



# **NUHS CODE OF STUDENT CONDUCT**

## **2026-2028**

**NUHS students are provided a copy of the *NUHS Code of Student Conduct* annually in the form of a link on the University website. Hard copies are available upon request from the Dean of Students Office and the Office of Student Services.**

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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 guide its individual members. These are the virtues and obligations usually referred to as “standards of conduct” that any society must rely upon if it is to function and remain viable. The most basic expression of these community values includes “the abstract virtue of justice, a community consensus to mutually aid and protect each other from deliberate injury, and an earnest effort to honor the virtue of honesty in all community relationships. At NUHS, we also believe that civilized conduct and an atmosphere conducive to intellectual and personal development are vital if learning is to flourish. To achieve these ends, students are expected to uphold and abide by certain standards of conduct that form the basis of the *NUHS Code of Student Conduct*. The *NUHS Code of Student Conduct* has been formulated to promote and fortify optimal learning conditions that advance the University Mission Statement, while balancing the interests of individual student liberties with the collective interests and cherished freedoms of all other members of the NUHS academic community.

A fundamental obligation that each community member must accept and support, holds that students, staff, faculty and administrators share the collective responsibility to maintain the “standards 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 cohesion and stability cannot be maintained by threat of punishment alone. Instead, we believe that learning and personal development flourishes within academic communities where new students are automatically enjoined to share responsibility and collective ownership for the welfare of our University, abiding by its standards, rules and policies and by assuming reasonable responsibility for the behavior of other individual community members and their student organizations.

For over a century, NUHS has asserted a leading role in healthcare education by maintaining a learning community firmly grounded in a tradition of progressive, science-based thought, high academic standards, and a steadfast belief in the inherent strength and viability that accrues to an organization when it draws from a diverse talent pool of student applicants. Our University is deeply committed to the principle of equality in access to its facilities and programs and in the fair and unbiased treatment of individual differences in race, color, national origin, ancestry, sex, sexual orientation, gender, gender identity, gender expression, age, religion, status as a citizen, parent, veteran, or marital status, genetic profile, physical or mental disability, political affiliation, or any other diverse human quality. Thus, NUHS does not discriminate in the admission, housing and education of students or in policies governing discipline, extracurricular life or student activities.

## AUTHORITY & JURISDICTION

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### *Inherent Authority*

The *NUHS Code of Student Conduct* applies to student behavior that occurs on University property, at University-sponsored events, and when the University determines that specific off-site online student speech or misconduct affects a University interest that is sufficient to invite application of University regulations such as, “...serious or severe bullying or harassment targeting particular individuals; threats aimed at teachers or other students; the failure to follow rules concerning lessons, the writing of papers, the use of computers, or participation in other online school activities; and breaches of school security devices.” (Citing the U.S. Supreme Ct. in *Mahanoy Area School District v. B.L.*, 594 U.S. June 2021.)

Accordingly, this *Code* is applicable to:

- Student conduct at both the Florida and Illinois sites, and
- Student conduct within the NUHS (or NUHS sponsored) clinic system, and
- Student conduct occurring on property owned or controlled by the University, and
- Student conduct occurring elsewhere, which adversely affects the interests of the University community and/or the pursuit of its mission, goals and objectives, and
- Student conduct that may have been influenced by a mental state (regardless of the ultimate evaluation) or the use/abuse of drugs or alcohol. Every student shall be held accountable for the consequences of their personal acts of misconduct.

The *NUHS Code of Student Conduct* also applies to behavior conducted online, via email or other electronic medium. Students should be aware that online postings such as blogs, web postings, “chat” platforms, and social networking sites are commonly in the public sphere and are usually not protected by privacy laws. These forms of online expression or communication can expose a student to allegations of misconduct if evidence of a policy violation results. The Dean of Students (or the Dean’s designee) is the person designated by the University President to be responsible for the administration of the *NUHS Code of Student Conduct*.

### ***Jurisdiction of this Code***

The *NUHS Code of Student Conduct* is not written with the specificity of a criminal law statute. In fact, the University conduct process is not analogous to, not equivalent to, and does not conform to criminal or civil law processes. The *NUHS Code of Student Conduct* is designed, in part, to determine responsibility, or lack thereof, for violations of the *NUHS Code of Student Conduct* and/or the *NUHS Intern Manual* – not guilt or innocence connected to breaking a law. A University’s authority is limited to investigating complaints of student wrongdoing to discern if a student is “responsible” for committing acts of misconduct that violate the *NUHS Code of Student Conduct* – not to decide if a crime has occurred that violates a law within society.

Violations of laws that govern society may result in limits upon personal freedom, financial penalties, imprisonment, or even being deprived of life. To be found “responsible” for misconduct that violates university standards of conduct, however, result in various sanctions that conditions a student’s continued enrollment and voluntary relationship with the university as a person in good standing who is granted the privilege to attend classes. Ultimately, determining a suitable sanction, or combination of sanctions, for committing any acts of misconduct that violate the *NUHS Student Code of Conduct* will be focused on issuing a just punishment, promoting student development and affirming the overarching community values set forth in the *Preamble* of this document.

### ***Disciplinary Action If Criminal Charges Are Pending***

If a NUHS student is apprehended for violating the law, the University will not request that special consideration be accorded simply because the individual maintains a status with NUHS as a student. Disciplinary action at the University will normally proceed during the pendency of criminal proceedings and will not be subject to challenge on grounds that criminal charges involving the same incident have been dismissed or reduced. The University reserves the right to take disciplinary action against a student or student organization representative(s) accused of the same (or similar) misconduct which violates state or federal law, the *NUHS Code of Student Conduct*, the *NUHS Intern Manual* or any other applicable University policy or procedure.

### ***Revocation of Academic Credentials***

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

## **MANAGEMENT of SPECIFIC STANDARDS**

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### ***Grooming and Attire***

The reason that NUHS has developed grooming and attire standards is to underscore the institution’s dual commitment to academic excellence and the type of professional development that is commonly associated with healthcare practitioners who have been trained to look, act, and communicate as role models of professionalism. Emphasizing that these standards must be **acquired** and **developed** between new student orientation and the start of clinical internship fosters greater self-awareness of the personal responsibility each student has to frame the boundaries of their own personal appearance preferences and their individual expressions of fashion to the standards of the University, the expectations of the public and the profession they hope to represent.

Enforcement of these standards shall be applied using informational sessions at orientations, well-publicized rules, and a non-confrontational meeting (informal conference) to discuss and resolve any attire/grooming issues.

These on-campus standards apply to **all students** (*when not involved in clinical activity*) where the public is usually not expected to be present (e.g., lecture or lab venues) during regular hours when courses are scheduled and during

any on-campus community activity or event such as a health fare or commencement. These standards reflect a broad range of prevailing societal norms primarily modeled after students who are also enrolled within graduate or professional degree healthcare programs in the U.S.

NUHS standards use non-discriminatory terms to avoid reinforcing stereotypes. ***The restrictions are few:***

- Clothing or accessories with either words or images that can reasonably be construed as: derogatory, violent, profane, racist, vulgar, obscene, or lewd messages.
- Clothing must be worn in a way that genitals, buttocks, chest, breasts, nipples, and undergarments are fully covered with opaque fabric. Sheer or mesh fabrics, and exposed areas of skin created by factory design or self-made modifications including deep-set or unbuttoned exposure of the chest, exposed back and/or abdomen, or sleeveless openings exposing the underarm area, chest or side of the breasts.
- Strongly scented perfumes/colognes, deodorant, body wash or lotions.

### ***Classroom Conduct***

The primary responsibility for managing the classroom environment rests with the faculty. Students who engage in any prohibited or unlawful acts that result in disruption of a class may be directed by the faculty member to leave the class for the remainder of the class session. Should the student(s) continue disrupting class and refuse to leave, the faculty member **must** warn the student(s) to stop/leave the class – before dismissing the entire class for that day. The dean/asst. dean of the program should be notified following dismissal of the class. Longer suspensions from a class, or dismissal on disciplinary grounds, must be preceded by notice of a disciplinary conference and hearing with personnel from the office of the Dean of Students, as set forth in the *Hearing Procedures* section of this Code.

### ***Conduct During Internship***

During the internship phase of a program, clinicians assume the primary role of supervisor/instructor to the interns assigned to them. Clinicians are faculty members tasked with supervising patient care while, at the same time, teaching and evaluating interns in the acquisition of clinical skills. Clinicians must evaluate an intern's development of non-cognitive skills, character traits and personal attributes that are just as important as clinical knowledge. An intern's trainee status dictates restriction of full practice privileges, but it does not diminish their obligation to cultivate and demonstrate the habits and mannerisms of professional conduct far in advance of graduation. These skills are monitored during internship by demonstrating acts of compassion, trustworthiness, sound judgment, personal accountability, respect for others, and the capacity to exceed mere compliance with rules or avoiding prohibited behavior.

The *NUHS Intern Manual* is used to orient interns to the NUHS clinic system of rules, regulations, and office protocols. Failure to comply with the NUHS clinic system standards of care, rules of conduct, or treatment procedures described within the *NUHS Intern Manual* may have automatic penalties applied (to avoid interrupting intern instruction or patient care) by the supervising clinician when specific, minor infractions (listed within the *NUHS Intern Manual*) occur.

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

### ***Interim Suspension***

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

1. Interim suspension may be imposed only:
  - a. To ensure the safety/well-being of University members, or preservation of University property.
  - b. To ensure the student's own physical or emotional safety and well-being.
  - c. If the student poses a definite threat of disruption or interference with the normal operations of

the University.

2. During the interim suspension, the student(s) may be denied access to the University premises (including residence halls) and/or all other University activities or privileges (including classes) for which the student(s) might otherwise be eligible, as the Dean of Students may determine to be appropriate. A student(s) suspended on an interim basis 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 alleged misconduct, including the matter of the identity of the person(s) reporting the misconduct.
  - b. Whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student(s) on University premises poses a substantial and immediate threat to himself/herself, others, or to the continued stability of normal University functions.
3. The interim suspension does not replace the regular disciplinary process, which shall proceed on the normal schedule, up to and through a formal or informal hearing, if required.

## **PROHIBITED CONDUCT**

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Students are required to assume personal responsibility for knowing and complying with the specific standards of conduct set forth in the previous section (*grooming & attire, classroom conduct, conduct during internship*), and to become familiar with the boundaries of professional behavior explained within the acts of prohibited conduct.

The *NUHS Code of Student Conduct* is applicable to all students enrolled at the National University of Health Sciences. Any student or student organization found to have committed, or attempted to commit, misconduct that violates the *NUHS Standards of Student Conduct* (but not limited to the misconduct cited herein) shall be subject to the jurisdiction, disciplinary procedures, and sanction(s) described within this *Code*.

Behavior that violates this *Code of Student Conduct* includes, but is not limited to, the following regulations.

### **1. Academic Misconduct**

- a. Cheating using 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.
- b. Cheating also includes unauthorized copying from the work of another student, using notes or other materials not expressly authorized, giving or receiving work when it is expected that the student will do his/her own work, or engaging in any similar act that violates the spirit of simply "earning credit by doing your own work." Cheating may occur on an examination, test, quiz, laboratory work report, theme, out of class assignment or any other work submitted by a student to fulfill course requirements and presented as solely the work of the student.
- c. Use, or attempted use, of one's own login credentials (username and/or password) or assisting another person to misuse their login credentials (username and/or password), to execute an unauthorized login to an NUHS learning or testing platform to cheat.
- d. The intentional use, misuse or alteration of University materials or resources 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.)
- e. 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.
- f. The acquisition, without permission, of tests or other academic material belonging to a member of the University community.
- g. Alteration of grade records.
- h. 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.
- i. 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.

- j. Use of any electronic device (i.e., cell phone, hand-held computer/calculator/digital storage unit, miniature audio or visual unit, etc.) to cheat.
- k. 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.
- l. Being involved in the unauthorized collection, distribution advertisement, solicitation, or sale of term papers, research papers, or other academic materials completed by a third party.
- m. Non-compliance with online exam rules. Online testing rules may vary by format, subject matter, etc., but every online exam that uses the browser-based, video-proctored testing method supported by the university shall be governed by the following (but not limited to the following) **explicit** rules (no exception):
  - ◆ no cell phones in the testing room and a strict ban on using “smart” glasses during the exam,
  - ◆ only one monitor allowed, full 360° scan of the exam room before the exam begins,
  - ◆ no other devices (calculators, micro-earpieces, spy-eyeglasses, or timepiece – especially a smartwatch),
  - ◆ hats, hoodies, headsets, or earplugs are prohibited,
  - ◆ no other person is allowed in the testing room with the student,
  - ◆ no talking or intermittent repetitive sounds should be emanating to or from the test-taker,
  - ◆ student must stay seated & clearly visible on screen,
  - ◆ no bathroom breaks, off-camera stretching or extra time to complete the exam.

## 2. Abuse of the Student Conduct System

Examples include but are not limited to:

- a. Falsification, distortion or misrepresentation of information before the Committee on University Discipline or the Dean of Students.
- b. Disruption/interference with the orderly conduct of a disciplinary proceeding.
- c. Institution of disciplinary proceeding without cause or knowing the charge was false or with reckless disregard of its truth.
- d. Attempting to discourage an individual’s proper participation in, or use of, this Code.
- e. Attempting to influence the impartiality of a member of the Committee on University Discipline or the Dean of Students prior to, and/or during the course of, the disciplinary proceeding by any means, including bribery and/or blackmail.
- f. Harassment (verbal or physical) and/or intimidation, or any form of retaliation toward a complainant or a member of the Committee on University Discipline or the Dean of Students prior to, during and/or after a disciplinary proceeding.
- g. Failure to comply with the sanction(s) or attached conditions imposed in accordance with this Code.
- h. Aiding, abetting, influencing or attempting to influence another person to commit a violation of this Code, including acts of extortion (obtaining something by force or threats), blackmail (to coerce something from someone who may wish to prevent disclosure of something that could bring disgrace) or bribery (which means to give or promise something to another person as an inducement to do something in return).
- i. Retaliation against any individual (by harassment, intimidation, threats, or coercion in any way) for utilizing the *Code of Student Conduct* by bringing a complaint, testifying, or participating in any manner in an investigation or proceeding.

### 3. Unauthorized Entry or Trespass

Misusing access privileges to University, public, or private premises, unauthorized entry to, or use of buildings, including trespassing, door/window propping, or unauthorized use of alarmed doors for entry into or exit from a facility or space.

### 4. False Representation

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

- a. Knowingly providing false or inaccurate information to any University or public official or office, whether in person, through correspondence, via electronic means, or through official forms.
- b. Forging, altering or misusing any University document, record or instrument of identification.
- c. Attempting to represent the University, any recognized student organization, or any official University group without the explicit prior consent of the official representatives of that group.
- d. Making false reports of a fire, bomb threat, active shooter or other dangerous condition; causing or contributing to the cause of a false fire alarm; failing to report a fire, or interfering with the response of University or municipal officials to emergency calls.

### 5. Election Tampering

Tampering with the election process of any University/College-recognized student organization.

### 6. Acts of Theft

- a. Possession of stolen property or the belongings of another person without the owner's permission.
- b. Unauthorized use of another person's cell phone, phone card, SIM card, telephone credit card, or unauthorized acceptance of collect telephone calls.
- c. Misappropriation or conversion of University funds, supplies, equipment, labor, material, space or facilities.
- d. Theft, unauthorized use or other abuse of University photocopiers, fax machines, telephone service or computing facilities and resources to interfere with normal operation of the University computing system, and/or any other act that violates the [NUHS Electronic Communication Policy](#).
- e. Use of computing facilities and resources in violation of copyright laws. This includes but is not limited to: unauthorized peer-to-peer file sharing and illegal downloading or unauthorized distribution of copyrighted materials using the institution's information technology system. **(Refer to the full text of the [NUHS Peer-to-Peer File Sharing Policy](#).)**
- f. 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.
- g. Attempted or actual unauthorized use of a credit card, debit card, secured card, smart card, automated teller machine card, personal check, or any other instrument of credit.
- h. Alteration, forgery or misrepresentation of any form of identification, including but not limited to: logging into any learning or testing platform using any unique user ID &/or password other than their own.

### 7. Disruptive or Disorderly Conduct

- a. Disruptive behavior by any student, in class or out of class, which for any reason materially disrupts the class work of others, involves substantial disorder, impacts the rights of others or otherwise disrupts the regular and essential operation of the University. This includes, but is not limited to the following:
  1. Persistent or gross acts of willful disobedience or defiance toward University personnel.
  2. Disruption, or interference that impedes, impairs, or obstructs teaching, research, administration, conduct proceedings, or other projects, processes, or functions including public-service activities or other authorized University or non-University activities when the conduct occurs on University premises.
  3. Participation in a demonstration that disrupts the normal operations of the University and infringes on the rights of other members of the University community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.
  4. Obstruction of the free flow of pedestrian or vehicular traffic, on University premises or at University

sponsored activities.

5. 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. Should the student(s) continue disrupting class and refuse to leave, the faculty member **must** warn the student(s) to stop disrupting class and leave – before dismissing the entire class for that day. The dean/asst. dean of the program should be notified following dismissal of the class. 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*.
- b. Conduct that is disorderly, a breach of peace; or aiding, abetting, or procuring another person to breach the peace on University premises or at University sponsored activities. Disorderly conduct also includes but is not limited to:
  1. Assembling to commit or intending to commit any unlawful act by force; carrying out or planning to carry out any action which has the potential to disturb or threaten the public peace, even without unlawful intention; or conducting themselves in a disorderly manner so as to disrupt or threaten to disrupt the public peace, even without unlawful purpose.
  2. Use of personal portable sound amplification equipment (e.g., iPod, mp3 players, radio, wireless speakers, etc.) in a manner that disturbs the privacy of other individuals and/or the instructional programs of the University.
  3. Use of any electronic or other device to covertly listen and/or observe, make an audio, video or digital recording of any person while on University premises without his/her prior knowledge, or without his/her consent when such activity or record of such activity is likely to cause injury or distress. This includes, but is not limited to, spyware software to surreptitiously eavesdrop, photograph, audio/video record, or employ the use of geo-fencing location software to electronically locate, surveil, stalk, video-record or photograph another person in an athletic facility, locker room, restroom, bedroom, dorm room, or any place a person believes he/she has an expectation of privacy and that society would find his/her expectation objectively reasonable.

## **8. Damage to Property**

Examples include but are not limited to:

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

## **9. Gambling**

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

## **10. Smoking, Vaping or Use of Smokeless Tobacco**

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

## **11. Unauthorized Fundraising and Posting**

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

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

## 12. Unauthorized Use of University IT Resources or Copyright Violation

Including but not limited to the following:

- a. Any attempt to breach or the actual breach of network or computer security.
- b. Unauthorized entry into a file, to use, read, delete or change the contents, or for any other purpose.
- c. Unauthorized copying or distribution of copyrighted computer software or other materials. Use of computing facilities and resources in violation of copyright laws. This includes, but is not limited to: unauthorized peer-to-peer file sharing and illegal downloading or unauthorized distribution of copyrighted materials using the institution's information technology system. (**See: [NUHS Peer-to-Peer File Sharing Policy](#).**)
- d. Unauthorized transfer of a file.
- e. Use, or attempted use, of another person's identification and/or password or assisting another to misuse any form of identification or password.
- f. Use of computing facilities to interfere with the work of another student, faculty member, University official, or any other member of the University community.
- g. Use of computing facilities to send obscene, threatening or abusive messages.
- h. Use of computing facilities to send unauthorized mass email, chain-mail, or malware/ransomware via "phishing" emails.
- i. Use of computing facilities to interfere with normal operation of any University computing system network.
- j. Use of computing facilities/resources to violate any campus policy or rule to violate any local, state or federal law.

## 13. Weapons, Explosives & Hazardous Material Restrictions

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

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

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

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

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

but only while actively involved in these two activities or directly and immediately going to or coming from those activities. All such firearms (except those in the possession of a law enforcement officer) must be completely unloaded, with any magazine removed, until the student or instructor arrives at the Allstate Campus, and before leaving the Allstate Campus to go to a parked automobile or to leave campus.

#### **14. Discriminatory Behavior Based on Bias or Hate**

Where an accused student has been found responsible for committing an act that violates the *NUHS Code of Student Conduct* under circumstances where the evidence demonstrates a tendency, inclination or preference to label or describe a person or group using a derogatory/insulting slur or to unfairly exclude, restrict, limit, refuse, deny or otherwise reveal a general animus or hatred toward a person or persons on the basis of race, color, national origin, ancestry, sex, sexual orientation, gender, gender identity, gender expression, age, religion, status as a citizen, pregnancy, service as a military veteran, or marital status, genetic profile, physical or mental disability, political affiliation, or any other diverse human quality; then the University may impose a more severe penalty. (This is a point of law adapted from a Wisconsin statute upheld by the United States Supreme Court in *Wisconsin v. Mitchell* 508 U.S. 476, 485-488 – 1993.) Enforcement would not violate the First Amendment, so long as care is taken not to punish “bad thoughts” alone.

#### **15. Harassment/Threats/Intimidation**

Engaging in unwelcome behavior that seeks to harass, threaten or intimidate someone verbally or in writing by actions that are sufficiently severe, pervasive (or persistent) and objectively offensive that it unreasonably interferes, limits, or denies an individual or group’s ability to participate in or benefit from the University’s educational or employment programs or activities is prohibited. Online social media users (i.e. Facebook, Twitter, TikTok, Instagram etc.) are subject to the same restrictions on harassing misconduct as e-mail and other forms of communication. This includes, but is not limited to:

- a. Engaging in actions that harass, threaten or otherwise endanger the health or safety of any person.
- b. Intimidating, demeaning or injuring an individual physically, mentally or emotionally.
- c. Engaging in a course of misconduct or repeatedly committing acts that alarm or seriously annoy another person and that serve no legitimate purpose.
- d. Making or attempting to make or distribute an audio or visual recording of any person(s) in bathrooms, showers, bedrooms, or any other premises where there is a reasonable expectation of privacy, without the knowledge and consent of the recorded subject(s) of such recordings.
- e. Using cellphones, letters, emails, text messages or any other electronic medium to communicate in an obscene, harassing, threatening, intimidating, demeaning or repeatedly willful and malicious manner directed at a specific person or group that would cause a reasonable person to feel fear.
- f. Under this policy, harassing, threatening or intimidating behavior is prohibited, whether it occurs in person, through third parties, or by any remote means, including electronic or online communication.

#### **16. Guests**

The *NUHS Code of Student Conduct* applies to guests of community members whose hosts may be held accountable for the misconduct of their guests. **[The Code may also be applied to resident non-students, and attendees of continuing education programs].** Visitors to and guests of the University may seek resolution of violations of the *NUHS Code of Student Conduct* committed against them by members of the University community.

#### **17. Bystanding**

- a. Complicity with or failure of any student to **[appropriately]** address known or obvious violations of the *NUHS Code of Student Conduct* and the state law in Illinois or Florida;
- b. Complicity with or failure of any organized group to **[appropriately]** address known or obvious violations of the *NUHS Code of Student Conduct* and the state law in Illinois or Florida by its members.

#### **18. Hazing**

When one student alone or acting with others commits an intentional, knowing or reckless act (on or off university property) that endangers the mental or physical health or safety of another student for the purpose

of pledging, being initiated into, affiliating with, holding office in or maintaining membership in any group or organization whose members are, or include, NUHS students.

Acts of hazing include, but are not limited to: paddling (using a paddle to strike another individual), physical punishments, creating excessive fatigue, work sessions, physical or emotional shock, wearing apparel which is conspicuous and not in good taste, public stunts, morally degrading or humiliating games or events, or that encourage the illegal and/or abusive use of alcohol and/or other drugs.

A student commits an offense if he/she engages in hazing, encourages another to engage in hazing, knowingly permits hazing to occur or has knowledge of hazing and fails to report said knowledge to an appropriate official of the University. Having the expressed or implied consent of the student being hazed will not be accepted as a defense. Apathy or acquiescence in the presence of hazing is not a neutral act; and still violates this *Code*. (**Refer to the [NUHS Anti-Hazing Policy](#)**)

## 19. Physical Violence or Verbal Abuse (Threats)

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

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

## 20. Sexual Misconduct

On May 6, 2020 the US Department of Education (DOE) issued legally binding amended Title IX regulations that governed how institutions of higher education (IHE) must respond to allegations of sexual misconduct (the Final Regulations). The Final Regulations significantly limited the circumstances in which IHE's are legally obligated to address or respond to allegations of sexual misconduct as a violation of federal law. **However, NUHS defines sexual misconduct in more inclusive terms than the more narrowly construed terms set forth under the 2020 Title IX Final Regulations. (See: [NUHS Title IX and Sex Discrimination Policy](#))**

Consequently, when sexual misconduct allegations do not meet the federal threshold of a Title IX violation, NUHS reserves the right to determine in its sole discretion, whether the sexual conduct described in a complaint constitutes a sufficient risk to the NUHS community to warrant further administrative action as a potential violation of NUHS policies that prohibit sexual misconduct (e.g., as described within the *NUHS Code of Student Conduct, the Faculty Handbook or the Employee Handbook*). NUHS is committed to fostering a safe learning community that promotes prompt reporting of all types of sexual misconduct and the timely and fair resolution of sexual misconduct complaints. (See also: *Amnesty and Rape Shield Protection* clause within the : [NUHS Title IX and Sex Discrimination Policy](#).)

When the respondent is a member of the campus community, the formal grievance procedures outlined in this document shall apply regardless of the status of the complainant, who may or may not be a member of the campus community. An attempt to commit any act identified in this policy or any other policy prohibiting other forms of sexual misconduct; as well as assisting, willfully encouraging or facilitating similar acts, shall be considered an actionable violation of university policy.

Under NUHS policies, "sexual misconduct" is defined in broad, inclusive terms encompassing a range of behaviors (**See: [Glossary-page 23](#)**) including rape, attempted rape, sexual battery, attempted sexual battery, sexual assault, dating or domestic violence, stalking, cyber-stalking, sexual exploitation, sexual harassment, non-consensual sexual intercourse, and non-consensual conduct in which a person deliberately touches, fondles, pinches, grabs, etc., another person (of either sex) in an intimate area or body part (including genitalia, groin, breast or buttocks, or clothing covering any of these areas), voyeurism, possession of child pornography, public indecency, and/or knowingly or recklessly exposing another person to a significant risk of a sexually transmitted infection (including HIV), and any other non-consensual conduct of a sexual nature that has the purpose or

effect of threatening, intimidating, or coercing a person or persons.

As noted above, the four offenses listed below are included as forms of sexual misconduct under NUHS policy. They are also separately listed and defined below to underscore the gravity of their importance within federal (VAWA – *Violence Against Women Act*) and individual state (*Illinois and Florida*) legislation.

#### **A. Sexual Assault**

***In Illinois:*** "A person commits criminal sexual assault if that person commits an act of sexual penetration and (1) uses force or threat of force; (2) knows that the victim is unable to understand the nature of the act or is unable to give knowing consent; (3) is a family member of the victim, and the victim is under 18 years of age; or (4) is 17 years of age or over and holds a position of trust, authority, or supervision in relation to the victim, and the victim is at least 13 years of age but under 18 years of age." *720 ILCS 5/11-1.20.*

***In Florida:*** "Sexual battery [sexual assault] means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object." *Florida Statutes 794.011.*

#### **B. Dating or Relationship Violence**

***In Illinois:*** Dating violence is defined as "physical abuse, harassment . . . interference with personal liberty or willful deprivation" directed toward "persons who have or have had a dating or engagement relationship. [N]either a casual acquaintanceship nor ordinary fraternization between 2 individuals in business or social contexts shall be deemed to constitute a dating relationship." *750 ILCS 60/103.*

***In Florida:*** Dating violence is defined as "violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors: a dating relationship must have existed within the past 6 months, the nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties, the frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship. The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context." *Florida Statute 784.046.*

#### **C. Domestic Violence**

***In Illinois:*** Defined as "physical abuse, harassment intimidation of a dependent, interference with personal liberty or willful deprivation, but does not include reasonable direction of a minor child by a parent or person in loco parentis." *750 ILCS 60/103.*

***In Florida:*** Defined as "any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member, *Florida Statute 741.28.*

#### **D. Stalking and Cyberstalking**

***In Illinois:*** Stalking is "knowingly and without lawful justification, on at least 2 separate occasions, follows another person or places the person under surveillance or any combination thereof." *720 ILCS 5/12-7.30*

Cyberstalking occurs when "he or she knowingly and without lawful justification, on at least 2 separate occasions, harasses another person through the use of electronic communication. *720 ILCS 5/12-7.5*

***In Florida:*** Stalking is defined as "a person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person and makes a credible threat to that person." *Florida Statute 784.048*

Cyberstalking is defined as "to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail, or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose." *Florida Statute 784.048*

## **21. Alcohol Violations**

Violations associated with alcohol use include, but are not limited to (See: [NUHS Drug and Alcohol Abuse Prevention Policy](#)):

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

## **22. Controlled Substance Violations**

Federal law penalizes the manufacture, distribution, possession with intent to manufacture or distribute and simple possession of drugs ("controlled substances"). Federal penalties and sanctions for the simple possession of a controlled substance can be quite severe. (See: [NUHS Drug and Alcohol Abuse Prevention Policy](#)).

## **23. Failure to Comply - Obstructing University or Police Official**

- a. Knowingly providing false or inaccurate information to any University or public official or office, whether in person, through correspondence, via electronic means, or through official university forms.
- b. Failing to comply with the reasonable and lawful requests or directives of University officials and/or law enforcement officers acting in performance of their official duties.
- c. Interfering with University officials and/or law enforcement officers acting in performance of their official duties. Students are required to show proper identification to University officials and/or law enforcement officers upon request.

## **24. Financial Misconduct**

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

## **25. Reckless Endangerment**

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

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

safety of a person by any means not specifically described within this *NUHS Code of Student Conduct*.

## 26. Unauthorized Practice by a Student

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

## 27. Violation of Other Laws, Executive Orders, Policies or Procedures

Students are expected to comply with other university policies, procedures, and regulations (not specifically cited in the *NUHS Code of Student Conduct*) that are applicable to students as members of the interconnected community of people who live, work and learn at NUHS.

Violating federal, state, or local laws (including local, state or federal public health laws or executive orders governing wearing protective masks, complying with social distancing regulations, etc.) on University premises or while in attendance at University sponsored or supervised events or committing off-campus violations of federal, state, or local law that adversely affect the reputation of the University, the safety of the campus community, and/or the pursuit of its objectives, shall be regarded as actionable offenses that may be processed using the *NUHS Code of Student Conduct*.

## 28. Conduct Unbecoming a Future Healthcare Professional

Where an accused student has been found responsible for committing an act, a series of acts, or a pattern of behavior that violates the *NUHS Code of Student Conduct* under circumstances that may reasonably be regarded as so improper or inappropriate by their nature and in their context that they are harmful to the reputation of both the student and/or the University, and; where the totality of evidence demonstrates misconduct at variance with the essential admission requirements of behavioral, emotional, and social attributes that every student attests to possessing as non-cognitive personality traits, qualities of character, and acquired abilities that are essential to participating and completing the entire spectrum of study to earn a healthcare degree from the National University of Health Sciences, then it shall be altogether fitting to apply the charge of conduct unbecoming a future healthcare professional.

**Unbecoming conduct** refers to those acts that may not be specifically identified by other policies but that could reasonably be regarded as so improper or inappropriate by their nature and in their context that they are harmful to the reputation of both the student and/or the College.

**Unbecoming conduct** means behavior more serious than slight, and of a material and pronounced character. It means conduct morally unfitting and unworthy, rather than merely inappropriate or unsuitable, misbehavior which is more than opposed to good taste or propriety.

# HEARING PROCEDURES

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## *Filing a Complaint*

**NOTE:** All reported forms of misconduct or violence of a sexual nature (as set forth within federal and state law and defined within NUHS policies) shall be adjudicated using the *NUHS Code of Student Conduct* when the allegations do not meet the federal threshold of a Title IX violation under Final Regulations of 2020.

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 submitted to the Dean of Students. The Dean is the President's designee responsible for the administration of the University Code of Student Conduct.
2. A complaint should be submitted as soon as possible after the event takes place, preferably within two (2) business days. There is no time limit on reporting violations of the *NUHS Code of Student Conduct*; however, the longer someone waits to report an offense, the harder it becomes for University officials to obtain information and witness statements and to make determinations regarding alleged violations.

Though anonymous complaints are permitted, the University's ability to investigate and respond effectively

to anonymous complaints is very limited. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Office of Student Services, the Dean of Students and/or to Campus Security.

3. The Dean of Students will investigate, 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 factual support &/or believability on its face to proceed, then the Dean shall decide whether the hearing format will be informal (generally, more expeditious and decided by one Hearing Official) or formal (a process governed by more formal procedural steps and decided by several members of the University Discipline Committee). Both formats safeguard a student's rights; use the same standard of proof, sanctions, and appeal process.
4. Students, who fail to obey the summons of the Dean of Students or the Committee on University Discipline after proper written notification, will be deemed to have pled "innocent" or "not responsible" to the charges pending against them.
5. Proper written notification shall be defined as notice by email to a student's assigned University email account or to their permanent mailing address as provided to the Registrar's Office by the student unless an alternative electronic or mailing address has been provided in writing. Thus, failure to notify the University of any change of contact information could result in a hearing being held in absentia.

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

1. To be notified of the charge and alleged misconduct upon which the charge is based.
2. To be considered innocent of the charges until proven responsible by applying the standard of proof known as a "preponderance of the evidence" or a "more likely than not" (greater than 50%) weighing of the evidence.
3. To be informed of the support upon which a charge is based and offered an opportunity to respond.
4. To be allowed a reasonable time to prepare a defense against the charge.
5. The **limited** ability to call and question relevant witnesses (including the complainant) indirectly – pending review and approval of the proposed questions by the Chair of the University Discipline Committee.
6. To be assured of confidentiality by university officials participating in the disciplinary process, in accordance with the federal FERPA legislation.
7. To be allowed to challenge the involvement of any person conducting an informal hearing or serving as a member of the University Discipline Committee, owing to a conflict of interest (conflict between personal interests and professional responsibility) or having a personal bias. (*Attributing conflict of interest or personal bias should not be readily assumed. These terms are narrowly defined, and refers to personal malice [animosity, ill-will, or hatred] or favoritism [unfair treatment], 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.*)
8. To be informed of the sanctions, conditions and/or restrictions which may be imposed.
9. To be allowed to refrain from making any statement relevant to the allegation(s).
10. To be accompanied by an advisor at any formal disciplinary hearing. The advisor must agree to adhere to the formal hearing procedures and behavioral standards described in the *Hearing Decorum* section of the *Formal Hearing Procedures*.

### ***Informal Hearing Procedures***

1. Generally, in cases in which the accused does not dispute the preliminary findings gathered by the Dean (Dean of Students or Dean of Clinics) and accepts responsibility for committing the misconduct alleged in the written complaint; the matter may be managed by an informal hearing with the Dean of Students. However, at the sole discretion of the Dean of Students, the matter may instead be managed through the *Formal Hearing Procedures*. Also, if an accused student respondent or student organization's student representative disputes the charge(s), or the investigation findings reported to, or discovered by the Dean of Students that a violation has been committed, then the matter may be adjudicated through a formal hearing.

2. If the accused student disputes the allegation(s) in the complaint, but the Dean elects to proceed with an Informal Hearing Procedure, then the accused student shall be notified in writing of the charges and the facts supporting the allegations before meeting with the Dean of Students or Dean of Clinics in order to prepare a response to the charge/complaint. The Dean may tape record this meeting and consider record(s), witness(s), written statement(s) or exhibit(s) deemed contributory or important to a fair hearing. An advisor or an attorney shall **not** assist the accused student. If the Dean determines the *Code* or the *Clinic Intern Manual* has been violated, the full range of sanctions may be imposed (as set forth within this *Code* or the *Clinic Intern Manual*).
3. The Dean of Students (or Dean of Clinics if the student is an intern informally disciplined for violating the *NUHS Clinic Intern Manual*) shall write a summary report of the hearing that shall include the Dean's findings and conclusion as to whether the student or student organization (on the basis of a "more likely than not" weighing of the evidence) violated the *Code of Student Conduct* or *Clinic Intern Manual* as the charges stipulated in the complaint. The report shall include the sanction(s) imposed, if any. The summary report shall be the property of the University. This report shall be on file in the Dean of Students Office. The Dean shall notify the accused student and the complainant of the final decision in writing and in a timely manner. The decision of the Dean shall be final pending an appeal, which must be based upon the criteria set forth in the **Appeal Process** described in this document.
4. Formal rules of process, procedure, and/or technical rules of evidence, such as those applied in criminal or civil court, are not used in the *Code of Student Conduct* or *Clinic Intern Manual* proceedings. Any change in status of the student with the University resulting from the Dean's decision shall be transmitted in writing to the Chairperson of the Committee on University Discipline, the Dean of the appropriate college, the Dean of Clinics (if the complaint involved an intern and was adjudicated by the Dean of Students), the Director of the Business Office, the Director of Financial Aid and the Registrar.
5. All informal proceedings shall be conducted in a fair and impartial manner. Also, minor deviations from prescribed procedures will not necessarily invalidate a decision, unless significant prejudice to a student or the University may result.

## ***Formal Hearing Procedures***

At the conclusion of an investigation and absent an informal resolution, a formal hearing will be conducted to determine student responsibility. The hearing body that adjudicates formal hearings is the Committee on University Discipline. Members are annually assigned by the President and designated in the annual issue of the University [\*Bulletin\*](#). Procedural questions about the hearing are subject to the final decision of the Chairperson of the Committee on University Discipline.

All charges shall be prepared in writing by the Dean of Students to notify the accused student respondent or student organization. Also, a copy of the notification shall be forwarded to the Chairperson of the Committee on University Discipline. Upon receipt of the notice, the Chairperson shall set a date 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.

## ***Hearing Decorum***

All individuals who participate in the university's formal hearing process, including the complainant, respondent, advisor(s), and witness(s) are required to conduct themselves with appropriate decorum throughout the hearing. Participants are expected to abide by the Committee chairperson's directions and determinations, maintain civility, and avoid emotional outbursts and raised voices. Individuals are not permitted to be disruptive or to harass, intimidate, abuse, threaten, coerce, or discriminate against any individual present at the formal hearing.

Participants are also prohibited from providing a materially false statement in bad faith, knowingly submitting false information, persuading others not to participate in the formal hearing process (whether successful or not), or applying pressure to prevent full cooperation in the hearing process.

## ***Hearing Confidentiality***

The hearing is a closed proceeding and is not open to the public. All participants involved in a hearing are expected to respect the seriousness of the matter and the privacy of the individuals involved. The university's expectation of maintaining privacy during the hearing process should not be understood to limit any legal rights of the parties during or after the hearing. The university may not, by federal law, prohibit the complainant from disclosing the final outcome of a formal complaint process (after any appeals are concluded). All other conditions for disclosure of hearing records and outcomes are governed by the university's obligations to comply with the Family Educational Rights and Privacy Act (FERPA), any other applicable privacy laws, and professional ethical standards.

## **Formal Hearing Rules**

The Committee on University Discipline shall convene formal hearings and conduct proceedings in accordance with the following procedural rules:

1. Participants must understand at the outset that the University conduct process is not analogous to, not equivalent to, and does not conform to criminal law processes. The *NUHS Code of Student Conduct* and *Clinic Intern Manual* are designed, in part, to determine student responsibility, or lack thereof, for violations of the *NUHS Code of Student Conduct* or a breach of the disciplinary protocols described in the *Clinic Intern Manual* only – not guilt or innocence relative to criminal matters.
2. The burden of proof at an initial hearing is on the University. At the appeal level, however, the student bears the burden of providing grounds for the appeal as set forth in the section on "Appeal Process" of this *Code*.
3. Admission of any person to the hearing shall be at the discretion of the chairperson of the Committee on University Discipline. Hearings normally shall be conducted in private. The hearing will be digitally recorded and made available to the parties for inspection and review. Requests to inspect and review the recording must be made to the Dean of Students. No other party is permitted to have access to the recording. The record shall be the property of the University.
4. In hearings involving more than one accused student, the chairperson of the Committee, in his/her discretion, may permit the hearings concerning each student to be conducted separately.
5. The complainant and the respondent have the right to be assisted by an advisor they choose, at their own expense. The advisor may be an attorney. The complainant and/or the respondent are responsible for presenting his/her own case and, therefore, advisors are not permitted to speak or to participate directly in any hearing before the Committee except to submit cross-examination questions prior to the hearing (to be directed at the other party and their witnesses) for pre-approval by the chairperson of the Committee.
6. The complainant and respondent will be permitted to make an opening or closing statement to the committee with the other party present – except in sexual misconduct cases (see #10 & #11 below). When it is an individual's turn to testify before the committee, that person may bring notes for their reference and may be accompanied by their advisor.
7. Each party will have the opportunity to testify in support of the evidence (submitted to or discovered by the Dean of Students) subject to any exclusions determined by the committee chair. Generally, the parties may not introduce evidence, including witness testimony, at the hearing that they did not identify during the pre-hearing process. However, the committee chair has discretion to accept or exclude additional evidence presented at the hearing. In addition, the parties will be expected to avoid spending time on undisputed facts or evidence that would be duplicative.
8. The complainant and respondent are not permitted to directly ask questions of each other, however, each party may have their advisor present during the hearing. The role of advisor involves offering support and guidance, submitting questions for the committee to ask of the other party (pre-approved by the chairperson prior to the hearing) and to consult – if needed – with their advisee during the hearing to draft additional questions that may arise to opposing party's responses to the pre-approved cross-examination questions.
9. Committee members are permitted to ask the parties and witnesses any follow-up questions that may arise after reviewing the Dean of Student's investigative report or after a party has responded to cross-examination questions during the hearing. After a committee member has concluded asking questions of

a participant, both parties' and their advisors will have an opportunity to propose questions (screened by the chairperson) to redress responses the other party made to initial cross-examination questions.

10. In cases involving sexual misconduct charges, either party may request the committee chair to allow the parties and/or witnesses to be visually separated during the hearing. This may include, but is not limited to, the use of videoconference and/or any other appropriate technology. To assess credibility, the committee members must have sufficient visibility of the complainant, respondent, and any witnesses presenting information.
11. When the hearing charges involve acts of sexual misconduct, questions and evidence about the complainant's sexual predisposition or prior sexual behavior will not be allowed, unless such questions and evidence are offered to provide that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to support a claim that the sexual contact was consensual.
12. The Committee on University Discipline shall determine if a violation(s) occurred (by a majority vote) by applying the standard of proof known as a "preponderance of the evidence" or a "more likely than not" (greater than 50%) weighing of the evidence. A determination of responsibility will not be made based solely on the absence of a party or witness from the hearing or refusal to answer cross-examination or other questions. However, failure of a complainant, respondent or witness to appear shall not preclude a hearing from proceeding. In all cases, the evidence in support of the charges shall be presented and considered.
13. In reaching a determination regarding responsibility, the committee may consider statements (statements include *factual* assertions made before or during the investigation or hearing) made by the parties and witnesses such as emails or text exchanges between the parties leading up to the allegations. The committee may also consider police reports, Sexual Assault Nurse Examiner (SANE) documents, medical reports, and other documents even if those documents contain statements of a party or witness who is not cross-examined at the hearing.
14. For purposes of sanctions, the committee chair will have access to the respondent's prior disciplinary history with the university (if it exists). The access will be provided to the committee chair after a determination of whether the policy has been violated, and before sanctions have been determined.
15. All formal proceedings shall be conducted in a fair and impartial manner and shall not be constricted by the formal rules of evidence that characterize criminal and civil judicial proceedings, nor shall minor deviations from prescribed procedures necessarily invalidate a decision, unless significant prejudice to a student or the University may result.

At the conclusion of the hearing, the committee chairperson will remind both parties that a determination will be made regarding responsibility based on a preponderance of evidence, which is defined as whether it is more likely than not that the alleged conduct occurred and constitutes a violation of this policy evaluated from the perspective of a similarly situated reasonable person when considering the totality of the circumstances involved in the matter

The chairperson will also inform both parties that a written determination will be provided to them simultaneously by receipt received email within seven (7) calendar days. The written determination will include the allegations contained within the notice, a description of the procedural steps taken from receipt of the formal complaint to conclusion of the hearing, a finding of facts supporting the determination, a conclusion regarding the application of this policy to the facts, a statement and rationale for the determination of responsibility, and any sanctions imposed on the respondent.

The determination regarding responsibility becomes final either on the date that the appeal response is provided (if an appeal has been filed), or the date on which an appeal would no longer be considered timely. Sanctions will be in effect after the determination is final.

# SANCTIONS

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When students/student organizations are found guilty of violating the *Code of Student Conduct* or *Clinic Intern Manual*, sanctions shall be imposed. A key purpose of a sanction is to help a student (found responsible for violating the *Code of Student Conduct*) achieve some personal insight or greater self-awareness into the behavior that resulted in misconduct, and that possibly calls into question the student's fitness as a future healthcare provider. In short, sanctions at this level of education are applied with the intent of generating the type of self-reflection that fosters avoidance of wrongdoing and awareness of the consequences of misconduct on their life and the lives of others.

Sanctions are determined on a case-by-case basis, utilizing four main criteria:

- the nature or severity of the violation; and,
- the sanctioning measures applied in the past to other students for similar misconduct; and,
- any previous (if any) acts of misconduct committed by the student; and,
- the student's attitude, behavior and statements throughout the conduct process.

Sanctions shall be determined as a discrete and separate part of the hearing process and shall only be imposed upon a finding that a violation has occurred. Sanctions may be applied independently or in combination depending on the particular circumstance of the violation. More than one of the sanctions may be imposed for any single violation. Chronic and/or multiple violations shall increase the severity of sanctions applied.

Any student/student organization who fails to meet the deadline for completing any assigned sanction(s) shall be ineligible to register for classes, receive financial aid, receive a diploma, or obtain any transcripts (official or unofficial) until he/she complies with the terms of the original sanction(s) and any additional sanctions that may have accrued as a resultant failure to complete the original sanction(s) in a timely manner.

Sanctions are classified into two categories:

- *Inactive* sanctions – a hearing decision that modifies a student's standing at the University.
- *Active* (or educational) sanctions - a hearing decision meant to foster greater learning, understanding and awareness about the violation(s) or misconduct. Active sanctions require some form of active participation, personal reflection, and proof the sanction is *satisfactorily* complete.

Upon a hearing outcome that the *Code of Student Conduct* and/or *Clinic Intern Manual* have been violated, the following sanctions may be imposed:

## Inactive Sanctions

1. **Warning:** Notice, verbally or in writing, that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.
2. **Censure:** A written reprimand for violation of specified regulations, including a warning that continuation or repetition of prohibited conduct may be cause for additional disciplinary action. Notice of this action may appear on the student's academic transcript for up to one year.
3. **Loss of Privileges:** Denial of specified privileges for a designated period of time. Examples of privileges that can be denied include: campus registration of an automobile, motorcycle, bicycle, or pet; parking in a specific area or during specific time periods, access to a building or portion of a building, access to a program, on-campus living, holding an office within a Registered Student Organization, participation in extra-curricular activities, access to a particular living group, and any other privilege that the Hearing Officer or Committee deems appropriate to deny.
4. **Disciplinary Probation:** Probation requires that a student's conduct be reviewed for a specified period of time. Conditions of the probationary period will be specified to the student by the hearing body and may be applied during the probationary period. All conditions must be satisfied and verified prior to the completion of the probationary period. If a student is found responsible for violating any institutional policy(s) during the probationary period, more severe sanctions may be applied. Notice of this action may appear on the student's academic transcript for up to two years.
5. **Disciplinary Suspension:** Separation of the student from the University or a University program for a period

of time, after which the student is eligible to return. During this time, the student under suspension shall forfeit all rights of her/his student status for the duration of her/his suspension and may have her/his privileges of access to University premises revoked. Conditions for readmission and/or continued enrollment after re-admittance may be specified. All conditions for readmission must be satisfied, completed and certified to the Office of the Dean of Students or the Dean's designee prior to re-admittance. Additionally, a written plan for adherence to conditions of continued enrollment after re-admittance from a suspension should be provided to the Office of the Dean of Students or the Dean's designee for review and approval. Notice of this action may appear on the student's academic transcript for up to four years. (See: *Expungement Process*, pg. 20, this document.)

6. **Disciplinary Expulsion:** Permanent termination of student status, and exclusion from University premises, privileges and activities. An expelled student shall forfeit all rights of his/her student status immediately and permanently upon expulsion. This action will be recorded on the student's academic transcript, but may be removed by the President or the President's designee after five years, for good cause. (See: *Expungement Process*, pg. 20, this document.)
7. **Residence Hall Suspension:** Separation of the student from the residence hall for a definite period of time, after which the student may be eligible to return. Conditions for readmission should be specified.
8. **Residence Hall Expulsion:** Permanent separation of the student from the residence halls.
9. **Revocation of Admission, Certificate, and/or Degree:** Admission to the University, or any certificate or degree that has been awarded by the University may be revoked for fraud, misrepresentation, or other violation of University standards in obtaining a certificate and/or degree, or for other serious violations committed by a student prior to graduation. (See: *Revocation of Academic Credentials*, pg. 2, this document.)
10. **Withholding Certificate and/or Degree:** The University may withhold awarding of a certificate and/or degree otherwise earned until the completion of the process set forth in this *NUHS Code of Student Conduct*, including the completion of all sanctions imposed, if any.

**Active Sanctions** – Hearing Officials are strongly encouraged to combine active (educational) sanctions with an inactive sanction. Especially when the nature of a *Code of Conduct* violation and the punitive quality of an inactive sanction could be enhanced into a “teachable moment” by adding an active sanction designed to promote greater self-awareness and sensitivity to the consequences of their misconduct on their life and the lives of others.

Examples include:

1. **Drug or Alcohol Educational Program/Workshop.**
2. **Conflict Management Training.**
3. **Educational Program/Workshop (Specifically related to the violation or misconduct).**
4. **Educational Service Hours.**
5. **Original writing assignment related to the misconduct violation.**
6. **Service to the Community.**
7. **Behavioral Contract:** A written contract between the student/student organization and the University wherein the student/student organization agrees to correct inappropriate behaviors within a designated period of time.
8. **Conduct Fines:** A punitive expense a hearing official may impose as a sanction.
9. **Conduct Fees:** Any expense student incurs to register or attend an Educational Program/Workshop mandated as part of a hearing sanction.
10. **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.
11. **Discretionary Sanctions:** Service to the University, service to the community, attendance at educational seminars, classes or workshops, written assignments, or other activities deemed appropriate by the conduct body. The student is required to submit written proof of participation in and/or completion of the sanction to the conduct body. (Seminars, classes and workshops requiring a registration fee shall be at the

student's expense.)

12. More than one active (educational) sanction listed above may be imposed for any single violation.

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

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

The following sanctions may be imposed upon groups or organizations:

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

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

## **APPEAL PROCESS**

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

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

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

An appeal review, if granted, shall be limited to the following issues:

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

In any appeal granted by the Appellate Body, review of the case may not result in more severe sanction(s). The imposition of sanctions may be deferred while an appeal is pending, unless, in the discretion of the Appellate Body,

the continued presence of the student on the campus poses a substantial threat to him/herself or to others, or to the continued stability of normal University functions.

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

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

## **EXPUNGEMENT PROCESS**

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

1. Application for expungement shall occur only upon completion of all certificate and/or degree requirements and attainment of a certificate and/or degree.
2. Expungement is only available to students who incurred sanctions *other than suspension or expulsion* and whose violation(s) did not put at risk, threaten, endanger, imperil or injure the health or safety of any person. The records of a student(s) who had been suspended or expelled are not eligible for expungement.
3. Expungement decisions shall be made based on obvious long-term improvement in behavior, or lack thereof, (e.g., no violations of the student code for two or more consecutive semesters prior to graduation), and/or demonstration, or lack thereof, of cooperation in previous student conduct matters, and/or any other reasonable factor.

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

## **INTERPRETATION & REVISION**

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

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

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



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

1. The term “**adjudication**” means the resolution of disciplinary charges, including the appeal process.
2. The term “**appeal**” means a process for reviewing an earlier decision.
3. The term “**Appellate Body**” means any person or persons authorized by the President to consider an appeal that a student has violated the *NUHS Code of Student Conduct* or the *Clinic Intern Manual* or failed to comply with the sanctions or attached conditions imposed by the Committee on University Discipline, the Dean of Students or the Dean of Clinics. In most situations it will be the Vice President for Administrative Services.
4. The term “**blackmail**” means to coerce something from a University official who may wish to prevent disclosure of information that could bring disgrace.
5. The term “**bribery**” means anything given or promised to a University official as an inducement to do something.
6. The term “**charge**” means an accusation or complaint of a violation of the *NUHS Code of Student Conduct* or the *NUHS Clinic Intern Manual* of National University of Health Sciences.
7. The term “**Code**” means the *NUHS Code of Student Conduct* of National University of Health Sciences.
8. The term “**consent**” means:  
*In Illinois*, consent is defined as “(i) a freely given agreement to the act of sexual activity, (ii) a person’s lack of verbal or physical resistance or submission resulting from the use of threat or force does not constitute consent, (iii) a person’s manner of dress does not constitute consent, (iv) a person’s consent to past sexual activity does not constitute consent to future sexual activity, (v) a person’s consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another, (vi) a person can withdraw consent at any time, and (vii) a person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to the circumstances, including without limitation the following: (A) the person is incapacitated due to the use or influence of alcohol or drugs; (B) the person is asleep or unconscious; (C) the person is under age; or (D) the person is incapacitated due to a mental disability.” 110 ILCS 5/11-7.5  
*In Florida*, consent is defined as “intelligent, knowing, and voluntary consent and does not include coerced submission. Consent shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender.” Florida Statute 794.011
9. The term “**Committee on University Discipline**” means a group appointed by the University President that shall hear all formal complaints to determine if a violation of the *NUHS Code of Student Conduct* or the *NUHS Clinic Intern Manual* has occurred and recommends sanctions.
10. The term “**cyber-stalking**” means:  
*In Illinois*, cyber-stalking is committed when “he or she knowingly and without lawful justification, on at least 2 separate occasions, harasses another person through the use of electronic communication. 720 ILCS 5/12-7.5  
*In Florida*, cyber-stalking is defined as “to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail, or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.” Florida Statute 784.048
11. The term “**dating violence**” means:  
*In Illinois*, dating violence is defined as “physical abuse, harassment . . . interference with personal liberty or willful deprivation” directed toward “persons who have or have had a dating or engagement relationship. [N]either a casual acquaintanceship nor ordinary fraternization between 2 individuals in business or social contexts shall be deemed to constitute a dating relationship.” 750 ILCS 60/103  
*In Florida*, dating violence is defined as “violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors: a dating relationship must have existed within the past 6 months, the nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties, the frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship. The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.” Florida Statute 784.046
12. The term “**days**” means all days when classes are in session.
13. The term “**Dean of Students**” refers to the Dean (or the Dean’s designee, such as the Assistant Dean) designated by the University President to be responsible for the administration of the *NUHS Code of Student 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 Code of Student Conduct* and *NUHS Clinic Intern Manual*.
14. The term “**domestic violence**” means:  
*In Illinois*, is defined as “physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful

deprivation, but does not include reasonable direction of a minor child by a parent or person in loco parentis.” 750 ILCS 60/103  
*In Florida*, is defined as “any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member, Florida Statute 741.28

15. The term “**extortion**” means the act of obtaining something by force or threats.
16. The term “**faculty member**” means any person hired by the University to conduct academic activities.
17. The term “**formal**” hearing means the hearing and recommendation of sanctions are to be conducted by the Committee on University Discipline.
18. The term “**incapacitation**” means the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, without limitation, sleep, blackouts, and flashbacks. Where alcohol or other drugs are involved, one does not have to be intoxicated or drunk to be considered incapacitated. Rather, incapacitation is determined by how the alcohol or drugs consumed impacts a person’s decision-making capacity, awareness of consequences, and ability to make informed judgments. The question is whether the respondent person knew, or a sober, reasonable person in the position of the respondent should have known, that the complainant was incapacitated. Because incapacitation may be difficult to discern, everyone is strongly encouraged to err on the side of caution (i.e., when in doubt, assume that the person is incapacitated and therefore unable to give consent. Being intoxicated or drunk is never a defense to a complaint of sexual misconduct).
19. The term “**informal**” hearing means the hearing and recommendation of sanctions are to be conducted by the Dean of Students or the Dean of Clinics.
20. The term “**intimidation**” is defined as creating feelings of fear, anxiety or inadequacy in someone.
21. The term “**may**” is used in the permissive sense.
22. The term “**member of the University community**” means, students, faculty members, University officials or any other person(s) employed by the University.
23. The term “**student organization**” means a number of students who have complied with the formal requirements to create and maintain a University sanctioned group, club, sorority/fraternity and thereby earn the privilege of limited access to available University resources and recognition to conduct business as an authorized agent of the University.
24. The term “**policy**” is defined as the written regulations of the University as found in, but not limited to, the *NUHS Code of Student Conduct* and the *NUHS Clinic Intern Manual*, the Student Handbook, the University web page and computer use policy, and the University Bulletin.
25. The term “**public indecency**” means lewd exposure of the body with the intent to arouse or to satisfy the sexual desire of the person.
26. The term “**rape**” means:  
*In Illinois*, is defined as, “sexual penetration by force or threat of force or an act of sexual penetration when the victim was unable to understand the nature of the act or was unable to give knowing consent.” 720 ILCS 5  
*In Florida*, is defined as, “when a person has unconsensual oral, anal, or vaginal contact with another person using their sexual organ or an object,” Florida Statute 794.011
27. The term “**reckless conduct**” means action that any member of the university community can be expected to know would create a risk of harm to persons or property, or would disrupt the lawful activities of others, including studying, research, teaching and university administration.
28. The term “**sanction**” means a punitive or corrective measure(s) imposed upon an individual or student organization found to have committed misconduct in violation of the *NUHS Code of Student Conduct*.
29. The term “**sexual assault**” is defined as:  
*In Illinois*, “a person commits criminal sexual assault if that person commits an act of sexual penetration and (1) uses force or threat of force, (2) knows that the victim is unable to understand the nature of the act or is unable to give knowing consent; (3) is a family member of the victim, and the victim is under 18 years of age; or (4) is 17 years of age or over and holds a position of trust, authority, or supervision in relation to the victim, and the victim is at least 13 years of age but under 18 years of age.” 720 ILCS 5/11-1.20  
*In Florida*, “sexual battery [sexual assault] means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object.” Florida Statutes 794.011
30. The term “**sexual misconduct**” as defined by NUHS policy is a broad term encompassing a range of behaviors including rape, attempted rape, sexual battery, attempted sexual battery, sexual assault, intimate partner violence, stalking, cyber-stalking, sexual exploitation, sexual harassment, non-consensual sexual intercourse, and non-consensual conduct in which a person deliberately touches, fondles, pinches, grabs, etc., another person’s (of either gender) intimate body part (including genitalia, groin, breast or buttocks, or clothing covering any of these areas), voyeurism, possession of child pornography, public indecency, and/or knowingly or recklessly exposing another person to a significant risk of sexually transmitted infection (including HIV), and any other non-consensual conduct of a sexual nature that has the purpose or effect of threatening, intimidating or coercing a person or persons. Sexual misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual misconduct can be committed by men or by women and it can occur between people of the same or different sex.
31. The term “**shall**” is used in the imperative sense.
32. The term “**stalking**” means:  
*In Illinois*, stalking is defined as “knowingly and without lawful justification, on at least 2 separate occasions, follows another person or places the person under surveillance or any combination thereof.” 720 ILCS 5/12-7.30  
*In Florida*, stalking is defined as “a person who willfully, maliciously, and repeatedly follows, harasses, or cyber-stalks another person and makes a credible threat to that person.” Florida Statutes 784.048
33. The term “**student**” includes all persons taking courses at the University, both full-time and part-time, to satisfy certification or degree

requirements within a university program. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University are considered “students.”

34. The term “**threat**” is defined as spoken or written words with the intent and effect to intimidate or menace others.
35. The term “**University**” or “**institution**” means the National University of Health Sciences and all of its certification, pre-professional, undergraduate, graduate, professional and post-professional programs.
36. The term “**University official**” includes any person employed by the University performing assigned administrative or professional responsibilities.
37. The term “**University premises**” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University including adjacent streets and sidewalks.
38. The term “**University sponsored activity**” means any activity on or off campus that is initiated, aided, authorized or supervised by the University.
39. The term “**violation**” means a breach of conduct governed by the *NUHS Code of Student Conduct* or the *NUHS Clinic Intern Manual*. The standard of proof that a violation has occurred shall be met by applying a “more likely than not” weighing of the evidence.
40. The term “**voyeurism**” is defined as the act of obtaining sexual gratification by observing sexual activity, especially secretly.