

Honor Council Procedures for

Violations of the Standards of Professional Growth 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 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 Vice Chancellor for Student Affairs. 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. When a pharmacy student has been charged with one or more acts of misconduct according to these 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 (P1-P4) of the professional degree programs (4 students). The 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 upon recommendations from the other members.

Proxy votes will not be allowed.

B. Eligibility and Appointment

The chair of the Honor Council shall be elected by the full faculty. An alternate will also be elected. The three division representatives and an alternate for each shall be elected by their respective divisions. The student representatives and their alternates shall be elected by the class officers from the three sites. The class officers are defined as the President, Vice President, Secretary and Treasurer. All elections shall be held on an annual basis. The P1-P3 classes will elect their representatives in the spring of the year before the academic year for which they come into office. Please note that these representatives will be members of the P2-P4 classes when they assume their positions. The class officers from the new P1 class who enter the program that fall will elect their representatives no later than September 15. Within two weeks after all elections are completed, a preliminary meeting of all members to discuss the role and function of the Honor Council will be held.

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.

D. Primary Administrative Liaison (PAL)

A primary administrative liaison (PAL) will be appointed by the Dean for a minimum of a two-year term. The PAL will draft the charge and represent the School of Pharmacy in all cases. The PAL will include all references to the School of Pharmacy within this document.

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

A. Report of Violation

An alleged violation of the Standards of Professional and Ethical Behavior should be reported to the PAL of the Honor Council or designee as soon as possible after discovery of the incident. The Chair shall notify the Dean of all accusations.

B. Preliminary Procedures and Meeting

The PAL shall investigate any reported student misconduct before initiating formal conduct procedures.

The PAL is responsible for notifying the accused, in writing by certified mail, of the allegations brought against him/her prior to the commencement of the preliminary meeting and shall receive a copy of these Procedures for Violations of the Standards of Professional and Ethical Behavior along with the written notice. The PAL shall meet with the accused student to give the student the opportunity to present a personal version of the incident or occurrence.

C. Informal Disposition

The PAL shall have the authority to dismiss an allegation or propose appropriate sanctions to the accused student and shall fix a reasonable time within which the student shall accept or reject a proposed informal disposition.

A failure of the student either to accept or reject within the time fixed shall be deemed to be an acceptance and, in such event, the proposed disposition shall become final upon expiration of such time.

If the student rejects informal disposition, it must be in writing and shall be forwarded to the Honor Council.

D. Prior to Formal Hearing

The PAL shall draft the charge and call the Honor Council into session for a preliminary meeting within 10 working days of receipt of a written accusation of misconduct. The Chair of the Honor Council shall approve meeting dates. In the case that an elected member and an alternate have a conflict of interest in the case, the electing body would choose another member for the one case at the time of the preliminary meeting. [See section IIB for election procedures.] If the case is found to be within the jurisdiction of the Honor Council, a formal hearing will be held. If it is not within the jurisdiction of the Honor Council, the case will be forwarded to the Office of the Vice Chancellor for Student Affairs or other appropriate action will be taken.

The PAL and the accused may meet with the Chair separately to discuss these policies and procedures.

The Dean, designee, or other appropriate university official(s), may at any time temporarily suspend or deny readmission to the accused from the School of Pharmacy pending formal procedures when the Dean or the Chancellor or the Chancellor's designee finds and believes from available information that the presence of the accused on campus would seriously disrupt the School of Pharmacy or constitute a danger to the health, safety, or welfare of members of the School of Pharmacy community. The

appropriate procedure to determine the future status of the accused will be initiated within seven calendar days of any action taken.

E. Notice of Formal Hearing

If the accusation is found at the preliminary meeting to be within the jurisdiction of the Honor Council, the formal hearing will be held within 15 working days of mailing of the official notice. Notice by certified mail will be sent to the address currently on record with the UMKC Registrar's Office. Failure by the accused to have a current local address on record with the Registrar's Office shall not be construed to invalidate such notice.

The PAL, witnesses, and the accused will be given written notice of the hearing by certified mail. The notice shall set forth the date, time, and place of the alleged violation, the conduct for inquiry, the date, time and place of the hearing before the Council, request for attendance of the parties involved, and a reference for the accused to the Rights of the Accused Student Upon Hearing which are outlined in these Procedures.

The notice shall be given at least seven (7) consecutive calendar days prior to the hearing, unless a shorter time be fixed by the Chair for good cause. Any request 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 PAL, 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 PAL;
- permit the incorporation in the record by a reference of any document, affidavit, or other material produced and desired in the record by the PAL or the accused charged and make a determination of whether the information is relevant to the case at hand.
- question witnesses, the accused, and/or the PAL or challenge other evidence introduced by either the PAL or the accused at any time;
- hear from the Council Chair about dispositions made in similar cases;
- call additional witnesses or require additional investigation,
- dismiss any action at any time;
- 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; and,
- dismiss any person from the hearing who interferes with or obstructs the hearing or fails to abide by the rulings of the Council Chair on any procedural question or request of the Chair for order.

B. Rights of the Accused Upon Hearing – The accused scheduled to appear before the Honor council pursuant to formal notice of charges and disciplinary 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 Student Affairs Office;
- submit a written request for the identities of witnesses to be called to testify before the Council;
- be present at the hearing;
- have an 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 PAL 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 Primary Administrative Liaison (PAL) 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 the PAL desires;
- offer rebuttal at the appropriate time as determined by the Chair;
- question witnesses or the accused;
- have an advisor or counselor appear with the PAL 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 any decisions imposed by the Honor Council or 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 recorded. The notice, exhibits, hearing record, verdict, and disposition 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 Students 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.

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 t 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. NOTE: Advisors will not be allowed to questions the PAL, witnesses, and/or address members of the Council

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.

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 PAL may make an opening statement and may add additional clarification to other opening statements as necessary.

2. School of Pharmacy's Evidence

- Witnesses of the School of Pharmacy are to be called by the PAL and identified or written reports of evidence are introduced as appropriate.
- The Council may question witnesses at any time.
- The accused may question witnesses or examine evidence at the conclusion of the PAL's presentation.
- The PAL may question own witnesses.

3. Accused's Evidence:

- The accused shall have the opportunity to make a statement to the Honor Council about the charge.
- The accused may present evidence through witnesses or written memoranda.
- The Council may question the accused or witnesses at any time.
- The PAL may question witnesses or examine evidence at the conclusion of the accused's presentation.
- the accused may question own witnesses.

4. Rebuttal Evidence:

The Honor Council may permit the PAL 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. Determination of the Honor Council

Following the hearing, the Council shall promptly deliberate in closed session out of the presence of the accused, the witnesses, or the PAL. Determination is to be made regarding both the validity of the charge and the discipline, if any, to be imposed.

A. Violation of the Standards of Professional and Ethical Behavior

The Honor Council shall determine if the evidence presented in the hearing supports the charge of violation of the Standards of Professional and Ethical Behavior. The Council shall render a decision, by

simple majority vote, of whether a violation has been committed by the accused. Each charge, if there are more than one, shall be considered individually and/or collectively at the discretion of the Council.

B. Discipline Imposed

The Honor Council shall determine the discipline to be imposed, if any, based upon its deliberations. The following forms of discipline are to be recommended by means of a simple majority vote of the Council members. Where there are multiple violations, there can be separate sanctions for each violation. The sanctions include, but are not limited to, the following:

No Disciplinary Action – Given when the student is not found in violation of the Standards of Professional and Ethical Behavior.

Warning – A written reprimand that the student has violated the Standards of Professional and Ethical Behavior.

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.

A copy of the imposed sanction 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, verdict, and recommended disposition shall be completed as soon as possible after the hearing. This Final Report of the Council shall be submitted to the Executive Committee and the Office of the Vice Chancellor for Student Affairs. All parties will be notified in writing of the Honor Council's recommendation by certified mail within seven calendar days.

VI. Decision of the Executive Committee

The findings and determination 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 finding of fact, the decision of the Council, and the recommended discipline to be imposed from the Honor Council. They also assured that the procedures outlined for the Honor Council were successfully followed.

The Executive Committee has the right to request further information from either party. Either party can 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 approves, 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 of the Honor Council and the Executive Committee in writing, by certified mail, within seven calendar days of the Executive Committee meeting. Copies of the letter will be sent to the Honor Council Chair, the PAL, and the Office of Student Affairs 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 the Executive Committee is made for some form of disciplinary action 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 ten (10) consecutive 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. 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.

A proposed amendment in the Standards of Professional and Ethical Behavior and/or Honor Council Procedures for Violations must be approved by a 2/3 majority vote of the Honor Council members present (all members have the right to vote on amendments = 9 votes), by a 2/3 majority vote of the faculty present, by the Chancellor, 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.

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