

Honor Council Procedures for

Violations of the Standards of Professional and Ethical Behavior
University of Missouri-Kansas City School of Pharmacy

I. Jurisdiction of the Honor Council

The Honor Council shall be concerned with specified incidents of alleged violations by University of Missouri-Kansas City School of Pharmacy professional degree-seeking students of the School's Standards of Professional and Ethical Behavior, Sections IIA and IIB. Violations of the University of Missouri Student Conduct Code as described in Section III will be referred to the Office of the Chief Student Affairs Administrator. The standards identify areas of conduct which are judged unacceptable for individuals who are either in or aspire to be in the profession of pharmacy. The Standards of Professional and Ethical Behavior are distributed to all newly enrolled students during orientation and are available at all times on the School of Pharmacy website. When a student has been accused of a violation of standards, the Honor Council shall adhere to the following procedures detail herein. The Honor Council shall have the authority to recommend sanctions upon any accused appearing before the Council. The disciplinary proceedings described are not to be construed as judicial trials. Care shall be taken, however, to comply as fully as possible with the spirit and intent of these procedural safeguards.

II. Organization of the Honor Council

A. Composition

The Honor Council members shall consist of the Chair; three voting faculty members, one from each division (3 votes); and one student member from each year 2-6 of the professional degree programs (5 students). The three most senior students not in accused's class will vote. Voting will take place by secret ballot. The chair and faculty members will not be administrators or division chairs. Four members or their alternates (2 faculty (to exclude the chair), 2 students) constitute a quorum. One nonvoting Honor Council staff member will assist the Chair in generation of reports and will be present at the hearings to take minutes.

In case of a tie among the Honor Council as a whole, the chair shall vote in order to make the final determination.

Proxy votes will not be allowed.

B. Eligibility and Appointment

The chair of the Honor Council and an alternate who will serve as chair-elect, shall be elected by the full faculty. The three division representatives and an alternate for each shall be elected by their respective divisions. The student

representatives and an alternate for each shall be elected by their respective classes. All elections shall be held on an annual basis at the beginning of the academic year, no later than September 15. After elections, a preliminary meeting of all members to review procedures and to discuss the role and function of the Honor Council will be held within two weeks.

C. Time of Appointment and Term of Office

All members shall serve a one year appointment or until replaced by election but may be re-elected in subsequent years.

A student is ineligible to continue as a member of the Honor Council if placed on academic or disciplinary probation, or if for any other reason membership of the Council may not be in the best interest of the School of Pharmacy as determined by the Honor Council chair. In this case, the alternate would assume membership on the Council, and another alternate would be chosen by the class officers.

Any member of the Honor Council who has a conflict of interest is expected to recuse him/herself from that particular case and allow the alternate to serve.

D. Investigative Officer (IO)

The Investigative Officer (IO) shall be a faculty member appointed by the Dean to serve for a two year term.

E. Primary Administrative Officer (PAO)

The PAO shall be the Associate Dean of the School of Pharmacy or his/her designee.

III. Procedures for Report of Violation, Investigation, Informal Disposition, and Notice

A. Report of Violation

Alleged violations of the Standards of Professional and Ethical Behavior shall be reported to the IO within 10 days after discovery of the incident. The IO shall notify the Dean and PAO immediately following receipt of violation.

B. Preliminary Procedures

The IO shall investigate all alleged violations of the Standards of Professional and Ethical Behavior. The IO must notify the accused, in writing by certified mail, of the allegations brought against him/her. The accused shall be advised to review the Procedures for Violations of the Standards of Professional and Ethical Behavior posted on the School of Pharmacy website. The IO shall meet with the

accused student to give the student the opportunity to present a personal version of the incident or occurrence. Findings and recommendation(s) shall be forwarded to the PAO for determination of further action. The IO does not have the authority to dismiss an allegation or propose sanctions to the accused student.

C. Prior to Formal Hearing

The IO shall forward the charge(s), findings and recommendation(s) to the PAO in a timely manner not to exceed 20 calendar days after notification of the violation. This time may be extended a reasonable amount of time if necessary due to University breaks or holidays.

The PAO will review all findings and determine appropriate action. The PAO may gather additional information prior to taking action. The PAO may dismiss the allegation or offer a sanction. All dispositions shall be in writing and shall be made within 10 calendar days of receipt of the information from the IO.

If a sanction is proposed by the PAO during this informal disposition stage, the accused may accept (time lapse of 10 days without formal acceptance shall be considered acceptance) or reject the sanction offered. If the sanction is rejected, the Honor Council chair will be immediately notified of the necessity of convening the Council for formal hearing.

E. Notice of Formal Hearing

If the sanction of the PAO is rejected by the accused, a formal hearing of the Honor Council will be held within 20 calendar days. Notice of the Honor Council proceedings shall be by certified mail to the accused at the address currently on record with the School of Pharmacy's Student Services Office. Failure by the accused to have a current local address on record with the office shall not be construed to invalidate such notice.

The notice shall specify the date, time, and place of the formal hearing, request for attendance of the parties involved, and request that the accused provide the Chair with a list of any witnesses to be called. The notification will also refer the accused to the Rights of the Accused Student Upon Hearing which are outlined in these Procedures.

The notice shall be given at least 10 calendar days prior to the hearing, unless the Chair determines that a shorter time is necessary for good cause. Requests for continuance shall be made in writing to the Chair who shall have the authority to postpone the hearing if it is determined that the request is timely and made for good cause. The Chair shall notify the Honor Council members, the accused, the PAO, the witnesses, and any other relevant individuals of the new date for the hearing.

If the accused fails to appear at the scheduled time, the Honor Council may hear and determine the matter in the accused's absence.

IV. Procedure for Honor Council Hearing

A. Rights of the Honor Council – The Honor Council shall have the right to:

- hear together cases involving more than one accused which arise out of the same act of misconduct, but in that event shall make separate findings and determinations for each accused;
- permit a stipulation of facts by the accused involved and the PAO;
- permit the incorporation in the record of any document, affidavit, or other material produced and desired in the record by the PAO or the accused charged and make a determination of whether the information is relevant to the case at hand.
- question witnesses, the accused, the IO or PAO, or challenge other evidence introduced by either the PAO or the accused at any time;
- call additional witnesses or require additional investigation,
- permit or require at any time, within a reasonable time as determined by the Council, amendment of the Notice of Hearing to include new or additional matters which may come to the attention of the Council before final determination of the case; provided, however, that in such event the Council shall grant to the accused or the School such time as the Council may determine reasonable under the circumstances to answer or explain such additional matters;
- during closed session deliberations, hear from the Council Chair about dispositions made in similar cases.

B. Rights of the Accused Upon Hearing – The accused scheduled to appear before the Honor Council pursuant to notice of charges and hearing shall have the right to:

- submit a written response to the charge outlined in the Notice before the scheduled hearing is to commence;
- request in advance of the scheduled hearing a review of any materials contained in the accused's hearing file which will be kept in the School of Pharmacy's Student Services Office;

- submit a written request for the identities of witnesses to be called to testify before the Council;
- be present at the hearing;
- have one advisor or counselor appear with the accused and to consult with such an advisor or counselor before and/or during the hearing: however, the adviser/counselor will not be allowed to question witnesses and/or address members of the Council:
- hear or examine evidence presented to the Honor Council
- question the PAO and/or witnesses present who are testifying at the hearing.
- present evidence by witness, affidavit, written report, other memoranda, photographs, drawings, and any other relevant evidence of any defense the accused desires:
- make any statement to the Honor Council in mitigation or explanation of the conduct in question;
- remain silent to avoid self-incrimination;
- be informed in writing of the findings and any decisions imposed by the Honor Council, the Executive Committee; and,
- appeal the decision and/or disposition to the Chancellor, as herein provided.

C. Rights of School of Pharmacy – The Principal Administrative Officer (PAO) has the right to:

- be present at the hearing;
- present evidence by witness, affidavit, written report, other memoranda, photographs, drawings, and any other relevant evidence;
- offer rebuttal at the appropriate time as determined by the Chair;
- question witnesses or the accused;
- have one advisor or counselor appear with the PAO and to consult with such an advisor or counselor before or during the hearing; however, the adviser/counselor will not be allowed to question witnesses and/or address members of the Council;

- hear or examine evidence presented to the Honor Council by witnesses or the accused; and,
- be informed in writing of the findings and recommendations of the Honor Council and of determinations made by the Executive Committee.

D. Rights of Witnesses

Witnesses shall be notified of the scheduled time, date, and location of the hearing. Witnesses shall bring with them whatever documentation is requested. Failure of a student witness to appear, without good cause, is a violation of the Standards of Professional and Ethical Behavior.

E. Record of Hearing

All proceedings of the Honor Council are to be held in the strictest confidence by the members and all other persons involved. The hearings shall be audio taped, and written minutes will also be prepared. A typist or court reporter may be present. The notice, exhibits, hearing record, verdict, and recommendation of the Honor Council shall become the record of the Case. This official document shall be filed under strictest security in the permanent records of the Student Services Office of the School of Pharmacy. The record shall be accessible at the reasonable times and places to both the University and the accused for the purpose of review or appeal.

F. Conduct of the Hearing

The Honor Council Chair shall preside at the hearing, call the hearing to order, call the roll of the Honor Council members in attendance, ascertain the presence or absence of the accused, read the Notice of Hearing and Charge and verify the receipt of Notice of Charge by the accused, report any continuances requested or granted, establish the presence of any adviser or councilor of the accused, call to the attention of the accused and the adviser any special or extraordinary procedures to be employed during the hearing, and permit suggestions for or objections to any procedures for the Honor Council to consider.

All requests to address the Council shall be addressed to the Chair. The Chair will rule on all requests and points of order and may consult with Council's legal adviser prior to any ruling. The Chair's ruling shall be final, and all participants shall abide thereby, unless the Chair shall present the question to the Council at the request of a member of the Council, in which event, the ruling of the Council by majority vote shall be final.

Rules of common courtesy and decency shall be observed at all times. Any person determined by the Chair to be in violation of these rules may be excluded from the hearing.

1. Opening Statements

- The Honor Council Chair or designee shall make opening remarks outlining the general nature of the case.
- The accused may make an opening statement to the Council about the charge at this time.
- The PAO may make an opening statement and may add additional clarification to other opening statements as necessary.

2. School of Pharmacy's Evidence

- The PAO may present witnesses, written reports, or other evidence for the School of Pharmacy.
- The PAO may question own witnesses.
- The accused may question witnesses or examine evidence at the conclusion of the PAO's presentation.
- The Council may question witnesses at any time.

3. Accused's Evidence:

- The accused may present witnesses, written reports, or other evidence.
- The accused may question own witnesses.
- The PAO may question witnesses or examine evidence at the conclusion of the accused's presentation.
- The Council may question the accused or witnesses at any time.

4. Rebuttal Evidence:

The Chair may permit the PAO or the accused to offer a rebuttal to the other's presentation.

If it appears that essential testimony is unavailable, or that for other good cause the hearing should be deferred, the Council may continue, recess or discontinue the hearing without prejudice.

V. Findings and Recommendation of the Honor Council

Following the hearing, the Council shall promptly deliberate in closed session. Findings are to be made regarding the evidence of the charge(s) and the recommendation of sanction(s).

A. Violation of the Standards of Professional and Ethical Behavior

The Honor Council shall find whether they believe the evidence presented in the hearing supports the charge of violation of the Standards of Professional and Ethical Behavior. The Council shall render their conclusion, by simple majority vote, of whether they believe a violation has been committed by the accused. Each charge, if there are more than one, shall be considered individually. The Council may dismiss the allegation(s) individually or collectively if the student is not found in violation of the Standards of Professional and Ethical Behavior.

B. Recommendation

The Honor Council shall make a recommendation as to appropriate sanction(s) based upon its deliberations and a simple majority vote of the Council members. Where there are multiple violations, there shall be separate recommendations for each violation.

If the alleged violations are found to be unsupported by the evidence presented, the Council will recommend “no disciplinary action.”

If the alleged violations are found to be supported by the evidence presented, sanctions to be recommended may include, but are not limited to, the following:

Probation – A written reprimand for violation of the Standards of Academic Conduct that includes a designated period of time, the probability of more severe sanctions if the student violates any institutional regulations(s) during the probationary period, and subject to any appropriate terms or conditions, such as loss of privileges, restitution, and discretionary assignments.

Suspension – An involuntary separation from the School of Pharmacy for a specified period of time or until special conditions have been met, with a statement whether suspension should relate back to the date of the offense, begin at the time imposed, or begin at a date specified in the future. At the conclusion of the period of suspension, the suspended student is

automatically returned to student status. Conciliation for readmission may be specified.

Dismissal – An involuntary separation from the School of Pharmacy for an indefinite period of time. The order of dismissal may specify a date before which the faculty will not consider a petition for readmission from the dismissed student.

Expulsion – Permanent separation from the School of Pharmacy.

Notification of the findings and recommendation is to be placed in the student's non-academic file.

- C. An oral presentation of the Council's findings and recommendations is permitted following the hearing, but a written document including findings of fact and recommended sanction shall be completed as soon as possible after the hearing. This full Final Report of the Council shall be submitted to the Executive Committee and the Office of the Vice Chancellor for Student Affairs. The Dean of the School of Pharmacy, the PAO, and the accused will be notified in writing of the Honor Council's determination and recommendation within 10 calendar days. The accused will be notified by certified mail.

VI. Decision of the Executive Committee

The findings and recommended sanction of the Honor Council serve as recommendations to the Executive Committee. The Executive Committee, as described in the School of Pharmacy By-Laws, chaired by the Dean or designee, reviews the charge, the findings of fact, and the recommendation for sanction(s) from the Honor Council. The Executive Committee will also assure that the procedures outlined for the Honor Council were successfully followed.

The Executive Committee has the right to request further information from either the accused or the PAO. Either party may also request to address the Executive Committee. In either case, both parties will be notified of the request, the nature of the request, and be asked to attend if deemed necessary by the Executive Committee. Both parties will have the same rights as they have upon hearing as outlined in IV B & C of this document.

The Executive Committee hearings shall be audio taped, and written minutes will also be recorded. The notice, exhibits, hearing record, verdict, and disposition of the Executive Committee shall become the record of the Case. This official document shall be filed in the permanent records of the Student Affairs Office of the School of Pharmacy. The record shall be accessible at the reasonable times and places to both the University and the accused for the purpose of review or appeal.

After deliberation and careful consideration, the Executive Committee makes its findings of fact and takes, by simple majority vote, one of the following actions:

- to sustain the recommendations of the Honor Council;
- to amend the recommendations of the Honor Council to another type of sanction;
- to remand the Honor Council's recommendations; or,
- to reverse the Honor Council's recommendations.

The Dean shall notify the accused of the findings and disposition of the Executive Committee in writing, by certified mail, within 10 calendar days of the Executive Committee meeting. Copies of the letter will be sent to the Honor Council Chair, the IO, the PAO, and to the Student Services Office for placement in the accused's file and in the official hearing file.

VII. Right of Appeal

When a recommendation from the Honor Council and decision by the Executive Committee is made for some form of sanction other than 'no disciplinary action,' the accused may appeal such decision to the Chancellor or designated representative by filing written notice of appeal with the Chancellor within 10 calendar days after notification of the decision of the Executive Committee. A copy of the Notice of Appeal will also be given by the accused to the Dean of the School of Pharmacy at the time of filing who will transmit copies to the Executive Committee and the Honor Council Chair. The accused may file a written memorandum for consideration by the Chancellor with the Notice of Appeal.

The Chancellor or designated representative shall review the record of the case and the appeal documents and may affirm, reverse, or remand the case for further proceedings and shall notify the Dean and the accused in writing of the decision on the appeal. The action of the Chancellor shall be final unless it be to remand the matter for further proceedings.

Status during Appeal: In cases of suspension, dismissal or expulsion where a Notice of Appeal is filed within the required time, the accused may petition the Chancellor in writing for permission to attend classes pending final determination of appeal. The Chancellor may permit the accused to continue in school under such conditions as may be designated pending completion of appellate procedures, provided such continuance will not disrupt the University or constitute a danger to the health, safety or welfare of the University Community. In such event, however, any final disciplinary action imposed shall be effective from the date of the action of the Executive Committee.

VIII. Status of the Standards of Professional and Ethical Behavior

Amendments to the Standards of Professional and Ethical Behavior and/or Honor Council Procedures for Violations may be proposed by petition of any twenty-five members of the student body, or the Honor Council on its own motion, or the faculty.

Proposed amendments to the Honor Council Procedures for Violations or the Standards of Professional and Ethical Behavior are to be submitted to the Honor Council Chair, who must bring them to the Council for vote. If approved by a 2/3 majority vote of Council members present, the Council will submit the amendment to the full faculty for vote. The proposed amendment must be by a 2/3 majority vote of the faculty present, and must be approved by the Chancellor, the General Counsel and the Board of Curators.

The Standards of Professional and Ethical Behavior and/or Honor Council Procedures for Violations may be terminated at any time by action under the general amending procedure.