
SUBJECT:	Code of Conduct
REVIEWED/REVISED:	6/2015; 6/2020
PURPOSE:	To communicate the procedures and consequences of unfitting and improper behavior.
POLICY OWNER:	Chief Student Officer (Dean of Students)

POLICY:

As a student at Nebraska Methodist College, you have made a commitment to join the College community. Each student's enrollment obligates him or her to demonstrate civilized behaviors — those reflective of the College's core values and student policies. Behavior is recognized as a reflection of professional and personal integrity, which conveys to the community an image of the College and ultimately of health care professions.

As a health care professional, a Nebraska Methodist College ("College") student assumes responsibility for in the delivery of care for patients and others in the community. As stated in the College's mission, Nebraska Methodist College faculty and staff believe each student has a personal commitment and responsibility for understanding the potential impact of personal, as well as professional, behaviors upon others. Thus, adherence to College policies and regulations is required.

It is the responsibility and duty of each student to become acquainted with all provisions contained in the Code of Conduct. It is presumed that each student, from the date of his/her initial acceptance at the College, has knowledge of this policy, as well as the policies and procedures contained in the program handbook for the program he/she is enrolled. All students are deemed to have agreed to the Code of Conduct and are required to adhere to the provisions contained in the Code of Conduct as a condition of enrollment at the College.

SECTION I: DEFINITIONS

1. **"College"** means Nebraska Methodist College of Nursing and Allied Health.
2. **"Student"** includes all persons taking courses at the College, either full-time, part-time, or non-degree seeking pursuing certificate, undergraduate, graduate, or doctoral studies. Persons who withdraw after allegedly violating the Code of Conduct, who are not officially enrolled for a particular term but who have a continuing relationship with the College or who have been notified of acceptance for admission are considered "students" as are persons who are living in campus housing, although not enrolled in this institution.
3. **"Faculty member"** means any person hired by the College to conduct classroom or teaching activities or who is otherwise considered by the College to be a member of its faculty.
4. **"College Official"** includes any person employed by the College, performing assigned administrative or professional responsibilities.
5. **"Member of the College community"** includes any person who is a student, faculty member, College Official or any other person employed by the College. A person's status in a particular situation shall be determined by the President.

6. **“College premises”** includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College (including adjacent streets and sidewalks).
7. **“Organization”** means any number of persons who have complied with the formal requirements for College recognition.
8. **“Complainant”** means any person who submits a charge alleging that a student violated this College Code of Conduct. When a student believes that s/he has been a victim of another student’s misconduct, the student who believes s/he has been a victim will have the same rights under this Code of Conduct as are provided to the Complainant, even if another member of the College community submitted the charge.
9. **“Respondent”** means any student accused of violating this Code.

SECTION II: SCOPE, LIMITATIONS, AND APPLICABILITY

The Code of Conduct policy applies to incidents occurring on College premises, at College sponsored activities, and as further explained below, to certain situations occurring off-campus that adversely affect the College community or pursuit of its objectives. Conduct that occurs while completing clinical rotation, practicum, internship, externship or other activity directly involved with an academic program of study may also subject to the Code of Conduct on a case-by-case basis. Each student is responsible for his/her conduct from the time of application for admission through the actual awarding of a degree. This policy is in effect before, during and after classes during the academic year including conduct during periods between terms of actual enrollment not discovered until after a degree is awarded. Daily administration, enforcement, and operation of the Code of Conduct are coordinated through the Dean of Students.

This policy **does not** address Academic Integrity offenses. Academic Affairs administers the academic integrity disciplinary process. Students must contact the appropriate Academic Dean or Program Director for information on disciplinary procedures regarding academic integrity issues.

The Dean of Students shall decide whether the Code of Conduct shall be applied to conduct occurring off campus, on a case-by-case basis, at his/her sole discretion. After review of the alleged misconduct, the Dean of Students will make a determination of whether the alleged misconduct merits the disciplinary process provided herein. Disciplinary action may be taken with respect to any student convicted of, or charged with, a felony, or misdemeanor.

Depending on the severity or nature of the charge, a student who violates the Code of Conduct is subject to a range of disciplinary actions up to and including suspension or expulsion and may be barred from all College-owned and operated property and all College-sponsored events and activities. And too, any member of the College community, who knowingly and willfully misuses the procedures of the Code of Conduct to harm another member of the College Community, shall be subject to disciplinary action.

SECTION III: COOPERATION WITH LAW ENFORCEMENT AUTHORITIES

Nebraska Methodist College cooperates fully with law enforcement authorities and campus security works closely with area law enforcement agencies including the Omaha Police Department. Violations of the Code of Conduct that are also violations of federal or local law may be referred to the appropriate non-College authority. Proceedings under the Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus at the discretion of the Dean of Students. Determinations or sanctions imposed under the Code of Conduct shall not be subject to change including instances where criminal charges arising out of the same facts as the Code violation were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

SECTION IV: STUDENT RIGHTS, FREEDOMS, AND RESPONSIBILITIES

With appreciation for the tradition of freedom of expression on campus, the College is committed to fostering and tolerating different viewpoints. The College acknowledges that points of view will diverge, but will not tolerate disruption to its academic mission or rights of others.

1. General Rights and Freedoms

Students shall have the following rights and freedoms:

- a. As members of the College community, all students are guaranteed freedom of expression, inquiry and assembly, the right to form a student government, organize groups, to join associations in support of any cause or common interest.
- b. Students have the right of fair access to all educational opportunities and benefits available at the College in an environment that is safe and free of insidious harassment, discrimination, or intimidation.
- c. Students have a right to privacy in accordance with the policy expressed in the Family Educational Rights and Privacy Act of 1974 (FERPA).
- d. Students have the right and responsibility to report, in good faith, and without fear of retaliation, violations of the Code of Conduct and violations of any other policy of the College, to appropriate academic or administrative officers of the College.

2. Procedural Rights and Freedoms

Students accused of violating the Code of Conduct have the following rights:

- a. To have access to all College policies and procedures regarding the functioning of the disciplinary process.
- b. To be informed of and to have explained as required the pending charges.
- c. To be free from intimidation or retaliation by College employees in the resolution of disciplinary matters.
- d. To be free from searches or seizures unless based on reasonable cause by appropriate officials. In accordance with written procedures approved by the Dean of Students, searches and seizures may be authorized by the Dean of Students, his/her designee, and Campus Security.

3. Responsibilities

All students share the following responsibilities:

- a. To read, become familiar with, and adhere to the Code of Conduct, the Program handbook of the program that the student is enrolled, the Title IX—Sexual Misconduct policy and Campus Housing Handbook, if living on-campus. Students will also be responsible for understanding all College policies posted on the College website.
- b. To respect the personal and property rights of others and to act in a responsible manner.
- c. To protect and foster the intellectual, academic, cultural, social, and mission of the College.
- d. To observe the laws of local, state, and federal governments.

SECTION V: EMERGENCY ACTION SUSPENSIONS AND INVOLUNTARY ADMINISTRATIVE TOTAL WITHDRAWALS

1. Emergency Action Suspension

On rare occasions, this authority may be exercised on an exigent basis to protect a student's own physical or emotional safety and well-being, College property, the health and safety of particular individuals and/or the College community, or to prevent the threat of disruption of, or interference with, the normal operations of the College. On such occasions, the Dean of Students, Vice Presidents or President may take emergency administrative action to immediately suspend a student's enrollment. The student will be notified in writing of this action and the reasons for the suspension. An Emergency Action Suspension Meeting will be held as soon as one can be convened, within thirty (30) days from notification of action. The purpose of this meeting will be to determine if the student may remain enrolled.

2. Involuntary Administrative Total Withdrawals

In situations where the College cannot effectively monitor or control the conditions or behaviors of certain students, it reserves the right to prompt an Involuntary Administrative Total Withdrawal. In circumstances where the mental, emotional and/or physical welfare of the student and various elements of the College community are in jeopardy, or where the student's behavior and conduct become an imminent danger to the student and others, it may become necessary to take emergency action to temporarily or permanently separate a student from the campus community. Further, the College reserves the right to contact the student's parent, guardian, or next of kin in the event of a medical emergency. The Family Education Rights and Privacy Act of 1974 (FERPA) provides for the release of normally protected student information when it is believed that the student represents a health or safety risk to self or others. This policy will be instituted in the event that a student:

- a. Demonstrates behaviors or lack of good judgment, suicidal behaviors, self-destructive behaviors, or has untreated or uncontrollable medical or mental conditions which result in actual or possible imminent danger of injury to themselves or members of the College community.
- b. Demonstrates an inability to satisfy personal needs, to include activities of daily living, nourishment and maintenance of shelter.
- c. Demonstrates a behavior due to mental, emotional, or medical incapacitation which poses an imminent danger of causing significant property damage, or directly and substantially impedes the lawful activities of others, interferes with the educational process or the orderly operation of the College.
- d. Fails to comply with the instructions and guidelines of the Student Development Services staff or Campus Health as a result of an episode of mental or medical crisis intervention.

During the period of involuntary administrative total withdrawal, a student may be denied access to the campus, classes, housing, College activities, and denied privileges for which the student might otherwise be eligible, as the Dean of Students, Vice Presidents or President may determine to be appropriate. In making this determination, the Dean of Students, Vice Presidents or President will consult with appropriate academic administrators and health care professionals, including but not limited to the Student Services or Campus Health staff.

i. Timeline of Process

A meeting will be scheduled within thirty (30) calendar days of the student's Emergency Action Suspension or Involuntary Administrative Total Withdrawal, unless the student makes a written request asking that the meeting occur sooner. The Dean of Students will notify the student in writing indicating the reason for the Emergency Action

Suspension or Involuntary Administrative Total Withdrawal, as well as the date, time, and place of the meeting. The student will be given an opportunity to respond. Appropriate College personnel may be present or consulted for this meeting. Parents, spouses, or any persons who would be of support to the student may, with the consent of the Dean of Students and the student, participate in the meeting.

The Dean of Students will notify the student in writing of the decision and the basis for the decision within ten (10) business days of the meeting. If it is determined that the student does not present a threat to himself/herself or others, the student will be permitted to continue as a student. If the decision is that the Emergency Action Suspension or Involuntary Administrative Total Withdrawal shall remain in effect, the communication will indicate what, if any, stipulations may govern his or her return to the College. Such stipulations may include providing certification from a healthcare professional indicating the student is able to return to the College.

ii. Appeal of Emergency Action Suspensions and/or Involuntary Administrative Total Withdrawal

Students who wish to appeal Emergency Action Suspensions and/or Involuntary Administrative Total Withdrawals shall submit their appeal to the Dean of Students, who will forward the appeal to the College President.

In those cases, where internal and/or external health professionals were consulted, a report of findings and response to the appeal will be obtained by the Dean of Students. In addition, the President and/or the Dean of Students may require the student, at his or her expense, to obtain a psychiatric/medical evaluation from appropriate professionals external to the College to be presented. Compliance may be consulted for legal advice before a final decision regarding the appeal of an emergency action is reached. There shall be no further appeal of this decision.

SECTION VI: EMERGENCY ACTION SUSPENSION OF STUDENTS CHARGED WITH A CRIMINAL ACT

A student charged with a crime, either a misdemeanor or felony, by any local, state, or federal entity may be recommended for an Emergency Action Suspension by a Program Director, Academic Dean, or the Dean of Students. In addition, disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and the Code of Conduct without regard to the pendency of the civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under the Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus at the discretion of the Dean of Students. If criminal charges arising out of the same facts as a result of violation of College rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant, the sanctions imposed under the Code of Conduct are not subject to change.

Emergency Action Suspension of a student charged with a criminal act will occur only in situations where the College determines there is a risk of substantial harm to the health or safety of the student or other individuals or to prevent the threat of disruption of, or interference with, the normal operations of the College. An individualized assessment will be made after consultation with the appropriate Program Director, Academic Dean, and Dean of Students, after considering the best available objective information.

It is the College's policy that a student convicted of a felony shall be expelled from the institution, irrespective of the student's current enrollment status. A decision about the continued enrollment of any student convicted of a misdemeanor will be made on a case-by-case basis that may be appealed through the Dean of Students.

SECTION VIII: PROSCRIBED CONDUCT

The following is an illustrative list of proscribed conduct, including actual conduct and attempts to engage in such conduct, which is prohibited by the Code of Conduct. A reasonable suspicion that a student has engaged in or attempted to engage in such misconduct will be subject to the disciplinary sanctions.

1. Safety

Causing any condition that jeopardizes the safety of individuals, groups of individuals, or the College community; participating in conduct or behavior that explicitly endangers the safety and well-being of oneself or others; tampering with safety measures or devices, such as alarm systems, fire extinguishers, exit signs, emergency phone systems, smoke or heat detectors, fire hoses, security systems, locked exterior or interior doors, and sprinkler systems; failing to conform to safety regulations, such as falsely reporting an incident, failure to evacuate facilities in a timely fashion in emergency situations or in response to fire alarms, inappropriate use of the alarm system, and similar conduct; falsely reporting the presence or threat of a bomb or any other dangerous device or condition; having the knowledge of and not reporting an event or act that would potentially endanger members of the College community.

2. Weapons

Illegal or unauthorized possession, use, storage or transportation of weapons including firearms, explosives, ammunition, items that eject projectiles, knives, tear gas or dangerous chemicals or any item that any reasonable person would consider to have the possibility of doing bodily harm is prohibited.

3. Discrimination

Engaging in verbal or physical behavior directed at an individual or group based on national origin, race, creed, gender, religious beliefs, or sexual orientation that according to a person of reasonable sensibilities is likely to create an intimidating or demeaning environment that impedes the access of other students, faculty, and staff to the educational benefits available to them as a member of the College community. Wearing articles of clothing with derogatory, racist, discriminatory, patently offensive, profane, sexually explicit, or graphic messages either in words or pictures, which demonstrate bias or discrimination against any individual or group within the College community, is prohibited. See Title IX—Sexual Misconduct, Equal Opportunity/Non-Discrimination, and Harassment policies.

4. Harassment

Engaging in verbal, electronic, visual, written or physical behavior directed at an individual or group that in the view of a person of reasonable sensibilities is likely to provoke, or otherwise result in, a negative or injurious response, mental or emotional distress or related reaction or consequence is prohibited. This behavior may include: making an expressed or implied threat affecting another person's academic pursuits; engaging in unwarranted obstruction or interference with respect to educational, campus activity, or personal pursuits, employment or participation, which includes but is not limited to behaviors or communications which detract or interfere with an instructor's ability to provide instruction in the classroom, laboratory, clinical practicum, or any activity directly related to teaching, instruction or academic advisement and counseling, or any academic support services throughout the College community; creating an intimidating or demeaning situation or environment or inflicting personal, social, academic, psychological or emotional harm, or undue stress. See Harassment policy.

5. Sexual Harassment

See Title IX—Sexual Misconduct Policy.

6. Assault

Any willful attempt or threat to inflict injury upon another person, when coupled with an apparent present ability to do so, and any intentional display of force such as would give the victim reason to fear bodily harm constitutes an assault. An assault may be committed without actually touching or striking, or doing bodily harm. Self-defense may be a mitigating factor to this charge, depending on the circumstances.

7. Sexual Abuse

Sexual abuse occurs when the act is intentional and is committed either by: physical force, violence, threat, or intimidation; ignoring the objections of another person; causing another's intoxication or impairment through the use of drugs or alcohol; taking advantage of another person's incapacitation, state of intimidation, helplessness, or other inability to consent.

8. Battery

An encounter in which physical contact occurs or is threatened between two or more persons with weapons, blows or other personal violence and that may include pushing, shoving, and other acts of physical abuse. Self-defense may be a mitigating factor to this charge, depending on the circumstance.

9. Stalking

Course of conduct directed at a specific person that would cause a reasonable person to feel fear. "Course of conduct" is defined as a pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct. Stalking can either be physical or electronic in nature.

10. Hazing

Hazing is defined as an act, which endangers the mental or physical health or safety of a student. It may include, but is not limited to, the destruction or removal of public or private property, or any activity conducted on or off-campus that causes or intends to cause an unreasonable expenditure of funds, embarrassing, intimidating or demeaning behavior, exposure to situations that could result in physical or emotional harm, or that causes undue stress, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in any sanctioned or unsanctioned group or organization at the College.

11. Alcoholic Beverages

See Alcohol and Drug policy. See also Medical Amnesty policy.

12. Drugs/Controlled Substances

The College prohibits the possession, use, sale or distribution of illegal drugs or the improper use of controlled substances and enforces all local and federal laws that prohibit the possession or sale of illegal drugs or drug paraphernalia. In addition, under federal and local laws, any student convicted of a drug-related offense must be denied all federal assistance, including Pell Grants. Information about remaining eligibility for federal financial aid may be obtained from the Office of Financial Aid. The College has a "zero" tolerance policy on the improper use of controlled substances and expressly prohibits:

- a. The possession, use, manufacturing, distribution or intent to distribute and/or sale of a controlled or illegal substance. Examples of these illegal substances are: crack cocaine, ecstasy, date rape drugs, marijuana, cocaine, heroin, or any other narcotic or controlled substance except as expressly prohibited by law. See also Alcohol and Drug policy and Medical Amnesty policy.
- b. The illegal possession, use, manufacturing, distribution or intent to distribute and/or sale of drug paraphernalia.

- c. Aiding or abetting an individual or individuals who are in illegal possession, or who have an intent to use, sale, or to distribute or who use, sale, or distribute controlled substances or drug paraphernalia, including allowing persons involved in such activities to visit or stay in their apartment, or to be in any College owned or operated property over which they have control.

13. Forgery, Fraud, Dishonesty

Forging the name of a College employee, another student or any other person or entity, altering or misusing official College forms, documents, records, stored data, electronic data bases and College enterprise/information systems, identification of, or knowingly furnishing false information to College officers, officials, faculty and/or employees or providing such information involving or referring to the College to off-campus organizations, institutions, or individuals is prohibited. Making false statements in public or private, including knowingly filing false charges under the Code of Conduct and aiding and abetting another individual in the conduct of such actions also constitutes a violation of this provision. Students may not use the seal, logo(s), motto, trademarks, or other intellectual property of the College without written permission from the College. Authorized student organizations must be pre-approved to reproduce or to have a manufacturer reproduce the College trademarks on merchandise for sale or distribution.

14. Property Damage

The attempt of, or unauthorized removal, use of, or the defacing of College property, or property under College custody or control resulting in its destruction or damage is prohibited.

15. Theft

Attempted or actual theft of and/or damage to property or services of the College; knowingly possessing or transporting stolen property; or improperly using or converting the property of another for personal use is prohibited. The Code of Conduct also includes identity theft.

16. Unauthorized Entry, Use, or Trespassing

Entering or using College facilities or property, or property in the custody or control of the College, for an improper purpose, or without proper authorization, or assisting others in doing so violates the Code of Conduct.

17. Tobacco

Smoking any and all tobacco products, including electronic cigarettes, or use of smokeless tobacco, are prohibited on campus. See Tobacco-Free Environment policy.

18. Disruptive Conduct

Acting in a manner that impairs, interferes with, or obstructs the orderly conduct, processes, or functions of the College or of any person or persons on College owned or operated property or at any College-sponsored event is in violation of the Code of Conduct. Students whose behavior, communications, or attire may be considered disruptive while participating in academic programs, College activities, programs and general operations. Behaviors would include: use of electronic devices such as cell phones, video games, personal music players, playing computer games during class sessions, laboratory or clinical practicum's and periods of academic instruction, remediation, or tutorial assistance. Disruptive conduct would also include the wearing of apparel or clothing in class, or during academic instruction that is lewd, profane or sexually explicit; attire that conveys messages in print or in picture form that are profane, vulgar, patently offensive, racist or discriminatory, and this conduct disrupts the instructor's ability to maintain decorum or provide academic instruction in the classroom, laboratory, or other instructional environments. This also includes

students who engage in disruptive behaviors or communications with an instructor, such as swearing or cursing, which impedes the ability of the instructor to present academic information in the classroom or laboratory, conduct academic advisement, counseling, or tutorial assistance.

19. Unprofessional Conduct

All students are expected to demonstrate professional behavior in accordance with College policies and program specific policies.

20. Electronic Communication

Using College telecommunications, data communication networks or any electronic means owned and operated by the College for illegal or improper purposes or in violation of College regulations and policies, or related federal, state, or local laws.

21. Harboring

Harboring is knowingly allowing any fugitive from justice, or any student, employee, or other individual who has been barred from the College, to stay in, or to be transported onto College owned or operated property or facilities is prohibited. This also includes harboring any individual who is considered to be a fugitive from justice or for whom there is an outstanding warrant.

22. Contracts

Students as individuals or representatives of student organizations are prohibited from entering into verbal or written agreements or contracts that purport to bind, obligate, or create liability of any kind for Nebraska Methodist College. The College will hold all such students individually liable for any financial or legal consequences or damages that may result from such unauthorized actions.

23. Established Policies and Procedures

The failure to observe any provisions or policies in of the student's program handbook, campus housing handbook, the College website, or appropriate school/college bulletin, pertaining to personal conduct or behavior.

24. Violation of Criminal Codes of the Local, State, or Federal Governments

On or off-campus actions or activities that violate criminal law.

25. Embezzlement

Unauthorized acquisition and/or use of funds belonging to, or under the stewardship of, any College department, organization, or individual.

26. Contempt Of, Or Interference With, Any Disciplinary Program Actions or Activities

Failure to respect the disciplinary program or process, including failing to appear for a meeting if requested to do so, interfering with attendance by any person or persons mandated to attend a meeting or interfering with the disciplinary process violates the Code of Conduct.

27. Social Media

Students are required to follow the applicable federal requirements under HIPAA regulations, including information obtained about patients during clinical rotations and adhere to all applicable college privacy and confidentiality policies. See Confidentiality of Patient Records (HIPAA) policy.

28. Media Contact

Students are expressly prohibited from speaking on behalf of, or for, Nebraska Methodist College with any media organization or publication, or from inviting the same to any College-owned or operated property, facility, or event without the express permission of the College.

29. Presenting False Testimony

Knowingly making false statements regarding a disciplinary matter before, during or after the disciplinary adjudication process is in violation of the Code of Conduct.

SECTION VII: RESOLUTION PROCESS

Reports of violations of the Code of Conduct may result from a written Incident Report taken by Campus Security or College employee. And too, reports of Code of Conduct violations may result from a Complainant reporting a violation. A Complainant may be a student, College employee, or visitor.

The purpose of the resolution process is to provide for an impartial review and to ensure that the rights of all students are properly recognized and protected. Such review will be accomplished in a collegial, non-judicial atmosphere rather than an adversarial one, and shall allow the parties involved to participate. All parties will be expected to act in a professional and civil manner. Academic and nonacademic decisions made by the College President, Vice Presidents or Dean of Students are final and not subject to appeal.

1. Complaint

First, the Complainant must review the Code of Conduct to determine the specific provisions violated. Second, the Complainant must complete and file a written report to the Dean of Students of an alleged violation of the Code of Conduct within fourteen (14) calendar days of the incident or knowledge of the incident. Requests submitted after this fourteen (14) calendar day period will only be resolved if extenuating circumstances are present and requires approval of the Dean of Students.

If the Dean of Students determinations a violation of the Code of Conduct may have occurred, the Complainant and the Respondent will be informed in writing by the Dean of Students within fifteen (15) business days after receipt of the request. The Dean of Students will inform the Respondent of the allegation and related information and a timeline to respond.

The Respondent will be given an opportunity to provide his/her account of the incident and allowed to plead "Responsible" or "Not Responsible." If the Respondent fails to respond within six (6) business days of the date of the written notice, the Dean of Students may proceed with scheduling and convening a hearing to resolve the matter.

A plea of "Not Responsible" by the Respondent will result in an investigation of the case by the Dean of Students. The Respondent and the Complainant will be notified of the date, time and place of the hearing.

A plea of "Responsible" by the Respondent will result in a review of the case and determination of appropriate sanctions by the Dean of Students.

2. Hearing Notification

Resolution of a violation of the Code of Conduct is handled through a hearing conducted by the Hearing Officer. The Hearing Officer shall be chosen by the Dean of Students from outside the Complainant or Respondent's program of study. If possible, conflicts of interest will be avoided. However, it remains the Complainant or Respondent's responsibility to notify the Dean of Students of such conflict not less than (5) business days prior to the hearing so an alternative Hearing Officer may be selected.

a. Notification of Hearing

The Dean of Students shall notify the Complainant and Respondent, in writing, of the date, place and time of a scheduled hearing not less than ten (10) business days prior to the hearing date (excluding holidays). Both the Complainant and the Respondent shall be informed that they are responsible for contacting their own witnesses, informing them of the hearing, and ensuring their attendance at the hearing. Witness lists are to be submitted to the Dean of Students at least two (2) business days prior to the hearing. Upon request, the Dean of Students will make copies of the witness lists available to the parties. Upon request, the Dean of Students will notify respective faculty of the approved absence for any students who are participating in a disciplinary procedure.

b. Notification of Inability to Attend a Hearing

If either the Respondent or the Complainant cannot attend a scheduled hearing due to compelling circumstances, he/she must notify the Dean of Students as soon as this fact is known. Written documentation of extenuating circumstances must be provided. Failure to adhere to this policy may result in additional disciplinary action and/or conducting the proceeding without the benefit of the absent person's participation.

c. Document Access

The Respondent and Complainant shall have reasonable access to relevant case documents maintained by the Dean of Students. Documents prepared by the Dean of Students, those submitted during the hearing, and the statements given, will constitute the record the hearing.

d. Failure to Attend

A student accused of violating the Code of Conduct, who has received appropriate notification to attend a scheduled hearing but fails to do so, may be considered in violation of the disciplinary process and subject to further disciplinary action. The Hearing Officer may elect to proceed with the hearing without the Respondent and render a decision based on the evidence presented.

A witness, who is called by the Dean of Students, with evidence critical to the resolution of a violation of the Code of Conduct given reasonable notification of a hearing, but who refuses to attend, may be considered in violation of the disciplinary process and subject to possible disciplinary action.

e. Rules of Evidence and Legal Representation

Nebraska Methodist College's disciplinary proceedings are not subject to the formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court. Rather, Hearing Officer shall make a determination based on whether the record makes it more likely than not that the claims are true.

The Respondent and the Complainant may consult with their personal legal counsel in preparation for a hearing; however, attorneys are not allowed to attend a disciplinary hearing or to represent a student at a hearing. A student may elect to have a peer advisor, at a hearing, who shall serve in an advisory capacity only. Advisors are not permitted to speak or to participate directly in the hearing. Peer advisors must be current students in good academic, disciplinary, and financial standing with the College.

f. Scope of Evidence Considered In a Disciplinary Action

The Hearing Officer shall be the sole judge of the relevancy and admissibility of evidence presented for consideration.

3. Process for Conducting the Hearing

a. Closed Hearings

All hearings are closed to anyone other than those persons directly involved, Dean of Students and/or the designee, the Complainant, Respondent, and witnesses, unless the Dean of Students determines otherwise.

b. Witnesses

Only those persons with direct knowledge of the incident shall be allowed to appear as witnesses. Those attesting to character alone are not allowed to serve as witnesses. A list of any witnesses speaking on behalf of the Respondent or Complainant must be submitted to the Dean of Students no later than two (2) business days prior to the hearing.

c. Postponement

A one-time request for postponement may be considered and granted by the Dean of Students only when he/she determines that there is a compelling reason for the delay. In that event, the Dean of Students will set a new date for the hearing and notify, in writing, all parties involved.

d. Role of the Hearing Officer

The Hearing Officer is responsible for conducting the hearing in a fair manner and recommending such action(s) as necessary to sanction or control disruptive or inappropriate behavior.

e. Burden of Proof

The Complainant carries the burden of proof to establish the Code of Conduct violation of the Respondent. The Complainant must demonstrate that it was "more likely than not" (preponderance of the evidence standard) that the Respondent committed the violation(s) that he/she is being accused. The Respondent should be prepared to respond to charges against him/her with witnesses and/or documents, as appropriate.

f. Deliberation, Decision Making, and Reporting Results to the Dean of Students

The Hearing Officer shall consider all information in the record. The Hearing Officer shall prepare a written report including any recommended sanctions and submit the report to the Dean of Students within five (5) business days of the hearing. The Dean of Students shall notify the Respondent and the Complainant of the decision. Sensitive information considered to determine sanctions shall be deemed confidential and will not be shared with students, except upon written request from any alleged victim of a crime of violence or non-forcible sex act will the results of the College's disciplinary proceedings against the Respondent will be disclosed.

4. Notification of Hearing Outcome

The Dean of Students shall review the recommendations of the Hearing Officer and shall make a final determination on sanctions. The Dean of Students shall then prepare a written memorandum setting forth the decision and any sanctions and notify both parties within twenty (20) business days after receipt of the report. The Dean of Students reserves the right to delay notification when it determines that such delay is in the best interest of the College. When deemed necessary or appropriate by the Dean of Students, it shall notify relevant College officials, programs and organizations of hearing outcomes and sanctions.

SECTION X: APPEAL

1. Criteria for an Appeal

A finding of “Responsible” for violations of the Code of Conduct and/or the sanctions imposed may be appealed. However, an appeal may result in a reversal or modification of a decision only if one of the following criteria is met. It should be noted that an appeal is not an opportunity to have a new hearing on the matter. As described below, an appeal may only be used to reverse an error or to consider important information that was not available at the hearing.

- a. **Process** - An important procedure leading up to or during the original hearing was ignored or so flawed that the hearing was not fair and impartial.
- b. **Substantive Error** - There was an error in identifying or interpreting the controlling and relevant College policy or standard of conduct and this substantially affected the hearing and resulted in the Respondent being denied a fair hearing outcome.
- c. **New Evidence** - Relevant new evidence has surfaced that could have materially affected the decision or finding of the Hearing Officer. This evidence must be produced and substantiated or documented and it is required that proof be provided that this information was not available at the time of the hearing.
- d. **Disproportionate Sanction** - The sanction levied is manifestly unjust because it is overtly disproportionate to the offense.

2. Process for Filing an Appeal of Disciplinary Action

An appeal must be submitted to the Dean of Students by the student found “Responsible” within five (5) business days of receipt of the letter of notice of initial hearing outcome. The statement must clearly specify the grounds on which the appeal is being made and have attached any supporting documentation. Each case may be appealed only once.

3. Appeal Review Process

The written appeal must be submitted to the Dean of Students. The Dean of Students will forward the appeal to the President. The President shall have the authority to determine if the appeal could reasonably be expected to meet at least one of the four stated criteria. If so ruled, he/she will call an appeal hearing and notify the parties of its date, time, and location.

If possible, conflicts of interest will be avoided. However, it remains the Complainant or Respondent’s responsibility to notify the Dean of Students of such conflict not less than (5) business days prior to the hearing. If after notification, the Dean of Students determines a conflict of interest exists between the President, the Complainant and/or the Respondent, the Dean of Students will forward the appeal to the VPAA or VP of Institutional Effectiveness. The VPAA or VP of Institutional Effectiveness shall then have the authority to determine if the appeal could reasonably be expected to meet one of the four stated criteria and administer the appeal hearing in place of the President.

4. Appeal Hearing

Appeal hearings will be limited to a presentation of evidence by the appealing student that directly addresses the grounds for an appeal. No witnesses may be called.

5. Remedies on Appeal

The following actions may be taken by the President, transmitting a recommendation to the Dean of Students:

- a. Affirm the original findings.
- b. Affirm the original findings, but change the sanction(s) levied.
- c. Overturn the original findings and remand to the original Hearing Officer for a new hearing.

6. Notification of Finding

The results of an appeal review will be forwarded to the Dean of Students within twenty (20) business days of the President's decision. Within five (5) business days, the Dean of Students will inform the student who initiated the appeal and the Complainant of the decision. If the case is remanded for a new hearing, the Dean of Students will contact the students about the new hearing. At the discretion of the Dean of Students, a different Hearing Officer may be asked to hear the case.

7. Limitations

Each case may be appealed only once. Therefore, the finding of the President is final and binding. Only the Respondent may file an appeal. Appeals filed after the stated deadline will not be considered, except in compelling circumstances, as determined by the Dean of Students.

8. Stay of Sanction(s) During the Appeal Process

The Dean of Students will determine if the sanction(s) imposed on an appellant will be stayed pending the appeal process.

SECTION XI: DISCIPLINARY SANCTIONS

The purpose of disciplinary sanctions for violations of the Code of Conduct is to educate students about responsible behavior as members of the Nebraska Methodist College community, to maintain order, and to protect the rights of others. Students found "Responsible" for violating the Code of Conduct are notified of sanctions by the Dean of Students, who also monitors compliance with the sanction. There is no set sanction for any particular offense, with the exception of automatic expulsion for a felony conviction. Sanctions will be determined individually and should reflect the nature and severity of the offense.

1. General Terms

The College reserves the right to apply any sanction for a violation of the Code of Conduct that in its sole discretion appropriately addresses the gravity and frequency of the offense. One or more sanctions may be imposed for any offense. Prior offenses are cumulative and any student found in violation of the same offense or a second offense of equal or greater magnitude may be suspended or expelled from the College. However, evidence of prior violations of the Code of Conduct may be considered after a determination of "Responsible" has been made as part of the process of determining sanctions.

Sanctions are imposed under the Code of Conduct without regard to student classification, prospective graduation date, the time in the semester or term when the violation occurs, scholarship status, or any other factor.

Students who have not completely fulfilled their sanctions may be allowed to register for classes for the subsequent semester if all other financial and academic conditions have been met. However, their registration will be cancelled if they fail to comply with all the stipulations of the sanctions within the time limit set.

The imposition of sanctions is a record maintained in the office of the Dean of Students.

2. Types of Disciplinary Sanctions

One or more of the following sanctions may be imposed for any violation of the Code of Conduct. The failure to comply with an imposed sanction, as directed, can lead to the imposition of more severe sanctions, up to and including suspension or expulsion. The identified sanctions do not represent the full range of sanctions which may be imposed against a student found "Responsible" for a violation of the Code of Conduct.

- a. **Disciplinary Warning or Reprimand** - A disciplinary warning or reprimand is an official written statement of censure. It is used when a student's behavior is unacceptable, but is considered to be minor and/or unintended. It includes a warning that any additional violation(s) of the Code of Conduct may result in more severe disciplinary actions. The written statement shall be delivered to the student via mail or the student's College e-mail account.
- b. **Letter of Apology to the Aggrieved Party** - A student may be required to write a letter of apology to the aggrieved party. A draft copy of the letter must be provided to the Dean of Students for prior approval.
- c. **Requirement to Seek Counseling** - This sanction may be imposed when a student is found "Responsible" for disrupting or uncivil behaviors. In such case, the student shall be required to provide evidence to the Dean of Students of attendance and completion of counseling by a qualified professional.
- d. **Participation In, or Conducting, Special Workshops, Classes or Seminars** - A student may be required to participate in, or to develop, advertise and present special workshops or seminars related to a Code of Conduct violation. In such a case, the student may be required to present a typed summary of the activity to the Dean of Students.
- e. **Research Assignments** - A student may be required to complete a research assignment on a topic related to the Code of Conduct violation within a specified deadline.
- f. **Community Service** - A student may be required to perform work assignments at the College or in the local community.
- g. **Parent Consultation** - Parent/guardian may be contacted when a student's behavior causes alarm, serious disruption, or is a health or safety concern.
- h. **Persona Non Gratis** - Prohibiting entry into a specific building on campus for a specific amount of time due to interference with the community.
- i. **Termination of Residency** - Loss of on-campus housing, without refund, and/or dining privileges, permanently or for a specified period of time.
- j. **Fine** - A monetary sanction issued in the form of a charge to a student account or a deduction from the Residential Life and Housing damage deposit. Fines are most commonly issued for violations of life safety policies or failure to follow college procedures.
- k. **Withholding of an Official Transcript** - May be imposed upon a student who fails to pay a debt to the College.
- l. **Delay in Awarding Degrees** - The College reserves the right to delay the awarding of any degree.
- m. **Bar Against Re-Enrollment** - May be imposed on a student who has a disciplinary case pending or who fails to pay a debt to the College.

- n. **Restitution** - Restitution is reimbursement to compensate for personal injury, property damage, or misappropriation of College or other personal property. It may be in the form of money or services, subject to the discretion of the Dean of Students.
- o. **Disciplinary Probation** - Disciplinary probation may be imposed for a specified period of time. A student may not represent the College in any public function, participate in clinical rotations or hold office in a student organization. Notification of disciplinary probation may be provided to the parents of the student if the College first receives the student's written consent or a FERPA exception applies. Students receiving scholarships for any activities enumerated above may have that scholarship suspended or terminated. Decisions regarding scholarships will be made by the President.
- p. **Limited Term Suspension** - Suspension is appropriate in cases of serious misconduct or in cases when a student has violated a condition of disciplinary probation, or has failed to meet the stipulations of lesser sanctions. A student may be suspended from the College for the remainder of the semester, or summer session, in which the sanction is applied, or any portion thereof, for the next semester, or for any other additional periods determined appropriate by the College. Suspensions are recorded on the student's permanent record (official transcript). Students suspended from the College are required to return their student identification cards, apartment keys and other College property and shall be barred from the campus for the duration of their suspension. Exceptions may be granted to this prohibition by the Dean of Students, if it is determined that the barred student must enter College property for the purpose of conducting official business. If a student returns to the campus without permission during the period of suspension, his or her eligibility to be re-admitted to Nebraska Methodist College is jeopardized and such persons may also be charged with unlawful entry and, thereby, made subject to arrest.
- q. **Indefinite Suspension** - Indefinite Suspension provides for all conditions described in Limited Term Suspensions, but does not give a specific date for the consideration of readmission of the suspended student. This sanction is used in cases of extremely serious misconduct when evidence of rehabilitation must be presented by the student and accepted by the VPAA before the student is readmitted to the College.
- r. **Expulsion** - Expulsion is the most severe sanction that the College may impose. Expulsion is permanent dismissal from the College. In addition, the student is not eligible for readmission to the College and permanently barred from Nebraska Methodist College owned or operated property and from all College-sponsored events. Students expelled from the College are required to return any student identification cards, apartment keys, and other College property and must leave campus immediately upon notification of being expelled. If an expelled student returns to the campus, he or she will be charged with unlawful entry and may be arrested. An expelled student's relationship with the College is severed permanently.
- s. Other sanctions as deemed appropriate by the Hearing Officer.

SECTION XII: REVISIONS OF THE STUDENT COLLEGE CODE OF CONDUCT AND JUDICIARIES

1. Periodic Review

The Dean of Students will conduct a full formal review of the Code of Conduct at least every five (5) years or at such other times as it deems appropriate to determine if the College Code of Conduct should undergo a full revision process.

2. Procedure for Revision

If it is determined that the Code of Conduct is in need of full revision, the procedure for developing a new document for recommendation will be as follows:

- a. A committee composed of faculty, administrative staff and students will be appointed by the Dean of Students to review the recommendations for changes. The pool of those eligible to serve will come from names submitted by Academic Deans, Program Directors, Faculty Senate, and Student Government. In the event that after appropriate notice, names are not submitted, the Dean of Students shall make appointments.
- b. The draft of the revised Code of Conduct is completed by the Dean of Students and forwarded to the VP of Institutional Effectiveness for review and comment.
- c. Students will be informed of the revisions via email. Comments and concerns will be considered in completing the final draft.

3. Forwarding for Approval

The final document will be authored by the Dean of Students and forwarded to Cabinet for final review.

4. Amendments

Amendments to the Code of Conduct deemed necessary by the Dean of Students during periods between formal full reviews and revisions will be prepared by the Dean of Students and forwarded Cabinet for approval and implementation.