

# Midwives College of Utah

## Student Code of Conduct

MCU's Student Code of Conduct clarifies standards of conduct and articulates procedures and sanctions for when student conduct moves beyond the level of coaching. It is designed to maintain and protect a safe, respectful environment that is conducive to teaching and learning, and that upholds the MCU mission. An environment conducive to teaching and learning is one that preserves and protects the freedom to teach and learn, where academic standards are strictly upheld, and where the rights, safety, dignity and worth of every individual is respected.



**MIDWIVES**  
**COLLEGE OF UTAH**  
MIDWIFING MIDWIVES



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# MCU Student Code of Conduct

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## Institutional Mission, Culture, and Objective of Student Code of Conduct

### A. Institutional Mission

Midwives College of Utah (MCU) provides an educational structure and an integrated learning environment for individuals to become midwives of technical expertise, professional excellence, and personal greatness—namely, Midwives of Excellence™.

### B. Culture

MCU's culture is inspired by the Midwives Model of Care™, reflecting philosophies, skills and behavior in both the way we model and train our students. What we teach and how we teach exemplifies what it means to be Midwives of Excellence™—an individual who is self-actualized, valuing courageous conversations and relationships built upon honesty and trust. MCU delivers a Midwifery Model of Education, ultimately midwifing midwives through their educational journey and beyond.

### C. Student Code of Conduct Objective & Rationale

The primary mission of the Student Code of Conduct is to support our community commitment to manage conflict without losing connection.

MCU believes that a diversity of culture, values, and beliefs is not only valuable but essential for a rich and dynamic community. With these differences comes inevitable conflict. For communities to create relationships, solutions, systems, policies and legislation that respect the humanity of all, they must commit to managing their conflict without losing connection with each other.

MCU's diverse environment is a living laboratory where members of our community come face to face with the exquisite challenges found at the "crossroads of difference." This crossroads of difference is part of the educational experience at MCU, where each person has an opportunity to practice dialogue and conflict management skills.

Our community is committed to the Midwifing Midwives™ model of teaching dialogue and conflict management. This includes the modeling and coaching of MCU's Community Rules of Caring, and MCU's core texts of Leadership and Self-Deception, The Outward Mindset and Crucial Conversations.

MCU's Student Code of Conduct clarifies standards of conduct and articulates procedures and sanctions for when student conduct moves beyond the level of coaching. It is designed to maintain and protect a safe, respectful environment that is conducive to teaching and learning, and that upholds the MCU mission. An environment conducive to teaching and learning is one that preserves and protects the freedom to teach and learn, where academic standards are strictly upheld, and where the rights, safety, dignity and worth of every individual is respected.

MCU is a community committed to the transformation of birth culture and maternity care. We believe this will be achieved through the mastery of dialogue and conflict management, as well as scholarship unified by participation, commitment to intellectual exchange, and personal and professional growth. Learning involves openheartedness and self-reflecting on decisions and is reflected by improving decision-making in the future. The Student Code of Conduct is a component of MCU's deep commitment to continued professional evolution as Midwives of Excellence™.

MCU recognizes that the Certified Professional Midwife (CPM) has arrived at a pivotal point in our professional trajectory. In over half of the United States, CPMs enjoy the privileges of recognition as licensed care providers. We look to the near future in which the CPM is fully integrated within the maternal-infant health care system and the Midwives Model of Care™ is considered the gold standard of maternity care. Yet we also still face the resulting and continuing trauma of an oppressed and, at times, a persecuted profession. As an institution with a national and even global community, MCU takes very seriously our obligation to serve as a beacon of professionalism and integrity that seeks to heal and unify a fractured community, while promoting the imperative of utmost professional conduct of community members at all times. At this juncture, CPMs are under intense scrutiny, and the of dialogue and conflict management skills will have profound and potentially devastating consequences for not just the midwifery community at large, but of the childbearing families we seek to serve.

MCU students not only engage in learning within the MCU virtual classroom, but within their communities, the professional midwifery and maternal-child health landscape, and the communities in which they travel for clinical training. The Student Code of Conduct provides an agreed-upon set of expectations designed to encourage and enforce responsible and respectful behavior in the larger community setting, thus serving as a mechanism by which to positively impact the entire profession of midwifery.

### Community Rules of Caring

As a member of the MCU family, we will follow MCU'S COMMUNITY RULES OF CARING with respectful, enlightened, and engaged conversation.

- A. We will speak and listen to one another with compassion—holding one another dear.
- B. Students making rude or offensive comments in an email, webinar, or phone call may be asked to restate in a more positive way. If the rudeness is seen as a pattern, the person will be asked to review the concepts in Crucial Conversations and will engage in specific coaching with their House Mother. If the pattern of behavior is continued, a written description of the incidents will be submitted to the Student Conduct Committee for review and the student may be subject to sanctions defined herein.

- C. Difference is not our deficit; we reward differences of insight and diverse identities as a contribution to our larger effort of becoming Midwives of Excellence™ within the contexts of respectful, intellectual dialogues and pursuits.
- D. When we speak of a challenge or a weakness, we will also offer a solution or, at least, be willing to explore possible solutions.

## Definitions

A. **Academic Honesty:** The expectation that each MCU student will adhere to the principles and rules of MCU and pursue academic work in a straightforward and truthful manner, free from deception or fraud.

B. **Academic Misconduct:** The violation of MCU policies involving academic integrity.

Academic misconduct may include, but is not limited to:

- a. Tampering with grades.
- b. Submitting work originally submitted for one course to satisfy the requirements of another course without prior consent of the current instructor. It is assumed that current instructors expect work to be original, unless expressly stated otherwise.
- c. Intentionally taking part in obtaining or distributing any part of a test or assignment to another student.
- d. Cheating: any act of deception by which a student misrepresents or misleadingly demonstrates academic proficiency. Examples include but are not limited to:
  - i. Presenting others' work as one's own, or assisting a student to do so.
  - ii. Giving or receiving unauthorized or improper help on an academic exercise. This includes but is not limited to unauthorized copying or collaboration on a test or assignment, using prohibited materials and texts, any misuse of an electronic device, paying or bribing someone to acquire a test or assignment, changing someone's grades or academic records, taking a test/doing an assignment for someone else by any means, including misuse of an electronic device, or using any deceptive means to gain academic credit.
  - iii. Use of unapproved or unauthorized resources for writing papers, preparing reports, solving problems, or carrying out other assignments. Resources are considered unapproved or unauthorized only if explicitly stated by the instructor that they should not be used, or if the resource would violate clauses elsewhere in this code (e.g., the source is ghostwritten, plagiarized, etc.).
  - iv. Acquisition or distribution, without permission, of tests or other academic material belonging to MCU, faculty, or staff, as well as all MCU forms, policies, procedural documents, syllabi, and other supporting institutional material produced by and/or belonging to the institution.
  - v. Taking an exam for another student or having someone else take the exam for a student.
  - vi. Violating the rules of an exam or assignment.
- e. Plagiarism: using another's ideas, images, or writing —knowingly or unknowingly— without proper acknowledgement, or conveying a false impression that another's work is one's own. The onus is on the student to ensure plagiarism does not occur. Plagiarism includes, but is not limited to:

- i. The use, by paraphrase or direct quotation, of published or unpublished work of another person without providing full and clear credit.
    - ii. The unacknowledged use of materials prepared by another person or agency engaged in the selling of academic materials.
    - iii. Acquiring a part of or an entire document of work which is then represented as one's own work.
    - iv. The concealment of true sources of information, ideas, or argument in any piece of work.
  - f. Copyright infringement: infringing upon the authors' exclusive right to reproduce, prepare derivative works, distribute copies or publicly perform or display their work through improper use of copyrighted materials or insufficient attribution.
  - g. Fabrication: the falsification of data, citations, or information with the intent to deceive.
  - h. Misrepresentation: Falsifying information; examples include, but are not limited to:
    - i. Having another person represent or stand in for oneself in circumstances where one's attendance and/or performance is required.
    - ii. Misrepresenting attendance of class conferences or activities.
    - iii. Presenting false academic or professional credentials.
    - iv. Submitting work originally submitted for one course to satisfy the requirements of another course without prior consent of the current instructor. It is assumed that current instructors expect work to be original, unless expressly stated otherwise.
    - v. Forging or using another's signature or name.
    - vi. Altering or destroying academic records and documents.
  - i. The falsification of data, citations, or information.
  - j. Infringing on the rights of other students to fair and equitable access to academic resources.
  - k. Unauthorized duplication of course materials. Course syllabi may not be shared with other students. Each student has permission to access course syllabi only when they are enrolled in a course.
  - l. Ignoring or willfully violating class or institutional policies.
- C. **Accused Student:** Any student accused of violating the Student Code of Conduct.
- D. **Advocate for the process:** A trained MCU official who serves to ensure that the procedures defined herein are followed and conducted with fairness, integrity and transparency. An advocate for the process does not represent the interests of the student, complainant or MCU in this capacity, but the process of investigating student code of conduct violations, appeals and the assessment of any sanctions in a manner that promotes equity for all stakeholders involved.
- E. **Appeals Committee:** The committee designated by the President to consider an appeal from a student regarding the outcome of findings or sanctions from the Student Conduct Committee.

- F. **Cheating:** Defined above.
- G. **Complainant:** Any person who submits a complaint alleging that a student violated the Student Code of Conduct. The Complainant need not be a person who was the target or victim of the alleged violation. However, the complainant must have first-hand knowledge of the alleged situation in order to file a complaint. Hearsay, rumors, speculation, or other unfounded claims are inappropriate grounds for filing a complaint.
- H. **Conflict of Interest:** Any relationship between a member of the Student Conduct Committee, Appeals Committee or other participant(s) involved in the complaint against a student or student(s) accused of misconduct whether past or present, personal or professional, that reasonably raises a question of their impartiality.
- I. **Contempt:** Disregard of, or noncompliance to, the rules or orders of any process under this code.
- J. **Fabrication:** Defined above.
- K. **Harassment:**
  - a. Intentionally subjecting a person to offensive or threatening physical contact.
  - b. Insults, gestures, or abuse words or threats directed to another person that may reasonably cause any of the following, but is not limited to: emotional distress, efficacy or safety in the classroom or provoke a violent response, via, MCU-affiliated communication, including, but not limited to electronic communication, assignment submissions, conventional mail, social media, telephone, and in the direct presence of a person.
  - c. Other types of prohibited discrimination, discriminatory harassment and sexual harassment as defined by MCU policy and by law.
- L. **MCU Official:** A person having consigned MCU responsibilities who is performing their MCU assignment.
- M. **Misrepresentation:** Defined above.
- N. **Psychological Disability:** For the purposes of the Student Code of Conduct, refers to when a person suffers from a psychological disease or disorder that renders the person incapable of appraising the nature of the conduct of another person.
- O. **Plagiarism:** Defined above.
- P. **Safety:** Safety includes the feeling of physical safety, and also an environment free of harassment. Safety does not include the absence of discomfort with differing opinions or world views.
- Q. **Student Conduct Committee:** The committee appointed by the President, Academic Dean or Graduate Dean to review alleged violations of the Student Code of Conduct. If the President feels that they have a conflict of interest in a given situation, they will ask the Deans to appoint the committee. This committee will consist of President, and/or Academic and/or Graduate Dean(s) Director of Student Life and Leadership, the accused student's House Mother and other MCU community members deemed necessary for a fair and thorough review of student conduct.



## Delegations and Authority

- A. The President, Academic Dean, Graduate Dean, Clinical Director, Faculty Director, and Director of Student Life and Leadership shall develop and conduct on-going review of policies and procedures for the administration of the Student Code of Conduct that are consistent with the provisions of the Student Code of Conduct.
- B. The MCU Student Council or student representative(s) shall review and recommend changes to the Student Code of Conduct and its related policies and procedures.
- C. With the consent of the President, other administrators or ad-hoc committees may review, amend, or contribute to the Student Code of Conduct and related policies and procedures.
- D. A Student Conduct Committee will be appointed by the President, or Academic or Graduate Dean upon each complaints of Student Code of Conduct violation when there is a pattern of behaviors, multiple alleged violations of the Student Code of Conduct and/or the alleged violation is egregious in nature to:
  - a. Follow the procedures for review of violations stated herein.
  - b. Recommend disciplinary sanctions to the President.
  - c. If the President feels that they personally have a conflict of interest in a given situation, the committee will be appointed by the Deans.
- E. Student Conduct Committee proceedings and disciplinary sanctions shall be submitted to the President in writing for review. The President, or a Presidential designee, will communicate the findings of the committee and enact agreed upon disciplinary sanctions to the student and/or students involved in the violation.

## Jurisdiction

- A. The Student Code of Conduct applies to actions by students that materially interferes with:
  - a. The College community and/or the pursuit of its mission and objectives.
  - b. An educational or employment opportunity of an MCU community member.
  - c. The health and safety of any person, with health and safety defined holistically and including physical, psychosocial, and professional health and safety.
  - d. The maintenance or protection of MCU property, property of facilities hosting MCU activities, or the personal property on said facilities. Property includes both physical property as well as intellectual property.
  - e. MCU record keeping.
- B. Jurisdictional boundaries:
  - a. The Student Code of Conduct routinely applies to action which occurs within the virtual MCU context or MCU sponsored activities.
  - b. The Student Code of Conduct routinely applies to work done in clinical training situations in which formal Clinical Training Agreements have been accepted by the MCU Clinical Department.
  - c. MCU shall have the discretion to extend jurisdiction over egregious conduct that occurs other than within the MCU virtual context, MCU sponsored activities and approved clinical

training settings. In determining whether or not to extend jurisdiction, MCU will consider its ability to gather information, including the testimony of witnesses. MCU may extend jurisdiction if the alleged conduct would have violated the Student Code of Conduct if the conduct had occurred in settings describe in jurisdictional boundaries a. and b. (above) and:

- i. Adversely and significantly affects the learning environment or members of the MCU community.
  - ii. Involved violence or produced a reasonable fear of physical harm.
  - iii. Involved academic work or any records, document or identifications of MCU.
  - iv. Damaged the reputation, processes, or structure of MCU.
- C. Student status: An individual’s status as a “student” is established by any of the following:
- a. An application for admission (prospective student).
  - b. Registration for one or more credit hours (current student).
  - c. Enrollment in an MCU-sponsored conference course (student affiliate).
  - d. Status as a continuing education or degree-seeking student, but not currently registered due to a time out, leave of absence, or otherwise authorized or unauthorized break (inactive student).
- D. Jurisdiction over non-enrolled students:
- a. If a student withdraws from MCU after a Conduct complaint has been initiated, MCU will maintain jurisdiction over the conduct matter until it has been fully processed.
- E. Allegations of harassment, academic dishonesty or fraudulently obtaining a degree may be filed and considered at any time, whether or not the student is currently enrolled or registered.
- F. MCU has jurisdiction to address all conduct that would have violated the terms of the Student Code of Conduct while the student was enrolled, if the conduct occurred from the date the student is admitted to MCU until the student graduates or otherwise completely withdraws from MCU, as described above, even if the conduct is not discovered until after the student completely withdraws or graduates.
- G. Students may be accountable both to civil and criminal authorities and to MCU for behavior that constitute violations of the scope of the student-CPM as outlined in the Clinical Student Standards of Professional Behavior of the Clinical Handbook and the Student Code of Conduct. Since the action of civil and criminal authorities is independent from MCU action, MCU may decide whether to initiate or consider an alleged violation of the Student Code of Conduct while criminal charges are pending, before they are file, or after they are resolved.

## Student Code of Conduct Violations

The following conduct violates the MCU community standards essential to the educational mission and culture of MCU, and subjects a student to sanctions under the Student Code of Conduct.

- A. Standards Relative to Academic, Personal and Professional Integrity. Academic, personal, and professional integrity are fundamental to becoming a midwife of technical expertise, professional excellence, and personal greatness, namely—a Midwife of Excellence. Integrity includes a high valuation for open, honest, and respectful intellectual exchange as well as respect for MCU records and the Student Code of Conduct itself. The following conduct violates the standards of academic integrity:
  - a. Cheating
  - b. Fabrication
  - c. Plagiarism
  - d. Copyright infringement
  - e. Academic misconduct
  - f. Misrepresentation
  - g. Intentionally furnishing false information to an MCU official or authorized representative.
  - h. Forgery, alteration or unauthorized use of MCU documents, records, student identification or services.
  - i. Failure to comply with the terms of any sanction imposed in accordance with the Student Code of Conduct.
  - j. Contempt of adjudicative proceedings including impairing or interrupting the due course of proceedings in the presence of any process created under this code. Adjudication of contempt and imposition of sanctions may be imposed as outlined by the procedures in this code.
- B. Standards relative to respect for property and shared MCU resources
  - a. Engaging in behavior that could be reasonably foreseen to cause disruption of, obstruction of, or interference with the process of instruction, research, administration, community outreach, student discipline, or any other service or activity provided or sponsored by MCU.
  - b. Damage, destruction or theft or unauthorized use of property at MCU Conferences or MCU-sponsored events.
  - c. Unauthorized use of MCU Research Resources.
  - d. Violation of MCU policy.
- C. Standards relative to the rights of individuals and to the welfare of the MCU community. An environment conducive to teaching and learning is one where the rights, safety, dignity and worth of every individual are respected. The following conduct endangers such an environment, and threatens the welfare of the MCU community as a whole:

- a. Conduct that negatively impacts safety or efficacy in the classroom.
- b. Physical conduct that endangers, threatens, or harms the health and safety of any person or behavior that causes a reasonable person to fear such contact.
- c. Harassment, as defined in this code, and further defined in the MCU Non-Discrimination policy <https://www.midwifery.edu/nondiscrimination-policy/>.
- d. Harassment, intimidation or threats to MCU faculty, staff, administration and/or board members.
- e. Harassment as defined by law, including sexual harassment.

## Sanctions

MCU utilizes an educational sanctioning model. Administrators will make every attempt to provide an educational sanction that will help a student to make better choices in the future. The educational sanction applied will become progressively more demanding if the student repeats violations, demonstrating that learning has not taken place. An accumulation of a variety of violations may result in severe sanctions such as suspension, expulsion, or negative notation on a transcript. Additionally, a singular violation deemed egregious by the Student Conduct Committee, and where allowing the accused student to continue will do undue harm to the MCU community or educational structure, may result in immediate severity, including suspension and expulsion. Academic dishonesty and violations affecting health, safety, and well-being are deemed most severe and may result, upon the first violation, in a negative notation being placed on a transcript, suspension, or expulsion. Failure to act upon an issued sanction will be handled according to the processes detailed herein. Forms of sanction are as follows:

- A. **Written Reprimand:** An official written notice to the student that conduct is in violation of the Student Code of Conduct and is inconsistent with MCU standards and expectations, and that future violations of the Student Code of Conduct may result in the imposition of more serious sanctions.
- B. **Restitution or Reimbursement:** Assessments of financial charges and/or other forms or recompense for any damage or loss incurred by MCU or any member of the MCU community.
- C. **Educational Activity:** The student is required to complete a project or activity designed to help the student understand the implications of a given inappropriate behavior, and encourage future compliance with the Student Code of Conduct. The educational activity is designed to correspond to the severity and nature of the violation and to clarify the impact of that behavior on members of the MCU and/or larger midwifery community. Educational activities may include, but are not limited to, assessments of behaviors, community service, workshops, papers, or similar arrangements as identified by the Student Conduct Review Committee.

- D. **Suspended Sanction:** The execution of any sanction authorized under the Student Code of Conduct may be suspended.
- a. When suspending a sanction, a time limit for the suspension period shall be designated, and subsequent violations of the Student Code of Conduct that will terminate the suspension and result in the imposition of the original sanction shall be specified. In the absence of any such violation, the original sanction shall be deemed completed at the end of the suspension period.
- E. **Grade Penalty:** A student admitting academic misconduct or found responsible for academic misconduct is subject to a grade penalty as determined by the instructor in the course in which the violation occurred.
- F. **Disciplinary Probation:** A period of probation may be imposed during which any violations of the Student Code of Conduct will result in more serious sanctions than might otherwise be imposed. A student on probation may or may not lose designated privileges during the period of probation. During the time on probation, a student may, by demonstrating good conduct, avoid additional sanctions.
- G. **Negative Notation on Transcript:** Entry of the fact of violation on the student's permanent academic record as the sole or an additional sanction may be imposed at the discretion of the Student Conduct Committee or President.
- H. **Revocation of Degree:** An academic degree previously awarded by MCU may be revoked if it was obtained by fraud or a significant part of the work submitted in fulfillment of, and indispensable to, the requirements for such degree constitute plagiarism. The Committee and/or President may upon appeal of an MCU graduate subjected to degree revocation, stipulate the requirements for obtaining a degree.
- I. **Suspension:** Student status is severed for a specified period. A student who has been suspended from MCU shall not be permitted to participate in MCU classes or activities during the period the student is suspended.
- J. **Expulsion:** Student status is permanently severed. A student who has been expelled from MCU shall not be permitted to participate in any MCU sponsored activity nor allowed to re-enroll.

## Student and Complainant Rights

Procedural fairness is basic to the proper enforcement of all MCU regulations. Accordingly, no disciplinary action shall be initiated or sanction imposed against a student until they have been notified in writing of the complaints against them and their rights under this Code, and given the opportunity to be heard via a written and if the student wishes, verbal statement. Verbal conversations will be recorded with expressed permission by all involved. Complainants shall also be accorded certain accommodations, as provided below.

- A. Regulations and disciplinary sanctions affecting the conduct of all students shall be based on general principles of equitable treatment.
- B. The Student Conduct Committee shall ensure that the best interests of students are served, regardless of whether disciplinary action is taken, by making full use of MCU services, or if necessary by making referrals to community and expert resources.
- C. The MCU Student Council or student representative(s) shall have an opportunity to participate in the formulation of all regulations and policies pertaining to the Student Code of Conduct at MCU.
- D. All MCU policies pertaining to student discipline shall be published, distributed, or posted in such a manner as to furnish adequate notice of their contents to students.
- E. Students accused of violations of the Student Code of Conduct can expect the following procedural protections:
  - a. To be informed in writing of the complaint and alleged misconduct upon which the complaint is based.
  - b. To present a written and, if the student wishes, verbal statement for the MCU Official presenting the violation to the student. Verbal conversations will be recorded with expressed permission by all involved.
  - c. To be allowed reasonable time to prepare their statement.
  - d. To be informed of the information upon which a complaint is based and accorded an opportunity to offer a relevant response.
  - e. To propose relevant witnesses.
  - f. To be assured of confidentiality, in accordance with the terms of the federal Family Educational Rights and Privacy Act (FERPA).
  - g. To request that any person conducting a disciplinary conference be disqualified on the grounds of a conflict of interest:
    - i. If a student feels a conflict of interest exists as defined above, a written request explaining the perceived conflict must be submitted to the President, Academic or Graduate Dean for consideration within seven (7) business days of the written notification from the President. The President will notify the student within five (5) business days with the new make-up of the Committee, or why the request was denied.

- h. To be considered not responsible for the alleged conduct until proven by a preponderance of information.
  - i. To have an advocate for the Student Conduct review process, as defined by this code, present during any interviews or conduct proceedings.
  - j. Right of Appeal.
  - k. Decisions made by a *Student Conduct Panel* shall not be final until the appeal processes have been exhausted, waived, or time has expired.
- F. A complainant can expect the following procedural accommodations:
- a. To be allowed reasonable time to prepare a statement for the President and/or Student Conduct Committee.
  - b. To be accorded the opportunity to offer a relevant response to any assertions made.
  - c. To propose relevant witnesses to the Committee.
  - d. To be assured of confidentiality in accordance with the terms of federal FERPA laws.
  - e. To request that any person conducting a disciplinary conference be disqualified on the grounds of a conflict of interest as defined above.
    - i. If a complainant feels a conflict of interest exists as defined above, a written request explaining the perceived conflict must be submitted to the President, Academic or Graduate Dean for consideration within seven (7) business days. The President will respond within five (5) business days with the new make-up of the Committee, or why the request was denied.
  - f. To be protected against retaliation for filing a complaint.
  - g. To have their House Mother, or other MCU representative of their choice participate in the Committee provided that the other representative's schedule does not unreasonably delay the conference.
- G. In cases where the President concludes that a student accused of any offense under the Student Code of Conduct lacks the psychological capacity to respond to the complaint, the President shall stay the review until such time that the President concludes that the student may adequately respond. If the student has been accused of Academic Misconduct, no academic sanction may be imposed during a stay granted pursuant to this section, but the course in which the complaint of Academic Misconduct arose shall be assigned a grade of "I" until the disciplinary proceeding has been completed.
- H. No sanctions shall be imposed against a student who acknowledges engaging in the specific conduct alleged and who submits a written statement from a licensed care provider stating that, as a result of psychological disorder at the time of the offense, the student did not appreciate the wrongfulness of the conduct or could not conform their behavior to the requirements of the code. The student may submit any other supplemental information pertinent to their medical condition to the President. If based upon all information received, the President decides that the conduct of the student resulted from psychological disorder, the President will decide upon the most appropriate course of action.

## Academic Misconduct Procedures

This section of the code describes the process between the student suspected of misconduct and the MCU faculty member before the case is referred to the President or a full Student Conduct Review Committee is convened. When a faculty member suspects academic misconduct, the following processes are engaged.

- A. Faculty member reaches out to Academic or Graduate Dean to determine if this is a first-time violation or a pattern. If the academic misconduct occurs in a course the Academic or Graduate Dean teaches, they will contact the President.
- B. The Academic or Graduate Dean will help the faculty member determine the range of possible sanctions that the faculty member can impose directly, or if this is an issue that should be referred to the President as a formal complaint of Violation of the Student Conduct Code. No sanctions will be imposed before a student has the opportunity to explain the situation.
  - a. Appropriate sanctions may include but are not limited to:
    - i. Penalty on assignment
    - ii. Penalty for the course
    - iii. Failing grade in course
    - iv. No grade replacement on transcript
- C. If this is a pattern of behavior or if the alleged violation represents a particularly egregious violation, the Academic or Graduate Dean within five (5) business days will request the President convene a full Student Conduct Committee review.
- D. If it is the first incident of misconduct the faculty will promptly notify the student of the incident:
  - a. The instructor will contact and inform the student that they have evidence of academic misconduct and request a meeting with the student (SEE Academic Misconduct Report Form AMRF). The faculty member will state that the issue will not be discussed via email or text and offer available times to meet with the student. Meeting via webcam is strongly encouraged.
  - b. The instructor will allow the student to review the evidence during the conference and to offer a written and if the student wishes, verbal explanation. Verbal conversations will be recorded with expressed permission by all involved.
- E. After the conference between faculty and student, if a preponderance of evidence suggests that academic misconduct has occurred, the instructor will complete the Instructor Recommendation section of the AMRF and explain the sanctions to the student.
  - a. After the conference, the student will have three (3) business days to review and submit the student portion of the AMRF.
  - b. The student can request that the violation not be reported to outside agencies who may request conduct history of the Academic Dean. This is not an option for graduate students.



- c. This request will be placed in the student file, along with the Dean's recommendation regarding the request and will be reviewed should approved inquiries be made. It is the sole discretion of the Academic Dean if this information be disclosed.
- F. The student will be asked to review, and initial each line of the Student Acknowledgement box on page two when they are satisfied with their level of understanding:
  - a. The student has the option to disagree with the findings, and can submit an Academic Misconduct Appeals Form.
  - b. The student has the option to refuse to sign the documents:
    - i. If a student refuses to sign or disagrees with the findings presented by the instructor, the student has fifteen (15) business days to complete the Academic Misconduct Appeals Form and submit completed form and an explanation justifying the specific appeal.
    - ii. Appeals will be reviewed and considered by the instructor and Academic or Graduate Dean in collaboration.
      - a. If the appeal is accepted, the justification will be detailed on the Academic Misconduct Appeals Form and the appropriate adjustments will be made to the student's file within ten (10) business days of receipt of Academic Misconduct Appeal Form.
      - b. If the appeal is denied, the justification will be detailed on the Academic Misconduct Appeal Form within ten (10) business days of receipt of the Academic Misconduct Appeal Form and the student can accept the sanctions, or re-submit the appeal with the Dean and faculty justification within five (5) business days of the denial to the President.
    - iii. The President or President's designee will determine if the appeal has merit or if the sanction will stand within fifteen (15) calendar days of receipt.
    - iv. If the President determines the sanction stands, the student may *request* that a full Committee review the incident within three (3) business days of receipt of the President's decision. The formation of the full Committee is at the discretion of the President and may deny this request with justification within three (3) business days of student request.
    - v. If the President determines the sanction should be removed or altered, full justification will be noted on the Academic Misconduct Appeal Form within fifteen (15) business days of receipt of appeal.
    - vi. All forms and accompanying documents will be placed in both the student's and faculty member's file.
    - vii. If the sanction is voided completely, the files will be deleted in one year.
- G. Included in the AMRF will be a clear description of the sanctions and the timeline required of the student.
- H. Copies of the complete AMRF and the procedure pages are given to the student via email or mail.

- a. If the incident occurs at the end of term, faculty may want to assign an incomplete grade to permit time for students to provide an explanation for the reporting process to be complete.
  - b. In order to assign a failing grade as a penalty, the student must be provided with an opportunity to review the incident with the Academic or Graduate Dean.
- I. Faculty member will submit all copies of the AMRF and all accompanying evidence to the Academic or Graduate Dean for the student's file.
- J. The Academic or Graduate Dean will review, note recommendations and sign the AMRF.
- K. Regardless of the method of resolution, MCU officials, including faculty members are required to file a AMRF and submit it to the Academic or Graduate Dean, Director of Student Life and Leadership and Faculty Director. These reports shall be treated as confidential and maintained consistent with FERPA.
- L. Copies of all forms and accompanying documentation will be placed in both the student and faculty member's file.
- M. In particularly egregious instances of academic misconduct, a faculty member or Academic or Graduate Dean can request a full review from the Student Conduct Committee. See Complaints of Student Conduct Code Violation.
- N. Withdrawing from a course:
  - a. If a student's academic misconduct in a course results in an academic sanction, the student will not be permitted to drop or withdraw from the course.
  - b. If a student's academic misconduct does not result in an academic sanction, the student may withdraw from the course at the later of:
    - i. Expiration of the withdrawal deadline for the course.
    - ii. Five (5) business days after the student receives notification of the decision or termination of the Student Code of Conduct proceedings without sanction.

## Student Conduct Committee Procedures

This section of the code describes the process the Student Conduct Committee adheres to following an alleged violation of the code.

- A. **Complaint.** Any member of the MCU community, MEAC-accredited institution, maternal health professional or member of the public may file a complaint against a student (or non-enrolled student as defined in this code) for a violation of the Student Code of Conduct. A complaint shall be prepared in writing and directed to the President and related MCU officials such as Academic Dean, Graduate Dean, Clinical Director, or Faculty Director, Director of Student Life and Leadership, depending on the nature of the complaint. Any complaint should be submitted as soon as possible after the alleged violation takes place, preferably within one year. Jurisdiction is determined pursuant to Jurisdiction section of this code. The longer one waits to file a complaint the less information is likely to be available for the hearing, therefore it is important to file a complaint as soon as possible. Once a complaint has been submitted, MCU has thirty (30) days to send written notice to the accused of the complaint, unless for good cause an extension of up to 4 months is provided in writing by the President.
- B. The President has full authority to determine whether a violation of the Student Code of Conduct has been violated and to issue sanctions, especially for what they consider to be minor infractions. **They will convene a full Committee review in the case of multiple violations, repeated violations, or particularly egregious violations of the Student Code of Conduct.**
- C. **Notice.** Upon receiving a complaint or notice that a student may have violated the Student Code of Conduct, the President, shall serve a written notice to the student by electronic mail, detailing:
  - a. The alleged Code violation.
  - b. The opportunity for the student to meet with the President or the President's designee for purposes of discussing the options for disposition of the case.
  - c. The student's right to assistance. A student may represent their own interests or may be assisted by someone including, but not limited to one of the following representatives (see Student's Rights Section):
    - i. Student's House Mother
    - ii. Another student
    - iii. A member of the faculty or administration
    - iv. An attorney
- D. The requirement to respond within seven (7) business days to arrange a meeting with the President. The President will proceed as provided below if the student does not arrange to meet or fails to meet with the hearing officer as arranged.
- E. **Response.** If after receiving notice, pursuant to this rule, the Student does not arrange to meet with the President within seven (7) business days or the student arranges to meet with the President but does not attend such a meeting, the President may encourage the

Student Conduct Committee to take any of the actions specified in this code for disposition of the case without consultation with or agreement by the student.

- F. Student has three (3) business days after the meeting with the President to submit a written statement for consideration by the Student Conduct Committee.
- G. The Committee will have twenty (20) business days to review all submitted evidence and to decide if the student is responsible for misconduct. If the student is found responsible, the committee will issue sanctions appropriate to the violation. Responsibility and sanction are ideally developed through consensus, though a majority vote of the committee can be used should consensus not be possible.
- H. The student will be notified of the findings of the Student Conduct Committee along with any sanctions and applicable timelines for completion as well as the process for appealing the decision.
- I. A status update on the case shall be sent to the member of the College community who filed the complaint at the closure of the case.
- J. Student conduct proceedings shall be informal in nature and need not comply with formal processes associated with criminal and civil courts.

### Appeals and Appeals Board Composition

MCU Appeals Board is the final appeals body at MCU. The appeals board shall be responsible for reviewing substantive or procedural appeals upon written appeal from the student.

- A. A decision reached through a Student Conduct Committee review may be appealed by the accused student or complainant(s) within fifteen (15) business days of the decision. Such appeals shall be in writing, state the basis for the appeal, and should be submitted as an email attachment to the President.
  - a. An accused student who does not attend the initial conference with the President may appeal only to show with direct information that the accused student did not receive notice of the conference.
  - b. A complainant(s) who fails to attend any requested meetings, or fails to present information in a format approved by the President, Academic Dean or Graduate Dean may appeal only to show direct information that the Complainant did not receive notice of such request.
- B. Except as the President determines necessary to explain the basis of new information, an appeal is limited to a review of the verbatim record and supporting documents.
  - a. To determine if the review was conducted fairly in light of the complaint made and information presented and in conformity with procedures required in this code, giving the complainant a reasonable opportunity to present information, and giving the accused student reasonable notice and an opportunity to prepare and to respond to the allegations.

- b. Minor deviation(s) from procedures required by this Code will not be a basis for sustaining an appeal unless significant prejudice results as determined by an advocate for the process.
  - c. To determine whether the decision reached regarding the accused student was based on substantial information; that is, whether there were facts that, if believed by the President or President's designee, were sufficient to establish that a violation of the Code occurred.
  - d. To determine whether the sanction(s) imposed were commensurate with violation.
  - e. To consider new information sufficient to alter a decision or other relevant facts not brought out in the original hearing only if such information or facts were not known to the person appealing at the time of review.
- D. No decision may be overruled by the appeals board except through an affirmative vote of a majority of the appeals board members. If the appeals board overrules a decision in whole or in part, it may:
- a. Modify the decision or sanction.
  - b. Remand for further proceeding.
- E. An appeals board is called by the President and consists of four (4) MCU community members and may include Staff, Administration, Faculty and Field Faculty members, and one (1) non-MCU community member with significant expertise in midwifery, health care and/or higher education, or another expert deemed appropriate by the President. An accused student may request to have an MCU student serve on the appeal board, but appointment of a student is at the President's discretion.

### Imposition of Sanctions and Adjudication of Contempt and Failure to Complete Assigned Sanctions

This section of the code designates who has authority to impose a sanction, and outlines the responsibility of the student regarding the sanction(s).

- A. An MCU official or Committee that determines that an accused student violated the Student Code of Conduct may impose sanctions authorized by this Code unless otherwise expressly limited. Sanctions are subject to appeal pursuant to this code.
- B. An MCU official responsible for making a determination if a student has violated this Code may declare a student participant in contempt of adjudicative proceedings pursuant to this code and impose sanctions without complying with the procedures otherwise required in this Code.
- C. Failure to complete assigned sanctions:
  - a. A student who is found responsible for a Student Code of Conduct Violation and who receives a sanction will be informed in writing by the President, Academic Dean, Graduate Dean, or Clinical Director of the consequences for failing to complete or submit to the sanction as part of the letter of notification sent to the student.

- b. If a student fails to complete or fails to abide by the terms of the disciplinary sanction by the assigned deadline, the Academic Dean, Graduate Dean, or Clinical Director will issue the student a letter that states:
  - i. The student has five (5) business days after the assigned deadline to provide verification to whomever issued to letter of notification that the assigned sanction has been completed or the student's ability. Failure to respond will result in the student's academic ability to add or drop classes being placed on hold.
  - ii. Once the student's account is on hold, the hold will not be removed until the Academic Dean, Graduate Dean, or Clinical Director has received verification that the student has completed the sanction, and
  - iii. The student is responsible for ensuring the Academic Dean, Graduate Dean, or Clinical Director receives verification of completion of the sanction.
- c. The hold will be removed immediately once the student provides verification of completion of the sanction.
- d. A student who is unable to add/drop classes because the student has not completed a sanction may seek a waiver from the Academic Dean, Graduate Dean, or Clinical Director. The Academic Dean, Graduate Dean, or Clinical Director may grant a waiver allowing the student to add/drop classes, provided the student agrees the student's registration may be cancelled immediately and the hold reinstated if the student has not completed the sanction by a deadline set at the sole discretion of the Academic Dean, Graduate Dean, or Clinical Director.

## Emergency Action

This section of the code describes the rights of the President, Academic Dean, Graduate Dean, or Clinical Director to take emergency action regarding the accused student when it is necessary to secure the health or safety of any persons.

- A. The President Academic Dean, Graduate Dean or Clinical Director or their designee may take emergency action regarding a student when immediately necessary to secure the health or safety of any persons and there is an alleged violation of the Student Code of Conduct.
- B. Emergency action includes, but is not limited to:
  - a. Immediate withdrawal from MCU.
  - b. Restrictions on student presence within student class conferences or discussions, or MCU sponsored activities.
  - c. Placing a hold on a student's record that will prevent registration or from obtaining an official copy of the student's transcript.
- C. The MCU official instating the emergency action may request that the student secure a medical and psychological evaluation at the student's own expense. The evaluation may be used to determine the appropriateness of withdrawing the emergency action.

- D. When the emergency action takes place, the MCU official instating the emergency action will:
  - a. Inform the student and complainant, if applicable, of the reason for the emergency action in writing and by phone, if possible.
  - b. Inform the student and complainant, if applicable, that a preliminary hearing will take place according to the procedures in this section and that the student will be informed of its time, place and date.
  - c. Inform the student and complainant, if applicable, of the possible restrictions that may be imposed prior to a Student Conduct Committee.
- E. The preliminary hearing shall take place within two (2) business days of the emergency action. At this hearing, the student shall have a full opportunity to demonstrate to the MCU official that emergency action is not necessary pursuant to paragraph one of this section. An advocate of the process will be present at all emergency action hearings. The MCU official will also consult with the complainant, if applicable, who may also be represented by a student advocate or other counsel during any consultation.
  - a. Based on the reasonable evaluation of the information presented at the preliminary hearing, the MCU official shall notify the student within 24 hours the decision to:
    - i. Dissolve the emergency action and take no further action.
    - ii. Dissolve the emergency action but proceed to a Student Conduct Committee review.
    - iii. Sustain or modify the emergency action until such time as a resolution is reached following a Student Conduct Committee review.
- F. An emergency action shall be reviewed by the President at request of the student no sooner than the next working day after the preliminary hearing. The review shall provide an opportunity for the student to explain why an emergency action no longer need be imposed. Subsequent review of the same emergency action may be requested no more frequently than every ten (10) days.

## Record Keeping

- A. Administrative policies: this section of the code designates who is control of the conduct process and how the code and cases are administered.
  - a. Disciplinary records and files. Case referrals will be placed in Conduct files within the student’s permanent file and be logged in an Incident Report. If the student is not found responsible for the complaints, the disciplinary file will become void and noted on the Incident Report.
    - i. Voided files will be so marked and shall not result in a disciplinary record.
    - ii. Voided files will normally be destroyed after one year. When a student files a conduct complaint against another student, a file shall be created for both students.
    - iii. Disciplinary records may be voided by the President, Academic Dean or Graduate Dean for good cause, upon written petition from the student. Factors to be considered in review of such petitions shall include:
      - a. The conduct of the student subsequent to the violation; and
      - b. The nature of the violation and the severity of any damage, injury or harm resulting from it.
- C. Student conduct reports
  - a. The Student Conduct Committee will submit a report of each student conduct case with which it has dealt to the President, who will review reports and recommendations for consistency with existing policy.

### Adapted from

American Bar Association. (2005). *Model standards of conduct for mediators*. Retrieved from <http://www.mediate.com/pdf/ModelStandardsofConductforMediatorsfinal05.pdf>

Oregon State University. (n.d.). *Student conduct code*. Retrieved from [http://leadership.oregonstate.edu/sites/leadership.oregonstate.edu/files/policies/student\\_conduct\\_2-25-15\\_576-15.pdf](http://leadership.oregonstate.edu/sites/leadership.oregonstate.edu/files/policies/student_conduct_2-25-15_576-15.pdf)

Salt Lake Community College. (n.d.). [http://www.slcc.edu/policies/docs/Student Code of Conduct.pdf](http://www.slcc.edu/policies/docs/Student_Code_of_Conduct.pdf)