

# MISCONDUCT POLICY

The School of Pharmacy and Health Professions recognizes its duty to prepare students who are not only knowledgeable in their disciplines, but who also possess a character sufficiently moral and ethical to be deserving of the public trust. With this responsibility in mind, academic misconduct will be dealt with swiftly and fairly in accordance with policy. This policy complements the Code of Conduct outlined in the *Creighton University Student Handbook* and the School's *Honor Code*.

## Definition of Misconduct

1. Academic and Non-Academic Misconduct are described in the Creighton University Student Handbook, and this policy subscribes to all procedures described in the Student Handbook.
2. For purposes of this policy, Academic Misconduct includes (but is not limited to):
  - a. Cheating, including:
    - i. collaborating on assignments or examinations where such a practice has not been specifically approved by the instructor
    - ii. copying the work of others and claiming it as your own
    - iii. using unauthorized materials to complete assignments or gain unfair academic advantage
    - iv. offering unauthorized materials to others
    - v. obtaining examinations prior to administration
    - vi. arranging to have others take examinations or complete assignments
    - vii. misrepresenting your attendance or the attendance of others in a course where a mandatory attendance policy is in effect
  - b. Plagiarism in any form
  - c. Falsifying documents, correspondence, reports, or records of any kind, or knowingly providing false information or evidence to University or School personnel, or to others external to the University
  - d. Endangering or threatening to endanger patients, faculty, staff, fellow students or damaging their property
  - e. Theft or destruction of library materials or other academic resources
  - f. Illegal, obscenity-related, and/or other misuse of University-provided resources (e.g., computers, email) related to academic work or violation of any acceptable use policies of the University
  - g. Violation of patient confidentiality in any practice and/or learning setting
  - h. Violation of codes of conduct described in the University's Student handbook, the School of Pharmacy and Health Professions Honor Code, course policies, University, School, Program or department policies and/or articulated by instructors either verbally or in writing
  - i. Unprofessional behaviors that disrupt the learning environment of others or which reflect poorly on the School or the professional disciplines within the School
  - j. Misrepresentation of self or others
  - k. Refusing to acknowledge, honor and/or comply with requests issued by faculty or administrators related to academic issues
3. For purposes of this policy, Non-Academic Misconduct includes (but is not limited to):
  - a. Illegal, obscenity-related, and/or other misuse of University-provided resources (e.g., computers, email) in ways that are not

related to academic work or violation of any acceptable use policies of the University

- b. Unprofessional behaviors that reflect poorly on the University
- c. Theft
- d. Harassment, libel or slander
- e. Violence or the threat of violence
- f. Unauthorized use, possession or storage of weapons
- g. Trespassing or gaining unauthorized entry into any building, space or facility
- h. Bribery
- i. Intentional deception for personal gain
- j. Extortion
- k. Abuse of, or impairment from, alcohol, drugs or chemicals
- l. Illegal possession, use or sale of alcohol, drugs or chemicals
- m. Any criminal convictions

## Procedures

The Assistant/Associate Dean for Academic Affairs of the School of Pharmacy and Health Professions is responsible for overseeing the handling, documentation and dissemination of information resulting from incidents of Academic Misconduct. If, for any reason, the Assistant/Associate Dean for Academic Affairs, or the Senior Associate Dean (who Chairs the Academic Issues Hearing Board), is unable to discharge the responsibilities outlined in this policy, they will be transferred to a School administrator designated by the Dean.

The following policy statements will guide the School in dealing with matters of Academic Misconduct (Appendix A in the electronic version of the policy, located on the Office of Academic and Student Affairs website), which presents a schematic representation of the procedures for documenting Academic Misconduct.

Non-Academic Misconduct will be remanded to the Assistant/Associate Dean for Academic Affairs for the School of Pharmacy and Health Professions for appropriate disposition according to University procedures unless a specific School policy addressing the non-academic misconduct incident is in place.

## Faculty Rights and Responsibilities

1. A faculty member may elect to issue a warning to a student or take measures to correct behavior in order to prevent an incident of Academic Misconduct or in lieu of imposing a penalty under this policy. Faculty are strongly encouraged to visit with their department Chair and/or the Assistant/Associate Dean for Academic Affairs when considering a course of action. Faculty are also strongly encouraged to document any warnings issued in writing, and to send copies of the correspondence to the student's file housed in the Office of Academic and Student Affairs, the Assistant/Associate Dean for Academic Affairs, the student's academic advisor and the faculty member's department Chair.
2. The faculty member must provide the student with a hard copy of the Misconduct Policy, or direct the student to the policy found on the School's website, when issuing a verbal or written warning of unacceptable conduct, and advise the student to contact the Assistant/Associate Dean for Academic Affairs if s/he is in disagreement with the warning.
3. If the faculty member elects to impose a penalty for Academic Misconduct, s/he must inform and consult with his or her department Chair (or designee), and the Assistant/Associate Dean for Academic

Affairs regarding the alleged Academic Misconduct. The purpose of the consultation is to discuss the process of filing a misconduct charge and penalty options.

4. If a faculty member elects to impose a penalty for Academic Misconduct that falls within the jurisdiction of his/her course, (up to and including course failure) the faculty member must:
  - a. Assure due process for the student by notifying him/her via letter of the alleged misconduct. The letter shall be sent via certified and regular first class mail to the student's most recent address of record on file at the Office of Academic and Student Affairs. The Office of Academic and Student Affairs shall assume responsibility for posting the faculty member's letter. The letter shall (1) identify the misconduct charge, (2) review the evidence in support of the misconduct charge, (3) specify the action recommended, and (4) inform the student of his/her right to appeal this charge. A copy of the Misconduct Policy shall be included with the letter.
  - b. Send copies of the correspondence to the student's file, the Assistant/Associate Dean for Academic Affairs, the department Chair of the faculty member involved, and the student's academic advisor.
  - c. Instruct the student to contact the Assistant/Associate Dean for Academic Affairs to either accept in writing the proposed penalty or discuss the procedure for initiating an appeal.
5. If the faculty member wishes to recommend a penalty more stringent than course failure, or if the student refuses to agree in writing to a proposed penalty within the faculty member's jurisdiction, the faculty member must:
  - a. Communicate with the Assistant/Associate Dean for Academic Affairs, who is responsible for notifying the Academic Issues Hearing Board of a pending case.
  - b. Follow the guidelines outlined in the section entitled Faculty Rights and Responsibilities for communicating information to the student, the student's academic advisor, the faculty member's department Chair, and the Assistant/Associate Dean for Academic Affairs unless done previously.
  - c. Instruct the student to contact the Assistant/Associate Dean for Academic Affairs immediately to discuss the procedure for presenting his/her case before the Academic Issues Hearing Board.
6. In the event that an appeal is initiated by the student or required by policy, the faculty member must write a descriptive report outlining his/her case against the student and identifying potential witnesses who could speak knowledgeably on issues related to the misconduct charge. The report and the list of potential witnesses should be submitted to the Office of the Senior Associate Dean when requested by the Chair of the Academic Issues Hearing Board.
7. If a faculty member believes a student has engaged in conduct that constitutes Non-Academic Misconduct, s/he must refer the matter to the Assistant/Associate Dean for Academic Affairs for the School of Pharmacy and Health Professions for appropriate disposition according to University procedures as outlined in the Creighton University Student Handbook.

## Student Rights and Responsibilities

1. The student charged with Academic Misconduct has the right to:
  - a. be notified in writing of (1) the charges against him/her, (2) the basis for the charges, (3) the action recommended, (4) the right to a hearing, and (5) procedural steps.

- b. appeal the case to the Academic Issues Hearing Board and to be informed of the time and place of the hearing in a timely manner.
  - c. formally respond to the charge through the preparation of a descriptive report outlining his/her side of the case and identifying potential witnesses who could speak knowledgeably on issues related to the misconduct charge. The report and the list of potential witnesses should be submitted to the Office of the Senior Associate Dean when requested by the Chair of the Academic Issues Hearing Board.
  - d. attend class and exercise the privileges of all other School students pending the outcome of the hearing, except in cases where there are reasons relating to the physical or emotional welfare of the student or of others, or reasons involving the safety of persons or property. The decision on student status will be made by the Assistant/Associate Dean for Academic Affairs.
  - e. have an advisor or legal counsel present during the presentation of the case to the Hearing Board. The student is advised that if s/he elects to bring counsel to the hearing, the University is bound to also be represented by counsel.
  - f. waive the right to be heard before the Hearing Board. The student is advised that, in so doing, s/he automatically agrees to accept the penalty levied by the faculty member or Hearing Board.
2. The student charged with Academic Misconduct who does not accept the penalty, or wishes to refute the charge and appeal the case, is responsible for:
    - a. initiating an appeal of the charge within ten working days after the date of the letter advising the student of the misconduct charge.
    - b. presenting his/her case at the hearing, by preparing a written report of the alleged incident, and by preparing a list of witnesses to furnish to the Academic Issues Hearing Board in advance of the hearing. The student is encouraged to present an oral statement to the Board at the time of the hearing as well.
    - c. securing an advisor or legal counsel, if one is desired.
  3. A student charged with Non-Academic Misconduct has the rights and responsibilities outlined in the section on Non-Academic Disciplinary Procedures in the Creighton University Student Handbook.

## Office of Academic and Student Affairs Responsibilities

The Assistant/Associate Dean for Academic Affairs is responsible for:

1. conferring with the faculty member and charged student about policy and process.
2. posting the faculty member's letter to the charged student by certified mail and regular first class mail.
3. receiving the signature sheet from the charged student.
4. forwarding copies of the signed signature sheet to the faculty member, the faculty member's department Chair, and the student's academic advisor under confidential cover.
5. notifying the Chair of the Academic Issues Hearing Board of a pending case.
6. ensuring that all correspondence regarding the case becomes a part of the student's educational record, unless the charge is found to be groundless on appeal.

## Academic Issues Hearing Board Rights and Responsibilities

1. The Academic Issues Hearing Board has the right to:
  - a. access the complete educational record of the charged student.
  - b. meet prior to the hearing to review the documentation and discuss the case.
  - c. rule on challenges by the faculty member or charged student about the impartiality of Hearing Board members.
  - d. call and question witnesses.
  - e. determine who shall remain in the room during testimony.
  - f. levy penalties for misconduct charges upheld by the Hearing Board.
  - g. dismiss the case.
2. The Academic Issues Hearing Board has the responsibility to:
  - a. conduct its business with the highest level of confidentiality.
  - b. maintain hearing documents, audio taped records of the hearing and a transcription of the hearing in a secure manner.
  - c. ensure that the faculty member and charged student can exercise their right to challenge the impartiality of any member of the Hearing Board prior to the hearing.
  - d. consider evidence, render a decision on the case, and communicate that decision to the Assistant/Associate Dean for Academic Affairs.

## Appeals

1. The student charged with Academic Misconduct may appeal the decision of the faculty member by informing the Assistant/Associate Dean for Academic Affairs, in writing, of the intent to appeal to the Academic Issues Hearing Board. This notification must take place within ten working days of the date the letter was sent. After this time period, the student's right to appeal is forfeited.
2. In the event of an appeal, the Chair of the Academic Issues Hearing Board will establish the date on which the case will be heard. The student, his/her academic advisor, the faculty member levying the charge and his/her department Chair will be informed in writing by the Chair of the Hearing Board on the time and place of the hearing. The student will be informed in writing of the right to have an advisor/legal counsel present.
3. If the student elects not to appear in person before the Academic Issues Hearing Board his/her responsibility for presentation of the case is not waived. Under these circumstances, the Board will deliberate and act based on the evidence available at the time of the hearing.
4. Students who have waived or forfeited the right to appeal de facto accept the penalty recommended by the faculty member or the Hearing Board.

## Academic Issues Hearing Board

1. The Academic Issues Hearing Board will be a standing board as delineated in the School's Bylaws. A copy of the School's Bylaws may be obtained from the Office of Academic and Student Affairs.
2. In the event of an appeal of a charge of academic misconduct, and upon request by the Chair of the Academic Issues Hearing Board, written reports of the incident will be prepared by both the faculty member and the student and submitted to the Office of the Senior Associate Dean. The Office of the Senior Associate Dean will forward the reports to the Academic Issues Hearing Board members, and

- to the Assistant/Associate Dean for Academic Affairs (unless s/he is the faculty member levying the charge) no later than ten working days before the scheduled hearing. Reports prepared by one party are not shared with the other party unless so decided by the Academic Issues Hearing Board.
3. The Chair of the Academic Issues Hearing Board may convene the Board prior to the hearing to review evidence (including pertinent components of the student's educational record), discuss issues and identify witnesses to call. The Board is not required to call all witnesses identified by either party, but will call all those whom they believe necessary to allow them to make an informed judgment on the case.
  4. If the Board feels that the case against the student is without merit, it may dismiss the case at this point.
  5. The Academic Issues Hearing Board is charged with reviewing the pertinent facts of the case as presented by the student, faculty member, key witnesses, or available in the student's educational record, and rendering a decision by majority vote. The Chair votes only in the case of a tie.
  6. At the start of the hearing, Hearing Board members will be advised of the sensitive and confidential nature of the proceedings by the Chair. The hearing will be recorded in its entirety and, if necessary, transcribed.
  7. The Hearing Board has the exclusive right to call and question witnesses. The charged student and faculty member involved in the case do not have the right to be present during the presentation of evidence or the questioning of witnesses.
  8. Any advisor/legal counsel for the student who is present at the hearing may only serve in an advisory capacity to the student, and may not introduce evidence, cross-examine witnesses or address the Hearing Board without being permitted to do so by the Chair.
  9. After the presentation of evidence, the Board will deliberate and render a decision. If necessary, the Board may recess but should resume deliberations at the earliest possible opportunity. The decision is reached by a majority vote of the Hearing Board.
  10. If a student is found innocent of the Academic Misconduct charge, the Academic Issues Hearing Board has the authority to dismiss the case.
  11. If a student is found guilty of Academic Misconduct, the Hearing Board has the authority to levy a penalty more severe than that recommended by the faculty member. The Board may not levy a penalty less severe than that recommended by the faculty member if the original penalty was within the faculty member's jurisdiction (up to and including course failure). If the original penalty recommended by the faculty member was outside of his/her jurisdiction (e.g., suspension, dismissal), the Hearing Board has the authority to uphold the penalty or to impose a penalty that is either more or less severe.
  12. The Assistant/Associate Dean for Academic Affairs will be notified in writing of the decision of the Hearing Board by the Board Chair. The Assistant/Associate Dean for Academic Affairs shall notify in writing the charged student, the faculty member, the Dean, the student's academic advisor, the faculty member's department Chair and any other individuals deemed appropriate by the Hearing Board. A copy of the correspondence will be placed in the student's file maintained in the Office of Academic and Student Affairs.
  13. The student may appeal the decision of the Academic Issues Hearing Board to the Dean within ten (10) working days following notification of the decision. Except in cases where a serious penalty is imposed (serious penalties are defined as expulsion from the University, suspension or a request for withdrawal from the university), the

Dean's decision is final. Pending resolution of an appeal, the student's status as a student remains unaltered except in cases where there are reasons relating to the physical or emotional welfare of the student or of others, or reasons involving the safety of persons or property. The decision on student status will be made by the Assistant/Associate Dean for Academic Affairs or his/her designee.

14. If the student is appealing a decision of the Dean that involves a serious penalty, the student may make a written appeal to the University Provost. An "Intent to Appeal" form (Appendix C, available from the Office of Academic and Student Affairs) and the written appeal shall be delivered by the student to the Office of the Provost. The student shall also deliver copies thereof to the office of the Dean. No hearing will be held in connection with either of these written appeal proceedings. Pending resolution of an appeal, the student's status as a student remains unaltered except in cases where there are reasons relating to the physical or emotional welfare of the student or of others, or reasons involving the safety of persons or property. The decision on student status will be made by the Assistant/Associate Dean for Academic Affairs. The Provost shall only recommend a change in the decision made at the lower level of appeal if the decision is arbitrary or capricious or clearly unsubstantiated by the evidence. The Provost's decision shall be considered final.
15. Copies of all documents pertaining to the case will be entered into the student's permanent record and the permanent record of the Academic Issues Hearing Board after all University based appeals have been exhausted. No documents will be entered into the student's permanent record if the case against the student is found to be without merit.
16. If it is subsequently discovered that false information or evidence was provided by the student either prior to or during the Hearing, regardless of whether the right to a Hearing was waived, the case may be reopened and the Hearing Board will reconsider the case based on the new information. In addition, the provision of false information or evidence will be considered an additional charge. To the extent possible, the original Academic Issues Hearing Board members will be retained on the reconvened Board.
17. The Academic Issues Hearing Board may be called by the Dean to provide counsel on cases of nonacademic misconduct or other academic issues of concern. In this event, the Board's decision-making authority is suspended, and it serves solely in an advisory capacity to the Dean.

The School reserves the right to modify, deviate from, or make exceptions to this policy at any time, and to apply any such modification, or make any such deviation or exception applicable to any student without regard to date of application, admission, or enrollment. This policy is neither a contract nor an offer to enter into a contract. Each student is responsible for knowledge of the School's policies, as well as for changes promulgated by the School as addenda to this Policy. This policy supersedes all previous versions of the Misconduct Policy. Any changes which are made in the University's Student Handbook will automatically be incorporated into this policy.

Appendix B of the electronic version of the policy available on the Office of Academic and Student Affairs website contains the required signature sheet the student must complete acknowledging receipt of the letter outlining the misconduct charge and, when appropriate, to indicate the intention to appeal the charge to the Academic Issues Hearing Board.