

Subject: **UNIVERSITY REGULATIONS- Chapter X**

CODE OF STUDENT RIGHTS AND RESPONSIBILITIES (“STUDENT CODE”)

SECTION VI: STUDENT PROFESSIONAL AND ETHICAL CONDUCT

A. Standards of Professional Conduct

In order to ensure that the highest standards of professional and ethical conduct are promoted and supported at the University, students must adhere to the prescribed professional and ethical standards of the profession or discipline for which the student is preparing, as adopted or recognized as authoritative by the relevant academic program.

B. Professional Misconduct

A student who engages in professional misconduct (see Part I.B.) may be subject to academic sanctions including but not limited to a grade reduction, failing grade, probation, suspension or dismissal from the program or the University, revocation of a student’s degree or certificate, or comparable professional credentialing sanctions. Sanctions may also include community service, a written reprimand, and/or a written statement of misconduct that can be put into an appropriate record maintained for purposes of the profession or discipline for which the student is preparing.

1. Any person who observes or discovers that a student has engaged in professional misconduct should file a written complaint with the office of the dean of the college within forty-five (45) business days of the date of discovery of the alleged violation.

2. Upon receipt of the complaint, the dean of the college shall notify the department chair or program director, and within a reasonable time discuss the alleged misconduct with the accused student and give the student an opportunity to respond. The dean of the college may interview the complaining party and any other persons believed to have pertinent factual knowledge of the allegations. The dean of the college may also review any other relevant evidence, including documentary evidence. The dean may delegate the above responsibilities to a designee, who will report his/her findings to the dean.

3. The dean of the college shall determine whether there is a reasonable basis to believe that the student engaged in professional misconduct.

4. If the dean of the college determines that there is no reasonable basis to believe that the student engaged in professional misconduct, the dean of the college, or designee, shall, within twenty (20) business days of receipt of the complaint, notify the student and the matter will be dismissed.

5. If the dean of the college determines that there is a reasonable basis for believing that the student engaged in professional misconduct, he/she shall

determine whether efforts at informal resolution are appropriate and, if so, shall take whatever steps are useful to that end within twenty (20) business days of receipt of the complaint. If an informal resolution is reached and the responding student complies with the terms and conditions of the resolution, no further action against the student will be taken and the matter will be closed.

6. If informal resolution is inappropriate, or if efforts at informal resolution are not successful, the dean of the college shall, within twenty (20) business days of receipt of the complaint, refer the complaint, including his/her recommendation for academic sanctions, to the Academic Appeals Committee for proceedings in accordance with Section C, below, and so notify the student in writing.

C. Proceedings Before the Academic Appeals Committee

1. Written Complaint and Recommendations. The written complaint and recommendations shall be delivered to the chair of the Committee, with a copy to the student.

2. Response to Complaint and Recommendations. The student responding to the complaint and recommendations may deliver his/her response to the chair of the Academic Appeals Committee, with a copy to the dean, no later than five (5) business days after receipt of the complaint and recommendations.

3. Makeup of the Committee. The dean of each college shall ensure that an Academic Appeals Committee⁽¹⁾ is constituted according to college procedures, subject to the following parameters. Two faculty members shall come from the college. The Personnel and Elections Committee of the Academic Senate shall appoint one faculty member from outside the college. The faculty members shall be appointed to the Committee for staggered three-year terms. The dean shall appoint two undergraduate student members and two graduate student members who are either from the relevant Student Advisory Committee or listed as a major within the college. Undergraduate student and graduate student members will be appointed for staggered two-year terms⁽²⁾. No more than one faculty member and two Committee members in total may come from the same department in a multi-department college. The members of the Committee who shall hear the case are the three faculty members and the two students from the peer group of the student accused of professional misconduct (i.e., undergraduates or graduates). The dean shall designate one of the faculty members to serve as chair of the Committee. The Committee shall establish internal procedures consistent with the Student Code.

4. Conflicts of Interest. Upon written request of one of the parties or Committee members, the dean may excuse any member of the Committee if the dean determines that the member has a conflict of interest. The dean shall select an appropriate replacement for the excused member (i.e., student or faculty member).

5. Scheduling Hearings Before the Committees. When a complaint and recommendations together with a response are filed in a timely manner, the Committee chair shall schedule a hearing date if:

- a. The documents raise material issues of disputed fact;
- b. The Committee chair determines that a hearing is necessary or otherwise desirable to aid in the resolution of the issues; or
- c. The possible sanctions against the student may include dismissal from the University, dismissal from a program, suspension from either for longer than ten (10) business days, or revocation of the student's degree or certificate.

If the Committee chair determines that no circumstances exist that require a hearing, as provided above, the chair shall notify the student and the dean of the college (the parties) in writing of this determination and within a reasonable time convene a closed meeting of the Committee to consider the documentation submitted by the parties. The Committee chair shall prepare a written report of the Committee's findings and recommendations and present it to the cognizant senior vice president, or designee, within ten (10) business days after the Committee meeting.

6. Notice of Hearings Before Committees. If the Committee chair determines that a hearing is required, the chair shall schedule a hearing date and notify the parties in writing of the date of the hearing, the names of the Committee members, and the procedures outlined below at least fifteen (15) business days prior to the hearing.

7. Hearing Procedures. Hearings shall be conducted according to the following procedures:

- a. Hearings shall be conducted within a reasonable time after the Committee's receipt of the written complaint and recommendations and the response.
- b. At least five (5) business days prior to the date of the hearing, the parties shall make available to each other and to the Committee a list of their witnesses and a list of the documents to be offered at the hearing. In exceptional circumstances, the Committee may allow a party to call witnesses not listed or submit additional documents at the hearing.
- c. The parties have a right to be accompanied by any person as advisor, including legal counsel, who will be permitted to attend, but not directly participate in, the proceedings.
- d. Hearings shall be closed to the public.
- e. All hearings, except Committee deliberations and voting, shall be recorded and a copy made available to any party upon request. Committee deliberations and voting shall take place in closed sessions.

- f. The Committee must have a quorum present to hold a hearing. A quorum consists of three (3) members, including at least one (1) student and the faculty member from outside the college. If there is more than one hearing in a matter, or if the hearing continues over more than one session, the same three members must be present for all sessions. All findings and recommendations of the Committee shall require a majority vote of the Committee members present at the hearing.
- g. At the hearing, the parties shall have the right to present questions to witnesses through the Committee chair, to present evidence and to call witnesses in their own behalf, in accordance with the Committee's established internal procedures.
- h. The Committee shall not be bound by strict rules of legal evidence or procedure and may consider any evidence it deems relevant.
- i. University legal counsel shall serve as a resource to the Committee and may be present at the hearing to provide guidance on substantive law and procedural matters.
- j. In the hearing, the Committee must determine, by a preponderance of the evidence, whether the student engaged in the alleged professional misconduct. If the Committee answers this question in the affirmative, the Committee may then recommend any academic sanction it deems appropriate under the entire circumstances of the case.
- k. The Committee shall make its findings and recommendations based only on evidence and testimony presented by the parties at the hearing. Committee members shall not conduct their own investigations, rely on prior knowledge of the facts or develop their own evidence.
- l. If either party presenting to the Academic Appeals Committee fails to attend the hearing without good cause, the Committee may proceed with the hearing and take testimony and evidence and report its findings and recommendations to either the senior vice president for academic affairs, or senior vice president for health sciences, as appropriate, on the basis of such testimony and evidence.
- m. The Committee chair shall prepare a written report of the Committee's findings and recommendations and present it to the cognizant senior vice president within ten (10) business days after the conclusion of the hearing.

D. Review and Decision by the Cognizant Senior Vice President

1. The vice president shall consider the documentation submitted to the Committee and the findings and recommendations of the Committee in making a decision. Based upon such review, and without conducting further hearings, the vice president shall, within ten (10) business days, take one of the following actions:

- a. Accept the Committee's findings and recommendations;
- b. Return the report to the Committee chair, requesting that the Committee reconvene to reconsider or clarify specific matters, materials, and issues, and forward to the vice president a second report of its findings and recommendations relating to the specific matters referred by the vice president for further consideration; or
- c. Reject all or parts of the Committee's findings and recommendations, stating reasons and actions to be taken therefore. The vice president may impose greater or lesser sanctions than recommended by the Committee.

2. Written notification of the vice president's decision shall be communicated to the parties, to the chair of the Academic Appeals Committee and to the president within ten (10) business days of receipt of the Committee's findings and recommendations.

3. The vice president's decision is final unless appealed to the president within ten (10) business days of receipt of the decision.

E. Appeal to President

Within ten (10) business days of receipt of the vice president's decision, any party may appeal the decision by filing a written notice of appeal with the president and delivering a copy to the other party. The other party may file a response to the appeal with the president within five (5) business days of receipt of the appeal. In the case of an appeal:

1. The president shall consider the appeal and response to the appeal and may solicit whatever counsel and advice the president deems appropriate to arrive at a final decision. The president may also convene an ad hoc committee composed of students and faculty members from outside the college or department to determine if there were substantial defects that denied basic fairness and due process. After considering the appeal, the president shall, within ten (10) business days, or within twenty (20) business days if an ad hoc committee is formed, take one of the following actions:

- a. Accept the decision of the vice president;
- b. Return the report to the vice president, requesting that he/she clarify specific matters, materials, and issues, and forward to the president a second report of his/her decision relating to the specific matters referred by the president for further explanation; or

c. Reject all or parts of the vice president's decision, stating reasons and actions for imposing a greater or lesser sanction than determined by the vice president.

2. Written notification of the president's decision and the basis for that decision shall be communicated to the student, to the academic dean or dean's designee, to the vice president, and to the chair of the Academic Appeals Committee within ten (10) business days after receipt of the appeal, or within twenty (20) business days after receipt of the appeal if an ad hoc committee is formed.

3. The decision of the president is final.

F. Suspension or Dismissal from a Program or from the University, and Revocation of a Degree or Certificate

The sanctions of suspension, dismissal, and revocation for professional misconduct may be imposed: (1) if agreed upon in informal resolution between the responding student and the dean of the college; (2) if recommended by the Academic Appeals Committee to the cognizant vice president; (3) by the vice president notwithstanding the recommendation from the committee; or (4) by the president notwithstanding the decision of the vice president. A student who has been suspended or dismissed from the University shall be denied all privileges accorded to a student.

1. Suspension from a Program or from the University.

a. Suspension shall be for a minimum time of one semester following the semester the student is found responsible for professional or academic misconduct.

b. The dean of the relevant college shall notify the student in writing of the suspension, conditions for reinstatement, and of the obligation of the student to petition for reinstatement.

c. Petitions for reinstatement shall be submitted to the relevant dean and shall explain how the conditions for reinstatement have been met.

d. The relevant dean shall consider the petition and shall issue a decision regarding the student's reinstatement within fifteen (15) business days of receipt of the petition.

e. The relevant dean may grant conditional reinstatement contingent upon the student meeting written requirements specified in the original sanction.

f. The notice of the dates for which the student is suspended will remain on his/her transcript until he/she has been reinstated to the program or to the University, or for five (5) years if he/she is not reinstated to the program or to the University.

2. Dismissal from a Program or from the University.

- a. Dismissals from a program or from the University are final. A student dismissed from a program or from the University for professional misconduct may not petition for reinstatement.
- b. Permanent records of dismissal shall be kept in the office of the registrar.
- c. The dismissed student's transcript will reflect his/her dismissal.
- d. Dismissal should be reserved for only the most egregious of offenses.

3. Revocation of a Degree or Certificate.

- a. Decisions to revoke a degree or certificate are final.
- b. Permanent records concerning the revocation of a degree or certificate shall be kept in the office of the registrar.
- c. The revocation of a degree or certificate shall be noted on the student's transcript.
- d. Revocation of a degree or certificate should be reserved for only the most egregious of offenses.

G. Internal Reporting of Professional Misconduct

The dean shall take appropriate action to implement the final decision. If the student is found responsible for professional misconduct, the dean shall notify, in writing, the student's department or program of study of the violation, the proceedings, and the final decision. If the sanction involves suspension or dismissal from a program or from the University or revocation of a degree or certificate, the dean shall also convey the decision to the office of the registrar for notation on the transcript.

H. Administrative Suspension to Protect the University Community or the Public

The senior vice president for academic affairs (or designee) or the senior vice president for health sciences (or designee) may suspend a student from the University prior to an initial inquiry and hearing before the Academic Appeals Committee if such action appears necessary to protect the health or well-being of any member of the University community, any member of the public or to prevent serious disruption of the academic process. Prior to, contemporaneous with, or immediately after the suspension, the vice president shall give the student written notice of the suspension specifying the alleged misconduct and setting forth briefly the relevant facts and supporting evidence. The vice president shall then provide the student with an opportunity to meet with him/her to present the student's views and object to the suspension. This meeting shall take place prior to the suspension

taking effect or as soon as possible thereafter. The vice president shall thereafter immediately refer the complaint to the appropriate University administrator for proceedings under the code, and the suspension will be in effect pending a final determination of the matter. The vice president shall notify other University administrators of the suspension as appropriate.

I. Reporting of Professional Misconduct

No University employee shall provide information to a person or entity concerning a student's professional misconduct without fully complying with The Family Educational Rights and Privacy Act (20 U.S.C.A. § 1232g) and the Government Records Access and Management Act (U.C.A. §63-2-101). In most circumstances, such as requests from a licensing body or an employer, information may only be provided with the prior written consent of the student. In some circumstances, however, such as requests from other institutions where the student seeks or intends to enroll, information may be provided without the consent of the student but only after following appropriate procedures outlined in the statutes.

J. Other University Proceedings

If the filing of a complaint or an appeal relating to professional misconduct under the Student Code raises other issues concerning behavioral or academic misconduct, the cognizant senior vice president, or designee, the dean of students, and the involved University administrator shall determine the appropriate procedure(s) for processing the complaint or the appeal.

K. Retention of Records of Proceedings

Records of proceedings under the Student Code shall be confidential to the extent permitted by law. Records of professional misconduct shall be kept in the office of the registrar, and a copy may be maintained in other academic departments as appropriate.

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- (1) When necessary to comply with accreditation or licensing standards, a department may establish a departmental Academic Appeals Committee in lieu of the college Academic Appeals Committee to hear allegations of professional misconduct. The departmental committee shall be composed of two faculty members and two students from the department (or professional program within the department) and one faculty member from outside the department. Hearings by the departmental committee shall be conducted in accordance with the procedures established in Part VI.C, for the college Academic Appeals Committee.
 - (2) Colleges or departments offering only graduate programs may appoint only graduate student members.