



# 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.”<sup>1</sup> 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 *Student Code of Conduct* has been formulated to promote and fortify optimal learning conditions that advance the University’s Mission Statement,<sup>2</sup> 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.<sup>3</sup> 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 *Student Code of Conduct*, the NUHS Bulletin, and other official University publications. Student organizations are similarly obligated to follow these standards, rules and/or policies.

Individual Colleges within the University are also governed by specific standards (e.g., the College of Professional Studies “*Professional Performance Standards*,” and the College of Allied Health Sciences “*Standards of Conduct and Performance*”) designed to address certain behaviors, to achieve certain required competencies or to describe a higher degree of responsibility, moral reasoning, personal accountability or ethical deportment expected of the students enrolled in these Colleges but not expressly included in the *Student Code of Conduct*. The purpose of the *NUHS Student Code of Conduct* is to reaffirm the overarching importance of appropriate professional behavior on the part of *all* NUHS students and student organizations and to establish and maintain guidelines for dealing with inappropriate behavior and misconduct.

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<sup>1</sup> Sissela Bok, *Common Values* (University of Missouri Press, 1995), pp. 16-17.

<sup>2</sup> “The mission of the National University of Health Sciences is to provide and promote the necessary leadership, management and resources for the advancement of education, new knowledge, outreach, and the ethical practice of the healing arts and sciences as taught within the programs of this University.” *NUHS Bulletin 2003-2004*, p. 17.

<sup>3</sup> The imposition of a just punishment affirms and enhances our capacity to make moral choices. To assume otherwise, however well intended, is dehumanizing since it is uniquely human to rely upon reason and conscience to make moral choices. This view was explored in a prize winning essay by Herbert Morris “A Paternalistic Theory of Punishment” in *American Philosophical Quarterly*:

“...law plays an indispensable role in our knowing what for society is good and evil. Failure to punish serious wrongdoing...would only serve to baffle our moral understanding...Further, punishment permits purging of guilt...the guilty wrongdoer is not viewed as damned by his wrongful conduct to a life forever divorced from others. He is viewed as a responsible being, responsible for having done wrong and possessing the capacity for recognizing the wrongfulness of his conduct.” (1981, p. 268).

Any punishment, however, imposed in accordance with this Code may have the value of discouraging the offender and others from engaging in future misconduct. The underlying rationale for punishment need not rest on deterrence or “reform” alone. A just punishment may also be imposed because it is “deserved” and because punishment for willful offenses affirms the autonomy and integrity of the offender. The latter concept was expressed by D.J.B. Hawkins in his essay “Punishment and Moral Responsibility” in *7 Modern Law Review* 205. A similar view was expressed by Justice Powell dissenting in *Goss v. Lopez* (42 L. Ed. 2d 725, 745):

“Education in any meaningful sense includes the inculcation of an understanding in each pupil of the necessity of rules and obedience thereto. This understanding is no less important than learning to read and write. One who does not comprehend the meaning and necessity of discipline is handicapped not merely in his education but throughout his subsequent life. In an age when the home and church play a diminishing role in shaping the character and value judgments of the young, a heavier responsibility falls upon the schools. When an immature student merits censure for his conduct, he is rendered a disservice if appropriate sanctions are not applied.”

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# Authority & Jurisdiction

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NUHS brings together, in common pursuit of its institutional mission and educational goals, persons of many backgrounds and experiences. The University is committed to the principle that in no aspect of its programs shall there be differences in the treatment of persons because of race, creed, national origin, age, sex, disability or sexual orientation and that equal opportunity and access to facilities shall be available to all. Non-discrimination is observed in the admission, housing, and education of students and in policies governing discipline, extracurricular life, and 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:

- Conduct occurring on property owned or controlled by the University, and
- Conduct occurring elsewhere, which adversely affects the interests of the University community and/or the pursuit of its objectives.

If a student has been apprehended for violation of a law the University will not request special consideration because of the individual's status as a student. The University will cooperate fully with law enforcement and other agencies administering a corrective or rehabilitative program for the student. The University reserves the right to initiate concurrent disciplinary action. University disciplinary proceedings may be instituted against a student or student organization alleged to have violated the *Student Code of Conduct*. All proceedings shall be carried out in a manner which ensures that substantial fairness and justice is observed and shall not be restricted by the formal rules of evidence governing criminal and civil proceedings nor shall deviations from prescribed procedures necessarily invalidate a decision, unless significant prejudice to a student or the University may result.<sup>4</sup>

The *Student Code of Conduct* should be broadly construed as the primary document that applies to the conduct of all university students except when portions of the College of Professional Studies "*Professional Performance Standards*" or the College of Allied Health Sciences "*Standards of Conduct and Performance*" expressly describe an additional or specifically designed standard or competency or a higher degree of responsibility, moral reasoning, personal accountability or ethical department expected within certain degree or certification programs offered within those Colleges

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# Rights & Responsibilities

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## ***Sharing Responsibility for Academic Integrity***

Academic integrity is founded upon and encompasses the following five values: honesty, trust, fairness, respect, and responsibility. Supporting and affirming these values is essential to promoting and maintaining a high level of academic integrity.<sup>5</sup> If a student is to acquire knowledge and have it properly evaluated, it must be pursued under conditions free from cynicism, dishonesty, and moral ambiguity. For this to be fully realized, faculty and students must understand their roles as shareholders with collective responsibility and authority to maintain the integrity of National's academic standards. Apathy or acquiescence in the presence of academic misconduct is not a neutral act. It jeopardizes the value and quality of hard-earned credentials. And where credit for the skills of clinical competence have been gained by deceit, the safety and well being of a vulnerable and trusting patient is unnecessarily put at risk.

Therefore, all members of the NUHS learning community are expected to foster the spirit of academic honesty and not to tolerate its abuse by others. Promoting and protecting academic integrity is the responsibility of every member of the NUHS academic community.<sup>6</sup> By tradition, students and faculty members have certain rights and responsibilities within the academic community. The following statements are conventions that are central to the learning and teaching process at NUHS.

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<sup>4</sup> See *Winnick v. Manning*, 460 F.2<sup>nd</sup> 545, 550 (2<sup>nd</sup> Cir. 1972). ("Minor" deviations not affecting "fundamental fairness" will be permitted).

<sup>5</sup> The Center for Academic Integrity (1998). Fundamental principles of academic integrity.

<sup>6</sup> See: The NUHS Faculty Guide For Fostering Academic Integrity at NUHS.

## ***Student Rights & Responsibilities for Academic Integrity***

1. Students share with faculty members and administrators the responsibility for academic integrity.
2. Students have the right of free and honest inquiry and expression in their courses. In addition, students have the right to know the requirements of their courses and to know the manner in which they will be evaluated and graded.
3. Students have the obligation to complete the requirements of their courses in the time and manner prescribed and to submit their work for evaluation.
4. Students have the right to be evaluated fairly, equitably, and in a timely manner appropriate to the course and its objectives.
5. Students shall not submit as their own work any work that has been prepared by others. Outside assistance in the preparation of this work, such as librarian assistance, tutorial assistance, typing assistance, or such special assistance as may be specified or approved by the appropriate faculty member, is allowed.
6. Students shall make all reasonable efforts to prevent the occurrence of academic dishonesty. They shall by their own example encourage academic integrity and shall themselves refrain from acts of cheating and plagiarism or other acts of academic misconduct.
7. When instances of academic misconduct are suspected, students shall have the right and responsibility to bring this to the attention of the faculty member or other appropriate authority.

## ***Faculty Rights & Responsibilities for Academic Integrity***

1. Faculty members shall share with students and administrators the responsibility for academic integrity.
2. Faculty members shall enjoy freedom in the classroom to discuss all subject matter reasonably related to the course. In turn, they have the responsibility to encourage free and honest inquiry and expression on the part of students.
3. Faculty members, consistent with the principles of academic freedom, have the responsibility to present courses that are consistent with their descriptions in the catalog of the institution. In addition, faculty members have the obligation to make students aware of the expectations in the course, the evaluation procedures, and the grading policy.
4. Faculty members are obligated to evaluate students fairly, equitably, and in a manner appropriate to the course and its objectives. Grades must be assigned without prejudice or bias.
5. Faculty members shall make all reasonable efforts to prevent the occurrence of academic dishonesty through appropriate design and administration of assignments and examinations, careful safeguarding of course materials and examinations, and regular reassessment of evaluation procedures.
6. When instances of academic dishonesty are suspected, faculty members shall have the responsibility to see that appropriate action is taken in accordance with institutional regulations.

## ***Additional Student Rights***

Students or student organizations accused of misconduct are also entitled to the following procedural protections:

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 allowed reasonable time to prepare a defense.
4. To be informed of the support upon which a charge is based and offered an opportunity to respond.
5. The limited ability to call and confront relevant witnesses.<sup>7</sup>
6. To be assured of confidentiality, in accordance with the federal FERPA.<sup>8</sup>
7. To be allowed to challenge the involvement of any person conducting an informal hearing or serving as a hearing board member on the ground of personal bias.<sup>9</sup>
8. To be informed of the sanctions, conditions and/or restrictions which may be imposed.

<sup>7</sup>The complainant, the accused and the Committee on Discipline shall have the privilege of presenting witnesses, subject to the right of cross examination by the Committee on Discipline.

<sup>8</sup>The Family Educational Rights and Privacy Act have provisions for a number of narrow exceptions to a general confidentiality requirement, including a procedure for responding to subpoenas.

<sup>9</sup>Personal bias should not be readily assumed. The term is narrowly defined, and refers to personal malice or favoritism, not general social or political perspectives. The final determinant is whether the person is capable of rendering a fair and impartial decision based upon the facts of the case.

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.)

### ***Additional Student Responsibilities***

Students should understand that their behavior on and off campus will have positive and negative consequences for themselves and others. Students have a responsibility to:

1. Be mindful how influential their speech and conduct shapes the general treatment and respect that will be accorded to the entire NUHS community by the general public;
2. Treat faculty, staff, and fellow students with the same civility and respect they wish to be accorded;
3. Contribute to the enrichment of the University and the larger community;
4. Protect and preserve property belonging to others and the University;
5. Be aware of how lifestyle choices affect academic success and personal growth; and
6. Be knowledgeable of and comply with University policies as outlined in the Student Handbook, University Bulletin and course syllabi.

### ***Responsibility for Classroom Conduct***

As members of an academic learning community, university students enjoy the privileges and share the obligations of the larger community of which the university is a part. Students are entitled to the privileges that accrue to them by virtue of this membership. These privileges carry with them the obligation of contributing deliberately to strengthening their educational community, improving learning for themselves and their classmates and promoting honesty and excellence in all their academic pursuits. Freedom of discussion, inquiry and expression is protected and should be nurtured in the classroom as a safeguard of the freedom to learn. Students are expected to exercise their freedom to learn in a manner that balances their rights against their responsibilities to faculty, staff and fellow students. Primary responsibility for managing the classroom environment, however, rests with the faculty.

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.**

### **Classroom Disruption: Practical Advice for Faculty Members**

Most faculty members need advice about how to respond to disruptive students, and possible distinctions between disruptive behavior and assertiveness. What follows is a revised statement distributed to faculty members at the University of Maryland at College Park:

**Faculty members are responsible for management of the classroom environment.** Teachers can be compared to judges: Both focus on relevant issues, set reasonable time limits, assess the quality of ideas and expression, and make sure participants are heard in an orderly manner. While their ultimate goals may be different, both judges and teachers need to exercise authority with a sense of fairness in mind.

**Classroom disruption should be seen as a disciplinary offense, as defined by the University’s *Student Code of Conduct*.** The term “classroom disruption” means behavior a reasonable person would view as substantially or repeatedly interfering with the conduct of a class. Examples include ... persisting in speaking without being recognized, or resorting to physical threats or personal insults.

**Both students and faculty members have some measure of academic freedom.** University policies on classroom disruption cannot be used to punish lawful classroom dissent. The lawful expression of a disagreement with the teacher or other students is not in itself “disruptive” behavior.

**Rudeness, incivility, and disruption are often distinguishable, even though they may intersect.** In most instances, it’s better to respond to rudeness by example and suasion (e.g. advising a student in private that he or she appears to have a habit of interrupting others). Rudeness can become disruptive when it is repetitive, especially after a warning has been given.

**Strategies to prevent and respond to disruptive behavior include:**

- Clarify standards for the conduct of your class. For example, if you want students to raise their hands for permission to speak, say so ...
- Serve as a role model for the conduct you expect from your students.
- If you believe inappropriate behavior is occurring, consider a general word of caution, rather than warning a particular student (e.g. “we have too many conversations occurring at the moment; let’s all focus on the same topic”).

- If the behavior is irritating, but not disruptive, try speaking with the student after class. Most students are unaware of distracting habits or mannerisms, and have no intent to be offensive or disruptive.
- There may be rare circumstances when it is necessary to speak to a student during class about his or her behavior. Do so in a firm and friendly manner, indicating that further discussion can occur after class.
- A student who persists in disrupting a class may be directed by the faculty member to leave the classroom for the remainder of the class period. The student should be told the reason(s) for such action, and given an opportunity to discuss the matter with the faculty member as soon as possible. Prompt consultation should be undertaken with the Department Chair and either the Dean of the appropriate college and/or the Dean of Students. Suspension for more than one class period requires disciplinary action, in accordance with the *NUHS Student Code of Conduct*.
- If a disruption is serious, and other reasonable measures have failed, the class may be adjourned, and the Campus Security or the Lombard Police summoned.

## ***Academic Performance and Grade Appeals***

The instructor assigned to a course has the responsibility for determining a grade and for judging the quality of academic performance. An exam grade should be appealed only when there is demonstrable evidence that personal bias, arbitrary grading, or a clerical error on the part of the instructor has influenced the grade. The burden of proof that such influence has affected a grade rests with the student who appeals the grade. ***Final course grades may only be appealed to the Dean of the College that offered the course for a possible hearing by the Academic Standards, Grades & Records Committee. (Using the NUHS Final Course Grade Appeal Statement form that must be completed by the student and the instructor within the first week of the semester following the disputed final grade.)*** Earlier exam grades and other academic grievances should be discussed with the instructor of the course and with the chair of the department using the procedure below known as the Procedure to Appeal An Exam Grade.

### **Procedure To Appeal An Exam Grade:**

The grade appeal process for an exam grade affords recourse to a student who has evidence or believes that evidence exists, to show that an inappropriate exam grade has been assigned as a result of clerical error, personal bias, or arbitrary grading. *Appealing an exam grade should be attended to as soon as possible after exam grades are posted.* To begin an appeal, the student must first set up a meeting with the instructor to discuss the situation within at least 5 days of the exam. If the faculty member is not available, an appointment should be made with the chairperson of the faculty member's department to discuss the grade appeal. As it is the responsibility of the student to demonstrate that the grade appeal has merit, the student should bring anything in his/her possession that supports their appeal to the meeting. At the meeting the instructor will:

1. Review any work that the student has brought to discuss.
2. Show the student any of his/her work that remains in the instructor's possession (e.g., papers, final examinations and projects).
3. Explain how the student's grade was determined based on the standards set forth at the beginning of the class and listed in the course syllabus.
4. Re-calculate the numerical computation of the grade to determine if there has been a clerical error.

Following this meeting, if some aspect of the grade appeal remains unresolved, either the chairperson or the Dean shall hear and settle the dispute. If the department chairperson is the instructor involved, the appeal will be heard and settled by the Dean of the College (the college that offered the course).

### **NUHS Procedure For Review of a Final Course Grade:<sup>10</sup>**

1. A student who believes a final course grade was the result of arbitrary and capricious grading, personal bias or clerical error should first confer promptly with the instructor of the course. If the instructor cannot be reached after a reasonable effort, the student shall consult with the department chair or the Dean of the College. If a mutually agreeable solution is not achieved, the student may file an appeal to be heard by the Academic Standards, Grades and Records committee (through the office of the Dean of the College that offered the course using the Final Course Grade Review form) within the first five (5) days of the semester following the term in which the disputed grade was assigned.
2. The appeal shall be dismissed by the Dean of the college that offered the course if:
  - a. The allegations do not constitute arbitrary and capricious grading, personal bias or clerical error;
  - b. The appeal was not timely; or,

<sup>10</sup> A complete version of the *NUHS Policy For Review of a Final Course Grade* is available from the Dean of the college that offered the course along with the Student and the Instructor *Final Course Grade Appeal form*.

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- c. The student has not conferred with the instructor or department chair or with the Dean of the appropriate college, in accordance with Paragraph 1 (above) of these procedures.
3. If the appeal is not dismissed, the ASGR Committee shall receive a copy of the student and instructor's Final Course Grade Appeal Statement form. The committee may attempt to arrange a mutually agreeable solution.
  4. If a mutually agreeable solution is not achieved, the committee shall proceed to hold an informal, non-adversarial fact-finding meeting concerning the allegations. Both the student and the instructor shall be entitled to be present throughout this meeting and to present any relevant evidence, except that the student shall not be present during the discussion of any other student. An advocate or representative shall accompany neither the student nor the faculty member. The meeting shall not be open to the public.
  5. The Committee shall deliberate privately at the close of the fact-finding meeting. If a majority of the Committee finds "it is more likely than not" the allegation is supported by the facts provided, the Committee shall take any action that they feel would bring about substantial justice, including, but not limited to:
    - a. Directing the instructor to grade the student's work anew; or
    - b. Directing the instructor to administer a new final examination or paper in the course; or
    - c. Directing the award of a grade of "pass" in the course, except that such a remedy should be used only if no other reasonable alternative is available. The Committee is not authorized to award a letter grade or to reprimand or otherwise take disciplinary action against the instructor. The decision of the committee shall be final and shall be promptly reported in writing to the parties. The Dean of the college that offered the course shall be responsible for implementing the decision of the Committee.

The results of a review of a final course grade shall be transmitted by the Chair of the Academic Standards, Grades and Records Committee in writing to the student, the instructor, the Dean of the College that offered the course, 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.

## Prohibited Conduct

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

### ***Academic Misconduct***

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 but is not limited to: 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 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.

### ***Abusive, Disorderly or Violent Conduct***

1. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other University activities, including its public-service functions on or off campus, or other authorized non-University activities, when the act occurs on University premises.
2. Violence, direct threat of violence, physical abuse, 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 which threatens or endangers the health or safety of any person.
3. Conduct which is disorderly, lewd, or indecent: breach of peace; or aiding, abetting, or procuring another person to breach the peace on University premises or at University sponsored activities.
4. Hazing, (as defined in Chapter 144 of the *Illinois Revised Statutes*) as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization.
5. Participation in a demonstration which 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; intentional obstruction that interferes with the free flow of pedestrian or vehicular traffic, on University premises or at University sponsored activities.

### ***Acts of Reckless Conduct***

1. Arson
2. Willful or malicious damage or destruction of property.
3. Intentionally entering a false fire alarm or bomb threat.
4. Tampering with fire extinguishers, alarms, or safety equipment.
5. Tampering with elevator controls and/or equipment.
6. Failure to evacuate during a fire, fire drill, or false alarm.
7. Any other student behavior that harms or creates a risk of harm to himself/herself, others, property or the stability and continuance of normal university functions.

### ***Sexual Misconduct***

1. Every human being has a right to be free from the dehumanizing effect of sexual misconduct including all forms of non-consensual sexual contact and sexual harassment. Sexual behavior must be mutually and simultaneously initiated. Sexual partners share responsibility for getting/giving or refusing/denying consent by words, actions, gestures, or by any other previously agreed upon communication. Consent may be withdrawn at any time, without regard to activity preceding the withdrawal of consent.
2. Within this context, consent is defined as the act of willingly and verbally agreeing to engage in specific sexual behavior. *Silence and/or non-communication must never be interpreted as consent.* (The *Illinois Criminal Sexual Assault Act* specifically states, "Lack of verbal or physical resistance or submission by the victim resulting from the use of force or threat of force by the accused shall not constitute consent. The manner of dress of the victim at the time of the offense shall not constitute consent.") Consent does **not** exist (despite verbal agreement) when a sex act is committed either by force, threat of force, intimidation, or through use of the victim's inability to give informed verbal consent due to the use of alcohol and/or sedative drugs including GHB, Rohypnol, Ketamine or other so-called "date rape" drugs.
3. 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.<sup>11</sup>

## **Conduct Involving Drugs, Alcohol and/or Weapons**

1. Public intoxication, use, unauthorized possession, delivery or distribution of alcoholic beverages except as expressly permitted by the law and University regulations.
2. Illegal or unauthorized possession, use or storage of firearms, explosives, explosive devices, dangerous chemicals such as “Mace” or tear gas, pellet guns, BB guns (or any type of arms defined as weapons in Chapter 38 of the *Illinois Revised Statutes*) on University premises.<sup>12</sup>
3. Use, unauthorized possession, manufacture, sale, delivery or distribution of any narcotic, drug, cannabis, medicine prescribed to someone else, chemical compound or drug-related paraphernalia or other controlled substance except as expressly permitted by law (as defined in Chapter 56.5 of the *Illinois Revised Statutes*.)

## **Acts of Theft**

1. Possession of stolen property or the belongings of another person without the owner’s permission.
2. Misappropriation or conversion of University funds, supplies, equipment, labor, material, space or facilities.
3. Theft, unauthorized use or other abuse of University photocopiers, fax machines, telephone service or computer data program, online time, computer or network equipment, and/or any other act that violates the *NUHS Electronic Communication Policy*.<sup>13</sup>
4. 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.
5. Attempted or actual unauthorized use of a credit card, debit card, automated teller machine card and/or personal check.
6. Alteration, forgery or misrepresentation of any form of identification.

## **Trespass or Unauthorized Entry**

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

## **Financial Misconduct**

Failure to meet financial obligations owed to the University, including, but not limited to the writing of checks on accounts with insufficient funds.

## **Gambling**

Gambling (including legalized gambling) as a University-sponsored or University-related activity either on or off campus. Lotteries or raffles may be permitted when restricted to members of the University community.

## **Obstruction of Security or Police Official**

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.

<sup>11</sup> See *Glossary* within this *Code* wherein each of these terms are specifically defined by the *Illinois Criminal Sexual Assault Act*.

<sup>12</sup> **NOTE:** Possession of weapons by licensed holders of concealed handguns is also prohibited on University premises.

<sup>13</sup> In addition to this NUHS policy, the *Illinois Computer Crime Prevention Law* (720 ILCS 5/16D-1 et. seq.) makes unauthorized computer use a criminal offense. There are three offense categories defined by the law.

1. **Computer Tampering.** An individual may be prosecuted for this offense when access is gained to a computer, a program, or data, without permission from the owner. Unauthorized access, by itself, is a misdemeanor. Obtaining data or services is a misdemeanor for the first offense and a felony for subsequent offenses. Altering, damaging, destroying, or removing a computer, a program, or data, is a felony. (These latter offenses include the use or attempted use of what commonly is referred to as a “computer virus.”)
2. **Aggravated Computer Tampering.** This offense occurs when Computer Tampering has the intended effect of:
  - a. disruption of or interference with vital services or operations of State or local government or a public utility, or
  - b. creating a strong probability of death or great bodily harm to other individuals (punishable as a felony.)
3. **Computer Fraud.** This offense occurs when access to or use of a computer, program or data is gained as part of a scheme to deceive or defraud. This includes the use of a computer to gain control over money, services or property. In addition to its ordinary meaning, “property” in this context includes: electronic impulses, electronically produced data, confidential or copyrighted material, billing information, and software in any form. These offenses are punishable as felonies.

## ***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.

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

Violation of federal, state or local law on University premises or at University sponsored or supervised activities and/or violations of any other University policy or procedure.

## ***Acts Against Administration of this Code***

1. Failure to obey the summons of the Committee on Discipline or the Dean of Students.
2. Falsification, distortion, or misrepresentation of information before the Committee on Discipline or the Dean of Students.
3. Disruption/interference with the orderly conduct of a disciplinary proceeding.
4. Institution of disciplinary proceeding without cause or knowing the charge was false or with reckless disregard of its truth.
5. Attempting to discourage an individual's proper participation in, or use of, this Code.
6. Attempting to influence the impartiality of a member of the Committee on 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.
7. Harassment (verbal or physical) and/or intimidation, or any form of retaliation toward a member of the Committee on Discipline or the Dean of Students prior to, during, and/or after a disciplinary proceeding.
8. Failure to comply with the sanction(s) or attached conditions imposed in accordance with this Code.
9. Influencing or attempting to influence another person to commit an abuse of this Code.

# Hearing Procedures

## ***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 *Student Code of Conduct*, the NUHS College of Professional Studies "*Professional Performance Standards*," and the NUHS College of Allied Health Sciences "*Standards of Conduct and Performance*."
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 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 matter shall be managed by either an informal or formal hearing.
4. Students, who fail to obey the summons of the Dean of Students or the Committee on Discipline after proper notification, will be deemed to have pled "innocent" to the charges pending against them.

**Notification will be considered to have been 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.**

5. Rights Of Students Charged With Misconduct
  - a. To be notified of the charge and alleged misconduct upon which the charge is based.
  - b. 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.
  - c. To be allowed reasonable time to prepare a defense.
  - d. To be informed of the support upon which a charge is based and offered an opportunity to respond.

- e. The limited ability to call and confront relevant witnesses.<sup>14</sup>
- f. To be assured of confidentiality, in accordance with the federal FERPA.<sup>15</sup>
- g. To be allowed to challenge the involvement of any person conducting an informal hearing or serving as a hearing board member on the ground of personal bias.<sup>16</sup>
- h. To be informed of the sanctions, conditions and/or restrictions which may be imposed.
- i. To be allowed to refrain from making any statement relevant to the allegation(s).
- j. To be accompanied by an advisor at any formal disciplinary hearing (for advisory purposes only, not for representation.)

## ***Hearing Procedures in Sexual Misconduct Cases***

1. Members of the Committee on Discipline shall be counseled prior to the hearing on the special procedures that may be employed to protect the victim and any witnesses to the alleged sexual misconduct. Members shall also be briefed regarding the measures that may be used to safeguard the rights of the accused in sexual misconduct cases.
2. Both the accuser and the accused are entitled to be present throughout the hearing and to have an advisor accompany them during the hearing. Both parties shall be informed of the outcome (including sanctions and appeals) of any campus disciplinary proceeding in sexual misconduct cases.
3. Both parties shall have the privilege of presenting witnesses. The Committee on Discipline, however, shall conduct any questioning or cross-examination. The complainant and the accused may submit questions to the Committee members to ask of the other party in the dispute but they are under no obligation to use the question(s) if they are repetitious, irrelevant, inflammatory or lack any potential to support the claim that the *Student Code of Conduct* had been violated. Victims shall be offered options to avoid having to provide face-to-face testimony, visual contact or any direct interaction with the accused.
4. Victims of any form of sexual misconduct shall not be held accountable for any substances (e.g., alcohol or any other drug) found in their system at the time the misconduct or assault occurred. The presence of any mind-altering substance (alcohol, etc.) in the accused at the time of the misconduct shall not be considered a mitigating factor (especially during the sanctioning phase) during a hearing.
5. A victim's sexual history is not relevant to the outcome of the hearing and will not be considered nor discussed in any aspect of the case.

## ***Informal Hearing***

1. 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 or 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 this policy.
2. 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 appropriate college, 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.

<sup>14</sup> The complainant, the accused and the Committee on Discipline shall have the privilege of presenting witnesses, cross examination, however, shall be carried out by the Committee on Discipline. The complainant and the accused may submit questions to the Committee to ask of the other party in the dispute but the committee *may* refrain from doing so.

<sup>15</sup> The Family Educational Rights and Privacy Act has provisions for a number of narrow exceptions to a general confidentiality requirement, including a procedure for responding to subpoenas.

<sup>16</sup> Personal bias should not be readily assumed. The term is narrowly defined, and refers to personal malice or favoritism, not general social or political perspectives. The final determinant is whether the person is capable of rendering a fair and impartial decision based upon the facts of the case.

## Formal Hearing

1. 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 shall 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 Discipline.
2. 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 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.
3. A formal hearing shall be conducted by the Committee on Discipline according to the following guidelines:
  - a. 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 appeals of this Code.
  - b. Admission of any person to the hearing shall be at the discretion of the Chairperson of the Committee on Discipline. Hearings normally shall be conducted in private.
  - c. In hearings involving more than one accused student, the chairperson of the Committee on Discipline, in his or her discretion, may permit the hearings concerning each student to be conducted separately.
  - d. 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 Discipline.
  - e. The complainant, the accused and the Committee on Discipline shall have the privilege of presenting witnesses, subject to the right of cross-examination by the Committee on Discipline.
  - f. The Committee on Discipline may accept pertinent records, exhibits and written statements as evidence for consideration at the discretion of the chairperson.
  - g. All procedural questions are subject to the final decision of the chairperson of the Committee on Discipline.
  - h. After the hearing, the Committee on Discipline shall determine (by majority vote) whether the student has violated each section of the Student Code of Conduct that the student is charged with violating.
  - i. The Committee on 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.
  - j. There shall be a single verbatim record, such as a tape recording, of all hearings before the Committee on Discipline. The record shall be the property of the University.

## Sanctions

1. 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 Code, the full disciplinary history shall be considered in determining the sanction. The following are sanctions that may be imposed upon any student or student organization found to have violated the *Student Code of Conduct*. 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, etc. A condition may include loss of certain University privileges. If a condition accompanies a sanction, the condition must be related to the violation.
  - 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>17</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

<sup>17</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.

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- 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.
2. Violations of this Code 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.
  3. Repeated or aggravated violations of any section of this Code may also result in expulsion or suspension or in the imposition of such lesser penalties as may be appropriate.
  4. Attempts to commit acts prohibited by this Code may be punished to the same extent as completed violations.
  5. The following sanctions may be imposed upon groups or organizations:
    - a. Those sanctions listed above in Section 1., a. through l.
    - b. Deactivation - Loss of all privileges, including University recognition, for a specified period of time.
  6. Following the formal hearing, the Committee on Discipline shall advise the accused student(s) in writing of its determination and of the sanction(s) imposed within five (5) business days.

### ***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 and 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 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 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 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. A decision reached by the Committee on Discipline or Dean of Students may be appealed by an accused student(s) or student organization(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

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- 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 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 such evidence and/or facts were not known to the appellant 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 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 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) or student organization. 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 appropriate college, 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.
  5. The files of students or student organizations found responsible for any charges filed against them will normally be retained for four years from the date of the letter providing notice of final disciplinary action.
  6. 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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1. Any question of interpretation regarding the *NUHS Student Code of Conduct* should be referred to the Dean of Students or other designee selected by the President of the National University of Health Sciences.
2. The *NUHS Student Code of Conduct* shall be reviewed every three (3) years under the direction of the Dean of Students.

# Glossary

## 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 Student Code of Conduct or failed to comply with the sanctions or attached conditions imposed by the Committee on Discipline or the Dean of Students. In most situations it will be the Vice President for Academic Affairs.
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 Student Code of Conduct of National University of Health Sciences.
7. The term “cheating” includes, but is not limited to:
  - a. Use of any unauthorized assistance in taking quizzes, tests or examinations;
  - b. Dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems or carrying out other assignments; or
  - c. The acquisition, possession, or use without permission, of tests or other academic material belonging to a member of the University faculty or staff.
  - d. 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.
8. The term “Code” means the Student Code of Conduct of National University of Health Sciences.
9. The term “Committee on Discipline” means a group appointed by the University President that shall hear all formal complaints to determine if a violation of the Student Code of Conduct has occurred and recommend sanctions.
10. The term “consent” when used within the context of sexual issues means the act of willingly and verbally agreeing to engage in specific sexual behavior.
11. The term “days” means all days when classes are in session.
12. The term “Dean of Students” refers to the person designated by the University President to be responsible for the administration of the 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*, the NUHS College of Professional Studies “*Professional Performance Standards*,” or the NUHS College of Allied Health Sciences “*Standards of Conduct and Performance*.” The Dean of Students shall also serve as the University official who arbitrates all informally managed charges/complaints pertaining to conduct and discipline.
13. The term “faculty member” means any person hired by the University to conduct academic activities.
14. The term “formal” hearing means the hearing and recommendation of sanctions are to be conducted by the Committee on Discipline.
15. The term “informal” hearing means the hearing and recommendation of sanctions are to be conducted by the Dean of Students.
16. The term “intimidation” is defined as creating feelings of fear, anxiety or inadequacy in someone.
17. The term “may” is used in the permissive sense.
18. The term “member of the University community” means, students, faculty members, University officials or any other person(s) employed by the University.
19. The term “organization” means any number of persons who have complied with the formal requirements for University recognition/registration.
20. The term “plagiarism” means 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.
21. The term “policy” is defined as the written regulations of the University.
22. The term “public indecency” means lewd exposure of the body with the intent to arouse or to satisfy the sexual desire of the person.
23. The term “rape” is defined as sexual penetration without the victim’s consent or against the victim’s will where

the victim (by force or violence, or threat of force or violence) fears or has reason to fear injury without submitting to the act; is incapable of giving consent or prevented from resisting due to physical or mental incapacity (which includes but is not limited to drugs or alcohol); or suffers from a mental or physical disability. (*“Sexual penetration” means any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person, including but not limited to cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove penetration.*)

24. 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, including studying, research, teaching and university administration.
25. The term “sanction” means a measure imposed on account of violation(s) of the Code.
26. The term “sexual battery” is defined as sexual contact without consent and includes: intentional touching, either of the victim or when the victim is forced to touch, directly or through clothing, another person’s genitals, breasts, thighs or buttocks. It is also sexual battery if the victim is forced to touch an intimate area of the sexual offender.
27. The term “shall” is used in the imperative sense.
28. The term “stalking” means to follow or place another person under surveillance, on at least two separate occasions, and threaten or place in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement or restraint.
29. 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.”
30. The term “threat” is defined as expressing intent to cause harm or pain.
31. 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.
32. The term “University official” includes any person employed by the University performing assigned administrative or professional responsibilities.
33. 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.
34. The term “University sponsored activity” means any activity on or off campus that is initiated, aided, authorized or supervised by the University.
35. The term “violation” means a breach of conduct governed by this Code. The standard of proof (that a violation has occurred) shall be by applying the standard of proof known as a “more likely than not” weighing of the evidence.
36. The term “voyeurism” is defined as observing unsuspecting people who are naked, in the process of disrobing, or engaged in sexual activity.