

# Misconduct Policy

## Husson University School of Pharmacy

### **Preamble**

Pharmacists are expected to conduct themselves with integrity personally, professionally, and academically. It is the obligation of the Husson University School of Pharmacy (referred to as HUSOP or School) to uphold these standards. Failure to uphold integrity in any of these domains will likely result in penalty or punitive action from the Board of Pharmacy or other legal authority. The Maine Board of Pharmacy oversees and licenses pharmacy students as interns. Student pharmacists should be held to the same high personal, professional, and academic standards in their conduct. As trusted professionals and healthcare providers, pharmacy students are held to a higher standard than other students. Therefore, any breach of proper behavior, whether academically, professionally, or personally should be considered misconduct and be included in the Misconduct Policy. This policy will provide a basis to report, investigate, and address misconduct of students enrolled in the School.

### **Types of Misconduct & Definitions**

#### **Academic Misconduct**

Husson University strives to promote and preserve an academic environment that facilitates learning throughout students' undergraduate and graduate experience.

Additionally, all students matriculating into the School of Pharmacy implicitly and personally subscribe to the Code of Professional and Academic Conduct in accepting admission. Each student is responsible for his/her own integrity, and is likewise responsible for reporting possible violation of the Code by others. The faculty shall take all reasonable steps to prevent violations of the Code of Professional and Academic Conduct, and each faculty member likewise is responsible for reporting possible violations. The following are examples of conduct for which disciplinary action may be taken. These are merely examples and are not to be considered all-inclusive.

- Cheating - sharing, providing, obtaining or submitting information, whether verbally, electronically or by other means, with the intent of fraudulently improving course grades.
- Dishonesty which includes, but is not limited to, gaining unauthorized access to an examination or to obtain unfair advantage, using unauthorized sources of information during an examination, assisting a fellow student in committing an act of cheating, collaborating on assignments without explicit permission of the instructor, entering an office or building to obtain unfair advantage, taking an examination for another candidate, or altering grade reports.
- Fabrication - presenting information as fact that has not been verified or cannot be substantiated by reference to professional material or the scientific process.
- Falsification - altering or causing documents or records, official or otherwise, to reflect a false representation regarding work, credentials, or accomplishments.
- Plagiarism, which is using, stating, offering, or reporting as one's own, an idea, expression, or product of another without the proper credit to its source. As defined by Webster, plagiarism is "an act or instance of stealing or passing off the ideas or words of another as one's own, using a created production without crediting the source, or presenting as new and original an idea or product derived from an existing source." (*Webster's Collegiate Dictionary*). A direct quote should be cited and placed in quotation marks. However, the student should also know that if the ideas of others are used, these must be referenced or the student is guilty of an act of plagiarism. All students are required to complete the Indiana University Bloomington School of Education online plagiarism module and present their certificate of completion when asked.
- Misrepresentation (e.g., forgery, alteration), which is defined as giving false or misleading representation generally with intent to be unfair or deceive.
- Reusing previously submitted work, procuring, distributing, or accepting confidential academic materials, or selling and/or purchasing assignments.

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- A student who witnesses any of the above or who is approached with an offer to gain unfair advantage is obligated by the Misconduct Policy to report that violation to the appropriate authority. Failure to do so may result in disciplinary action.

Each instructor is empowered to determine the appropriate sanction based on a violation of academic misconduct, including failure in the course. If an instructor determines that a violation of academic integrity has transpired, the instructor will memorialize the finding in a report and meet with the student to discuss the findings and proposed sanctions. It is the policy of the School that any acts of academic misconduct, on any assignment, quiz, or examination, may result in a course grade of zero (0) and the potential for other sanctions. The failing grade and incident of academic misconduct will be reported to the Assistant Dean of Student Academic Affairs for possible additional sanctions. The appeals process for grade appeals is outlined in the Student Handbook.

In all course syllabi, faculty should outline any requirements or expectations that differ from this policy. Faculty are encouraged to reference a standardized definition in their syllabi; those not using a standardized definition of plagiarism should explain the definition of plagiarism for their class. Additionally, faculty are strongly encouraged to use all of the tools available to them to find instances of plagiarism.

### **Personal & Professional Misconduct**

Students are expected to abide by the Husson University Community Code as outlined in the Husson Student Life handbook. As pharmacists must follow Federal and State laws, rules, and regulations, pharmacy students must also abide by these professional standards. The HUSOP Student handbook outlines expectations for professionalism and personal conduct. HUSOP reserves the right to take additional action based on standards of behavior or conduct of the profession and the Accreditation Council for Pharmacy Education (ACPE) for any deviation from these standards in any setting.

### **Professionalism**

Pharmacists are highly respected professionals in the community. The public expects professionals to maintain high standards in communication, hygiene and professional attire. As a part of the School of Pharmacy a student's personal appearance is an extension of the school. Students in the professional program should not only demonstrate appropriate professional and ethical behaviors but should also expect such behaviors from fellow students.

The following are examples of conduct for which disciplinary action may be taken. These are merely examples and are not to be considered all-inclusive.

- Unprofessional conduct – conduct falling below the standard expectations of the faculty and fellow classmates, including noncompliance with reasonable requests of the faculty, staff, and administrators.
- Breaching patient confidentiality or HIPAA.
- Any conduct unbecoming to the profession of pharmacy.
- Failure to maintain a Maine State Board of Pharmacy Intern License in good standing

### **Personal Conduct**

Personal conduct on University property, at affiliated practice sites, or School or University sponsored events is subject to disciplinary jurisdiction of the School of Pharmacy. The School of Pharmacy may also enforce its own disciplinary policy and procedures when personal/professional conduct, regardless of where it occurs, is deemed incompatible with the overall mission, program, or other functions of the School of Pharmacy. Action of non-university authorities in response to any violation of statutes does not prohibit the School from reviewing the matter independently. If, at the time of graduation, unresolved criminal charges or proceedings are pending against a candidate which, in the sole opinion of the Dean, prevent the university from conferring a degree of pharmacy, the Dean may withhold the degree. The following are examples of

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conduct for which disciplinary action may be taken. These are merely examples and are not to be considered all-inclusive.

- Alcohol – The possession or consumption of alcoholic beverages must be within the guidelines established by Federal & State law, municipal & county ordinance, and Husson University policy. Use, abuse of, or impairment from alcohol in any clinical or classroom setting is not permitted.
- Drugs – illegal use (as defined by the stricter of Federal or State law), possession, sale, or distribution of any drug, chemical compound, or controlled substance or paraphernalia. Students found responsible of violating this section may be subject to immediate expulsion from the School of Pharmacy.
- Drug testing – testing positive or refusing to be tested as required to participate in the academic program.
- Weapons and dangerous items - illegal use or possession of weapons, firearms, ammunition, fireworks, explosives, noxious materials, incendiary devices or other dangerous substances.
- Theft or damage - theft of, or damage to, property of the university or university-affiliate, other students, other members of the university community, or of campus visitors. Possession of property known to be stolen.
- Disorderly conduct – hostile behavior, disorderly conduct, indecent conduct, harassment, inappropriate intimidation, excessive pressure, humiliation, coercion, stalking, hazing, overtly reckless behavior, false alarms, failure to comply with lawful directions of university officials, unauthorized entry or use of university or university-affiliated property, unauthorized use of university name, logo, or symbols.
- Failure to respond to notification - failure by a student or organization to respond to notification to appear before the Dean or Assistant Dean during any stage of a disciplinary proceeding. Failure to appear will not prevent the Dean from proceeding with disciplinary action in the absence of the candidate.
- Misuse or abuse of university equipment, programs, or data, or unauthorized access to or copying or distributing of data, records, or programs; or attempting to alter or modify records, data, or programs.

### Misconduct Policy Procedures

#### Complaints and Student Affairs Committee (SAC) Hearings

1. Any person may file a complaint against a student for violations of the Misconduct Policy. Complaints will be directed to the Assistant Dean for Student Academic Affairs. Any complaint should be submitted in writing using the Incident Report Form as soon as possible after the event takes place.
2. The Assistant Dean for Student Academic Affairs may conduct an investigation to determine if the complaint has merit and/or if it can be disposed of administratively by mutual consent of the parties involved. If the complaint cannot be resolved by mutual consent, the matter will be brought before the SAC Hearing Panel. If the student admits violating institutional rules, but sanctions are not agreed to, subsequent process, including a hearing if necessary, shall be limited to determining the appropriate sanction(s).
3. All complaints determined to have merit and unresolved by the Assistant Dean for Student Academic Affairs shall proceed to a SAC Hearing. The Assistant Dean for Student Academic Affairs will appoint a SAC Hearing Panel of three individuals, with one selected as chairperson, drawn from the voting members of the SAC. Any member of the SAC who has a conflict of interest regarding the complaint is not eligible to sit on the SAC Hearing Panel. One of the student members of the SAC may be appointed as a fourth non-voting member of the SAC Hearing Panel if deemed appropriate by the Assistant Dean for Student Academic Affairs. A date, time and location shall be set for a SAC Hearing, not less than 2 nor more than 10 business days after all parties have been notified. Maximum time limits for scheduling of SAC Hearings may be extended at the discretion of the Assistant Dean for Student Academic Affairs.

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4. SAC Hearings shall be conducted according to the following guidelines provided below:
  - a. SAC Hearings normally shall be conducted in private. All educational records are covered under FERPA. HUSOP will take appropriate action to maintain the privacy of the involved individuals.
  - b. The Complainant, Accused Student and their advisors, if any, shall be allowed to attend the entire portion of the SAC Hearing at which information is received (excluding deliberations).
  - c. In SAC Hearings involving more than one Accused Student, the Assistant Dean for Student Academic Affairs, in his or her discretion, may permit SAC Hearings concerning each student to be conducted either separately or jointly.
  - d. The Complainant and the Accused Student have the right to be assisted by an advisor they choose, at their own expense. The advisor must be a member of Husson University community and may not be an attorney. The Complainant and/or the Accused Student is responsible for presenting his or her own information, and therefore, advisors are not permitted to speak or to participate directly in any SAC Hearing.
  - e. The Complainant, the Accused Student and the SAC Hearing Panel may arrange for witnesses to present pertinent information to the SAC Hearing Panel. The School will try to arrange the attendance of possible witnesses who are members of the University community, if reasonably possible. Witnesses will provide information to and answer questions from the SAC Hearing Panel. Questions may be suggested by the Accused Student and/or Complainant to be answered by each other or by other witnesses. This will be conducted by the SAC Hearing Panel with such questions directed to the chairperson, rather than to the witness directly. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. Questions of whether potential information will be received shall be resolved in the discretion of the chairperson of the SAC Hearing Panel.
  - f. Pertinent records, exhibits, and written statements (including Student Impact Statements) may be accepted as information for consideration by the SAC Hearing Panel at the discretion of the chairperson.
  - g. All procedural questions are subject to the final decision of the chairperson of the SAC Hearing Panel.
  - h. After the portion of the SAC Hearing concludes in which all pertinent information has been received, the SAC Hearing Panel shall determine (by majority vote) whether the Accused Student has violated the Misconduct Policy.
  - i. The SAC Hearing Panel's determination shall be made on the basis of whether it is more likely than not that the Accused Student violated the Misconduct Policy.
  - j. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in SAC Hearing proceedings.
  - k. There shall be a single record, such as a tape recording or minutes, of all SAC Hearings before a Student Conduct Board (not including deliberations). Deliberations shall not be recorded. The record shall be the property of the School.

If an Accused Student, with notice, does not appear before a SAC Hearing, the information in support of the charges shall be presented and considered even if the Accused Student is not present.

The SAC Hearing Panel may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Accused Student, and/or other witness during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of Assistant Dean for Student Academic Affairs to be appropriate.

### **Sanctions**

The SAC Hearing Panel reserves the right to recommend additional sanctions above and beyond those imposed by other persons or entities for violations of the Misconduct Policy. These sanctions will be

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consummate with the offense and the offender's history; multiple offenses may warrant more severe sanctions.

Faculty are encouraged to consult the SAC and the Assistant Dean of Academic Affairs regarding severity and types of penalties for academic misconduct. Faculty must inform the Assistant Dean for Student Academic Affairs of any breaches of the Misconduct policy and any sanction assessed to the student(s).

1. The following sanctions may be imposed in no particular order upon any student found to have violated the Misconduct Policy:
  - a. Warning—A notice in writing to the student that the student is violating or has violated institutional regulations.
  - b. Probation—A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probationary period.
  - c. Loss of Privileges—Denial of specified privileges for a designated period of time.
  - d. Restitution—Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
  - e. Discretionary Sanctions—Work assignments, essays, service to the University, or other related discretionary assignments.
  - f. Suspension—Separation of the student from the School of Pharmacy for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
  - g. Expulsion—Permanent separation of the student from the School of Pharmacy.
  - h. Revocation of Admission and/or Degree—The Committee may recommend to the Dean's Office that the admission to or a degree awarded from the University be revoked for fraud, misrepresentation, or other violation of School standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
  - i. Withholding Degree—The School may withhold awarding a degree otherwise earned until the completion of the process set forth in this Misconduct Policy, including the completion of all sanctions imposed, if any.
2. More than one of the sanctions listed above may be imposed for any single violation.
3. (a) Other than School expulsion or revocation or withholding of a degree, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record. Upon graduation, the student's disciplinary record may be expunged of disciplinary actions other than residence hall expulsion, University suspension, University expulsion, or revocation or withholding of a degree, upon application to the Assistant Dean for Student Academic Affairs. Cases involving the imposition of sanctions other than residence hall expulsion, University suspension, University expulsion or revocation or withholding of a degree shall be expunged from the student's confidential record 6 years after final disposition of the case.  
(b) In situations involving both an Accused Student(s) (or group or organization) and a student(s) claiming to be the victim of another student's conduct, the records of the process and of the sanctions imposed, if any, shall be considered to be the education records of both the Accused Student(s) and the student(s) claiming to be the victim because the educational career and chances of success in the academic community of each may be impacted.
4. The following sanctions may be imposed upon groups or organizations:
  - a. Those sanctions listed above in 1 (a) – (j)
  - b. Loss of selected rights and privileges for a specified period of time.
  - c. Deactivation – Loss of all privileges, including University recognition, for a specified period of time.
5. In each case in which a SAC Hearing Panel determines that a student and/or group or organization has violated the Student Code, the sanction(s) shall be determined and imposed by the SAC Hearing Panel in conjunction with the Assistant Dean for Student Academic Affairs. The Assistant Dean for Student Academic Affairs is not limited to sanctions recommended by members of the SAC Hearing Panel.

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Following the SAC Hearing, the SAC Hearing Panel and the Assistant Dean for Student Academic Affairs shall advise the Accused Student, group and/or organization (and a complaining student who believes s/he was the victim of another student's conduct) in writing of its determination and of the sanction(s) imposed, if any.

### **Student Rights & Responsibilities**

Students will be required to read the Misconduct Policy and sign a Student Conduct policy form yearly. The Student Conduct policy will outline student's expected professional, personal, and academic behavior during the time they are enrolled in the HUSOP program. It is their responsibility to address any incidents in a timely manner. Failure to do so will be treated as accepting the incident. The student has the right to appeal each incident according to the procedures outlined below.

### **Appeal of SAC Hearing Panel Decisions:**

Both parties shall have the right to appeal the outcome of the SAC Hearing Panel decision on any of the following grounds:

1. To consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original hearing, because such information was not known or knowable to the person appealing during the time of the hearing.
2. To allege a procedural error within the hearing process that may have substantially impacted the fairness of the hearing.
3. To allege that finding was inconsistent with the weight of the information.
4. To appeal the sanctions.

Appeals must be submitted in writing to the Dean within 5 business days after the parties are notified of the outcome of the hearing. The Dean will review the appeal and issue a decision within 10 business days of receipt of the appeal. The Dean may examine all documentation and seek other information to determine if there is a reasonable basis for changing the outcome. The Dean will issue a written determination of the appeal, which may include: affirming the original finding and sanction; affirming the original finding but issuing a new sanction, which may be of greater or lesser severity; remanding the case back to the SAC Hearing Panel to correct a procedural or factual defect; or, dismissing the case if there was a procedural or factual defect that cannot be remedied by remand. However, the outcome of a remanded case may be appealed again under this provision. Both parties will receive written notification of the outcome of the appeal.