STUDENT CODE OF CONDUCT AND COMMUNITY STANDARDS SYSTEM

PREFACE

MCPHS University expects its students to act in a mature and responsible manner. The goal of the Community Standards System is to support the educational mission of the University by ensuring an orderly University environment conducive to learning and teaching. The Community Standards System prioritizes acceptance, integrity, equity and scholarly work. The Community Standards System is an educational tool with the purposes of holding students accountable for Code of Conduct violations, educating students regarding their behaviors in the MCPHS University community and guiding students towards a greater sense of personal responsibility.

A. MCPHS University recognizes that students are entitled to respect, consideration and MCPHS University further recognizes students’ rights within the institution to freedom of inquiry and the responsible use of University services and facilities.

B. Students at MCPHS University have a responsibility to act in a manner that promotes the wellbeing, respect, safety and security of all members of the University community.

C. It is the responsibility of students to know and understand individual department policies as well as University policies published in the Student Handbook.

D. The Student Code of Conduct is applicable to any student enrolled in or accepted for an academic program, regardless of the number of credits carried and also applies to any recognized student organization.

E. The Student Code of Conduct applies to student conduct that occurs on the MCPHS University campus, in any MCPHS University leased spaces, or at any University sponsored event regardless of location. The Student Code of Conduct applies to student conduct at off-campus locations when the security, integrity or reputation of the University are related to the student’s behavior. The Dean of Students or designee will determine on a case-by-case basis when the Student Code of Conduct is applied to off-campus student behavior. Students are expected to comply with the Student Code of Conduct from the time of admission through graduation.

F. Students who allegedly violate the Student Code of Conduct or other University regulations become subject to disciplinary review and action through the Community Standards System.

G. Conduct that constitutes a violation of the Student Code of Conduct or other University policies may also constitute a violation of federal, state or local law. University disciplinary procedures may be carried out prior to, simultaneously with or following civil or criminal proceedings off-campus at the discretion of the Dean of Students, or designee. University disciplinary proceedings will not be subject to challenge on the ground that civil or criminal charges involving the same incident have been dismissed, reduced or are pending. When a student has been charged with a civil or criminal violation(s) of law, MCPHS University will neither request nor
agree to special consideration for the student solely because of their status as a student.

H. The Student Code of Conduct and Community Standards System are published in the Student Handbook in order to give students general notice of prohibited conduct. The Student Code of Conduct should be read broadly and is not designed to define misconduct in exhaustive terms.

I. The Student Code of Conduct and Community Standards System are not to be regarded as contracts between students and MCPHS University. MCPHS University reserves the right to amend any provision of the Student Code of Conduct and Community Standards System at any time. MCPHS University will publish amendments in relevant campus publications.

J. Any conduct which may have been influenced by a student’s mental state or the use of alcohol or other drugs shall not in any way limit the responsibility of the student for their actions.

K. A “disciplinary hold” may be placed on a student’s academic record at the University prior to a disciplinary hearing. Students with a disciplinary hold may not be permitted to register, request transcripts, receive a diploma, add or drop courses, or participate in other University activities without permission from the Dean of Students or designee. A charged student may not take a leave of absence or withdraw from the University before the resolution of the charge(s), unless they have been granted permission by the Dean of Students or designee. In such circumstances, the student’s readmission will be contingent upon the resolution of the charge through the Community Standards system.

L. A business day is defined as a day when MCPHS University administrative offices are open.

M. The term “complainant” means any person who submits a complaint alleging that a student violated this Code of Conduct.

N. The term “respondent” means the accused student.

ACADEMIC HONESTY POLICY

Academic Honesty
The University presumes that students will assume personal responsibility and maintain personal integrity in all aspects of their education. Responsibility for academic integrity is expected of all students whether in-person and/or through a remote learning environment. Dishonest actions in the execution of an examination, report, academic assignment, and/or academic coursework requirement, including clinical rotations, constitute violations of the MCPHS Academic Honesty Policy. Such violations are subject to specific academic sanctions, as well as to disciplinary sanctions (i.e., disciplinary warning, probation, deferred suspension, suspension, and/or expulsion).

Academic Honesty and Student Discipline Procedures

Academic violations or offenses include the following:

1.01 Receiving assistance, or attempting to receive assistance, not authorized by an instructor in the preparation of any assignment, laboratory exercise, report, or examination submitted as a requirement for an academic course or rotation.
1.02 Knowingly giving unauthorized assistance, or attempting to give unauthorized assistance, to another student in the preparation of any assignment, laboratory exercise, report, or examination submitted as a requirement for an academic course or rotation.

1.03 Plagiarism: Submitting another person’s work (including words, images, and ideas) as one’s own without the proper acknowledgment of source, or use of the words or ideas of another without crediting the source of those words or ideas.

Also, submitting the same work for assignments in more than one class (copying from oneself) without permission from the instructor and/or appropriate citation, in the same semester or subsequent semesters.

1.04 Engaging or attempting to engage another person (student or non-student) to take one’s own examination or taking or offering to take another students’ exam.

1.05 Selling, giving, lending, or otherwise furnishing any material that can be shown to contain the questions or answers to any examination scheduled to be given at any subsequent date in any course of study offered by the University.

1.06 Taking, or attempting to take, steal, or otherwise procure in any unauthorized manner any material pertaining to the conduct of a class, including examinations.

1.07 Falsifying or presenting fictional patient information as real to fulfill requirements for work assigned by individual faculty members or clinical preceptors.

1.08 Signing in another student or requesting to be signed in by another student on a course attendance sheet; or falsely recording another student’s attendance (as with the use of “clicker”). Signing in to an assessment for another student or providing your username and password to another individual is also prohibited.

1.09 Altering, or attempting to alter, grades or information on any assignment, laboratory exercise, report, exam, or previously completed examination as a requirement for an academic course or rotation.

Implementation of the Academic Honesty Policy

1. The Dean of Students or designee will review the Academic Honesty Policy, issues of dishonesty, and consequences of violating the Academic Honesty Policy during new student orientation.

2. The Academic Honesty Policy will be provided by the Office of Student Affairs to all members of the MCPHS community online through the MCPHS Student Handbook. All entering MCPHS students are expected to acknowledge they have read the Academic Honesty Policy via an online process coordinated by the Office of Student Affairs. Refusal to do so may result in more severe sanctions should a student be found responsible for an academic honesty violation.

3. In specific testing and/or evaluation situations, students may be required to present their MCPHS ID cards to verify identity, including in situations where remote proctoring tools are used.

4. Each instructor is responsible for informing students of the standards of behavior expected of students in the classroom, laboratory, and clinical site and for consistently enforcing such standards.
5. Faculty may require that students sign an academic honesty statement for exam and written graded assignments. This statement may be defined by each School or Program for specific requirements for in-person or remote assessment methods. The statement will read as follows:

**Academic Honesty Statement**

I pledge that I have neither given nor received unauthorized aid, and will not give or receive unauthorized aid on any examination, paper and/or assignment.

Student Name (printed)________________________________________________

Student Signature:___________________________ ID Number:_______________

**Plagiarism Prevention Service**

Students are expected to abide by the University’s Academic Honesty Policy. Plagiarism (see Offense 1.03 above) is considered a violation of this policy. In order to deter plagiarism and ensure appropriate use of resources in student research and learning, the University subscribes to a plagiarism prevention service. Faculty may require students to submit their written work electronically through this plagiarism prevention service in order to verify that when ideas of others are used they are cited appropriately. The course syllabus identifies student work that must be submitted electronically for such review.

**Academic Honesty and Exams**

The Academic Deans/Program Directors are responsible for the proper conduct of examinations in their schools/programs and will assign faculty and graduate assistants to serve as proctors for examinations. Support staff, under the supervision of the Academic Deans/Program Directors, are responsible for maintaining confidentiality in the production and reproduction of examinations.

Instructors are expected to assist in the promotion of academic honesty through the following practices:

- Access to and use of “recycled” exams should be limited.
- Students will be required to leave all unnecessary materials (e.g., backpacks, notebooks, textbooks, calculators, PDAs, cell phones, etc.) away from their seat assignment. Only required or approved materials will be allowed at the seat assignment. This requirement also applies to remote exams as implemented by the respective School or Program.
- All exams are to be proctored whether in person or virtually by remote proctoring services, unless otherwise specified.
- In specific evaluation situations, students may be asked to show instructors/proctors materials being used during the exam (PDAs, cell phones, etc.) to ensure proper use of the allowed material and adherence to the honesty policy.

Instructors are encouraged to utilize the following exam seating practices whenever possible:

- Students entering an exam room will be randomly seated.
- Seating assignments will be spaced throughout the exam room, allowing for adequate spaces between students.
Additional requirements for integrity during remote exams will be specified by remote proctoring software and/or by School/Program and course instructor.

The instructor should follow the University Policy on Academic Honesty when giving examinations and ensure that proctors are present at all examinations in compliance with this policy. At least one (1) course coordinator for each course should be present during an examination to answer questions or to clarify issues that may arise. Exceptions to this rule must be approved by the Academic Dean/Program Director.

Students are expected to report violations of the Academic Honesty Policy to the instructor and/or the department/division chair or program director of the academic department for further investigation.

Additional policies for Academic Honesty and Integrity in a remote learning environment may be further defined by each School or Program.

**Student Discipline Procedures for Academic Honesty Policy Violations**

Preliminary procedure: The University maintains a policy of open communication among all members of the University community so that any misunderstanding can be minimized and any conflicts can be expeditiously resolved between the parties involved. Hence, the first step in attempting to resolve an alleged student violation shall ordinarily be a meeting between the faculty member and the student.

The faculty member will schedule a meeting with the student to attempt to come to a resolution. The meeting should be scheduled within seven (7) business days of the faculty member’s knowledge of the alleged academic dishonesty incident.

The faculty member will give the student a copy of the MCPHS Academic Honesty Policy and Student Discipline Procedures and offer the Office of Student Affairs as a resource to discuss student rights and responsibilities.

The faculty member will provide the student with the information the faculty member has regarding the alleged incident and will provide the accused student the opportunity to respond to the presented information.

After listening to the student’s response, the faculty member may do one of the following:

- Determine academic dishonesty did not occur and not pursue the incident further.

  OR

- Determine academic dishonesty did occur and discuss the academic sanction the faculty member will assign (e.g., repeat of the assignment, grade reduction, failure for the assignment or exam, failure for the course). If consequences regarding academic dishonesty are listed in the course syllabus, faculty sanctions must follow information as indicated in the syllabus.

The faculty member will provide the student with the option to meet with a staff member in the Office of Student Affairs to review the student’s rights and responsibilities prior to the faculty member’s finalizing their decision.
If the student accepts the faculty-assigned consequence, the case is closed provided the student has no prior offenses of the academic honesty policy or the violation is so severe that a hearing is deemed necessary by the Office of Student Affairs. **NOTE: There is no option for appeal in a closed case.**

Parties (faculty and student) unable to agree shall appeal the case to the academic school dean/program director (or designee). The academic dean/program director (or designee) can decide to meet individually with the student and faculty member or to conduct a team meeting with the student and faculty member, to be scheduled within seven business days of the initial faculty/student meeting. The academic dean (or designee) will meet with the involved parties and review the case. Subsequent to case review, the academic dean/program director (or designee) may do one of the following:

- **Determine academic dishonesty did not occur and not pursue the incident further.**

  OR

- **Determine academic dishonesty did occur and discuss the academic sanction they will assign (i.e., repeat of the assignment, grade reduction, failure for the assignment or exam, failure for the course).** If consequences regarding academic dishonesty are listed in the course syllabus, academic sanctions must follow information as indicated in the syllabus.

Appellate decisions should be provided to the student within five (5) business days following the final meeting. Appellate decisions are final.

Students should be advised that, regardless of the academic resolution, all academic dishonesty violations will be reported to and recorded with the Office of Student Affairs. When reporting an incident to the Office of Student Affairs, subsequent to a student’s accepting responsibility in discussion with the course faculty member or academic dean/program director (or designee), the Dean of Students (or designee) will send a letter to the student, faculty member, and academic dean/program director outlining the decisions reached among the involved parties (e.g., loss of points, change of grade, failure of exam, etc.), along with notification of a student conduct sanction, the minimum being disciplinary warning. Should the Dean of Students (or designee), determine that further action is required, based upon the disciplinary history of the student or severity of the violation, then the matter will be processed as outlined in the student discipline system in a hearing, as appropriate.

All cases involving academic dishonesty will be recorded with the Office of Student Affairs, regardless of the resolution process utilized. Faculty and academic deans/program directors (or designee) report, consult, and work collaboratively with the Office of Student Affairs regarding each alleged academic dishonesty incident. Complex alleged academic dishonesty incidents that require extensive fact finding or involve a conflict of interest (i.e., the academic dean is the instructor for the course in which academic dishonesty is alleged) may be referred by the faculty member or academic dean/program director (or designee) immediately to the Office of Student Affairs for review and disciplinary procedures as provided in the Community Standards system.

**NOTE:** A student may continue attending class during the resolution process for an academic dishonesty incident. When a final decision is made that a student has failed a course due to academic dishonesty and no appeal option exists, the student must discontinue attending the class in which the academic dishonesty incident occurred.
Sanctions for Academic Dishonesty

In determining a sanction, the responsible student’s present demeanor and past disciplinary history, the nature of the offense, the severity of any resulting damage, injury or harm, and other factors may be considered. Students whose behavior is contrary to the Code of Conduct are subject to the maximum sanction of dismissal from the University or any lesser sanction for any act of misconduct. Academic dishonesty sanctions include, but are not limited to the following:

- Faculty and the academic dean/program director (or designee) may assign the sanction of repeating an assignment, receiving a score of zero on an exam/assignment, receiving a lowered assignment/exam/course grade, or failing the course.

- The Dean of Students (or designee) may assign the sanction of warning, disciplinary probation, deferred suspension, suspension, or expulsion in accordance with the University Academic Honesty Policy and the University Community Standards System.

- The Dean of Students (or designee) may also assign educational sanction(s) related to academic honesty. The Dean of Students (or designee) communicates academic honesty offenses, academic sanctions, and disciplinary sanctions to the student in writing subsequent to a case’s being closed.

Students are subject to academic sanctions from College of the Fenway faculty should they commit academic violations while taking a COF course, and such cases are referred to the Office of Student Affairs. Such offenses are addressed under the MCPHS University Academic Honesty Policy and Community Standards System.

STUDENT CODE OF CONDUCT VIOLATIONS

The following conduct shall constitute violations of the Student Code of Conduct:

2.0  Personal Conduct

2.01 Obstruction or disruption of teaching, administration, disciplinary system or other University activities or unauthorized activities.

2.02 Conduct, regardless of where it occurs, that is in violation of federal, state and/or local law or University policies that brings into question ones’ suitability as a member of the University community.

2.03 Theft, attempted theft, wrongful utilization of goods or services, possession of stolen property or University property or property of any member of the University community or outside individual/agency.

2.04 Damaging, destroying or defacing, or attempting to damage, destroy, or deface University property, property related to activities of the University, property of any member of the University community, property of outside individual/agency, to include affiliated clinical training sites.

2.05 Acting in violation of the Protection from Discrimination and Harassment Policy

2.06 Acting in violation of the Protection from Sexual Harassment (Title IX) Policy

2.07 Exhibiting conduct which is lewd, indecent, or obscene, or which is patently offensive to an individual, academic community or clinical practice setting.
2.08 Disrupting the academic and/or clinical pursuits of fellow students, faculty, proctors, or clinical preceptors, or infringing upon the privacy, rights, or privileges of other persons.

2.09 Conveying confidential patient information outside the confidential space of the preceptor's practice setting without authorization by an individual faculty member or clinical preceptor.

2.10 Failure to abide by the Solicitation Policy.

2.11 Failure to abide by the Posting policy; including unauthorized posting and/or distribution of flyers, bulletins or posters (improperly posted and/or posted without approval).

2.12 Failure to abide by the Gambling Policy.

2.13 Failure to abide by the Good Neighbor Policy.

2.14 Failure to abide by the Electronic Communications Policy and/or the MCPHS Email Policy.

2.15 Failure to adhere to University Guest policies.

2.16 Failure to register an event or to abide by an event plan as documented in an Event Registration Form.

2.17 Failure to abide by the End of the Semester Event policy.

2.18 Failure to abide by the Parking Policy.

2.19 Failure to follow University policies and/or guidelines with respect to health and safety.

3.0 Physical Safety and Environmental Health

3.01 Physical assault or abuse of another person

3.02 Verbal abuse, threats, intimidation, harassment, or coercion, including, but not limited to, any conduct that threatens or endangers the emotional or physical health or safety of another person.

3.03 Possession, storage, or discharging firearms, including explosives, fireworks, knives, or other weapons of any nature or description as outlined in the Massachusetts Criminal Law, Section 269, paragraph 10 (i.e., bows, arrows, slingshots, airguns, martial arts devices, etc.), or other dangerous items or substances.

3.04 Creating a fire hazard, bomb or a dangerous situation which endangers others including false reports of fire or bombs, failing to evacuate, as well as tampering with, damaging or removing fire safety equipment.

3.05 Failure to abide by the Hazing Policy.

3.06 Trespassing, unauthorized entry into any University building, structure, or facility related to University activities, or attempt to do the same.

3.07 Using, making or causing to be made any key or keys for any building, laboratory facility or room of the University, or room on premises related to University activities unless authorized by an administrator in charge; or attempting to do same.

3.08 Failure to abide by the Smoking Policy.
3.09 Engaging in sports or sporting activities in locations where such activity is not permitted.

4. **Personal Identification and Representation**

4.01 Falsification of one’s identity or that of another.

4.02 Failure to abide by the Identification Policy which includes failure to wear and/or show student identification, and/or verbally state one’s identity upon request to a properly identified official or member of the MCPHS University staff (including RAs, Food Service, Bookstore and Security staff).

4.03 Misrepresenting oneself or another as a University official or campus organization.

4.04 Altering, transferring, forging, tampering with or falsifying any University or affiliated clinical practice site record or document or knowingly submitting false information for incorporation in such records.

4.05 Failure to comply with a disciplinary action or cooperate, meet with, or respond to a reasonable request of a University official (including student employees while performing the duties of their job).

4.06 Lying or falsification within the process of the Student Discipline System.

4.07 Unauthorized use of the University name.

5.0 **Residence Life Policies, including**

5.01 Possession of prohibited items in the residence halls as set forth in the Residence Hall Agreement/Contract.

5.02 Failure to maintain community health and living standards as set forth in the Residence Hall Agreement/Contract.

5.03 Failure to abide by the University policy prohibiting animals in the residence halls.

5.04 Failure to adhere to the Residential Guest Policy.

5.05 Failure to abide by Residence Hall “Courtesy Hours” or “Quiet Hours” policies.

5.06 Failure to abide by the Letting for Value policy outlined in the Residence Hall Agreement/Contract.

6.0 **Alcohol and Drug Use Policies**

6.01 Being in the presence of alcohol in any Boston owned/leased residence hall regardless of age and/or being in the presence of alcohol at a University function where alcohol has not been authorized.

6.02 Use or possession of alcohol while under the age of 21 and/or use or possession of alcohol while in a Boston owned/leased residence hall regardless of age and/or being in the presence of alcohol at a University function where alcohol has not been authorized.

6.03 Distribution of alcohol to minors.

6.04 Being in the presence of illegal drugs, marijuana and/or synthetic marijuana.

6.05 Use and/or possession of illegal drugs or marijuana and/or synthetic marijuana.
6.06 Manufacturing and/or distribution of illegal drugs, marijuana and/or synthetic marijuana, or medication prescribed to another.

6.07 Being under the influence of illegal drugs, marijuana and/or synthetic marijuana, or medications prescribed to another.

6.08 Possession of alcohol paraphernalia.

6.09 Possession of drug paraphernalia.

6.10 Sale and/or transfer of one’s own prescribed medication to another or the possession, use, sale and/or transfer of another’s prescribed medication.

6.11 Public Intoxication, regardless of age, of any student or guest of a student.

Community Standards Systems

Matters Before the Community Standards System

Matters brought before the Community Standards System for review and possible action may take on a variety of forms; including but not limited to written complaints, oral complaints, grievances, referrals from outside individuals/agencies (e.g., Police Department), etc. Any member of the MCPHS University Community or outside individual/agency may submit a written complaint against a currently enrolled student.

All matters/complaints will be referred to the Dean of Students (or designee) who may take one or more of the following steps:

- Dismiss the matter/complaint
- Initiate an Investigation
- Enter into Informal Resolution
- Schedule an Administrative Conference
- Schedule a Level I Hearing
- Schedule a Level II Hearing
- Impose interim restrictions

Dismiss the Matter/Complaint

If, after investigation of a complaint or alleged violation of the Student Code of Conduct, the Dean of Students or designee determines that the matter does not involve offenses in the Student Code of Conduct or the complaint is not accompanied by inadequate information, then the matter or complaint will be dismissed from the Community Standards System.

Initiate an Investigation

The complaint/incident report will be reviewed to determine if it should proceed through the process. The party named in the complaint will be notified. Information, in addition to that provided in the complaint/incident report, may be sought through a preliminary investigation. The investigation may include, but will not be limited to:

- interviewing the complainant(s), responding party(ies), and witness(es),
- gathering documentary or other information from the party(ies) and witness(es),
• gathering relevant documents and/or other information which may be available to the University.

The information gathered during the investigation will be provided to the hearing officer(s).

Alleged violations of the Protection from Discrimination and Harassment Policy will be investigated in accordance with that policy and referred to the Dean of Students (or designee) for informal resolution, administrative conference, and/or hearing under this process, as outlined below.

Alleged violations of the Protection from Sexual Harassment Policy will be investigated in accordance with that policy. Those allegations that are dismissed from the Title IX Grievance Process under the mandatory dismissal provisions will be investigated in accordance with that policy and referred to the Dean of Students (or designee) for informal resolution, administrative conference, and/or hearing under this process, as outlined below.

Informal Resolution

The Informal Resolution Procedure is a voluntary and remedy-driven pathway to a complaint resolution that is acceptable to the complainant, responding party, and the University without a full University investigation and without official findings of fact.

Schedule an Administrative Conference

For a student who accepts responsibility for offenses they committed, such responsible student may first be referred to an Administrative Conference. An Administrative Conference is a discussion between the responsible student and the Dean of Students (or designee) in which the student affirms their responsibility for the charged offenses. The Dean of Students (or designee) will assign sanctions for the offenses. If the student accepts the assigned sanctions, they will sign an Administrative Conference Document indicating acceptance of responsibility for the charged offenses and acceptance of the sanctions as assigned and detailed in the document. By accepting responsibility and the assigned sanctions, the student waives their right to appeal and the Administrative Conference Document is the final decision regarding the case. If the student no longer accepts responsibility for the offenses as charged or does not agree to the sanctions as assigned by the Dean of Students (or designee), the case will be assigned to a either a Level 1 or Level II Hearing, depending on the nature of the charges.

Schedule a Level I Hearing

Incidents or complaints referred to a Level I Hearing do not involve suspension or expulsion as possible sanctions. For more detailed information regarding hearing sanctions, please go to the Sanctions section.

Schedule a Level II Hearing

Incidents or complaints referred to a Level II Hearing involve the possible sanctions of suspension or expulsion in addition to the possible sanctions for a Level I Hearing. For more detailed information regarding hearing sanctions, please go to the Sanctions section.

Impose Interim Restrictions
1. The Dean of Students (or designee) may impose immediate restrictions upon a student with pending disciplinary action without prior notice whenever there are sufficient facts to show that such student’s continued presence on the campus endangers the physical safety or well-being of others or themselves or disrupts the educational process of the University.

2. Interim Restrictions may include, but are not limited to suspension from class/University and/or campus housing, limitation of access to designated housing facilities and/or campus facilities by time and location, restriction of communication with named individuals within the University community and/or the requirement to secure advanced authorization to engage in a specified activity. Interim Restrictions may also include the restriction to be present on campus for class attendance only.

3. The Dean of Students (or designee) will communicate with a student directly (in a meeting, by telephone, or by a virtual platform) so that the student is able to present their own version of the facts to the Dean (or designee). The Dean (or designee) will make a final Interim Restrictions decision based upon campus and/or student health and safety and/or educational disruption concerns and this Interim Restrictions decision will be final.

4. Violations of Interim Restrictions may result in suspension or dismissal from MCPHS University.

**Level I Disciplinary Hearings**

1) The Level I disciplinary hearing is an informal meeting chaired by a hearing officer. It is an opportunity for a student to provide relevant case information to the hearing officer. The objective is to discuss the charges and to assess a student’s responsibility for allegedly violating the Student Code of Conduct and to determine sanctions for responsibility as appropriate.

2) Level I Hearings will be conducted as soon as possible after an incident or complaint has been reported. Delays in the scheduling of Level I hearings may occur for the following reasons:
   a) The hearing officer and student agree to meet later.
   b) A later hearing date is necessitated by a large number of students involved in a case.
   c) There is an ongoing investigation regarding the case.
   d) Charged students may request one postponement of the Level I hearing to be granted at the discretion of the hearing officer.

3) When multiple parties are involved in the same incident, the Dean of Students, or designee will decide whether the cases will be heard together or separately.

4) Level I Hearings are closed to the public and confidential in nature.

5) Any person, including the charged student, who disrupts a Level I Hearing or who fails to adhere to the rulings of the hearing officer, may be excluded from the Level I Hearing.

6) The decision of the Level I Hearing officer will be made on the basis of whether it is more likely than not the charged student violated the Student Code of Conduct.

7) Level I Hearings may be recessed at any time. The charged student must receive written notice of the date and time the hearing will be reconvened.

8) Any new information brought forth in a Level I Hearing which allegedly violates the Code of Conduct may result in future charges imposed on any involved student.
9) Failure to appear for the Level I Hearing will result in the hearing being conducted in the charged student’s absence. The charged student may provide the names of witnesses (character witnesses are not permitted to attend hearings but may submit written statements) and may request additional information about the disciplinary process.

10) Any new information brought forth in a Level I Hearing which allegedly violates the Code of Conduct may result in future charges imposed on any involved student.

Rights of All Parties in Level I Disciplinary Hearings

1. The respondent will be entitled to:
   a. Written notice of charges, the name of the person(s) filing the complaint, and the time and place of the Level I Hearing.
   b. The opportunity to present their case.
   c. The respondent may provide the names of witnesses and may request additional information about the disciplinary process. The names of witnesses must be submitted to the hearing officer two (2) business days prior to the hearing. Character witnesses are not permitted to attend hearings but may submit written statements.
   d. Not answer any questions or make any statements during a Level I Hearing. Such silence will not be used against the charged student, however, the outcome of the Level I Hearing will be based upon the information (or lack thereof) presented during the Level I Hearing.
   e. Request a hearing advisor who is a member of MCPHS University community. (See Hearing Advisor Section)
   f. The opportunity to appeal the decision within five (5) business days (see Appeals Section).

2. The complainant will be entitled to:
   a. Notice of the time and place of the Level I Hearing and the opportunity to testify.
   b. Request a hearing advisor who is a member of MCPHS University community. (See Hearing Advisor Section)
   c. Submit an impact statement to explain the emotional, physical, financial, educational, and/or other impact(s) the incident has had on their life.

Level II Disciplinary Hearings

1. Level II Hearings are formal hearings to assess a student’s responsibility for allegedly violating the Student Code of Conduct and to assess sanctions for responsibility as appropriate. Incidents or complaints referred to a Level II Hearing involve the possible sanctions of suspension or expulsion in addition to the possible sanctions for a Level I Hearing.

2. In Level II Hearings, two trained University staff or faculty members will serve as the Hearing Officers. The Level II hearing will be chaired by a Student Affairs staff member who will administer the hearing.

3. Level II Hearings will be conducted as soon as possible after an incident or complaint has been reported. Delays in the scheduling of Level II Hearings may occur for the following reasons:
   a) The hearing officer and student agree to meet later.
   b) A later hearing date is necessitated by a large number of students involved in a case.
c) There is an ongoing investigation regarding the case.

d) Charged students may request one postponement of the scheduled Level II Hearing date to be granted at the discretion of the hearing officer.

4. When multiple parties are involved in the same incident, the Dean of Students, or designee will decide whether the cases will be heard together or separately.

5. Level II Hearings are closed to the public and confidential in nature.

6. Only evidence introduced at the Level II Hearing will be considered in determining a charged student’s responsibility.

7. The decision of the Level II Hearing officer will be made on the basis of whether it is more likely than not that the charged student violated the Student Code of Conduct.

8. Any person, including the charged student, who disrupts a Level II Hearing or who fails to adhere to the rulings of the hearing officer, may be excluded from the Level II Hearing.

9. Level II Hearings may be recessed at any time provided all parties are notified of the reason for the recess and the scheduled date that the hearing will resume.

10. Any new information brought forth in a Level II Hearing which allegedly violates the Code of Conduct may result in future charges imposed on any involved student.

Rights of All Parties in Level II Disciplinary Hearings

1. The respondent will be entitled to:

   a. Written notice of charges, the name of the person(s) filing the complaint, a copy of the complaint (if available), the time and place of the Level II Hearing, and the names of all witnesses who will testify.

   b. The opportunity to present their case, question the complainant and witnesses (if available), present witnesses on their behalf.

   c. The opportunity to review the information being presented at the hearing two (2) business days prior to the hearing. All information reviewed for the hearing and presented at the hearing is confidential and may not be disseminated by a party or witness. Copies of the materials can be provided upon a party’s request.

   d. Not answer any questions or make any statements during a Level II Hearing. Such silence will not be used against the respondent, however, the outcome of the Level II Hearing will be based upon the information (or lack thereof) presented during the hearing.

   e. Request a hearing advisor to provide support during the hearing process (see Hearing Advisor section).

   f. The opportunity to appeal the decision within five (5) business days (see Appeals Section).

   g. Failure to appear for the Level II Hearing will result in the hearing being conducted in the respondent’s absence. If the respondent does not appear for the Level II Hearing they lose the right to appeal.

   h. The respondent may provide the names of witnesses and may request additional information about the disciplinary process. The names of witnesses must be submitted to the hearing officer two (2) business days prior to the hearing. Character witnesses are not permitted to attend hearings but may submit written statements.

2. The complainant(s) will be entitled to:
a. Notice of the time and place of the Level II Hearing and the opportunity to testify.
b. Request a hearing advisor to provide support during the hearing process (see Hearing Advisor section).

3. Alleged victims of violence (including, but not limited to, sexual assault, domestic violence, dating violence, and stalking) will be entitled to:
   a. Notice of the time and place of the Level II Hearing and the opportunity to testify;
   b. Submit a victim impact statement to explain the emotional, physical, financial, educational and/or other impact(s) the incident has had on the alleged victim’s life. This statement may be read into the disciplinary hearing record.
   c. Request a hearing advisor to provide support during the hearing process (see Hearing Advisor section).
   d. The opportunity to review the information being presented at the hearing two (2) business prior to the hearing. All information reviewed for the hearing and presented at the hearing is confidential and may not be disseminated by a party or witness. Copies of the materials can be provided upon a party’s request.
   e. Notice of the decision.
   f. Opportunity to appeal the decision.

Additional Provisions in Cases of Alleged Sexual Assault, Sexual Harassment, Domestic Violence, Dating Violence, and Stalking

1. The Complainant(s) and Respondent(s) will have the opportunity to be present (either in person or virtually) throughout the hearing, including when the Hearing Officer questions the other party or witnesses. If the parties are not comfortable being in the same room together, appropriate arrangements will be made. At no time will a party be permitted to question another party or witness.
2. The Complainant and Respondent will have the opportunity to be accompanied by an advisor of choice, who may be an attorney, at any meeting, interview, or hearing relating to the complaint. The advisor must follow the guidelines listed below in the hearing advisor. If an advisor does not follow the guidelines they will be asked to leave the hearing.
3. Neither the Complainant nor the Respondent will be permitted to question the other party or the witnesses. All questions will be asked by the hearing officer.
4. If neither party submits a written appeal within the prescribed period, both parties will be provided with written notification that the Hearing Officer’s decision is final.
5. Complainant has a right to be informed of the sanctions.
6. The hearing and appeal will be conducted by individuals who receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
7. Both the Complainant and the Respondent have the right to have a fair and impartial investigation, determination and appeal

Sanctions
1. In determining a sanction, the responsible student’s present demeanor and past disciplinary history/prior violations, nature and severity of the offense, the severity of any damage, injury or harm resulting and other factors may be considered.

2. Failure to fulfill sanctions may result in an administrative hold on the student’s account.

3. The hearing officer may impose any one or more of the following sanctions:
   a. Warning. An official written notice that the behavior has been inappropriate. This notice is considered part of a student’s disciplinary record in any future disciplinary action.
   b. Fine. A fine imposed for alcohol and/or other drug violations, which will be used towards alcohol and/or other drug education and alternative programming or for failure to attend mandatory meetings, or other offenses.
   c. Restitution. Financial compensation for damages or offenses. May not exceed three (3) times the value.
   d. University/Educational Community Service. Assignment of an appropriate project or attendance at an educational workshop that will benefit the University community, responsible student or others.
   e. Referral. A student may be referred to Counseling Services, CASE, Health Services or other appropriate offices or local agencies (e.g., Law Enforcement Agencies, Licensure Boards) when deemed appropriate by the Dean of Students (or designee).
   f. Restriction. Denial of access to any campus facility, activity, class or program, or denial of student privileges.
   g. Disciplinary Probation. A period of time during which a student’s or organization’s behavior is subject to close examination. Students are prohibited during this time from holding an elected or appointed office in any recognized student organization.
   h. Housing Probation. A period of time during which a student is subject to close examination. A student’s discipline standing will also affect their current Housing status and ability to enter the Returning Student Housing Selection process.
   i. Housing Relocation. Termination of a student’s residence hall assignment and assignment to a new housing assignment in a different community.
   j. Deferred Loss of Residence. A delayed removal from University operated residence halls for a designated period of time. Any proven offense during this period may result in immediate loss of residence.
   k. Loss of Residence. Removal from the residence halls.
   l. Deferred Suspension. A delayed removal from class/the University. Any proven violation during this period may result in immediate suspension for a specific period of time.
   m. Suspension*. Removal from class/the University for a specified period of time. Suspended students must remove themselves from the campus totally. Students suspended from the University may not attend classes or participate in university-sponsored programs during their suspensions. The expiration of the suspension period is no guarantee of re-admittance to the University.
   n. Deferred Loss of Recognition. A delayed removal of recognition as a recognized student organization. Any proven violation during this period will result in immediate loss of recognition for a specified period of time.
o. Loss of Recognition. During this time, a recognized student organization may not associate itself with the University by using the University name, facilities, and/or other rights and privileges of recognized student organizations. The expiration of the loss of recognition period is no guarantee of re-recognition.

p. Expulsion*. Permanent removal from the University.

q. Other sanctions. Other sanctions may be imposed instead of or in addition to those specified above.

*These sanctions may be imposed only as a result of an Administrative Conference or a Level II Hearing.

Prescribed Sanctions

Sanctions for Alcohol Violations

The following minimum sanctions have been developed to educate students and ensure an environment that supports the academic mission of the University. Violations will be viewed as cumulative over the course of a student’s enrollment at the University.

The University’s response to recognized student organizations and/or individual students found in violation of the alcohol policy will result in the following minimum sanctions:

First Offense: $100.00 payment to the Student Education Fund and an Alcohol Education assignment.

Second Offense: $200.00 payment to the Student Education Fund for each person involved and one of the sanctions below:

a. 15 hours of educational/University service, together with an assigned reflection paper.

b. Alcohol educational assignment.

c. One mandated counseling session with the MCPHS Counseling Services office or with an appropriately credentialed off-campus health provider of the student’s choice for an alcohol use assessment. If a student seeks mandated counseling from an off-campus provider, the student does so at their own expense.

Third Offense: $300.00 payment to the Student Education Fund and one of the sanctions below:

a. 30 hours of educational/University service, together with an assigned reflection paper.

b. Alcohol education assignment.

c. Three mandated counseling sessions with the MCPHS Counseling Services office or with an appropriately credentialed off-campus health provider of the student’s choice for an alcohol use assessment. If a student seeks mandated counseling from an off-campus provider, the student does so at their own expense.

Additionally, students may be subject to a hearing resulting in loss of residence (housing) for the current and subsequent years. Three alcohol violations by a student will automatically require a review of housing privileges for that student.

“Trophy bottles” or empty alcohol containers that are for show are not allowed in the residence hall. The presence of trophy bottles constitutes as an alcohol violation and will result in a $50.00 fine.
Sanctions for Recognized Student Organizations

The University’s response to recognized student organizations found in violation of the alcohol policy will result in any of the following minimum sanctions:

**Deferred Loss of Recognition**

A deferred loss of recognition as a recognized student organization. Any further violation during this period of deferred loss will result in immediate loss of recognition for a specified period of time.

**Loss of Recognition**

During this period of time, a recognized student organization may not associate itself with the University by using the University name, facilities, funds, and/or other rights and privileges of recognized student organizations. The expiration of the loss of recognition period is no guarantee of re-recognition. A student organization desiring to gain re-recognition, must submit the required written request (to become a recognized student organization) as outlined in the Student Handbook.

**Educational/University Service**

Recognized student organizations will be assigned an appropriate project or attendance at an alcohol education workshop.

**Other Sanctions**

If violations occur, individual students and sponsoring organizations may face civil prosecution, which can result in fines and/or imprisonment and will be subject to the Student Discipline System. The University may impose additional sanctions as appropriate including notification to National Chapters of Fraternities.

**Sanctions for Smoking Violations**

First Offense: $150.00 fine and Written Warning – payment made to Student Education Fund

Second Offense: $250.00 fine and Disciplinary Probation – payment made to the Student Education Fund

Third Offense: Level II Disciplinary Hearing with full range of sanctions available.

**Hearing Advisors**

The complaining and responding parties can have an advisor present at a hearing. A list of faculty/staff hearing advisors who have offered to serve in this role is available from the Office of Student Affairs. A party may also ask another member of the MCPHS University community to serve as a hearing advisor. No faculty or staff is required to accept a request from a party to serve as a hearing advisor. The hearing advisor may assist the party before the hearing in preparing a statement, reviewing the process, and seeking answers to any questions that the party may have. Attorneys or parents/guardians are not permitted to be hearing advisors. Hearing advisors are present for support only and are not permitted to ask or answer questions, present evidence, or make any statements during the hearing. The University does not warrant the competency or ability of any volunteer hearing advisor.
Appeals
1. Students wishing to appeal a decision must do so in writing, via an on-line link, within five (5) business days of receiving notice of the results of the hearing.
2. All requests for an appeal are to be submitted to the Dean of Students, or designee.
3. Appeals for all Level I Hearings will be forwarded to the appropriate appellate officer (the Dean of Students, Associate Dean of Students, Assistant Dean of Students, or Director of Residence Life) in a hierarchical manner. Appeals for Level II Hearings will be forwarded to the appropriate appellate officer (the Vice President of Academic Affairs/Provost or designee or Dean of Students) in a hierarchical manner.
4. Appeals will be considered based on the following criteria:
   a. Procedural error (this means the process was not followed as stated in the Student Handbook).
   b. Finding is not supported by the evidence.
   c. The sanction is excessive or inappropriate.
5. The appellate officer will review the information from the previous hearing.
6. The appellate officer may determine that:
   a. There are no grounds for the appeal, thus upholding the decision.
   b. That the sanction is excessive, inappropriate, or inadequate and alter it accordingly.
   c. Return it to the prior level for further appropriate proceedings.
   d. Conduct another hearing and render a decision that upholds the previous decision, modifies the decision or dismisses the case.
7. Should an appellate officer determine that conducting a hearing is appropriate, a formal appeal hearing will be conducted following the same system as set forth for disciplinary hearings.
8. Parties who do not attend their hearing lose the right to appeal and the decision is final.
9. A party is allowed only one appeal.

Records
The Office of Student Affairs will maintain student discipline records for seven (7) years after a student graduates. All records pertaining to suspensions and expulsions may be maintained indefinitely. Disciplinary records are not considered to be part of a student’s permanent record maintained by the University. MCPHS transcripts do not indicate student disciplinary actions, excluding expulsion, which shall remain on the record permanently, and suspension, which shall remain on the student record during the term of the suspension. For cases where the sanction might be expulsion or suspension, the University may make notations on the transcript that a disciplinary case is pending.

MCPHS COMPLIANCE HOTLINE
MCPHS University is committed to conducting business ethically and in compliance with applicable laws, regulations and University policies. The MCPHS Compliance Hotline, with the
support of the MCPHS community, is an effective way to help the University address potential noncompliance with laws, regulations and University policies.