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MIDWIVES COLLEGE  
OF UTAH

MIDWIFING MIDWIVES

# MCU Code of Conduct

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MCU's Code of Conduct is grounded in MCU's mission of providing an educational structure and an integrated learning environment for individuals to become midwives of technical expertise, professional excellence, and personal greatness. The Code clarifies standards of conduct and articulates procedures and sanctions for conduct violations. It is designed to maintain and protect a respectful educational environment. The Code of Conduct preserves and protects the environments and freedoms needed to teach and learn. When the Code is violated, our goal is to provide restorative practices to transform behavior while sustaining strict academic standards and the rights, safety, dignity, and worth of every individual. The 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 to positively impact the entire profession of midwifery.

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## **Contents**

|  |           |
|--|-----------|
| <b>Institutional Mission, Culture, and Objective of MCU Code of Conduct</b>                            | <b>2</b>  |
| <b>MCU Code of Conduct</b>   | <b>3</b>  |
| <b>Community Rules of Caring</b>   | <b>3</b>  |
| <b>Code of Conduct Violations</b>  | <b>4</b>  |
| <b>Conduct Committee Procedures</b>  | <b>5</b>  |
| <b>Sanctions</b>   | <b>8</b>  |
| <b>Appeals and Appeals Board Composition</b>   | <b>10</b> |
| <b>Imposition of Sanctions and Adjudication of Contempt and Failure to Complete Assigned Sanctions</b> | <b>11</b> |
| <b>Emergency Action</b>  | <b>12</b> |
| <b>Record Keeping</b>  | <b>13</b> |
| <b>Delegations and Authority</b>   | <b>14</b> |
| <b>Jurisdiction</b>  | <b>15</b> |
| <b>Respondent and Complainant Rights</b>   | <b>17</b> |
| <b>Definitions</b>   | <b>19</b> |

# MCU Code of Conduct

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## Institutional Mission, Culture, and Objective of MCU 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 recognizes the possibilities of their character and through self-actualization realizes and develops their potential, and values 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. MCU Code of Conduct is Objective & Rationale**

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 tension. 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 midwifing one another by modeling MCU's Community Rules of Caring and teaching dialogue, conflict resolution, and restorative practices.

## MCU Code of Conduct

As a community of scholars and midwives, the Midwives College of Utah affirms its commitment to the [elimination of discrimination](#) and the provision of equal opportunity for all. A key objective of the Midwives College of Utah is the creation and maintenance of a positive atmosphere of nondiscrimination in every phase and activity of College operations. Acts of discrimination, harassment, and insensitivity hurt and degrade all community members, whether target, perpetrator, or observer. Every member of the College community is expected to take responsibility for creating and maintaining a climate free of discrimination and harassment in keeping with MCU Code of Conduct and Community Rules of Caring.

### Community Rules of Caring

The Midwives College of Utah strives for an intentional community by investing in life-giving, life-affirming, and life-sustaining relationships. We recognize that a strong community is grown through conscious interaction with others and a commitment to the growth, development, and well-being of every other member of our community. Ongoing critical self-reflection of our attitudes, behaviors, and values facilitates the organic growth of a thriving community.

1. When I bring forward a challenge, weakness, or problem, I will do my best to offer a solution and be willing to explore various ways to solve the problem.
2. In written and spoken communication, I agree to: a. engage respectfully, b. check my assumptions by asking questions, and c. speak for me (speak as “I” not “we”).
3. I honor differences as a community strength.
4. I will listen to and believe the lived experience of those who have historically experienced marginalization and/or oppression because of their race, immigrant status, income, disability, sexual orientation, gender identity, family structure, and/or religion.
5. I remain curious about the lived experience behind our differences. I seek to hear and understand the message behind the words that are spoken.
6. I take personal responsibility for my words, actions, and inactions; I seek to understand their impact even when that differs from my intent.
7. I commit to actively cultivating an awareness of impact vs intent. When my action has a negative impact as determined by the person harmed, I will practice accountability. I will reflect on my action, constructively apologize, seek to repair the relationship by asking what the other needs, and enact behavior change that reflects those needs.
8. I commit to pursuing awareness of how my implicit biases and assumptions impact others and to resist those biases whenever possible.
9. I recognize that safety and comfort are two different things; I will lean into the discomfort that will occur during our anti-oppression work together.

10. I agree to do my own personal work to educate myself about social justice and equity issues. I commit to not burdening individuals from historically oppressed and marginalized communities by asking them to educate me about their cultural and identity experiences. MCU offers education, resources, and support for this work and encourages our community to access these resources.
11. I will cultivate and practice “space awareness” by being conscious of who is in the physical or virtual room and experiencing the impact of my words and actions.
12. I commit to the models of Outward Mindset and Crucial Conversations for navigating conversations and interpersonal relationships. I will not weaponize the community rules of caring for my own gain and comfort.

## **Code of Conduct Violations**

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

### **A. Standards relative to respect for property and shared MCU resources**

The following conduct violates the standards of academic integrity

- 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.

### **B. 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 (recognizing that people are situated differently, power differences, social positioning, role positioning, people from groups that have historically been disenfranchised, marginalized, and oppressed). The following conduct endangers such an environment. The following conduct is counterproductive to teaching, learning, harmful to fostering an inclusive environment, and threatens the welfare of the MCU community as a whole\*:

- a. Conduct that negatively impacts physical/emotional safety or efficacy in the MCU community spaces.
- 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. Engaging in hate speech, defined as speech that is intended to offend, insult, intimidate, or threaten an individual or group based on a trait or attribute, such as sexual orientation, religion, color, gender, gender identity, or disability.

(<https://legaldictionary.net/hate-speech/>)

- d. Harassment, as defined in this code, and further defined in the [MCU Non-Discrimination policy](#) including but not limited to sexual harassment.
- e. Harassment, intimidation or threats to MCU students, faculty, staff, administration and/or board members.

\*Federal law guides MCU's Title VI and Title IX processes. Please visit the "Health and Safety" section on MCU's website to learn more about the types of discrimination covered by these laws. A Code of Conduct violation may be elevated to a Title VI or Title IX review if the Director of JEDO determines it meets the threshold outlined therein. The Title VI or Title IX Coordinator may determine it does not meet the threshold and will revert back to Code of Conduct review.

### **C. Standards Relative to Academic, Personal and Professional Integrity**

(Use the Academic Misconduct Reporting Procedure found in the AMRF reporting form in the files section of Populi)

The following conduct violates the standards of academic integrity:

#### **Cheating**

- a. Fabrication
- b. Plagiarism
- c. Copyright infringement
- d. Academic misconduct
- e. Misrepresentation
- f. Intentionally furnishing false information to an MCU official or authorized representative.
- g. Forgery, alteration, or unauthorized use of MCU documents, records, student identification or services.
- h. Failure to comply with the terms of any sanction imposed in accordance with the Code of Conduct.
- i. 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.

### **Conduct Committee Procedures**

This section of the code describes the process the Conduct Committee adheres to following an alleged violation of the code. Conduct proceedings shall be informal in nature and need not comply with formal processes associated with criminal and civil courts.

- A. **Filing.** Any member of the MCU community, MEAC-accredited institution, perinatal health professional or member of the public may file a complaint against a student, staff, preceptor, or faculty member (or non-enrolled student as defined in this code) for a violation of the

MCU Code of Conduct or the Code of Conduct. A complaint shall be completed using the MCU Concerns and Resolutions form accessible from the SIS and on the MCU website. Any complaint should be submitted as soon as possible after the alleged violation takes place, preferably within one year. See the Jurisdiction section of this policy to review the authority held by this policy. The longer one waits to file a complaint the less information is likely to be available for the hearing and the less likely the complaint will be upheld. 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 Director of JEDO.

- B. **Initial Review.** The Director of JEDO has full authority to determine whether the Code of Conduct has been violated and to issue sanctions for minor infractions. The Director of JEDO will convene a full Committee review in the case of multiple violations, repeated violations, or particularly egregious violations of the MCU Code of Conduct. If the Director of JEDO is named in the conduct violation or has a conflict of interest, another member of Sr. Leadership will be assigned to act in the director's stead.
- C. **Conduct Committee.** The Director of JEDO will appoint a Conduct Committee chaired by the Compliance Coordinator and at least two other members according to the conduct violation and appropriate area of jurisdiction/expertise for each Committee member. When appropriate, one of the three members shall be a neutral party who is not employed by MCU and has expertise in midwifery, health care and/or higher education, or another expert deemed appropriate by the Compliance Coordinator. The Committee will conduct all proceedings according to FERPA guidelines, and, in order to carry out their duties, the members of the Committee will have an educational need to know.
- D. **Notice.** Upon receiving a notice that a respondent may have violated the MCU Code of Conduct, the Director of JEDO shall serve a written notice to the respondent by email detailing:
  - a. The alleged Code violation.
  - b. The opportunity for the respondent to meet with the Director of JEDO or the Director's designee for purposes of discussing the options for disposition of the case.
  - c. The respondents' right to assistance. A respondent may represent their own interests or may be assisted by someone including, but not limited to one of the following representatives (see Respondent Rights Section):
    - i. Student's house mentor
    - ii. A student
    - iii. A member of the faculty or administration
    - iv. A fellow preceptor
    - v. An attorney
- E. **Response.** The respondent is required to arrange a meeting within seven (7) business days with the Director of JEDO to discuss the options for disposition of the case and to provide documentation of the incident from their perspective. The Director of JEDO will proceed as

provided below if the respondent does not arrange to meet or fails to meet with the hearing officer as arranged.

- a. If after receiving notice, pursuant to this rule, the respondent does not arrange to meet with the Director of JEDO within seven (7) business days or the respondent arranges to meet with the Director of JEDO but does not attend such a meeting, the Director of JEDO may encourage the Conduct Committee to take any of the actions specified in this code for disposition of the case without consultation with or agreement by the respondent.
  - b. Respondent has five(5) business days after the meeting with the Director of JEDO to submit a written statement for consideration by the Conduct Committee.
- F. **Investigation.** The Conduct Committee will have twenty (20) business days to review all submitted evidence and to decide if the respondent is responsible for misconduct. If the respondent 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. If a violation is not found, the Committee may not have further recommendations or a recommendation to MCU policy may be requested.
- a. For an egregious or repetitious policy violation, MCU may require the respondent to limit their interaction with other members of the MCU community during the investigation process. This may include, but is not limited to, temporary suspension of or employment, temporary suspension of or termination of MCU-approved preceptor status, or requiring a student to complete a time out and enroll in SOSC 100 or having a student utilize the recordings of live sessions as a way of interacting with class material. This step will be taken if there is concern regarding the potential for further harm.
- G. **Resolution.** The respondent will be notified of the findings of the Conduct Committee along with any sanctions and applicable timelines for completion as well as the process for appealing the decision.
- a. 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.



## Sanctions

MCU utilizes an educational sanctioning model. Administrators will make every attempt to provide an educational sanction that will help people to make better choices in the future. The educational sanction applied will become progressively more demanding if the respondent repeats violations, demonstrating that accountability and learning has not taken place. An accumulation of a variety of violations may result in severe sanctions such as suspension or expulsion. Additionally, a singular violation deemed egregious by the Conduct Committee, and where allowing the respondent to continue will cause 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. Additionally, MCU recognizes that for education sanctions to be effective, the respondent needs to be open to the process. Situations where the respondent is unwilling to engage in the educational sanction model, may result in suspension or expulsion. Failure to act upon an issued sanction will be handled according to the processes detailed herein.

Anyone in violation will receive an official written notice that conduct is in violation of the Code of Conduct and is inconsistent with MCU standards and expectations.

Possible sanctions may include, in any order:

- A. **Restitution or Reimbursement:** Assessments of financial charges and/or other forms or recompense for any physical damage or loss incurred by MCU or any member of the MCU community.
- B. **Educational Activity:** The respondent is required to complete a project or activity designed to help them understand the implications of a given inappropriate behavior, and encourage future compliance with the 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 Conduct Committee.
  - a. **Students:** If a student has a documented disability, an adjustment agreement for the educational activity may be requested. If a student is on an official Leave of Absence (LOA), the student will be given the opportunity to complete the educational activity upon return of the LOA.
- C. **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.

- D. **Disciplinary Probation:** A period of probation may be imposed during which any violations of the Code of Conduct will result in more serious sanctions than might otherwise be imposed. A respondent on probation may or may not lose designated privileges during the period of probation.
- E. **Negative Notation on Transcript:** If the student is expelled from MCU, this will be noted on the transcript.
- F. **Suspension:** Student status is severed for a specified period. A student who has been suspended from MCU could either not be permitted to participate in MCU classes or activities during the period the student is suspended or placed on a time out and be enrolled in SOSC 100.
- G. **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.
- H. **Termination of employment:** Employment status is permanently severed.
- I. **Termination of MCU-approval for preceptor:** MCU preceptor approval is permanently severed.
- J. **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 Director of JEDO may upon appeal of an MCU graduate subjected to degree revocation, stipulate the requirements for obtaining a degree.

The execution of any sanction authorized under the Code of Conduct may be temporarily suspended if:

- a. a respondent has a documented disability and requests an adjustment agreement.
- b. a student is on an official Leave of Absence
- c. a respondent is experiencing a medical condition (including a complicated pregnancy or acute mental health care), a death of immediate family member, divorce, loss of employment of primary provider(s), a long-term, documented, debilitating illness, military obligation, a religious pilgrimage or religious/service mission, jury duty, a family emergency, or other reasons which demonstrate undue hardship.

When suspending a sanction, a time limit for the suspension period shall be designated, and subsequent violations of the 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.

## 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 respondent.

- A. A decision reached through a Conduct Committee review may be appealed by the respondent 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 Director of JEDO.
  - a. A respondent who does not attend the initial conference with the Director of JEDO may appeal only to show with direct information that the accused person 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 Director of JEDO may appeal only to show direct information that the Complainant did not receive notice of such request.
- B. Except as the Director of JEDO 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 respondent 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 respondent was based on substantial information; that is, whether there were facts that, if believed by the Director of JEDO or the Director'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.
- A. 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.
- B. An appeals board is called by the Director of JEDO and consists of three (3) MCU community members and may include staff, administration, faculty and/or preceptors. An accused

student may request to have an MCU student serve on the appeal board, but appointment of a student is at the Director of JEDO'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 person regarding the sanction(s).

- A. An MCU official or Committee that determines that an accused person violated the 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 person has violated this Code may declare a 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 person who is found responsible for a Code of Conduct Violation and who receives a sanction will be informed in writing by the Director of JEDO or designee of the consequences for failing to complete or submit to the sanction as part of the letter of notification sent to the person.
  - b. If the sanctioned party fails to complete or fails to abide by the terms of the disciplinary sanction by the assigned deadline, the Director of JEDO or MCU official will issue the person a letter that states:
    - i. The respondent has five (5) business days after the assigned deadline to provide verification to whoever issued a letter of notification that the assigned sanction has been completed. Failure to respond will result in the student's academic ability to add or drop classes and possible removal from access to current courses. An employee or preceptor's failure to complete will result in a temporary leave of employment or approval.
    - ii. The access to courses, employment, or preceptor approval will not be restored until verification has been received that the student has completed the sanction. Courses will be accessible once the student provides verification of completion of the sanction.
    - iii. The respondent is responsible for ensuring that the Director of JEDO or designee receives verification of completion of the sanction.
- D. Failure to comply with sanctions for respondents may result in removal from MCU premises, both virtual and physical, and if appropriate can result in termination of employment or approval as an MCU preceptor.

## Emergency Action

This section of the code describes the rights of the Director of JEDO or to take emergency action regarding the accused when it is necessary to secure the health or safety of any person.

- A. The Director of JEDO or their designee may take emergency action regarding a respondent when immediately necessary to secure the health or safety of any persons and there is an alleged violation of the Code of Conduct.
- B. Emergency action includes, but is not limited to:
  - a. Immediate withdrawal from MCU.
  - b. Restrictions on respondent's presence within 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.
  - d. Temporary suspension of or termination of Employment
  - e. Temporary suspension of or termination of MCU-approved preceptor status
- C. The MCU official instating the emergency action may request that the respondent secure a medical and psychological evaluation at the respondents own expense. The evaluation may be used to determine the appropriateness of withdrawing the emergency action. When the emergency action takes place, the MCU official instating the emergency action will:
  - a. Inform the respondent and complainant, if applicable, of the reason for the emergency action in writing and by phone,
  - b. If possible. Inform the respondent and complainant, if applicable, that a preliminary hearing will take place according to the procedures in this section and that the respondent will be informed of its time, place and date.
  - c. Inform the respondent and complainant, if applicable, of the possible restrictions that may be imposed prior to a Conduct Committee.
- D. The preliminary hearing shall take place within two (2) business days of the emergency action. At this hearing, the respondent 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 an 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 respondent 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 Conduct Committee review.
    - iii. Sustain or modify the emergency action until such time as a resolution is reached following a Conduct Committee review.
- E. An emergency action shall be reviewed by the Director of JEDO at request of the respondent no sooner than the next working day after the preliminary hearing. The review shall provide an opportunity for the respondent to explain why an emergency action no longer needs be imposed. Subsequent review of the same emergency action may be requested no more frequently than every ten (10) days.

## Record Keeping

- A. All communication and corresponding documents regarding a violation will be kept in the Director of JEDO's or designee private Google drive and shared only with committee members while the investigation is underway. An Incident Report will be maintained throughout the investigation to track dates, timelines, responses, and final outcomes. If the respondent is not found responsible for the complaints, the Google file folder will become void and noted on the Incident Report.
- B. Once the investigation is complete, all documents will be stored in the student, or employee, or preceptor E-file (subfolder Conduct), labeled, and dated according to the Master Index. The Director of JEDO or designee is responsible to maintain process documents and determine which documents should be filed in the e-file. They may include but are not limited to:
  - a. Written narrative and available documentation of the allegation
  - b. Notification to respondent regarding violation
  - c. Notes of any investigative procedures that occur by Director of JEDO or Committee
  - d. Respondents narrative or notes from interview(s)
  - e. Committee meeting minutes and resolution
  - f. Notification to respondent regarding resolution including if applicable detailed sanctions, deadlines, and policy reference if sanctions are not met and any replies or further correspondence from the respondent
  - g. Status update to complainant that the personal conduct case has been reviewed and resolution determined
  - h. If it is determined that the alleged violation occurred, the record of the allegation, notification to respondent regarding violation, and the final resolution including sanctions must be filed in the student/faculty/preceptor/ or staff member's e-file (Conduct folder)
- C. If the incident involves a student and the student is found in violation, it will be documented in the on-line activity feed of the Student Information System by naming it "Personal Conduct Violation" and listing the date
  - a. A student can request a review of the e-file at graduation and if no repeat violation of a similar nature has occurred, the Director of JEDO can remove the record from the student's e-file.
- D. If the incident involves an MCU employee or preceptor, it will be documented in the employee or preceptor e-file and will be considered in performance reviews and position advancement.
- C. Conduct reports
  - a. The Conduct Committee will submit a report of each conduct case with which it has dealt with the Director of JEDO, who will review reports and recommendations for consistency with existing policy.

## Delegations and Authority

- A. The Sr. Leadership in collaboration with appropriate Directors shall develop and conduct on-going review of policies and procedures for the administration of the Code of Conduct that are consistent with the provisions of the Code of Conduct.
- B. The MCU Student Council, Journey Team, or student representative(s) shall review and recommend changes to the Code of Conduct and its related policies and procedures.
- C. With the consent of the Director of JEDO, other administrators or ad-hoc committees may review, amend, or contribute to the Code of Conduct and related policies and procedures.
- D. A Conduct Committee will be appointed by the Director of JEDO and chaired by the Compliance Coordinator upon each complaint of Code of Conduct violation when there is a pattern of behaviors, multiple alleged violations of the 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 Director of JEDO.
  - c. If the Director of JEDO feels that they personally have a conflict of interest in a given situation, another member of Sr. Leadership will act as the MCU official.
- E. Conduct Committee proceedings and disciplinary sanctions shall be submitted to the Director of JEDO in writing for review. The Director of JEDO or designee will communicate the findings of the Committee and enact agreed upon disciplinary sanctions to the respondent and/or respondents involved in the violation.

## Jurisdiction

- A. The Code of Conduct applies to actions by students, MCU employees, and MCU-approved preceptors 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 Code of Conduct routinely applies to action which occurs within the virtual MCU context or MCU sponsored activities.
  - b. The 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 Code of Conduct if the conduct had occurred in settings described in jurisdictional boundaries a. and b. (above) and:
  - a. Adversely and significantly affects the learning environment or members of the MCU community.
  - b. Involved violence or produced a reasonable fear of physical harm.
  - c. Involved academic work or any records, documents, or identifications of MCU.
  - d. Damaged the reputation, processes, or structure of MCU.
- D. 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 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).
- E. 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.
- F. 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.



- G. MCU has jurisdiction to address all conduct that would have violated the terms of the Code of Conduct during the time period of enrollment, employment, or preceptor approval even if the conduct is not discovered until after the term of enrollment, employment, or approval.
- H. MCU community members may be accountable both to civil and criminal authorities and to MCU for behavior that constitute violations of the scope of the student-CPM or preceptor as outlined in the Clinical Standards of Professional Behavior of the Clinical Handbook and the MCU 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 Code of Conduct while criminal charges are pending, before they are filed, or after they are resolved.

## Respondent 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 respondent 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 respondent 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 respondents shall be based on general principles of equitable treatment.
- B. The Conduct Committee shall ensure that the best interests of respondents 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 Code of Conduct at MCU.
- D. All MCU policies pertaining to discipline shall be published, distributed, or posted in such a manner as to furnish adequate notice of their contents to people.
- E. People accused of violations of the 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 respondent wishes, verbal statement for the MCU Official presenting the violation to the respondent. 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 respondent feels a conflict of interest exists as defined above, a written request explaining the perceived conflict must be submitted to the Director of JEDO for consideration within seven (7) business days of the written notification from the Director of JEDO. The Director of JEDO will notify the respondent 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 Code of Conduct review process, as defined by this code, present during any interviews or conduct proceedings.
  - j. Right of Appeal.
  - k. Decisions made by a Conduct Panel shall not be final until the appeal processes have been exhausted, waived, or the time has expired.
- F. A complainant can expect the following procedural accommodations:
- a. To be allowed reasonable time to prepare a statement for the Director of JEDO and/or 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 Director of JEDO or designee for consideration within seven (7) business days. The Director of JEDO 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 mentor 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 Director of JEDO concludes that a respondent accused of any offense under the Code of Conduct lacks the psychological capacity to respond to the complaint, the Director of JEDO shall stay the review until such time that the Director of JEDO concludes that the person may adequately respond. If a 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 respondent 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 respondent did not appreciate the wrongfulness of the conduct or could not conform their behavior to the requirements of the code. The respondent may submit any other supplemental information pertinent to their medical condition to the Director of JEDO. If based upon all information received, the Director of JEDO decides that the conduct of the respondent resulted from psychological disorder, the Director of JEDO will decide upon the most appropriate course of action.

## 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 acknowledgment, 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 the 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. **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 respondent, complainant or MCU in this capacity, but the process of investigating Code of Conduct violations, appeals and the assessment of any sanctions in a manner that promotes equity for all stakeholders involved.
- D. **Appeals Committee:** The Committee designated by the Director of JEDO to consider an appeal from a respondent regarding the outcome of findings or sanctions from the Conduct Committee.
- E. **Cheating:** Defined above.

- F. **Complainant:** Any person who submits a complaint alleging that a person has violated the 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.
- G. **Conduct Committee:** The Committee appointed by the Compliance Coordinator to review alleged violations of the Code of Conduct.
- H. **Conflict of Interest:** Any relationship between a member of the Conduct Committee, Appeals Committee or other participant(s) involved in the complaint against a respondent ) 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 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. **Respondent:** Any person accused of violating the Code of Conduct or other applicable MCU regulations.
- Q. **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.