

SECTION 14: STUDENT DISCIPLINARY RECORDS, CODE OF CONDUCT, HONOR CODE, AND ARREST POLICY

14.1 Student Disciplinary Records

The Office of Student Life shall maintain records and files of student disciplinary charges, investigations and proceedings in a secured manner. Only the following people have access to the records, after NUNM has determined that they have a legitimate educational interest in reviewing these records:

- The dean of students (or designee) and anyone authorized by the president to act in the capacity of that position
- Members of the Academic Review and Appeals Committee, when necessary for its proper consideration of student conduct matters
- The president or anyone the president deems appropriate
- The advisor of the student
- The student and other persons, whom the student authorizes in writing
- Persons and agencies authorized by legal process of any court of law or governmental agency. Furnishing such information is subject to any and all Oregon and federal laws relating to student privacy rights
- General Counsel

14.2 Community Expectations

Each member of NUNM is expected to act in ways that foster the primary functions of teaching, research and public service. NUNM attempts to design programs and policies governing student learning and conduct that will encourage independence and maturity. In so doing, NUNM has the right and duty to protect its members from conduct that interferes with:

- Its primary educational responsibility to ensure each of its members the opportunity to attain their educational objectives
- Record keeping, providing facilities and services, and sponsoring non-classroom activities
- Maintaining professional standards among its members
- Providing services to the public

Students, faculty and staff are expected to observe federal, state, and local laws and ordinances, and to refrain from conduct proscribed in the Code of Conduct. Conduct that violates the provisions of this code will be dealt with as described herein.

The Honor Code and Code of Conduct identifies proscribed behavior and describes procedures followed when students are alleged to have engaged in violations of the code. These procedures guarantee a student's right to fair proceedings, an investigation and an appeal process.

The Honor Code and Code of Conduct applies to any person who has been offered admission to NUNM and thereafter, including non-degree seeking students, as long as the student has a continuing educational interest at NUNM, including those on an approved leave of absence. It also applies to student groups and organizations are responsible for adhering to the Honor Code and Code of Conduct as well as persons who participate in university-sponsored events on- and off-campus.

NUNM students are responsible for knowing the information, policies and procedures outlined in this document. NUNM reserves the right to make changes to this code as necessary and once those changes are posted online, they are in effect. Students are encouraged to check online for the updated versions of all policies and procedures.

14.3 Code of Conduct

The following actions constitute conduct for which students may be subject to disciplinary sanctions:

1. Intentional or reckless endangerment or abuse of others, including but not limited to, harassment, discrimination, sexual misconduct, bullying, stalking, threatening behavior or assault.
2. Obstruction, interference with or disruption of teaching, research, administration, clinics, disciplinary procedures or other NUNM activities. These include the NUNM public service functions or other authorized activities on university-owned or university-controlled property, or in any other location where NUNM activities and/or interests are held.
3. Theft of, malicious damage to, or misuse of university property or of the property of any other person when such property is located on university-owned or university-controlled property, regardless of location; or is in the care, custody or control of NUNM.
4. Illegal use, possession, sharing, purchase, sale or distribution of drugs (prescription or illicit), other controlled substances, or drug paraphernalia.
5. Possession of ingredients (in sufficient quantity) used to manufacture drugs.
6. Inebriation due to of any substance, legal or illegal, that impairs your ability to function while in class, in a laboratory, at a practicum or clinical rotation site, in the library or any other public site on campus or otherwise related to NUNM.
7. Academic dishonesty or cheating, including plagiarism in any form; knowingly providing unauthorized use of university documents, records or identification; or knowingly or recklessly providing false information to NUNM in any form or on any document.(See Section 14.5 for full description of academic dishonesty).
8. Unauthorized entry by any means, including use of keys or lock picks, or use of mechanical or bodily force, into any university facilities including buildings, desks, files and equipment.
9. Unauthorized possession or use of keys to university facilities including buildings, desks, files and equipment.
10. Failure to comply with dress and professional standards as established by NUNM.
11. Failure to follow clinic regulations as established by NUNM.
12. Conduct involving moral turpitude or illegal practice of any of the healing arts.
13. Failure to comply with any sanction prescribed by NUNM.
14. Violation of the civil rights of another.
15. Violation of state, federal, or local laws, regulations or ordinances of a nature that NUNM determines has rendered the student unfit for further participation in the NUNM program, or for participation in the profession of naturopathic medicine and/or Chinese medicine.
16. Violation of ethical standards applicable to students or members of the profession of naturopathic medicine and/or Chinese medicine in coursework, student activities, or interaction with members of the NUNM community; or in any other activities which NUNM determines have rendered the student unfit for further participation in any NUNM program; or for participation in the profession of naturopathic medicine and/or Chinese medicine.
17. Practicing without a license.
18. Inappropriate identification-presenting as a licensed physician to the public, patient(s) or other licensed professional(s).
19. Failure to report an arrest to the dean of students within 72 hours of release. (See Section 14.16 regarding the arrest policy.)
20. Violation of, or failure to comply with, any other rules or policies of NUNM.

Portions of the NUNM Code of Conduct are adapted from The NCHERM Group Model Developmental

Code of Student Conduct, and are used here with permission.

14.4 Classroom Behaviors Guidelines

NUNM faculty expects students to behave in a professional manner while in the classroom.

Specifically, they expect students to:

1. Actively listen during lecture or lab, and refrain from carrying on side conversations either verbally or electronically.
2. Speak in a respectful, non-abusive, non-judgmental manner.
3. Allow all students to participate in class discussions by not dominating the class discussion or question and answer sessions.
4. Remain quiet after quizzes and exams, allowing other students to complete the test.
5. Arrive for class on time and leave only after class is finished.
6. Turn off cell phones and other electronic devices that could distract the class, and refrain from accessing the Internet unless it is for class purposes as specified by the instructor.
7. Refrain from eating during class unless the instructor allows an exception.

Students are asked to remember that faculty members are in charge of their classrooms. Students who fail to comply with these guidelines may be asked to leave class by the instructor and/or be referred for review to the Honor Council.

14.5 Academic Integrity Policy

As stated in the Honor Code, participation in the NUNM community requires being honorable and expecting such veracity from fellow community members. An honorable community upholds a standard of excellence when individuals are engaged in honesty, responsibility, fairness, respect, integrity and trust. Academic integrity then becomes a cornerstone of the educational commitment of its members.

Violations of the Academic Integrity policy, in any aspect of one's education, are in direct conflict with the NUNM Honor Code and Code of Conduct. A person who engages in academic dishonesty will be held accountable through the university's Honor Council, as well as by their faculty member, who can assign grade penalties. Below is a list of behaviors that would constitute academic dishonesty. The list below is not intended to be limiting, but rather to offer examples of types of academic dishonesty.

1. Cheating:
 - a. Cheating is defined as using aids, including looking at another's paper or test, notes, or forms of assistance, during an exam, test, or quiz without instructor approval.
 - b. Sharing exams, tests or quizzes, in any form, with other students who have yet to take an exam, test or quiz.
2. Plagiarism:
 - a. Plagiarism is representing someone else's work, ideas, representations, research, or intellectual property rights as your own, wholly or partially.
 - b. Inappropriately, or intentionally, not citing resources.
 - c. When material is paraphrased or summarized without citing original source.
 - d. Downloading material from an internet source without appropriate citation and/or obtained papers from a paper mill.
3. Fabrication or Modification:
 - a. Fabrication is the use of invented, counterfeited or altered information in assignments.
 - b. Modifying or fabricating another's work and submitting it as your own.

4. Forgery:
 - a. Forgery is the duplicating or counterfeiting signatures, whole or partial documents, or images.
5. Obstruction or Academic Sabotage:
 - a. Obstruction or academic sabotage is intentionally impeding or limiting the opportunity for another student to learn or have access to educational resources.
 - b. Intentional false reporting of cheating and/or academic dishonesty.
 - c. Unauthorized removal, mutilation, or deliberate concealment of materials in university library, media, laboratories, or academic resource centers.
6. Multiple Submissions:
 - a. Multiple submissions is defined as submitting previously created work(s) as new material in a different course for credit without a substantial amount of new information or effort involved.
 - b. Using material and work from a previous institution and submitting it as new material at NUNM.
 - c. Resubmission may occur only with the approval of the faculty member.
7. Complicity:
 - a. Complicity is aiding another person in cheating during an exam, test or quiz.
 - b. Allowing student to copy or view papers for use as their own.
 - c. Sharing material, taking photos of exams, test, or quizzes, or any behavior that would allow another to cheat or have an unfair advantage.
 - d. Intentionally making one's own academic work available to others for presentation as the recipients' own.
 - e. Unauthorized collaboration on exams, tests, papers, etc.
 - f. This does not apply to exams from previous terms that are returned to students.
8. Misconduct in Research and Creative Endeavors:
 - a. Misconduct in research and creative endeavors could involve misrepresenting, falsification, or altering of data, methods or results.
 - b. Plagiarizing someone else's work.
 - c. Expropriation or abuse of ideas and preliminary data obtained during the process of editorial or peer review of work submitted to journals, or in proposals for funding by agency panels or by internal university committees.
 - d. Expropriation and/or inappropriate dissemination of personally-identifying human subject data.
 - e. Misuse of grant or institutional funds.
 - f. Selectively omitting or altering data that does not support one's conclusions or claimed experimentation.
 - g. Conducting research without scientific review.
 - h. Conducting any human subject research without Institutional Research Board (IRB) approval.
9. Computer or Electronic Misuse:
 - a. Computer or electronic misuse is defined as using electronic devices that are disruptive, unethical, or illegal of university resources which violate the Honor Code or Code of Conduct.
 - b. Alteration or falsification of university records.
 - c. Tampering with another person's electronic devices which leads to academic sabotage.
 - d. Gaining illegal access to electronic information, including altering or modifying grades, stealing information, or exchanging illegal or copyrighted information and material.
 - e. Unauthorized use of university academic facilities or equipment, including computer accounts and files.

- f. Using computer programs or data without proper authorization or acknowledgement.
10. Misuse of Intellectual Property:
 - a. Using the university's seal, logo, watermark, or other intellectual property without permission. See Section 12.11 for the NUNM Intellectual Property policy.
11. Submitting false documentation for an excused absence in order to gain an advantage on any graded exercise (e.g., quiz, test, paper).
 - a. Requesting a makeup exam in order to gain an advantage on the exam, test, quiz or paper.
12. Misrepresentation of one's own or another's identity in an academic context:
 - a. Asking someone to represent you during an exam, test or quiz.
 - b. Acting as someone else during an exam, test or quiz.
 - c. Signing in another person on a sign-in sheet who is not present.
 - d. Signing in and leaving with intention to receive credit for participating and being present
13. Unauthorized recording, sale, purchase, or use of academic lectures, academic computer software, or other instructional materials including essays, or research for fraudulent use.

14.6 Procedures in Determining Academic Dishonesty

There are two steps in determining if a student has engaged in academic dishonesty. Step one requires the student to meet with course faculty to discuss the incident, including any contributing factors to the alleged conduct. The faculty member will assign a grade for the class or assignment, including any grade penalty as outlined below if warranted. The faculty member will then submit all documentation for a referral to the Honor Council, including any recommendations and/or grade penalties assigned. The Honor Council cannot assign or change any grade penalties given by the faculty member.

14.7 Grade Penalties Examples

Any of the following may be assigned as a grade penalty by a faculty member who determines that a student has engaged in academic dishonesty:

- No violation found
- Reduction of a course grade
- An "F" for the assignment or exam
- Failure of the entire course or clinical experience which would result in academic probation
- Required remediation
- Other action deemed appropriate by the faculty member
- Any of the above sanctions with the inability to withdraw from the course

14.8 Procedures in Determining Code of Conduct Violations

Allegation of Misconduct

The student conduct process at NUNM is not intended to punish students; rather, it exists to protect the interests of the community and to challenge those whose behavior is not in accordance with our policies. Sanctions are intended to challenge students' moral and ethical decision-making and to help them bring their behavior into accord with our community expectations. When a student is unable to conform their behavior to community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in this community.

Students should be aware that the student conduct process is quite different from criminal and civil court proceedings. Procedures and rights in student conduct procedures are conducted with

fairness to all, but do not include the same protections of due process afforded by the courts. Due process, as defined within these procedures, assures written notice and a hearing before an objective decision-maker. No student will be found in violation of NUNM policy without information showing that it is more likely than not that a policy violation occurred and any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

Any student, faculty or staff member of NUNM may present a written allegation to the director of student life and conduct if they believe a student has engaged in conduct proscribed by this code. Allegations may not be anonymous unless it is associated with behaviors outlined in Section 13. A student facing an alleged violation of the Code of Conduct or Honor Code is not permitted to withdraw or take a leave of absence from NUNM until all allegations are resolved.

If a violation has been found, and if the sanction is suspension or expulsion, the director of student life and conduct shall also inform the student of the appeal process, including the period of ten (10) calendar days to appeal the sanctions to the provost or the provost's designee. Other sanctions may not be appealed. The provost may refer an appeal to the Student Appeals Committee and will include instructions regarding the method and scope of appeal. Suspension and expulsion appeal procedures can be found under Sections 14.9 and 14.10.

Procedures

1. The director of student life and conduct reviews the incident report and determines if it should be referred to the Honor Council or will be heard administratively.
2. The student will be notified of the allegations and charges and if it been referred the Honor Council or if the student will be meeting with the director of student life and conduct. If referred to the Honor Council, Section 14.8 outlines the proceedings.
3. The director of student life and conduct shall investigate the facts underlying the allegation. The investigation shall include contact with the student that allows the student to present a written and/or oral explanation of the facts and circumstances underlying the alleged conduct.
4. All physical evidence, written statements, and notes of oral statements taken in any investigation shall be maintained in the case file relevant to the matter.
5. If the director of student life and conduct does not find probable cause to believe that conduct constituting a violation of this code has occurred, the charge shall be dismissed with a written finding of lack of probable cause.
6. The finding of suspension shall be placed in the case file, with copies delivered to the student, and a notification sent to the complaining party.

Status of Affected Student Pending Proceedings

Pending resolution of charges a student shall be entitled to all the rights and privileges of a student in good standing; except that the dean of students (or designee) may find that the student's presence at NUNM constitutes an unreasonable threat to the safety, health or welfare of the NUNM community, and suspend the student from NUNM pending resolution of the charges. An interim suspension from NUNM Health Centers does not permit the student to attend clinic shifts pending resolutions of the charges.

Investigation

If the director of student life and conduct finds probable cause to believe that conduct occurred constituting a violation of this code, the director of student life and conduct will further investigate the allegation. A determination of responsibility is based on preponderance of evidence that conduct constituting a violation occurred or that it did not occur. The director of student life and conduct will provide written findings and conclusions to the accused student. A student who is being interviewed as a part of the investigation may bring an advocate/advisor to

the interview. Advisors sole purpose during the investigative process is supportive in nature. Advisors are not allowed to speak or otherwise participate in the proceeding or participate in the investigation. If a student needs assistance in identifying an advocate, the student may contact the Office of Student Life. As the investigation is not a legal proceeding, attorneys are not allowed to be present for non-sexual violence cases as outlined in Section 13.

Setting of Sanctions

If the director of student life and conduct does find a violation, the director shall then investigate all data relevant to the imposition of a sanction, including the data of the incident and disciplinary record of the student. The director of student life and conduct shall record and file all the results of the investigation in the manner prescribed by this code. Based upon these investigations, the director of student life and conduct may propose any of the sanctions set forth below under “Permissible Disciplinary Sanctions.”

Filing of Findings

Following findings as to a violation or its absence, and the appropriate sanction, if any, the director of student life and conduct shall file the findings, with a subsequent explanation, and deliver copies to the student. The complaining party will be advised of the outcome, within the limitations of the student’s rights to privacy as specified by the Family Educational Rights and Privacy Act of 1974 (*the Buckley Amendment*).

Appeal of Findings and Sanctions

If a violation has been found, and if the sanction is suspension or expulsion, the director of student life and conduct shall also inform the student of the period of ten (10) calendar days to appeal the sanctions to the provost or designee. Other sanctions may not be appealed. The provost may refer an appeal to the Student Appeals Committee and will include instructions regarding the method and scope of appeal. Suspension and expulsion appeal procedures can be found under Section 14.14.

Any sanctions set by the director of student life and conduct shall remain in effect during the appeals process.

14.9 Student Honor Code

The NUNM community functions according to an honor system which promotes integrity in learning and evaluation. All members of the NUNM community participate by committing to, and agreeing to, uphold the Honor Code. The Honor Code charges all community members to assume responsibility for the privileges and benefits associated with self-regulation. This agreement aims to maintain a high standard of honor in all academic matters, decorum at all times, and the recognition of the Honor Council as the body responsible for self-regulation. All community members are responsible for maintaining optimal conditions for scholarly and clinical endeavors by acting honorably and reporting dishonorable behavior.

Honor is an acknowledgement and acceptance that our own personal actions help to define our community. Participation in the NUNM community requires being honorable and expecting such veracity from fellow students, faculty, staff, clinic staff, administration and board of directors. An honorable community upholds a standard of excellence when individuals are engaged in honesty, responsibility, fairness, respect, integrity and trust.

Honesty means being truthful, straightforward and following through with agreements.

Responsibility means taking action against wrongdoing even in the face of peer pressure, fear, loyalty or compassion.

Fairness evolves from respecting and protecting the fundamental rights, dignity and worth of all people.

Respect is accepting that other individuals have the right to hold beliefs, attitudes and opinions that differ from our own. Respect holds and exhibits regard for all members of our community.

Integrity is consistency in thought, word and behavior. Integrity is a commitment to function from the highest ethical standards of the community, the profession and ourselves.

Trust occurs when members of our community operate from a place of integrity. Trust naturally flows when there is a commitment to honesty, accountability, participation, expression and respect.

To live by this Honor Code requires a personal commitment to integrity, authenticity and self-growth. To this end, a primary responsibility of all community members is to encourage honorable behavior from each other, report a known violation, and work toward resolution.

As each community member is accountable for these values, we have a common ground upon which to meet and engage one another, to commit to this learning opportunity, and to maintain high standards of competence.

14.10 Honor Council

The Honor Council is a standing committee composed of faculty, residents, students and staff representatives. A minimum of two (2) faculty members, including residents, one (1) student representative and one (1) staff member, is considered a quorum for an Honor Council hearing board. Hearing board members will be pulled from the members of the standing committee. The committee meets monthly to review written complaints and performance reports referred to them from the director of student life and conduct that reflect failure of a student to maintain behavioral standards according to the Honor Code and Code of Conduct. Behavior standards include, but are not limited to, honesty, respect, interpersonal skills, deportment and demeanor, learning skills, professional behavior and communication skills. The committee reviews reports which may be submitted by faculty, staff or students. The Honor Council, depending on the nature and severity of the report, may request the director of student life and conduct to conduct a formal Code of Conduct investigation. The committee does not accept anonymous reports.

After reviewing all information, students will meet with the committee to discuss reported problems. The committee makes recommendations to the director of student life and conduct. The director of student life and conduct makes the final determination and notifies the student, in writing, of the outcome. The director of student life and conduct reviews all reports submitted for Honor Council review, and on occasion, may choose to expedite the process and make a determination without submitting the information to the Honor Council for review. If the Honor Council determines that the frequency of reports, an accumulation of non-academic violations, or the seriousness of a report demonstrate a problem, they may recommend a more severe sanction such as probation, suspension or expulsion, which may interfere with a student's ability to complete their academic program. Thereafter, any reports forwarded to the Honor Council may serve as a basis for the committee to recommend suspension. Meetings of the Honor Council are not legal proceedings. No attorneys may be present at any meeting of the committee. A student may bring a faculty member or a member of the Office of Student Life as an advisor or advocate. Advisors sole purpose during the investigative process is supportive in nature. Advisors are not allowed to speak or otherwise participate in the proceeding or participate in the investigation.

After reviewing a student file, the committee may recommend disciplinary sanctions as outlined in Section 14.13 below, which include, but are not limited to, any of the following to the director of student life and conduct:

- The student is found not in violation. No further action is required.
- A letter of reprimand or warning outlining policy, with a reminder adherence.

- Referral for required areas of deficiency, and remedial work may be required. This may include, but is not limited to, counseling, tutoring, meeting with an advisor or mentor, repeated course work, or restricted enrollment in certain courses.
- Restitution
- Community service or educational programming
- Disciplinary probation for behavioral reasons. The student does not currently demonstrate the appropriate behaviors, attitudes, skills or knowledge required for the program, and is placed on disciplinary probation or clinic suspension for behavioral reasons. A student placed on disciplinary probation for behavioral reasons may be required to perform remedial work that may alter the course of study. In this case, any additional reports forwarded to the committee showing concern may result in suspension from the program.
- A recommendation for suspension or expulsion from NUNM
- The committee may also provide any additional recommendation it believes is suitable to address the issue at hand.

Reports and letters outlining decisions made by the Honor Council, and/or director of student life and conduct, are maintained in the student's files in the program dean's office and the Office of Student Life. Honor Code reports do not affect a student's academic record unless the outcome is suspension or expulsion from NUNM. Copies of reports and letters are maintained in compliance with NUNM's Record Retention policy, Section 3.8.

14.11 Patient Safety Monitoring Board

The purpose of the Patient Safety Monitoring Board (PSMB) is to apply a systematic, objective review process to adverse clinical events, and to provide formative feedback about clinical policies, procedures and educational practices with the goal of improving patient care and clinical quality. The PSMB serves as a subset process of the Honor Council. Once a student has been referred to the Honor Council for a clinical violation, the PSMB conducts a Root Cause Analysis using the fishbone method to audit NUNM systems. The information is presented to the Honor Council, which deliberates to whether or not there was a patient safety issue, as well as makes recommendations for the prevention of future similar problems by the student(s)/ clinician(s)/ NUNM Health Centers under review.

14.12 Honor Council and Student Appeals Committee Recusal Policy

All Honor Council and/or Student Appeals Committee (collectively, "committee") members shall, prior to each hearing, disclose to the committee all actual or potential conflicts of interest that may impact any committee members' ability to provide an impartial determination. A committee member has an actual conflict of interest with respect to a hearing whenever:

- The individual appearing before the committee is a family member or business partner;
- Committee member was directly impacted, in any manner, by the actions causing the individual to appear before the committee; or
- A committee member has accepted any gift, entertainment or other favor where such acceptance creates the appearance of influence on the committee member.

A committee member has a potential conflict of interest with respect to a hearing whenever an action or association of a committee member may give the appearance of a conflict of interest described above. Students should bring all perceived conflicts of interest to the committee's attention prior to the commencement of the hearing. If, in its sole discretion, the committee determines that a committee member's actual or potential conflict of interest prevents the committee member from providing an impartial determination, the committee member will be recused from the hearing and the remaining committee will render a decision.

14.13 Permissible Disciplinary Sanctions

One or more of the following sanctions may be imposed upon any student for any single violation of the Code of Conduct or Honor Code. Sanctions may be imposed separately or in conjunction with any other sanction(s). Additional or alternative sanction may be imposed as deemed appropriate to the offense with the approval of the director of student life and conduct.

Reprimand/Warning

A reprimand/warning will be a written sanction warning that future conduct, which violates the proscriptions of the Code of Conduct or Honor Code, may result in consideration of increasingly severe sanctions. The official copy of this reprimand shall be kept by the registrar in the student's official file throughout a student's tenure, and until one year after the student has graduated from, or otherwise permanently left NUNM.

Restitution

Restitution may be sanctioned in cases involving damaged, stolen or misappropriated property (including money). This could include situations such as failure to return a reserved space in proper condition. This is not a fee/fine but, rather, a repayment for labor costs and/or value of property destroyed, damaged, consumed or stolen.

Counseling

This sanction may be fulfilled with either the NUNM Counseling Center or, upon the approval from the dean of students, a licensed mental health provider of the students choosing. The sanction letter will identify the specific ends to be achieved as a result of counseling, and the time period within which these ends are to be realized.

Community Service

A student or organization may be required to complete a specific supervised university or community service. Community education hours will not be issued for any sanctioned community service.

Confiscation of Prohibited Property

Items whose presence is in violation of NUNM policy will be confiscated and will become property of the university. Prohibited items may be returned to the owner at the discretion of the director of student life and conduct and/or campus safety.

Loss of Privileges

A student or student club/organization will be denied specified privileges for a designated period of time.

Behavioral Contract

This pertains to required activities including, but not limited to, seeking academic counseling, professional development advising, mental health counseling, substance abuse screening, writing a letter of apology, etc.

Educational Program

This sanction establishes a requirement to attend, present and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible. Audience may be restricted and reason for participation will not be advertised.

Eligibility Restriction

This sanction deems a student “not in good standing” with the university for a specific period of time. During this time, the student has specific limitations or exceptions in place that restricts the ability to represent the university. This conduct sanction may include, but is not limited to, the following:

- Ineligibility to hold any office in any student organization recognized by the university, or hold an elected or appointed office at the university; or
- Ineligibility to represent NUNM to anyone outside the university community in any way including: presenting community education opportunities, attending non-required conferences, representing the university in official capacity at a function or gathering, etc.

Exclusion from Campus

A written notice issued as a means of intervention to direct disruptive persons away from parts of or the entire campus, and to provide protection, safety, and security for the welfare of the students, faculty, staff, and guests of NUNM.

Disciplinary Probation

This sanction permits the student to remain at NUNM only upon condition that the student avoids further conduct that violates the Code of Conduct and/or the Honor Code. In appropriate cases, additional conditions of probation may be imposed when the circumstances of the student’s misconduct do not warrant suspension. A probationary period will be delineated. If a student is found to violate the Code of Conduct or Honor Council while on probation, the student may face suspension or expulsion.

Clinical Probation

Clinical probationary status allows a student a 30-day opportunity to correct behaviors that have been identified as being problematic. If, after 30 days, the student has demonstrated improvement, the dean of students, program dean or chief medical officer may elect to remove the student from clinic probation. If, after the initial 30-day probationary period, the student has not demonstrated improvement, the dean of students, program dean, or chief medical officer may elect to either extend the student’s probation for an additional 30 days or to suspend the student from clinic. In the circumstances of probation, NUNM’s absence policy still applies. If a student has more than two absences while on probation, then a grade for that rotation may not be earned. In addition, current add/drop policies and fees may be applied.

Clinical Suspension

Clinical suspension is an involuntary removal from all clinical rotations, patient care, or contact. During the clinical suspension, the student will be referred through the conduct hearing process, which could include additional sanctions, including by not limited to, suspension. In the circumstances of clinical suspension, NUNM’s absence policy still applies. If a student has more than two absences while on probation, then a grade for that rotation may not be earned. In addition, current add/drop policies and fees may be applied. Clinical suspensions are not appealable.

Interim Suspension

This sanction imposes actions that can include separation from the institution or restriction on participation in the community for no more than ten (10) business days pending the scheduling of a campus hearing on alleged violation(s) of the Code of Conduct, Honor Code, or is exhibiting a serious threat to harm others.

A student who receives an interim suspension notification may request a meeting with the dean of students (or designee) to discuss the reason(s) and terms for the interim suspension. This meeting does not supersede the conduct hearing process.

During an interim suspension, as determined by the dean of students or director of student life and conduct, a student may be denied access to NUNM campus/facilities/events and the NUNM Health Centers. This restriction may also include classes, university activities, and/or privileges for which the student might otherwise have been eligible. At the discretion of the dean of students and in collaboration with and approval from the appropriate dean(s), alternative coursework options may be allowed to minimize some impact on the student's academic progress.

Suspension

Suspension is an involuntary dismissal from NUNM and terminates the student's rights and privilege at the university. Suspensions take effect immediately and may include the current term of enrollment.

During the suspension period, the student is banned from university property, NUNM Health Centers, functions, events and activities without prior written approval from the dean of students. This sanction may be enforced with a trespass action as necessary. Eligibility to return from a suspension or reapply to NUNM may be contingent upon satisfaction of specific conditions noted at the time of suspension. If the suspension is for one (1) calendar year or more, reapplication for admission is required.

Readmittance is considered by NUNM, based upon consideration of the nature of the underlying incident and the circumstances of the student's actions since suspension, relevant to the ability for readmittance to contribute to the NUNM community without detrimental behavior. The student, in addition, will need to comply with all admissions procedures and requirements established by NUNM, including applying for admission. If sanctions are imposed as a condition of readmittance, the student must also comply with any stipulations of that sanction before reapplying to NUNM. Readmission to NUNM is not guaranteed. See Section 14.15 for the Readmission policy.

If a student is readmitted to the university, the student is placed on disciplinary probation for the remainder of their NUNM career.

Upon suspension, fees will be refunded in accordance with the refund schedule.

Expulsion

Expulsion terminates the individual's rights and privileges as a student of NUNM permanently. The individual may not apply for readmittance to NUNM. The student is banned from university property, functions, events and activities.

This sanction will be noted as a Conduct Expulsion on the student's official academic transcript.

In addition to the above any of the following sanctions may also be imposed upon student groups or organization found to have violated the Code of Conduct or Honor Code:

- Deactivation, de-recognition, loss of all privileges (including status as a university registered group/organization) for a specified period of time.

14.14 Appeal Procedure for Honor Code and Code of Conduct Suspension and Expulsion Filing of Appeal by the Student

Students have the right to appeal a suspension or expulsion from NUNM, this does not apply to clinical suspensions, for Honor Code or Code of Conduct violations. Violations of a lesser nature may not be appealed. No adverse action will be taken against a student for registering an appeal in accordance with these policies. Within **three (3) business days** from the date disciplinary action was levied against the student by the dean of students, the student must notify the provost (or designee) of intention to appeal. The student will then have **seven (7) calendar days** to

complete and submit to the provost (or designee) a written request for review. The provost (or designee) will respond with a final decision within **ten (10) business days, not including weekends and published holidays that the university is closed**, based on assessment of the information provided by the director of student life and conduct and the investigation of procedure, or refer the appeal to the Student Appeals Committee. In the unforeseen event the provost (or designee) needs additional time in reviewing the evidence; the provost (or designee) will notify the student in writing of the deadline extension. The provost (or designee) may elect to uphold the decision of the director, reverse the decision, or request a different resolution.

The request must include the following:

1. Name, address (to which appeal information should be mailed) and phone number;
2. Description, date(s) and place(s) of alleged act(s);
3. Date, and by whom, discipline was levied;
4. Disciplinary penalty assigned and circumstances which the provost feels merit review based on one or more of the following:
 - Failure of the director of student life and conduct or the Honor Council to follow the procedures set forth in the policy in the student handbook
 - The sanction is grossly out of proportion/alignment with the offense
 - Information relevant to the decision that was not available to the committee for consideration at the time of the hearing. Failure to appear at an Honor Council or administrative meeting is not grounds for an appeal without an approved excused absence.
5. Objective of the appeal, i.e., reduction of the sanction, severity, or change in the case decision;
6. Signature and date.

Policies and Procedures Governing the Student Appeals Committee

The purpose of the Student Appeals Committee is to ensure that fairness is observed in the administration of student discipline. The chair of the Student Appeals Committee shall be responsible for assuring that all actions of the committee are in accordance with the requirements of this policy. The Student Appeals Committee is called upon when the provost (or designee) decides to refer an appeal to the committee for resolution.

The composition of the Student Appeals Committee shall be of two (2) faculty, two (2) students and two (2) staff members, plus the chairman. Once constituted for a particular student conduct matter, the committee may not act unless a majority of its members are present. A majority shall consist of at least one (1) faculty, one (1) staff, one (1) student and the chair. All decisions of the committee, other than evidentiary and other procedural rulings by the chair, shall be controlled by majority vote of the committee members present. The student who filed the appeal and the dean of students shall be excused from any deliberations, discussions and decisions on a student conduct matter.

The committee shall consider the written appeal, the evidence gathered by the dean of students in the investigation as contained in the file, and also the basis for necessity, appropriateness and reasonableness of the sanction if the latter are at issue in the appeal. The committee shall issue a written decision, with proper notification to the student, within five (5) business days after the appeal has been presented. In the unforeseen event the committee needs additional time in reviewing the evidence, the committee will notify the student in writing of the deadline extension.

The committee chair shall advise the student and the dean of students of the date, time and place of the hearing. The notice must be in writing, normally within ten (10) business days from the mailing date of the dean's decision letter. The student shall have notice of such meeting at least three (3) business days prior to the meeting date. A copy of the notice must be either hand delivered to the student, picked up by the student from the Office of Student Life, or sent by certified mail. The National University of Natural Medicine – University Student Handbook – Revised 10/26/2016

student accused of misconduct and requesting the hearing is expected to attend the hearing. Failure to attend, in the discretion of the Student Appeals Committee, may result in consideration of the matter with available information and a determination of misconduct penalties, if any.

The Student Appeals Committee has the authority to summon witnesses. Refusal to obey the summons may subject the student to disciplinary action upon the recommendation of the committee.

In exigent circumstances, such as during finals week or a holiday, the dean of students may appoint an ad hoc committee to fulfill the duties of the Student Appeals Committee.

Conduct of Hearing

The hearing shall be conducted by, and under the control of, the chair of the committee. The hearing shall be conducted in the following manner and order:

1. The chair will open the meeting by introducing the committee members and asking each party if there is any objection to a member. Objections must be reasonably made and based on firsthand experience. The chair will decide whether to remove the member based on the objection. In such case, a replacement will be chosen by the chair if a quorum is not otherwise present to hear the case, and the meeting will be rescheduled if necessary.
2. The chair will then advise the student of the committee's procedures and the student's right to make a statement, call and question witnesses, and have one advisor, of their own choosing, present. The advisor can be a member of the university's faculty or staff. However, only the student may speak and ask questions on their own behalf. Attorneys may not be present.
3. The chair shall review, in the presence of the student and the dean of students, the allegations against the student for the matter under review.
4. The chair shall then call upon the dean of students for a formal statement, followed by questions from members of the committee and the student. The chair shall ask the dean to introduce witnesses. All members of the committee, as well as the student under review and the dean, shall have the right to question witnesses. Witnesses shall be present in the hearing only during their testimony. The dean shall have a maximum of 15 minutes in which to complete the formal statement and introduce evidence.
5. The chair shall then call upon the student for a formal statement, followed by questions from committee members and the dean. Also during this time, the student may call witnesses; and the same procedure for questioning witnesses shall be followed. Witnesses shall be present in the hearing only during their testimony. The student shall have a maximum of 15 minutes to complete the formal statement and introduce evidence.
6. After hearing formal statements and all witnesses, the chair shall ask for a concluding statement, first from the student and then from the dean, if they desire to make one. No further questions should be asked during the closing statements.
7. Following the concluding statements, if offered, the chair shall request that all non-committee members leave the room. The chair shall preside over deliberations and may vote in case of a tie.
8. When the committee's deliberations are concluded, the student, the dean and their respective representatives, if any, shall be called back into the room and informed by the chair of the committee's decision.

The Student Appeals Committee will discuss only facts pertinent to the hearing. The chair will determine the pertinence of the evidence. The chair may limit the presentation of cumulative, repetitious or immaterial matters.

Record of Proceedings

A verbatim oral, written or mechanical record shall be made. When requested in writing by either the student or the dean of students, an official record of the hearing shall be made in written form. Any of the following may be requested to be included in the official record:

- Evidence received or considered
- Stipulations and agreements
- Statement of the matters officially noticed
- Filing of findings and conclusions by the committee

Findings

The finding of the provost (or designee) or Student Appeals Committee will be limited to one of the following:

- A finding that the proper procedures have not been followed, and that such failure has prejudiced the student's interests. The committee shall direct the dean of students to recommence procedures provided for hereunder, and to thereafter perform the functions in accordance with the provisions of the policy. This determination could include a rehearing of the case.
- A finding of lack of substantial evidence to support the allegation of code violation and of the sanction. The committee shall dismiss the charge and lift the sanction.
- A finding that the sanction given is too severe or is inappropriate to the nature of the violation. The committee shall direct the dean of students to issue a lesser sanction.
- An upholding of the decision of the dean of students.

Notification

A written notification of the decision will be mailed to the student within five (5) business days of the appeal hearing. All findings by the provost (or designee) or the Student Appeals Committee shall be in writing, and shall include the following:

- Facts considered
- Applicable policies referenced in consideration of facts
- The action to be taken by NUNM as a result of the provost's (or designee) or committee's conclusions

Decisions made by the provost (or designee) or committee are final. All material, including the student's written request for review, the written statement of the dean's position, the committee's decision, and the recording or written summary of the hearing, shall, upon completion of the hearing, be made a part of the student's confidential file in the Provost's Office.

14.15 Reapplication and Readmission to NUNM Policy

This section does not apply to students who have received the disciplinary sanction of expulsion pursuant to Section 14.11. Expelled students are ineligible for reapplication or readmission to NUNM.

Students who have been suspended cannot submit an application for readmission to NUNM for a minimum of one (1) calendar year from time of suspension, unless noted differently in the suspension letter. A suspended student who wishes to apply for readmission to NUNM must meet one of the following criteria at the time of dismissal:

1. The student had a serious illness or medical issue.
2. An event or series of events occurred that prohibited the student's academic performance due to high levels of stress. Examples would include a death in the family, divorce or separation from a long term partner, assault.

3. Documentation of a disability that can be, but has not been previously or reasonably accommodated.
4. The student experienced any other serious problem that significantly affected academic performance.

Documentation may be required to prove that the situation leading to suspension has been remedied. NUNM may impose the following requirements upon readmission for a student who was non-academically suspended due to conduct violations:

1. Complete remedial work prior to readmission, typically outlined in the letter of suspension.
2. The need to repeating some courses and/or clinic shifts.
3. Meet with the Center for Academic Success to review curriculum layouts. The student may also be required to sign and comply with all conditions of an academic contract.
4. Submit and pass an additional drug screening and/or background check.

A student who was suspended due to conduct violations will return on disciplinary probation upon readmission for the remainder of the student's NUNM career.

Students who have withdrawn, either administratively or voluntarily, from NUNM must wait one application cycle to apply for readmission. Withdrawn students are required to follow the application process as outlined by the Admission's Office. NUNM may impose one or more of the following requirements for a student who applies for readmission and has been separated from NUNM for more than one year:

1. Take an entrance exam prior to entering the clinic to assess skill level.
2. Complete remedial work, which may include repeating some courses and/or clinic shifts.
3. Meet with the Center for Academic Success to sign and comply with all conditions of an academic contract if on academic probation when withdrawn. The student will remain on academic probation until all previously failed courses have been resolved.
4. Submit and pass an additional drug screening and/or background check.

Completing these steps does not guarantee readmission to NUNM. These are the criteria for consideration for reapplication. Questions regarding this policy may be directed to the director of admissions, the program dean or dean of students.

14.16 Arrest Policy

The intent of this policy is to ensure the safety of patients and other members of the university. Violations of local, state, and/or federal law are subject to university action. A student who has pleaded guilty to, or otherwise accepted responsibility for, a violation should be aware that the university may also sanction the student.

Regardless of a plea, the dean of students must be notified within 72 hours if a student is arrested for, charged with, or convicted of any offense other than a minor traffic violation. Once notified, the dean of students will schedule an appointment with the student to discuss the incident. Following the inquiry, the dean of students may refer the student to the Honor Council, with possible sanctions as outlined in the student handbook, Section 14. If a student is unable to meet the 72 hour deadline, the student may be placed on an involuntary leave of absence pending a conversation with the dean of students.

A student may be suspended immediately, pending a conduct hearing, when an arrest involves an act of violence, the illegal sale, manufacture or delivery of drugs, or when the continued presence of the student on-campus poses a threat to the safety or the rights, welfare, or property of another. If found in violation, a student will be subjected to disciplinary sanctions as outlined in Section 14 of the student handbook, up to and including expulsion.

If a matriculating student has been charged with a criminal offense between the time they submitted an application and the time they arrive at school, the student must inform the Admissions Office and dean of students prior to arrival. If the university later discovers that a student has withheld disclosure of a criminal charge, they may be subject to immediate suspension.

If a student is convicted of an offense and allowed to remain enrolled at NUNM, the student will be required to meet with the dean of students, chief medical officer, and program dean(s) to discuss possible ramifications for clinical rotation and licensure requirements.

14.17 Retaliation

The university expressly prohibits retaliation, defined as any intentional or adverse action taken against any individual who in good faith brings a complaint to the attention of the university or who participates in any resulting investigation. Any act of retaliation that is directed against a person filing a complaint, the accused person, witness or participant in the process, by any party, will be treated as a separate and distinct charge. If the university determines that a student has engaged in retaliation, appropriate corrective or disciplinary action will be taken, up to and including expulsion.

In addition, the university will not retaliate against anyone who brings forth a complaint with the school, or any state or federal agency, or for participating in an investigation or proceeding.