed by a student(s) to the Appellate Body (usually the Vice President for Academic Affairs) in writing within five (5) business days of the decision. However, the right of appeal does not guarantee that an appeal will be granted nor does it entitle the appellant to a full rehearing of the case. The Appellate Body may request that the original hearing official(s) clarify some aspect of the original decision, or remand the case back to the original hearing body with instructions, or grant the request to review the appeal, or uphold the decision of the original hearing body. An appeal hearing, *if granted*, shall be limited to the following issues:
  - a. 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 evidence that the Code was violated, and giving the accused student a reasonable opportunity to prepare and present a rebuttal of those allegations.
  - b. To determine whether the decision reached regarding the accused student 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 Code occurred.
  - c. To determine whether the sanction(s) imposed were appropriate for the violation of the Code that the student was found to have committed.
  - d. To consider new evidence, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because the person appealing did not know such evidence and/or facts at the time of the original hearing.
2. In any appeal granted by the Appellate Body, review of the case may not result in more severe sanction(s).
3. The imposition of sanctions will be deferred during the pendency of the Appellate Body's review, 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 stability and continuance of normal University functions.
4. Adjudication by the Appellate Body shall be binding and final. The Appellate Body's decision shall be transmitted in writing to the student(s). 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 Discipline, the Dean of Students, the Dean of the College of Allied Health Sciences, the Supervisor of the Massage Therapy Clinic Program (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.
5. The file of a student(s) found responsible for any charges filed against them will normally be retained for four (4) years from the date of the letter providing notice of final disciplinary action.
6. The President or the President's designee for good cause, upon written petition, may void disciplinary records. Factors to be considered in mitigation shall be the present demeanor of the student, the conduct of the student 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 and Revision

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Any question of interpretation regarding the NUHS College of Allied Health Sciences *Standards of Conduct and Performance* should be referred to the Dean of Students or other designee selected by the President of the National University of Health Sciences.

The NUHS College of Allied Health Sciences *Standards of Conduct and Performance* shall be reviewed every three (3) years under the direction of the Dean of Students.

# Glossary

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When used in this document:

1. **Boundary:** A boundary is a limit that separates one person from another. Its function is to protect such things as the modesty, privacy, health and safety of each person.
2. **Competency:** Study, acquisition and mastery of a specific body of knowledge and performance skills that each student must develop to at least minimum levels of proficiency, by observable and measurable criteria.
3. **Counter-Transference:** A practitioner's unresolved feelings and issues that are unconsciously transferred to the client.
4. **Dual Relationships:** An alliance in addition to the client/therapist relationship, such as social, familial, business or any other relationship that is outside the therapeutic relationship.
5. **Genitalia, Female:** Labia majora, labia minora, clitoris and vaginal orifice.
6. **Genitalia, Male:** Testes, penis and scrotum.
7. **Impugn:** To assail by words or arguments, or attack as false.
8. **Multi-dimensional Relationships:** Overlapping relationships in which therapist and client share an alliance, in addition to the therapeutic relationship.
9. **Progress Notes:** Written notes, kept in a separate client file that indicates the date of the session, areas of complaint as stated by client, and observations made and actions taken by the student.
10. **Sexual Activity:** Any verbal and/or nonverbal behavior for the purpose of soliciting, receiving or giving sexual gratification.
11. **Sexual Harassment:** Sexual harassment consists of unwelcome verbal or physical conduct of a sexual nature.
12. **Scope of Practice:** The minimum standards necessary for safe and effective practice and the parameters of practice determined by certificant, professional training and education, and, when applicable, regulatory bodies.
13. **Transference:** A client's unresolved feelings and issues that are unconsciously transferred to the practitioner.