

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

- A. The Honor Council shall be authorized to handle alleged violations by University of Missouri-Kansas City School of Pharmacy ("School") students of the School's Standards of Professional and Ethical Behavior ("Standards") in accordance with these Honor Council Procedures for Violations of the Standards of Professional and Ethical Behavior ("Procedures").
- B. The Standards identify areas of conduct which are judged unacceptable for students who are aspire to be in the profession of pharmacy.
- C. The Standards and Procedures are distributed to all newly enrolled students during orientation.
- D. The Primary Administrative Liaison ("PAL") and Honor Council shall have the authority to impose sanctions upon a Respondent.
- E. These Procedures 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 Procedures.

II. DEFINITIONS

- A. Adviser: The person whom a Respondent selects and has attend and participate in any meetings and hearings, who may be an attorney.
- B. Preponderance of the evidence: determining whether the evidence shows that it is more likely than not that a violation occurred.
- C. Respondent: the student alleged to have violated one or more of the Standards.

III. PRIMARY ADMINISTRATIVE OFFICER

- A. The Associate Dean for Student Affairs shall serve as the Primary Administrative Officer ("PAO").
- B. The PAO shall review reports of alleged violations of the Standards.

IV. PRIMARY ADMINISTRATIVE LIAISON

- A. A Primary Administrative Liaison ("PAL") will be appointed by the Dean for a two-year term, and may be reappointed for additional terms.
- B. The PAL will investigate reports of alleged violations referred by the PAO, may impose sanctions on Respondents, and shall represent the School in Honor Council hearings.

V. ORGANIZATION OF THE HONOR COUNCIL

A. Composition

1. The Honor Council members shall consist of: the Chair; two voting faculty members, one from each division; and one student member from each year (P1-P4) of the professional degree programs (4 students).
2. Four members or their alternates (2 faculty and 2 students) constitute a quorum for meetings and votes.
3. Voting will take place by secret ballot. Only members present may vote.
 - (a) A student who is in the same class as Respondent shall not vote on any action related to that Respondent.
4. School staff shall take Minutes of Honor Council meetings and provide administrative support to Honor Council members.
5. In case of a tie vote of the Honor Council members, the Chair shall vote.

B. Eligibility and Appointment

1. The Chair and Vice-Chair of the Honor Council shall be elected by the full faculty.
 - (a) Elections are held at a faculty meeting with elections on the Agenda in the summer prior to the beginning of the Fall semester when the term begins.
2. The two division faculty representatives and an alternate for each shall be elected by their respective divisions.
3. The Chair and faculty members may not be School administrators or divisions Chairs.
4. A student representative and an alternate shall be elected for each class by the class officers. The class officers are defined as the President, Vice President, Secretary, and Treasurer.
 - (a) The P1-P3 classes will elect their representatives in the spring of the year before the academic year for which they come into office. These representatives will be members of the P2-P4 classes when they assume their positions.
 - (b) The class officers from the new P1 class who enter the School that fall will elect their representatives no later than September 15.
 - (c) 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 as determined by the Honor Council Chair. In this case, the alternate would assume membership on the Honor Council, and another alternate would be chosen by the class officers.
5. 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. Term of Office

1. The Chair and Vice-Chair and faculty members shall serve a one-year appointment or until replaced by election but may be re-elected for subsequent terms.
2. Students serve for the year of their P2-4 class status.

VI. PROCEDURES FOR REPORTS OF ALLEGED VIOLATIONS, INVESTIGATIONS, AND INFORMAL DISPOSITIONS

A. Report of Violation

1. An alleged violation of the Standards shall be reported to the PAO as soon as possible after discovery of the incident.
 - (a) Reports made be made in the UMKC School of Pharmacy Student Behavior Reporting Form (“Reporting Form”).
 - (b) The PAO shall review the Reporting Form and shall determine whether it needs to be referred to the UMKC Office of Equity and Title IX or UMKC Office of Student Conduct and Civility, or should be handled by the School.
 - (i) Students may be subject to discipline by the Office of Equity and Title IX, Office of Student Conduct and Civility, or the School.
 - (ii) A student will not be subject to discipline for the same violation by multiple entities.
 - (iii) The PAO, Office of Equity and Title IX, and Office of Student Conduct and Civility may share information about possible violations to determine how the alleged violation will be handled.
 - (c) Reporting Forms and the names of reporters shall be maintained confidential except to carry out any investigation, hearing, or judicial proceeding.
2. If the PAO determines that the alleged violation will be handled by the School, the PAO shall devise and implement a response on how to proceed, based on relevant facts including, but not limited to: the severity of the potential misconduct; health, safety, or welfare of Respondent and members of the UMKC community; and impact on members of the UMKC community and the educational environment.
3. If the PAO does not believe that the reported misconduct constitutes a violation of the Standards, or that it warrants a sanction, the PAO may work with Respondent to negotiate educational solutions or other resolutions.
 - (a) Educational solutions or other resolutions are encouraged, and statements made by Respondent or Adviser during such negotiations shall not be used against Respondent in later hearings.
 - (b) Respondent may refuse to participate in such negotiations.
4. If the Respondent refuses to participate in such negotiations or PAO believes that the matter needs to be investigated, the PAO shall refer the matter to the PAL
5. All documents related to the Reporting Form and resolution by the PAO (“PAO File”) shall be maintained in the student’s academic file.

B. Preliminary Procedures for Investigations and Informal Dispositions

1. The PAL shall investigate any matter referred by the PAO to determine whether a violation of the Standards has occurred based upon the preponderance of the evidence.
 - (a) The PAL shall meet with Respondent.
 - (i) The PAL and shall inform Respondent of the place and date of the meeting, the details of the reported alleged violation, and the right of Respondent to have an adviser, who may be an attorney or any other person selected by Respondent, to attend and participate in the meeting.

- (ii) Respondent shall also be advised of the right to bring witnesses and evidence to this meeting.
 - (iii) PAL may have witnesses attend the meeting and present evidence.
 - (b) The PAL may review the PAO File and any other documents in the student's academic file, interview witnesses including the reporter of the alleged violation, consult with other pertinent individuals, and collect other relevant information.
- 2. After conducting the investigation, the PAL shall have the authority to propose an informal disposition consisting of a preliminary determination of the responsibility of Respondent for the alleged violation and a proposed sanction.
 - (a) The PAL is not required to offer informal disposition.
 - (b) The PAL shall provide written notice of the proposed informal disposition to Respondent and adviser, if any.
 - (i) The notice shall inform Respondent that failure to reject the proposed informal disposition in writing within ten business days of receipt of the notice shall be considered as acceptance of the proposed informal disposition and sanction.
 - (c) The proposed informal disposition shall become final and effective if Respondent fails to timely reject the proposed informal disposition.

VII. TEMPORARY ACTION FOR RESPONDENT

- A. The PAO or PAL may communicate to the Dean of UMKC School of Pharmacy or his/her Designee any concerns related to the alleged violation that may require temporary action to be taken against Respondent.
 - 1. The Dean or Designee may at any time temporarily suspend or place conditions on the attendance or participation of Respondent, pending completion of the Procedures, when the Dean/Designee finds and believes from available information that the presence of the Respondent would seriously disrupt the educational environment, or constitute a danger to the health, safety, or welfare of members of Respondent or the School community.
- B. The Dean/Designee will give Respondent notice of such temporary action and the detailed reason for it and that Respondent may submit a written response requesting reconsideration or modification of the temporary action within five (5) business days of delivery of the notice.
 - 1. The time for submitting the written response may be extended upon written request at the discretion of the Dean/Designee for good cause.
- C. After due consideration of the response and all relevant circumstances, the Dean/Designee will sustain, remove, or modify the temporary action and notify Respondent of that decision, which shall be final.

VIII. HEARING PROCEDURES

- A. Setting of Hearing Date and Notice of Hearing
 - 1. The PAL shall schedule a date for the hearing.
 - (a) The PAL may work with the Respondent and any other individuals required for the hearing to identify a date for the hearing.
 - (b) Any request to reschedule the hearing shall be made in writing to the PAL who is authorized to reschedule the hearing if the request is timely and made for good cause.
 - 2. At least twenty (20) business days before the hearing, or sooner if the agreed-upon date for the hearing is less than twenty (20) business days, the PAL shall send a Notice of Hearing to Respondent, Respondent's adviser (if identified), Chair of the Honor Council, and any attorneys designated for PAL and Honor Council which shall include:
 - (a) Detailed description of the alleged violation of the Standards and of any other applicable policies or laws that have been alleged to have been violated;
 - (b) Description of the procedures for the hearing, which may be provided with a link to these Procedures, including the right to have an adviser, who may be an attorney, attend and participate in the hearing;
 - (c) The potential sanctions that may be imposed;
 - (d) Statement that the Respondent is permitted to inspect, copy, and review all information or evidence obtained as part of the investigation that directly relates to the alleged violation;
 - (e) Statement that the Parties and their witnesses must be truthful when making any statements or providing any information or evidence throughout the hearing, and documentary evidence must be genuine and accurate;
 - (f) Statement that nothing in the hearing procedures is intended to alter any rights that the Respondent may have under applicable Federal or Missouri laws or the US Constitution;
 - (g) Names of the members of the Honor Council and the designated Chair;
 - (h) That an objection to any member of the Honor Council can be made to the Associate Dean for Student Affairs within five (5) business days after receipt of the Notice of Hearing;
 - (i). Time, date, and location of the hearing;
 - (j) That if the Respondent fails to appear at the hearing, the hearing will be conducted without the Respondent; and
 - (k) That the Parties may request a virtual hearing with technology enabling participants simultaneously to see and hear each other, and/or necessary accommodations.
 - 3. The Notice of Hearing shall be in writing and delivered to the Respondent in person, emailed to the Respondent's UMKC-issued email if the Respondent has consented electronically or in writing to receive all notifications by email, or mailed to the Respondent's address as indicated in official UMKC records.

B. Pre-Hearing Disclosures and Procedures

1. At least ten (10) business days before the hearing, the PAL shall provide the Respondent, the Respondent's adviser (if identified), any attorneys designated for the PAL and Honor Council, and the Chair of the Honor Council with:
 - (a) The investigative report that summarizes the relevant evidence related to the alleged violation, either in electronic form or hard copy;
 - (b) List of proposed witnesses to be called at the hearing;
 - (c) Copies of all proposed documentary, photographic, video, and audio evidence, and
 - (d) How the Respondent can access all of the evidence collected during the investigation directly related to the alleged violation.
2. At least five (5) business days before the hearing, the Respondent shall provide the PAL and Chair of the Honor Council, and any attorneys designated for the PAL and Honor Council, with:
 - (a) A written response to the investigative report;
 - (b) List of proposed witnesses to be called at the hearing; and
 - (c) Copies of all proposed documentary, photographic, video, and audio evidence.
3. If the PAL identifies any rebuttal witnesses or evidence to be called or submitted after receipt of the Respondent's information, the PAL shall provide notice of such witnesses or evidence to the Respondent, the Respondent's adviser, any attorneys designated for the PAL and Honor Council, and Chair of the Honor Council within at least two (2) business days before the hearing.
4. The PAL, Chair of the Honor Council, and Respondent may agree that certain witnesses do not need to be physically present if their testimony can be adequately summarized in the investigative report or during the hearing by other witnesses.

C. Rights of Respondent

1. Be present at the hearing, which may be waived by either written notification to the Chair of the Honor Council or by failure to appear at the hearing.
2. Have an adviser who may be, but is not required to be, an attorney present at the hearing and who may actively participate and assist the Respondent during the hearing.
 - (a) Prior to the hearing, the adviser may communicate with the Chair of the Honor Council, including raising questions or objections, or making requests regarding the hearing procedures.
 - (b) At the hearing, the adviser may request clarification of a procedural matter or object to a procedure by addressing the Chair of the Honor Council.
 - (c) The adviser may make presentations and speak on behalf of the Respondent and may consult with Respondent during the hearing or outside of the hearing during breaks.
 - (d) The adviser may examine and cross examine witnesses.
3. To testify at the hearing.
4. Hear and examine evidence presented to the Honor Council.
5. Question and cross-examine witnesses testifying at the hearing.
6. Present evidence by witnesses or affidavits.
7. Make a statement in mitigation or explanation of the alleged misconduct.

D. Rights of PAL

1. Be present at the hearing.
2. Have an attorney from the Office of the General Counsel who may actively participate and assist the PAL.
3. State the facts of the investigative report.
4. Hear and examine evidence presented to the Honor Council.
5. Question and cross-examine witnesses testifying at the hearing.
6. Present evidence by witnesses or affidavits.
7. Receive written findings and the sanction imposed by the Honor Council.

E. Rights of Honor Council

1. Hear together cases involving more than one Respondent which arise out of the same alleged violation; however, separate findings and determinations shall be made for each Respondent.
2. Permit a stipulation of facts by the PAL and Respondent.
3. Permit the incorporation by reference to any documentation, produced and desired in the Record of the Case by PAL or Respondent, provided the other Party has had an opportunity to review and respond to the documentation.
4. Question witnesses and challenge evidence introduced by either Party.
5. Hear from PAL about dispositions made in similar cases.
6. Call additional witnesses or require additional investigation by the PAL.
7. Dismiss the hearing at any time.
8. Permit or require amendment to the Notice of Hearing to include new or additional matters which may come to the attention of the Honor Council before final determination of the case; provided, however, that in such event the Honor Council shall grant to Respondent or PAL such time as the Honor Council may determine is reasonable under the circumstances to answer or explain such additional matters.
9. Dismiss any person from the hearing who interferes with or obstructs the hearing or fails to abide by the rulings of the Chair of the Honor Council.
10. Suspend summarily Respondent from UMKC who, during the hearing, obstructs or interferes with the course of the hearing or persistently fails to abide by the rulings of the Chair of the Honor Council on any procedural question or request of the Chair for order.
11. Have an attorney from the Office of the General Counsel who may assist the Honor Council.

F. Rights of Witnesses

1. Students, faculty and/or staff of the School who serve as witnesses at the hearing shall be protected from retaliation or harassment from the Respondent at or apart from the hearing.
 - (a) If retaliation or harassment of one or more witnesses by the Respondent does occur, this will be considered a separate violation of the Standards of Professional Conduct.
2. Witnesses may request to appear virtually at a hearing.
3. Witnesses may consult with the PAL or others regarding the hearing process.

G. Conduct of Hearing

1. All Parties shall have the opportunity to present the facts and arguments in full.
2. The Chair of the Honor Council shall preside at the hearing, call the hearing to order, call the roll of the Honor Council, ascertain the presence or absence of the Respondent, verify the receipt of Notices related to the hearing by the Respondent, report any continuances requested and granted, establish the presence of any advisers, explain any special procedures to be employed during the hearing, and permit the Respondent to make suggestions regarding, or objections to, any hearing procedures.
3. The Chair of the Honor Council shall determine the relevancy and admissibility of any evidence offered and shall respond to any procedural questions.
4. The Chair of the Honor Council shall not require, allow, or use any evidence that constitutes, or seek disclosure of, information that is protected under a legally recognized privilege unless the person holding the privilege has waived that privilege.
5. The Chair of the Honor Council may dismiss any person who interferes with or obstructs the hearing or fails to abide by any ruling of the Chair of the Honor Council.
6. Rules of common courtesy and decency shall be observed.
7. The Chair of the Honor Council may exclude any witness, document, or information that is irrelevant, immaterial, cumulative, or more prejudicial than informative.
8. Incidents or behaviors of Respondent that show a pattern of related violations, or character evidence of Respondent may be considered only if deemed relevant by the Chair of the Honor Council.
9. The Honor Council shall consider the trustworthiness of all oral and written statements, and no oral or written statement shall be considered if the source of the statement has not been disclosed.
10. The PAL shall make opening remarks outlining the general nature of the alleged misconduct.
11. The Respondent may make a statement after the opening remarks or at the conclusion of the presentation by the PAL.
12. The PAL may state the facts of the investigation and call witnesses and introduce evidence supporting the alleged misconduct.
13. The Honor Council may question the PAL and witnesses at any time.
14. The Respondent and the Respondent's adviser may cross-examine witnesses after they have been questioned by the PAL.
15. Upon conclusion of the evidence presented by the PAL, the Respondent may present evidence through witnesses and written documents or other materials.
16. The PAL and Honor Council may question the Respondent and the Respondent's witnesses at any time.
 - (a) The Respondent has the right to remain silent, and such silence shall not be considered as evidence supporting a finding of misconduct.
17. After conclusion of the evidence has been presented by the Respondent, the Chair of the Honor Council may allow either Party to offer rebuttal of the other Party's presentation.

- H. Record of Hearing
 - 1. There shall be an audio, video, digital, or stenographic record of the hearing maintained.
 - 2. The “Record of the Case” shall include the notices, hearing record, exhibits from the hearing, and report of the Honor Council.
- I. Report of Honor Council
 - 1. The Honor Council shall carefully review all the materials and promptly render its report with its findings and recommendation.
 - (a) The burden of proof and the burden of gathering sufficient evidence sufficient to reach a determination regarding responsibility rests on the PAL.
 - 2. The report shall detail the following:
 - (a) Identification of the allegations constituting a violation of the Standards and the determination of the Honor Council;
 - (b) A description of the procedural steps taken;
 - (c) Findings of fact supporting the determination and any information the Honor Council excluded from consideration and why;
 - (d) Conclusions regarding the application of the Standards to the facts;
 - (e) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility; and
 - (f) Any sanctions recommended to be imposed on the Respondent.
 - 3. Sanctions
 - (a) The Honor Council shall determine the sanction to be imposed, if any, based upon its deliberations.
 - (b) One of the following sanctions is to be recommended by means of simple majority vote of the Honor Council members.
 - (c) Where there are multiple violations, there can be separate sanctions for each violation or one sanction for all violations.
 - (d) Requirements for education and/or training, or referral to a UMKC School of Pharmacy Committee or other resource may be imposed on a Respondent irrespective of whether a violation of the Standards of has been substantiated. Any such requirements do not constitute a sanction.
 - (e) The sanctions that may be imposed are as follows:
 - (i) **No Disciplinary Action** – Given when the Respondent is not found in violation of the Standards.
 - (ii) **Warning** – A written reprimand that the Respondent has violated the Standards. A warning is not a reportable action.
 - (iii) **Probation** – A written reprimand for Respondent’s violation of the Standards that includes a designated period of time, the probability of more severe sanctions if the Respondent violates any Standards during the probationary period, and subject to any appropriate terms or conditions, such as loss of privileges, restitution, and discretionary assignments. Probation is a reportable action.

- (iv) **Suspension** – An involuntary separation of Respondent from the School of Pharmacy for a specified period of time and/or until special conditions have been met, with a statement whether suspension will relate back to the date of the misconduct, begin at the time the sanction is imposed, or begin at a date specified in the future. At the conclusion of the period of suspension, student Respondent is automatically returned to student status. A suspension is a reportable action.
- (v) **Dismissal** – An involuntary separation of Respondent from the School of Pharmacy for an indefinite period of time. The order of dismissal shall specify a date before which the faculty will not consider, if at all, a petition for readmission from Respondent. Dismissal is a reportable action.
- (vi) **Expulsion** – Permanent separation from the School of Pharmacy. Expulsion is a reportable action.

IX. DECISION OF THE DEAN

- A. The findings and recommendation of the Honor Council serve as recommendations to the Dean.
- B. The Dean shall review whether the Procedures were materially followed and whether the sanction imposed was similar to that typically imposed for this misconduct and based upon the cumulative conduct record for Respondent..
- C. The Dean shall notify Respondent of the Dean's decision and the process for Respondent to petition for review or appeal, as applicable, by email to Respondent's UMKC email.
 - 1. Copies of the email will be placed in the Record of the Case in Respondent's academic file, and sent to the Honor Council Chair, the PAL, and the UMKC Office of Student Affairs for placement in Respondent's file.

X. GROUNDS FOR REVIEW OR APPEAL

- A. The grounds for review or appeal are limited to the following:
 - 1. A material deviation from established procedures that affected the outcome of the matter.
 - 2. To consider new evidence that was not reasonably available at the time the decision was made that could affect the outcome of the matter.
 - 3. An Honor Council member or members demonstrated a conflict of interest or bias against Respondent that affected the outcome of the matter.
 - 4. The sanction falls outside that typically imposed for this violation, or the cumulative conduct record of Respondent.
- B. A review or appeal is not intended to be a full rehearing of the matter and is therefore deferential to the original findings.
- C. In most cases, reviews and appeals are confined to a review of the written documentation, Record of the Case, and relevant documents regarding the grounds for the review or appeal.
- D. A review or appeal granted based on new evidence should normally be remanded to the Honor Council for reconsideration.

- E. The Chancellor will render a written decision within ten (10) business days after receiving any reply, or after the deadline to reply has passed without a submission being made.
- F. If the Chancellor is unable to render a decision within ten (10) business days, the Chancellor will notify the Parties of the delay.
- G. The decision of the Chancellor on a review or appeal is final, and further appeals or grievances are not permitted.

XI. PETITION FOR REVIEW

- A. *If the sanction is not for suspension, dismissal, or expulsion from the School*, Respondent may petition, in writing, the Chancellor, with a copy to the Chair of the Honor Council, for a review of the decision of the Dean within ten (10) business days after notification of the final decision of the Dean.
- B. The Petition for Review must state the grounds in detail for the review.
- C. The Dean or Chair of the Honor Council may provide a written response to the Petition for Review within ten (10) business days of receipt of the Petition for Review.
- D. Upon request, the Chancellor, for good cause, may extend the time for filing, or responding to, the Petition for Review.
- E. The Chancellor may review or refuse to review the final decision of the Dean. If the Chancellor refuses to review the decision, the final decision of the Honor Council becomes effective.
- F. If the review is granted, the Chancellor may affirm, reverse, or modify the final decision of the Dean, or remand it back for further proceedings.
- G. The action of the Chancellor is final unless it is to remand the matter back for further proceedings.

XII. RIGHT OF APPEAL

- A. *If the sanction is for suspension, dismissal, or expulsion from the School*, Respondent may appeal the final decision of the Dean by filing a written Notice of Appeal to the Chancellor, with a copy to the Dean and Chair of the Honor Council, within ten (10) business days after receipt of the final decision of the Dean. The Notice of Appeal may include a written memorandum explaining the details of the grounds for the appeal.
- B. The Dean or Chair of the Honor Council may submit in writing a reply to the Notice of Appeal and any memorandum within ten (10) business days after receipt of the Notice of Appeal.
- C. Upon written request, the Chancellor may extend the time for the Notice of Appeal to be submitted or the reply, for good cause.
- D. The Chancellor shall review the Record of the Case and the appeal documents, and may affirm, reverse, or modify the final decision of the Dean, or remand the matter back for further proceedings.

- E. The Chancellor shall notify the Parties in writing of the decision on the appeal.
- F. The action of the Chancellor is final unless the matter is remanded back for further proceedings.

AMENDMENTS TO STANDARDS AND PROCEDURES

- A. Amendments to the Standards of Professional and Ethical Behavior (“Standards”) may be proposed by the Professionalism Committee. Amendments to the Honor Council Procedures for Violations of the Standards of Professional and Ethical Behavior (“Procedures”) may be proposed by the Honor Council or the faculty.
- B. Proposed amendments to the Standards must be approved by a 2/3 majority vote of the Professionalism Committee. Proposed Amendments to the Procedures must be approved by a 2/3 majority vote of the Honor Council members present (all members have the right to vote on amendments). Proposed amendments to the Standards and Procedures must be approved by a 2/3 majority vote of the faculty present at the faculty meeting considering the proposed amendments, and by the Chancellor, Office of the General Counsel, and the Board of Curators.
- C. The Standards of Professional and Ethical Behavior and/or Honor Council Procedures for Violations of the Standards of Professional and Ethical Behavior may be terminated at any time by action under the amendment procedures.

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