

STUDENT CODE OF CONDUCT

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Introduction

Clarkson College students are not only members of the College community, but they are also citizens of the larger society. As citizens, they retain those rights, protections, and guarantees of fair treatment, which are held by all citizens. In addition, Clarkson students are subject to the reasonable and basic standards of the College regarding discipline and maintenance of an educational environment. The purpose of the Clarkson College Student Code of Conduct is to foster a sense of trust, responsibility, and professionalism among students and between students and the faculty/administration. Its fundamental goals are to promote ethical behavior, to ensure the integrity of the academic enterprise, and to develop in students a sense of responsibility to maintain the honor of the health care profession. The Code is designed to assist in the personal and intellectual development of students as they work toward becoming health care professionals.

It is important to note that one's behavior as a student may have a long-term effect on one's career in addition to having Code of Conduct consequences at Clarkson College. A violation of certain laws may jeopardize a student's ability to obtain professional licensure. Therefore, students should consider their career goals as well as the Clarkson College Code of Conduct before making behavioral choices.

Students should make every effort to resolve disputes informally, between parties involved and only use the student judicial process when those efforts have been exhausted and prove unsuccessful.

Article I: Definitions

1. The term "College" means Clarkson College.

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2. The term “student” includes all persons taking courses at the College on campus or through distance learning, both full-time and part-time, pursuing undergraduate or graduate studies. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the College are considered “students.”
3. The term “faculty member” means any person hired by the College to conduct classroom/clinical activities on or off campus.
4. The term “College official” includes any person employed by the College or The Nebraska Medical Center performing assigned administrative or professional responsibilities.
5. The term “member of the College community” includes any person who is a student, faculty member, College official, or any other person employed by the College, or is formally or informally associated or affiliated with the College. Human Resources and/or the Registrar’s Office, shall determine a person’s status in a particular situation, whichever is appropriate.
6. The term “organization” means any number of persons who have complied with the formal requirements to be a recognized College group.
7. The terms “Clarkson College Judicial Council,” “Judicial Council” or “judicial body” means any person or persons authorized by the President to determine whether a student has violated the Student Code and to recommend imposition of sanctions.
8. The term “Judicial Adviser” means the Dean of Enrollment Management and Student Services, who is authorized by the President to impose sanctions upon students found to have violated the Student Code. The Judicial Adviser chairs the judicial body.
9. The term “Appellate Board” means any person or persons authorized by the President or his designee to consider an appeal from the judicial body’s determination that a student has violated the Student Code or from the sanctions imposed by the Judicial Adviser. Generally, the Vice President of Clarkson College serves as the “Appellate Board.”
10. The term “shall” is used in the imperative sense.
11. The term “may” is used in the permissive sense.
12. The Dean of Enrollment Management and Student Services is that person designated to be responsible for the administration of the code.
13. The term “policy” is defined as the written regulations of the College as found in, but not limited to, the Student Code, Student Handbook and the Clarkson College Catalog.

Article II: Judicial Authority

- A. The Judicial Council shall be composed of eight members plus the Judicial Adviser, who will vote only in the case of a tie. The Judicial Adviser will chair called meetings.
 1. Membership may be comprised of faculty, staff and/or students that are deemed to not have any conflicts of interest regarding any part of the dispute, appointed by the J.A. and approved by the President.

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2. Members will be appointed on a case-by-case basis.
 - B. The Judicial Adviser shall develop policies for the administration of the judicial program and procedural rules for the conduct of hearings, which are not inconsistent with provisions in the Student Code.
 - C. Decisions made by the Judicial Council and/or Judicial Adviser shall be final, pending the appeal process as established by the Student Code.
 - D. The Judicial Council may be designated as arbiter of disputes within the student community in cases that do not involve a violation of the Student Code. All parties must agree to arbitration and to be bound by the decision with no right of appeal.
- Article III: Proscribed Conduct**
- A. Jurisdiction of the College

Generally, College jurisdiction and discipline shall be limited to conduct which adversely affects the College community and/or pursuit of its objectives.
 - B. Conduct Rules and Regulations.

Any student found to have committed the following misconduct is subject to the disciplinary sanctions outlined in Article IV:

 1. Acts of Dishonesty, including but not limited to: furnishing false information to the College, forgery, alteration, or misuse of any College document, record, blank letterhead or instrument of identification.
 2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other College activities, including its public service functions on or off campus or other authorized non-College activities, when the act occurs on College premises.
 3. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion and/or other conduct which threatens or endangers the health or safety of any person.
 4. Attempted or actual theft of and/or damage to property of the College or property of a member of the College community or other personal or public property.
 5. Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization.
 6. Failure to comply with directions of College officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
 7. Unauthorized possession, duplication, or use of keys to any College premises or unauthorized entry to or use of College premises.

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- 8 Discrimination on the basis of race, color, religion, national or ethnic origin, gender, age, marital status, sexual orientation, creed or disability in the administration of Clarkson College educational policies, financial aid or other school administered programs.
- 9 Violation of published College policies, rules and/or regulations.
- 10 Violation of federal, state or local law on College premises, at College sponsored or supervised activities or while representing the College off campus.
- 11 Use, possession or distribution of narcotics or other controlled substances except as expressly permitted by law.
- 12 Public intoxication and/or the use, possession or distribution of alcoholic beverages except as expressly permitted by law and by the Clarkson College Drug and Alcohol Policy.
- 13 Possession of firearms, explosives, other weapons, or illegal, unauthorized chemicals on the College premises.
- 14 Participation in a campus demonstration which disrupts the normal operations of the College and infringes on the rights of other members of the College community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.
- 15 Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College sponsored or supervised functions.
- 16 Conduct which is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on College premises or at functions sponsored by, or participated in by, the College.
- 17 Theft or abuse of computer time, including but limited to:
 - A Unauthorized entry into a file, to use, read or change the contents, or for any other purpose.
 - B Unauthorized transfer of a file.
 - C Unauthorized use of another individual's identification or password.
 - D Use of computing facilities to interfere with the work of another student, faculty member or College official.
 - E Use of computing facilities to send obscene or abusive messages.
 - F Use of computing facilities to interfere with normal operation of the College computing system.
 - G Any other violation of the Clarkson College computer use policy.

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- 18 Abuse of the Judicial System, including but not limited to:
- i. Failure to obey the summons of the Judicial Council or College official.
 - ii. Falsification, distortion or misrepresentation of information before the judicial body.
 - iii. Disruption or interference with the orderly conduct of a judicial proceeding.
 - iv. Institution of a judicial proceeding knowingly without cause.
 - v. Attempting to discourage an individual's proper participation in, or use of, the judicial system.
 - vi. Attempting to influence the impartiality of a member of the judicial body prior to, and/or during the course of, the judicial proceeding.
 - vii. Harassment and/or intimidation of a member of the judicial body prior to, during, and/or after a judicial proceeding.
 - viii. Failure to comply with the sanctions imposed under the Student Code.
 - ix. Influencing or attempting to influence another person to commit an abuse of the judicial system.
- 19 Violation of Law and College Discipline
- a. If a student is charged only with an off-campus violation
- with federal, state or local law, but not with any violation of this Code, disciplinary action may be taken and sanctions imposed for grave misconduct which demonstrates flagrant disregard for the College community. In such cases, no sanction may be imposed unless the student has been found guilty in a court of law or has declined to contest such charges, without actually admitting guilt (e.g., "nolo contendere").
- b. College disciplinary proceedings may be instituted against a student charged with violation of a law, which is also a violation of this Code, for example, if both violations result from the same factual situation, without regard to the pendency of civil action in court or criminal arrest and prosecution. Proceedings under this Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.
 - c. When a student is charged by federal,

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state or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also the subject of a proceeding before the Judicial Council under the Student Code, however, the College may advise off-campus authorities of the existence of the Student Code and of how such matters will be handled internally within the College community. The College will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for rehabilitation of student violators. Individual students and faculty members, acting in their personal capacities, remain free to interact with governmental representatives, as they deem appropriate.

Article IV: Judicial Policies

A. Charges and Hearings

1. Any member of the College community may file charges against any student for misconduct. Charges shall be prepared in writing and directed to the Judicial Adviser. Any charge should be submitted as soon as possible after the event takes place, preferably within 30 calendar days. While Clarkson College cannot guarantee that all charges will be kept entirely confidential, the Judicial Council will make a reasonable effort to protect students' privacy.
2. The Judicial Adviser may conduct an investigation to determine if the charges have merit and/or if they can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Judicial Adviser. If disposed of by mutual consent such disposition shall be final and there shall be no subsequent proceedings.
3. All charges shall be presented to the accused student in writing within 5 business days. A time shall be set for a hearing, not less than five or more than 10 business days after the student has been notified. Maximum time limits for scheduling of hearings may be extended at the discretion of the Judicial Adviser.
4. The hearing will follow a standard format listed below. The Judicial Adviser may alter the hearing format at his/her discretion.
 - a. Everyone present states name/position for the record

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- b. Presentation of the complaint
 - c. Opening statements for each side
 - d. Each side presents case/calls witnesses (Judicial Council cross-examines)
 - e. Closing statements
 - f. Deliberation
 - g. Decision
 - h. Judicial Adviser determines and announces sanctions, if any.
5. Hearings shall be conducted by the Judicial Council according to the following guidelines:
- a. Hearings normally shall be conducted in private.
 - b. Admission of any person to the hearing shall be at the discretion of the judicial body or the Judicial Adviser.
 - c. In hearings involving more than one accused student, the Judicial Adviser, at his or her discretion, may permit the hearings concerning each student to be conducted separately.
 - d. The complainant and the accused have the right to be assisted by any adviser they choose at their own expense. The adviser may be an attorney. The complainant and/or the accused is responsible for presenting his or her own case, and therefore, advisers are not permitted to speak or to participate directly in any hearing before the Judicial Council.
- e. The complainant, the accused and the Judicial Council, shall have the privilege of presenting witnesses, subject to the right of cross-examination by the Judicial Council.
 - f. Pertinent records, exhibits and written statements may be accepted as evidence for consideration by the Judicial Council.
 - g. All procedural questions are subject to the final decision of the Judicial Adviser.
 - h. After the hearing, the Judicial Council shall determine (by majority vote) whether the student has violated each section of the Student Code, which the student is charged with violating.
 - i. The Judicial Council's determination shall be made on the basis of whether it is more likely than not that the accused student violated the Student Code.
 - j. A quorum is required in order for the Judicial Council to hear a case. A quorum shall consist of at least six members. The Judicial Adviser must be present.

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- k. Any member of the Judicial Council may excuse himself or herself if a conflict of interest exists.
- 6. There shall be at least one verbatim record, such as a tape recording, of all hearings before the Judicial Council. The record shall be the property of the College. All records associated with the proceeding or resolution will be kept in the Judicial Advisers office until two years after the student leaves the College. It will not be part of the student's record.
- 7. Except in the case of a student charged with failing to obey the summons of the Judicial Council or a College official, no student may be found to have violated the Student Code solely because the student failed to appear before the Judicial Council. In all cases, the evidence in support of the charges shall be presented and considered.
- 8. Should this process not be completed before the date on which grades are submitted by the department, no report will be recorded on the student's transcript. The grade will be blank on the academic record until all charges have been fully adjudicated.

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- B. Sanctions
1. The following sanctions may be imposed upon any student found to have violated the Student Code:
 - a. Warning – a notice in writing to the student that the student is violating or has violated institutional requirements.
 - b. Probation – a written reprimand for the violation of specified regulations. Probation lasts for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found in violation of any institutional regulations during the probationary period.
 - c. Loss of Privileges – denial of specified privileges for a designated period of time.
 - d. Fines – Previously established and published fines may be imposed.
 - e. Restitution – compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
 - f. Discretionary Sanctions – work assignments, service to the College, community service, parental notification (if a minor), workshop attendance, required counseling, written explanation, financial restitution, or other discretionary assignments.
 - g. Residence Hall Suspension – separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
 - h. Residence Hall Dismissal – permanent separation of the student from the residence halls.
 - i. College Suspension – separation of the student from the College for a specified period of time. Conditions for readmission may be specified.
 - j. College Dismissal – permanent separation of the student from the College.
 2. More than one of the sanctions listed above may be imposed for any single violation.
 3. Other than College Dismissal, disciplinary sanctions shall not be made part of the student's permanent academic record but shall become part of the student's confidential record. Upon graduation, the student's confidential record may be expunged of disciplinary actions other than residence hall dismissal, College suspension, or dismissal. Cases involving the imposition of

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sanctions other than residence hall dismissal, or College suspension / dismissal shall be expunged from the student's confidential record five years after the final disposition of the case.

4. The following sanctions may be imposed upon groups or organizations:

- a. Those sanctions listed above in Section B 1, a through e.
- b. Deactivation – loss of all privileges, including College recognition, for a specified period of time.

5. In each case in which the Judicial Council determines that a student has violated the Code, the sanctions shall be determined and imposed by the Judicial Adviser. The Judicial Adviser shall consider the recommendations of the judicial body when determining sanctions. Following the hearing, the Judicial Council and the Judicial Adviser shall advise the accused in writing of its determination and of the sanctions imposed, if any.

C. Interim Suspension

1. In certain circumstances, the housing officer, the Dean of Enrollment Management and Student Services, or a higher ranking College official may impose a College or residence hall suspension prior to the hearing before the judicial body.
2. Interim suspension may be imposed only (a) to ensure the

safety and well-being of members of the College community or preservation of College property; (b) to ensure the student's own physical or emotional safety and well-being; or (c) if the student poses a definite threat of disruption with the normal operations of the College.

3. During the interim suspension, students shall be denied access to the residence halls and/or the campus (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the Judicial Adviser may determine to be appropriate.

D. Appeals

1. A decision reached by the Judicial Council or a sanction imposed by the Judicial Adviser may be appealed by the accused student(s) or complainant(s) to the Vice President within 5 business days of the decision. Such appeals shall be in writing and shall be delivered to the Vice President's office.
2. Except as required to explain the basis of new evidence, an appeal shall be limited to review of the verbatim record of the initial hearing and supporting documents for one or more of the following purposes:
 - a. To determine whether the original hearing was conducted fairly in light of the charges and evidence presented and in conformity with

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- prescribed procedures giving the complaining party a reasonable opportunity to prepare and present evidence that the Student Code was violated, and giving the accused student a reasonable opportunity to prepare and to present a rebuttal of those allegations.
- b. To determine whether the decision reached regarding the accused student was based on substantial evidence; that is, whether the facts in the case were sufficient to establish that a violation of the Student Code occurred.
- c. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code which the student was found to have committed.
- d. To consider new evidence, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such evidence and/or facts were not known to the person appealing at the time of the original hearing.
3. When the accused appeals, a review by the Appellate Board may not result in more severe sanctions for the accused student. Instead, following the appeal, the Vice President may reduce, but not increase, the sanctions imposed by the Judicial Adviser.
4. In cases involving appeals by persons other than the accused student(s), the Vice President may, upon review of the case, reduce or increase the sanctions imposed by the Judicial Adviser or remand the case to the judicial body.
5. Written results of the appeal will be sent out to the appropriate parties within 5 business days of being submitted.
6. The Vice President may be appealed to the President. A written appeal must be delivered to the President's office within 5 business days of the Vice President's decision. The person appealing will be notified in writing within 5 business days of the President's decision.

Article V: Interpretation and Revision

- A. Any question of interpretation regarding the Student Code shall be referred to the Dean of Enrollment Management and Student Services or his or her designee for final determination.
- B. The Student Code shall be reviewed at least every three years under the direction of the Dean of Enrollment Management and Student Services.