

**Hofstra University**  
**PhD Program in Clinical Psychology**

**Ethics, Conduct, Grievance,  
and Appeals Manual**

Fall 2016



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## **Ethics, Conduct, Grievance and Appeal Policies**

Hofstra University's PhD program in Clinical Psychology seeks to promote an educational environment that values communication, fair treatment and respect among students, faculty and staff. Despite these efforts, differences of values and goals between individuals and groups, and in the evaluation of students, may occasionally lead to circumstances that require a process for resolving these issues. This manual allows you to understand what is considered appropriate conduct and ethical behavior for students, faculty and staff. When there are violations of these expectations there are procedures to rectify problems which exist.

### **Program Expectations:**

#### **Regarding Ethics and Professional Behavior**

(Graduate Bulletin - PhD Program Graduation Requirement #6)

Students are expected to behave in an ethical and professional manner according to the guidelines for student conduct and academic honesty at Hofstra University and the *Ethical Standards for Psychologists* published by the American Psychological Association satisfactory interpersonal behavior and professional performance in classes and meetings, on practica and internships, etc. is expected. When a report of an ethics violation or an interpersonal problem which may be impeding professional growth is received, the Program Director will convene a meeting of the Core Program Faculty to discuss the circumstances under which the violation or problem arose. After a faculty investigation, a report will be issued that may clear the student of any wrongdoing, place the student on probation with a plan for remediation, or dismiss the student from the program. A letter which reviews the deliberations of the Core Program Faculty will be generated by the Program Director with a copy sent to the student. Appeals to the findings of the Core faculty may be initiated by using the germane university appeal policy.

The section above reflects expectations of the program and the university community regarding students' conduct. There are Hofstra University policies of student conduct which follow in this manual. Likewise, faculty members are expected to conduct themselves in appropriate ways. There are also Hofstra University policies which also address their conduct as well. Being trained as Psychologist we also adhere to the Ethics code of the American Psychological Association to guide our professional conduct, which are also found in this manual.

**Due Process:** It's the right of all members of the Hofstra community to be supported by due process. In this regard, all policies and procedures operate within a guideline of "fundamental fairness" which allows for conduct problems to be resolved in a fair, balanced and judicious manner. Due process supports fairness to any student, faculty member or staff member involved in a problem needing resolution.

### **Informal Resolution Procedures**

The faculty of the doctoral program strongly believes that problems in human relationships can best be resolved informally and locally between or among the parties involved. Thus when a student has a concern about the action(s) of a particular individual it is best if those concerns are



discussed directly with the individual in question. Students may wish to seek the advice of their advisors, another faculty member, the program director or the department chairperson to aid in opening this discussion. Hopefully, through direct dialogue differences will be examined and a fair resolution of the matter will be achieved resulting in better communication and understanding among all parties involved.

### **Formal Resolution Procedures**

When a student has a concern about the action of a particular individual, program or department and informal attempts to resolve the grievance have been unsuccessful then the individual may wish to initiate a grievance or appeal according to formal university policy. These policy categories include 1) violations of ethics and professional behavior, 2) course grade appeals, 3) violations of academic honesty, 4) alleged discrimination, 5) sexual harassment, and 6) appeal of dismissal from graduate study. Procedures to redress these specific grievances are outlined below.



# American Psychological Association

## Ethical Principles of Psychologists and Code of Conduct

### 2010

### Introduction and Applicability

The American Psychological Association's (APA) Ethical Principles of Psychologists and Code of Conduct (hereinafter referred to as the Ethics Code) consists of an Introduction, a Preamble, five General Principles, and specific Ethical Standards. The Introduction discusses the intent, organization, procedural considerations, and scope of application of the Ethics Code. The Preamble and General Principles are aspirational goals to guide psychologists toward the highest ideals of psychology. Although the Preamble and General Principles are not themselves enforceable rules, they should be considered by psychologists in arriving at an ethical course of action. The Ethical Standards set forth enforceable rules for conduct as psychologists. Most of the Ethical Standards are written broadly, in order to apply to psychologists in varied roles, although the application of an Ethical Standard may vary depending on the context. The Ethical Standards are not exhaustive. The fact that a given conduct is not specifically addressed by an Ethical Standard does not mean that it is necessarily either ethical or unethical.

This Ethics Code applies only to psychologists' activities that are part of their scientific, educational, or professional roles as psychologists. Areas covered include but are not limited to the clinical, counseling, and school practice of psychology; research; teaching; supervision of trainees; public service; policy development; social intervention; development of assessment instruments; conducting assessments; educational counseling; organizational consulting; forensic activities; program design and evaluation; and administration. This Ethics Code applies to these activities across a variety of contexts, such as in person, postal, telephone, internet, and other electronic transmissions. These activities shall be distinguished from the purely private conduct of psychologists, which is not within the purview of the Ethics Code.

Membership in the APA commits members and student affiliates to comply with the standards of the APA Ethics Code and to the rules and procedures used to enforce them. Lack of awareness or misunderstanding of an Ethical Standard is not itself a defense to a charge of unethical conduct.

The procedures for filing, investigating, and resolving complaints of unethical conduct are described in the current Rules and Procedures of the APA Ethics Committee. APA may impose sanctions on its members for violations of the standards of the Ethics Code, including termination of APA membership, and may notify other bodies and individuals of its actions. Actions that violate the standards of the Ethics Code may also lead to the imposition of sanctions on psychologists or students whether or not they are APA members by bodies other than APA, including state psychological associations, other professional groups, psychology boards, other state or federal agencies, and payors for health services. In addition, APA may take action against a member after his or her conviction of a felony, expulsion or suspension from an affiliated state psychological association, or suspension or loss of licensure. When the sanction to be imposed by APA is less than expulsion, the 2001 Rules and Procedures do not guarantee an opportunity for an in-person hearing, but generally provide that complaints will be resolved only on the basis of a submitted record.

The Ethics Code is intended to provide guidance for psychologists and standards of professional conduct that can be applied by the APA and by other bodies that choose to adopt them. The Ethics Code is not intended to be a basis of civil liability. Whether a psychologist has violated the Ethics Code standards does not by itself determine whether the psychologist is legally liable in a court action, whether a contract is enforceable, or whether other legal consequences occur.

The modifiers used in some of the standards of this Ethics Code (e.g., reasonably, appropriate, potentially) are included in the standards when they would (1) allow professional judgment on the part of psychologists, (2) eliminate injustice or inequality that would occur without the modifier, (3) ensure applicability across the broad range of activities conducted by psychologists, or (4) guard against a set of rigid rules that might be quickly outdated. As used in this Ethics Code, the term reasonable means the prevailing professional judgment of psychologists engaged in similar activities in similar circumstances, given the knowledge the psychologist had or should have had at the time. In the process of making decisions regarding their professional behavior, psychologists must consider this Ethics Code in addition to applicable laws and psychology board regulations. In applying the Ethics Code to their



professional work, psychologists may consider other materials and guidelines that have been adopted or endorsed by scientific and professional psychological organizations and the dictates of their own conscience, as well as consult with others within the field. If this Ethics Code establishes a higher standard of conduct than is required by law, psychologists must meet the higher ethical standard. If psychologists' ethical responsibilities conflict with law, regulations, or other governing legal authority, psychologists make known their commitment to this Ethics Code and take steps to resolve the conflict in a responsible manner in keeping with basic principles of human rights.

### *Preamble*

Psychologists are committed to increasing scientific and professional knowledge of behavior and people's understanding of themselves and others and to the use of such knowledge to improve the condition of individuals, organizations, and society. Psychologists respect and protect civil and human rights and the central importance of freedom of inquiry and expression in research, teaching, and publication. They strive to help the public in developing informed judgments and choices concerning human behavior. In doing so, they perform many roles, such as researcher, educator, diagnostician, therapist, supervisor, consultant, administrator, social interventionist, and expert witness. This Ethics Code provides a common set of principles and standards upon which psychologists build their professional and scientific work.

This Ethics Code is intended to provide specific standards to cover most situations encountered by psychologists. It has as its goals the welfare and protection of the individuals and groups with whom psychologists work and the education of members, students, and the public regarding ethical standards of the discipline. The development of a dynamic set of ethical standards for psychologists' work-related conduct requires a personal commitment and lifelong effort to act ethically; to encourage ethical behavior by students, supervisees, employees, and colleagues; and to consult with others concerning ethical problems.

## *Standard 1: Resolving Ethical Issues*

### **1.01 Misuse of Psychologists' Work**

If psychologists learn of misuse or misrepresentation of their work, they take reasonable steps to correct or minimize the misuse or misrepresentation.

### **1.02 Conflicts Between Ethics and Law, Regulations, or Other Governing Legal Authority**

If psychologists' ethical responsibilities conflict with law, regulations, or other governing legal authority, psychologists clarify the nature of the conflict, make known their commitment to the Ethics Code, and take reasonable steps to resolve the conflict consistent with the General Principles and Ethical Standards of the Ethics Code. Under no circumstances may this standard be used to justify or defend violating human rights.

### **1.03 Conflicts Between Ethics and Organizational Demands**

If the demands of an organization with which psychologists are affiliated or for whom they are working are in conflict with this Ethics Code, psychologists clarify the nature of the conflict, make known their commitment to the Ethics Code, and take reasonable steps to resolve the conflict consistent with the General Principles and Ethical Standards of the Ethics Code. Under no circumstances may this standard be used to justify or defend violating human rights.

### **1.04 Informal Resolution of Ethical Violations**

When psychologists believe that there may have been an ethical violation by another psychologist, they attempt to resolve the issue by bringing it to the attention of that individual, if an informal resolution appears appropriate and the intervention does not violate any confidentiality rights that may be involved. (See also Standards 1.02, Conflicts Between Ethics and Law, Regulations, or Other Governing Legal Authority, and 1.03, Conflicts Between Ethics and Organizational Demands.)

### **1.05 Reporting Ethical Violations**

If an apparent ethical violation has substantially harmed or is likely to substantially harm a person or organization and is not appropriate for informal resolution under Standard 1.04, Informal Resolution of Ethical Violations, or is not resolved properly in that fashion, psychologists take further action appropriate to the situation. Such action might include referral to state or national committees on professional ethics, to state licensing boards, or to the appropriate institutional authorities. This standard does not apply when an intervention would violate confidentiality rights or when



psychologists have been retained to review the work of another psychologist whose professional conduct is in question. (See also Standard 1.02, Conflicts Between Ethics and Law, Regulations, or Other Governing Legal Authority.)

### **1.06 Cooperating with Ethics Committees**

Psychologists cooperate in ethics investigations, proceedings, and resulting requirements of the APA or any affiliated state psychological association to which they belong. In doing so, they address any confidentiality issues. Failure to cooperate is itself an ethics violation. However, making a request for deferment of adjudication of an ethics complaint pending the outcome of litigation does not alone constitute noncooperation.

### **1.07 Improper Complaints**

Psychologists do not file or encourage the filing of ethics complaints that are made with reckless disregard for or willful ignorance of facts that would disprove the allegation.

### **1.08 Unfair Discrimination Against Complainants and Respondents**

Psychologists do not deny persons employment, advancement, admissions to academic or other programs, tenure, or promotion, based solely upon their having made or their being the subject of an ethics complaint. This does not preclude taking action based upon the outcome of such proceedings or considering other appropriate information.

## *Standard 2: Competence*

### **2.01 Boundaries of Competence**

(a) Psychologists provide services, teach, and conduct research with populations and in areas only within the boundaries of their competence, based on their education, training, supervised experience, consultation, study, or professional experience.

(b) Where scientific or professional knowledge in the discipline of psychology establishes that an understanding of factors associated with age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, or socioeconomic status is essential for effective implementation of their services or research, psychologists have or obtain the training, experience, consultation, or supervision necessary to ensure the competence of their services, or they make appropriate referrals, except as provided in Standard 2.02, Providing Services in Emergencies.

(c) Psychologists planning to provide services, teach, or conduct research involving populations, areas, techniques, or technologies new to them undertake relevant education, training, supervised experience, consultation, or study.

(d) When psychologists are asked to provide services to individuals for whom appropriate mental health services are not available and for which psychologists have not obtained the competence necessary, psychologists with closely related prior training or experience may provide such services in order to ensure that services are not denied if they make a reasonable effort to obtain the competence required by using relevant research, training, consultation, or study.

(e) In those emerging areas in which generally recognized standards for preparatory training do not yet exist, psychologists nevertheless take reasonable steps to ensure the competence of their work and to protect clients/patients, students, supervisees, research participants, organizational clients, and others from harm.

(f) When assuming forensic roles, psychologists are or become reasonably familiar with the judicial or administrative rules governing their roles.

### **2.02 Providing Services in Emergencies**

In emergencies, when psychologists provide services to individuals for whom other mental health services are not available and for which psychologists have not obtained the necessary training, psychologists may provide such services in order to ensure that services are not denied. The services are discontinued as soon as the emergency has ended or appropriate services are available.

### **2.03 Maintaining Competence**

Psychologists undertake ongoing efforts to develop and maintain their competence.

### **2.04 Bases for Scientific and Professional Judgments**



Psychologists' work is based upon established scientific and professional knowledge of the discipline. (See also Standards [2.01e, Boundaries of Competence](#), and [10.01b, Informed Consent to Therapy](#).)

### **2.05 Delegation of Work to Others**

Psychologists who delegate work to employees, supervisees, or research or teaching assistants or who use the services of others, such as interpreters, take reasonable steps to (1) avoid delegating such work to persons who have a multiple relationship with those being served that would likely lead to exploitation or loss of objectivity; (2) authorize only those responsibilities that such persons can be expected to perform competently on the basis of their education, training, or experience, either independently or with the level of supervision being provided; and (3) see that such persons perform these services competently. (See also Standards [2.02, Providing Services in Emergencies](#); [3.05, Multiple Relationships](#); [4.01, Maintaining Confidentiality](#); [9.01, Bases for Assessments](#); [9.02, Use of Assessments](#); [9.03, Informed Consent in Assessments](#); and [9.07, Assessment by Unqualified Persons](#).)

### **2.06 Personal Problems and Conflicts**

(a) Psychologists refrain from initiating an activity when they know or should know that there is a substantial likelihood that their personal problems will prevent them from performing their work-related activities in a competent manner.

(b) When psychologists become aware of personal problems that may interfere with their performing work-related duties adequately, they take appropriate measures, such as obtaining professional consultation or assistance, and determine whether they should limit, suspend, or terminate their work-related duties. (See also Standard [10.10, Terminating Therapy](#).)

## *Standard 3: Human Relations*

### **3.01 Unfair Discrimination**

In their work-related activities, psychologists do not engage in unfair discrimination based on age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, socioeconomic status, or any basis proscribed by law.

### **3.02 Sexual Harassment**

Psychologists do not engage in sexual harassment. Sexual harassment is sexual solicitation, physical advances, or verbal or nonverbal conduct that is sexual in nature, that occurs in connection with the psychologist's activities or roles as a psychologist, and that either (1) is unwelcome, is offensive, or creates a hostile workplace or educational environment, and the psychologist knows or is told this or (2) is sufficiently severe or intense to be abusive to a reasonable person in the context. Sexual harassment can consist of a single intense or severe act or of multiple persistent or pervasive acts. (See also Standard [1.08, Unfair Discrimination Against Complainants and Respondents](#).)

### **3.03 Other Harassment**

Psychologists do not knowingly engage in behavior that is harassing or demeaning to persons with whom they interact in their work based on factors such as those persons' age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, or socioeconomic status.

### **3.04 Avoiding Harm**

Psychologists take reasonable steps to avoid harming their clients/patients, students, supervisees, research participants, organizational clients, and others with whom they work, and to minimize harm where it is foreseeable and unavoidable.

### **3.05 Multiple Relationships**

(a) A multiple relationship occurs when a psychologist is in a professional role with a person and (1) at the same time is in another role with the same person, (2) at the same time is in a relationship with a person closely associated with or related to the person with whom the psychologist has the professional relationship, or (3) promises to enter into another relationship in the future with the person or a person closely associated with or related to the person.

A psychologist refrains from entering into a multiple relationship if the multiple relationship could reasonably be expected to impair the psychologist's objectivity, competence, or effectiveness in performing his or her functions as a psychologist, or otherwise risks exploitation or harm to the person with whom the professional relationship exists.



Multiple relationships that would not reasonably be expected to cause impairment or risk exploitation or harm are not unethical.

(b) If a psychologist finds that, due to unforeseen factors, a potentially harmful multiple relationship has arisen, the psychologist takes reasonable steps to resolve it with due regard for the best interests of the affected person and maximal compliance with the Ethics Code.

(c) When psychologists are required by law, institutional policy, or extraordinary circumstances to serve in more than one role in judicial or administrative proceedings, at the outset they clarify role expectations and the extent of confidentiality and thereafter as changes occur. (See also Standards 3.04, Avoiding Harm, and 3.07, Third-Party Requests for Services.)

### **3.06 Conflict of Interest**

Psychologists refrain from taking on a professional role when personal, scientific, professional, legal, financial, or other interests or relationships could reasonably be expected to (1) impair their objectivity, competence, or effectiveness in performing their functions as psychologists or (2) expose the person or organization with whom the professional relationship exists to harm or exploitation.

### **3.07 Third-Party Requests for Services**

When psychologists agree to provide services to a person or entity at the request of a third party, psychologists attempt to clarify at the outset of the service the nature of the relationship with all individuals or organizations involved. This clarification includes the role of the psychologist (e.g., therapist, consultant, diagnostician, or expert witness), an identification of who is the client, the probable uses of the services provided or the information obtained, and the fact that there may be limits to confidentiality. (See also Standards 3.05, Multiple relationships, and 4.02, Discussing the Limits of Confidentiality.)

### **3.08 Exploitative Relationships**

Psychologists do not exploit persons over whom they have supervisory, evaluative, or other authority such as clients/patients, students, supervisees, research participants, and employees. (See also Standards 3.05, Multiple Relationships; 6.04, Fees and Financial Arrangements; 6.05, Barter with Clients/Patients; 7.07, Sexual Relationships with Students and Supervisees; 10.05, Sexual Intimacies with Current Therapy Clients/Patients; 10.06, Sexual Intimacies with Relatives or Significant Others of Current Therapy Clients/Patients; 10.07, Therapy with Former Sexual Partners; and 10.08, Sexual Intimacies with Former Therapy Clients/Patients.)

### **3.09 Cooperation with Other Professionals**

When indicated and professionally appropriate, psychologists cooperate with other professionals in order to serve their clients/patients effectively and appropriately. (See also Standard 4.05, Disclosures.)

### **3.10 Informed Consent**

(a) When psychologists conduct research or provide assessment, therapy, counseling, or consulting services in person or via electronic transmission or other forms of communication, they obtain the informed consent of the individual or individuals using language that is reasonably understandable to that person or persons except when conducting such activities without consent is mandated by law or governmental regulation or as otherwise provided in this Ethics Code. (See also Standards 8.02, Informed Consent to Research; 9.03, Informed Consent in Assessments; and 10.01, Informed Consent to Therapy.)

(b) For persons who are legally incapable of giving informed consent, psychologists nevertheless (1) provide an appropriate explanation, (2) seek the individual's assent, (3) consider such persons' preferences and best interests, and (4) obtain appropriate permission from a legally authorized person, if such substitute consent is permitted or required by law. When consent by a legally authorized person is not permitted or required by law, psychologists take reasonable steps to protect the individual's rights and welfare.

(c) When psychological services are court ordered or otherwise mandated, psychologists inform the individual of the nature of the anticipated services, including whether the services are court ordered or mandated and any limits of confidentiality, before proceeding.



(d) Psychologists appropriately document written or oral consent, permission, and assent. (See also Standards 8.02, Informed Consent to Research; 9.03, Informed Consent in Assessments; and 10.01, Informed Consent to Therapy.)

### **3.11 Psychological Services Delivered to or Through Organizations**

(a) Psychologists delivering services to or through organizations provide information beforehand to clients and when appropriate those directly affected by the services about (1) the nature and objectives of the services, (2) the intended recipients, (3) which of the individuals are clients, (4) the relationship the psychologist will have with each person and the organization, (5) the probable uses of services provided and information obtained, (6) who will have access to the information, and (7) limits of confidentiality. As soon as feasible, they provide information about the results and conclusions of such services to appropriate persons.

(b) If psychologists will be precluded by law or by organizational roles from providing such information to particular individuals or groups, they so inform those individuals or groups at the outset of the service.

### **3.12 Interruption of Psychological Services**

Unless otherwise covered by contract, psychologists make reasonable efforts to plan for facilitating services in the event that psychological services are interrupted by factors such as the psychologist's illness, death, unavailability, relocation, or retirement or by the client's/patient's relocation or financial limitations. (See also Standard 6.02c, Maintenance, Dissemination, and Disposal of Confidential Records of Professional and Scientific Work.)

## *Standard 4: Privacy and Confidentiality*

### **4.01 Maintaining Confidentiality**

Psychologists have a primary obligation and take reasonable precautions to protect confidential information obtained through or stored in any medium, recognizing that the extent and limits of confidentiality may be regulated by law or established by institutional rules or professional or scientific relationship. (See also Standard 2.05, Delegation of Work to Others.)

### **4.02 Discussing the Limits of Confidentiality**

(a) Psychologists discuss with persons (including, to the extent feasible, persons who are legally incapable of giving informed consent and their legal representatives) and organizations with whom they establish a scientific or professional relationship (1) the relevant limits of confidentiality and (2) the foreseeable uses of the information generated through their psychological activities. (See also Standard 3.10, Informed Consent.)

(b) Unless it is not feasible or is contraindicated, the discussion of confidentiality occurs at the outset of the relationship and thereafter as new circumstances may warrant.

(c) Psychologists who offer services, products, or information via electronic transmission inform clients/patients of the risks to privacy and limits of confidentiality.

### **4.03 Recording**

Before recording the voices or images of individuals to whom they provide services, psychologists obtain permission from all such persons or their legal representatives. (See also Standards 8.03, Informed Consent for Recording Voices and Images in Research; 8.05, Dispensing with Informed Consent for Research; and 8.07, Deception in Research.)

### **4.04 Minimizing Intrusions on Privacy**

(a) Psychologists include in written and oral reports and consultations, only information germane to the purpose for which the communication is made.

(b) Psychologists discuss confidential information obtained in their work only for appropriate scientific or professional purposes and only with persons clearly concerned with such matters.

### **4.05 Disclosures**

(a) Psychologists may disclose confidential information with the appropriate consent of the organizational client, the individual client/patient, or another legally authorized person on behalf of the client/patient unless prohibited by law.

(b) Psychologists disclose confidential information without the consent of the individual only as mandated by law, or where permitted by law for a valid purpose such as to (1) provide needed professional services; (2) obtain



appropriate professional consultations; (3) protect the client/patient, psychologist, or others from harm; or (4) obtain payment for services from a client/patient, in which instance disclosure is limited to the minimum that is necessary to achieve the purpose. (See also Standard 6.04e, Fees and Financial Arrangements.)

#### **4.06 Consultations**

When consulting with colleagues, (1) psychologists do not disclose confidential information that reasonably could lead to the identification of a client/patient, research participant, or other person or organization with whom they have a confidential relationship unless they have obtained the prior consent of the person or organization or the disclosure cannot be avoided, and (2) they disclose information only to the extent necessary to achieve the purposes of the consultation. (See also Standard 4.01, Maintaining Confidentiality.)

#### **4.07 Use of Confidential Information for Didactic or Other Purposes**

Psychologists do not disclose in their writings, lectures, or other public media, confidential, personally identifiable information concerning their clients/patients, students, research participants, organizational clients, or other recipients of their services that they obtained during the course of their work, unless (1) they take reasonable steps to disguise the person or organization, (2) the person or organization has consented in writing, or (3) there is legal authorization for doing so.

### *Standard 5: Advertising and Other Public Statements*

#### **5.01 Avoidance of False or Deceptive Statements**

(a) Public statements include but are not limited to paid or unpaid advertising, product endorsements, grant applications, licensing applications, other credentialing applications, brochures, printed matter, directory listings, personal resumes or curricula vitae, or comments for use in media such as print or electronic transmission, statements in legal proceedings, lectures and public oral presentations, and published materials. Psychologists do not knowingly make public statements that are false, deceptive, or fraudulent concerning their research, practice, or other work activities or those of persons or organizations with which they are affiliated.

(b) Psychologists do not make false, deceptive, or fraudulent statements concerning (1) their training, experience, or competence; (2) their academic degrees; (3) their credentials; (4) their institutional or association affiliations; (5) their services; (6) the scientific or clinical basis for, or results or degree of success of, their services; (7) their fees; or (8) their publications or research findings.

(c) Psychologists claim degrees as credentials for their health services only if those degrees (1) were earned from a regionally accredited educational institution or (2) were the basis for psychology licensure by the state in which they practice.

#### **5.02 Statements by Others**

(a) Psychologists who engage others to create or place public statements that promote their professional practice, products, or activities retain professional responsibility for such statements.

(b) Psychologists do not compensate employees of press, radio, television, or other communication media in return for publicity in a news item. (See also Standard 1.01, Misuse of Psychologists' Work.)

(c) A paid advertisement relating to psychologists' activities must be identified or clearly recognizable as such.

#### **5.03 Descriptions of Workshops and Non-Degree-Granting Educational Programs**

To the degree to which they exercise control, psychologists responsible for announcements, catalogs, brochures, or advertisements describing workshops, seminars, or other non-degree-granting educational programs ensure that they accurately describe the audience for which the program is intended, the educational objectives, the presenters, and the fees involved.

#### **5.04 Media Presentations**

When psychologists provide public advice or comment via print, Internet, or other electronic transmission, they take precautions to ensure that statements (1) are based on their professional knowledge, training, or experience in accord with appropriate psychological literature and practice; (2) are otherwise consistent with this Ethics Code; and



(3) do not indicate that a professional relationship has been established with the recipient. (See also Standard [2.04, Bases for Scientific and Professional Judgments](#).)

#### **5.05 Testimonials**

Psychologists do not solicit testimonials from current therapy clients/patients or other persons who because of their particular circumstances are vulnerable to undue influence.

#### **5.06 In-Person Solicitation**

Psychologists do not engage, directly or through agents, in uninvited in-person solicitation of business from actual or potential therapy clients/patients or other persons who because of their particular circumstances are vulnerable to undue influence. However, this prohibition does not preclude (1) attempting to implement appropriate collateral contacts for the purpose of benefiting an already engaged therapy client/patient or (2) providing disaster or community outreach services.

### *Standard 6: Record Keeping and Fees*

#### **6.01 Documentation of Professional and Scientific Work and Maintenance of Records**

Psychologists create, and to the extent the records are under their control, maintain, disseminate, store, retain, and dispose of records and data relating to their professional and scientific work in order to (1) facilitate provision of services later by them or by other professionals, (2) allow for replication of research design and analyses, (3) meet institutional requirements, (4) ensure accuracy of billing and payments, and (5) ensure compliance with law. (See also Standard [4.01, Maintaining Confidentiality](#).)

#### **6.02 Maintenance, Dissemination, and Disposal of Confidential Records of Professional and Scientific Work**

(a) Psychologists maintain confidentiality in creating, storing, accessing, transferring, and disposing of records under their control, whether these are written, automated, or in any other medium. (See also Standards [4.01, Maintaining Confidentiality](#), and [6.01, Documentation of Professional and Scientific Work and Maintenance of Records](#).)

(b) If confidential information concerning recipients of psychological services is entered into databases or systems of records available to persons whose access has not been consented to by the recipient, psychologists use coding or other techniques to avoid the inclusion of personal identifiers.

(c) Psychologists make plans in advance to facilitate the appropriate transfer and to protect the confidentiality of records and data in the event of psychologists' withdrawal from positions or practice. (See also Standards [3.12, Interruption of Psychological Services](#), and [10.09, Interruption of Therapy](#).)

#### **6.03 Withholding Records for Nonpayment**

Psychologists may not withhold records under their control that are requested and needed for a client's/patient's emergency treatment solely because payment has not been received.

#### **6.04 Fees and Financial Arrangements**

(a) As early as is feasible in a professional or scientific relationship, psychologists and recipients of psychological services reach an agreement specifying compensation and billing arrangements.

(b) Psychologists' fee practices are consistent with law.

(c) Psychologists do not misrepresent their fees.

(d) If limitations to services can be anticipated because of limitations in financing, this is discussed with the recipient of services as early as is feasible. (See also Standards [10.09, Interruption of Therapy](#), and [10.10, Terminating Therapy](#).)

(e) If the recipient of services does not pay for services as agreed, and if psychologists intend to use collection agencies or legal measures to collect the fees, psychologists first inform the person that such measures will be taken and provide that person an opportunity to make prompt payment. (See also Standards [4.05, Disclosures](#); [6.03, Withholding Records for Nonpayment](#); and [10.01, Informed Consent to Therapy](#).)

#### **6.05 Barter with Clients/Patients**

Barter is the acceptance of goods, services, or other nonmonetary remuneration from clients/patients in return for



psychological services. Psychologists may barter only if (1) it is not clinically contraindicated, and (2) the resulting arrangement is not exploitative. (See also Standards [3.05, Multiple Relationships](#), and [6.04, Fees and Financial Arrangements](#).)

#### **6.06 Accuracy in Reports to Payors and Funding Sources**

In their reports to payors for services or sources of research funding, psychologists take reasonable steps to ensure the accurate reporting of the nature of the service provided or research conducted, the fees, charges, or payments, and where applicable, the identity of the provider, the findings, and the diagnosis. (See also Standards [4.01, Maintaining Confidentiality](#); [4.04, Minimizing Intrusions on Privacy](#); and [4.05, Disclosures](#).)

#### **6.07 Referrals and Fees**

When psychologists pay, receive payment from, or divide fees with another professional, other than in an employer-employee relationship, the payment to each is based on the services provided (clinical, consultative, administrative, or other) and is not based on the referral itself. (See also Standard [3.09, Cooperation with Other Professionals](#).)

### *Standard 7: Education and Training*

#### **7.01 Design of Education and Training Programs**

Psychologists responsible for education and training programs take reasonable steps to ensure that the programs are designed to provide the appropriate knowledge and proper experiences, and to meet the requirements for licensure, certification, or other goals for which claims are made by the program. (See also Standard [5.03, Descriptions of Workshops and Non-Degree-Granting Educational Programs](#).)

#### **7.02 Descriptions of Education and Training Programs**

Psychologists responsible for education and training programs take reasonable steps to ensure that there is a current and accurate description of the program content (including participation in required course- or program-related counseling, psychotherapy, experiential groups, consulting projects, or community service), training goals and objectives, stipends and benefits, and requirements that must be met for satisfactory completion of the program. This information must be made readily available to all interested parties.

#### **7.03 Accuracy in Teaching**

(a) Psychologists take reasonable steps to ensure that course syllabi are accurate regarding the subject matter to be covered, bases for evaluating progress, and the nature of course experiences. This standard does not preclude an instructor from modifying course content or requirements when the instructor considers it pedagogically necessary or desirable, so long as students are made aware of these modifications in a manner that enables them to fulfill course requirements. (See also Standard [5.01, Avoidance of False or Deceptive Statements](#).)

(b) When engaged in teaching or training, psychologists present psychological information accurately. (See also Standard [2.03, Maintaining Competence](#).)

#### **7.04 Student Disclosure of Personal Information**

Psychologists do not require students or supervisees to disclose personal information in course- or program-related activities, either orally or in writing, regarding sexual history, history of abuse and neglect, psychological treatment, and relationships with parents, peers, and spouses or significant others except if (1) the program or training facility has clearly identified this requirement in its admissions and program materials or (2) the information is necessary to evaluate or obtain assistance for students whose personal problems could reasonably be judged to be preventing them from performing their training- or professionally related activities in a competent manner or posing a threat to the students or others.

#### **7.05 Mandatory Individual or Group Therapy**

(a) When individual or group therapy is a program or course requirement, psychologists responsible for that program allow students in undergraduate and graduate programs the option of selecting such therapy from practitioners unaffiliated with the program. (See also Standard [7.02, Descriptions of Education and Training Programs](#).)

(b) Faculty who are or are likely to be responsible for evaluating students' academic performance do not themselves provide that therapy. (See also Standard [3.05, Multiple Relationships](#).)



### **7.06 Assessing Student and Supervisee Performance**

(a) In academic and supervisory relationships, psychologists establish a timely and specific process for providing feedback to students and supervisees. Information regarding the process is provided to the student at the beginning of supervision.

(b) Psychologists evaluate students and supervisees on the basis of their actual performance on relevant and established program requirements.

### **7.07 Sexual Relationships with Students and Supervisees**

Psychologists do not engage in sexual relationships with students or supervisees who are in their department, agency, or training center or over whom psychologists have or are likely to have evaluative authority. (See also Standard [3.05, Multiple Relationships](#).)

## **Standard 8: Research and Publication**

### **8.01 Institutional Approval**

When institutional approval is required, psychologists provide accurate information about their research proposals and obtain approval prior to conducting the research. They conduct the research in accordance with the approved research protocol.

### **8.02 Informed Consent to Research**

(a) When obtaining informed consent as required in Standard 3.10, Informed Consent, psychologists inform participants about (1) the purpose of the research, expected duration, and procedures; (2) their right to decline to participate and to withdraw from the research once participation has begun; (3) the foreseeable consequences of declining or withdrawing; (4) reasonably foreseeable factors that may be expected to influence their willingness to participate such as potential risks, discomfort, or adverse effects; (5) any prospective research benefits; (6) limits of confidentiality; (7) incentives for participation; and (8) whom to contact for questions about the research and research participants' rights. They provide opportunity for the prospective participants to ask questions and receive answers. (See also Standards [8.03, Informed Consent for Recording Voices and Images in Research](#); [8.05, Dispensing with Informed Consent for Research](#); and [8.07, Deception in Research](#).)

(b) Psychologists conducting intervention research involving the use of experimental treatments clarify to participants at the outset of the research (1) the experimental nature of the treatment; (2) the services that will or will not be available to the control group(s) if appropriate; (3) the means by which assignment to treatment and control groups will be made; (4) available treatment alternatives if an individual does not wish to participate in the research or wishes to withdraw once a study has begun; and (5) compensation for or monetary costs of participating including, if appropriate, whether reimbursement from the participant or a third-party payor will be sought. (See also Standard [8.02a, Informed Consent to Research](#).)

### **8.03 Informed Consent for Recording Voices and Images in Research**

Psychologists obtain informed consent from research participants prior to recording their voices or images for data collection unless (1) the research consists solely of naturalistic observations in public places, and it is not anticipated that the recording will be used in a manner that could cause personal identification or harm, or (2) the research design includes deception, and consent for the use of the recording is obtained during debriefing. (See also Standard [8.07, Deception in Research](#).)

### **8.04 Client/Patient, Student, and Subordinate Research Participants**

(a) When psychologists conduct research with clients/patients, students, or subordinates as participants, psychologists take steps to protect the prospective participants from adverse consequences of declining or withdrawing from participation.

(b) When research participation is a course requirement or an opportunity for extra credit, the prospective participant is given the choice of equitable alternative activities.

### **8.05 Dispensing with Informed Consent for Research**

Psychologists may dispense with informed consent only (1) where research would not reasonably be assumed to



create distress or harm and involves (a) the study of normal educational practices, curricula, or classroom management methods conducted in educational settings; (b) only anonymous questionnaires, naturalistic observations, or archival research for which disclosure of responses would not place participants at risk of criminal or civil liability or damage their financial standing, employability, or reputation, and confidentiality is protected; or (c) the study of factors related to job or organization effectiveness conducted in organizational settings for which there is no risk to participants' employability, and confidentiality is protected or (2) where otherwise permitted by law or federal or institutional regulations.

#### **8.06 Offering Inducements for Research Participation**

(a) Psychologists make reasonable efforts to avoid offering excessive or inappropriate financial or other inducements for research participation when such inducements are likely to coerce participation.

(b) When offering professional services as an inducement for research participation, psychologists clarify the nature of the services, as well as the risks, obligations, and limitations. (See also Standard 6.05, Barter with Clients/Patients.)

#### **8.07 Deception in Research**

(a) Psychologists do not conduct a study involving deception unless they have determined that the use of deceptive techniques is justified by the study's significant prospective scientific, educational, or applied value and that effective nondeceptive alternative procedures are not feasible.

(b) Psychologists do not deceive prospective participants about research that is reasonably expected to cause physical pain or severe emotional distress.

(c) Psychologists explain any deception that is an integral feature of the design and conduct of an experiment to participants as early as is feasible, preferably at the conclusion of their participation, but no later than at the conclusion of the data collection, and permit participants to withdraw their data. (See also Standard 8.08, Debriefing.)

#### **8.08 Debriefing**

(a) Psychologists provide a prompt opportunity for participants to obtain appropriate information about the nature, results, and conclusions of the research, and they take reasonable steps to correct any misconceptions that participants may have of which the psychologists are aware.

(b) If scientific or humane values justify delaying or withholding this information, psychologists take reasonable measures to reduce the risk of harm.

(c) When psychologists become aware that research procedures have harmed a participant, they take reasonable steps to minimize the harm.

#### **8.09 Humane Care and Use of Animals in Research**

(a) Psychologists acquire, care for, use, and dispose of animals in compliance with current federal, state, and local laws and regulations, and with professional standards.

(b) Psychologists trained in research methods and experienced in the care of laboratory animals supervise all procedures involving animals and are responsible for ensuring appropriate consideration of their comfort, health, and humane treatment.

(c) Psychologists ensure that all individuals under their supervision who are using animals have received instruction in research methods and in the care, maintenance, and handling of the species being used, to the extent appropriate to their role. (See also Standard 2.05, Delegation of Work to Others.)

(d) Psychologists make reasonable efforts to minimize the discomfort, infection, illness, and pain of animal subjects.

(e) Psychologists use a procedure subjecting animals to pain, stress, or privation only when an alternative procedure is unavailable and the goal is justified by its prospective scientific, educational, or applied value.



- (f) Psychologists perform surgical procedures under appropriate anesthesia and follow techniques to avoid infection and minimize pain during and after surgery.
- (g) When it is appropriate that an animal's life be terminated, psychologists proceed rapidly, with an effort to minimize pain and in accordance with accepted procedures.

### **8.10 Reporting Research Results**

- (a) Psychologists do not fabricate data. (See also Standard [5.01a, Avoidance of False or Deceptive Statements.](#))
- (b) If psychologists discover significant errors in their published data, they take reasonable steps to correct such errors in a correction, retraction, erratum, or other appropriate publication means.

### **8.11 Plagiarism**

Psychologists do not present portions of another's work or data as their own, even if the other work or data source is cited occasionally.

### **8.12 Publication Credit**

- (a) Psychologists take responsibility and credit, including authorship credit, only for work they have actually performed or to which they have substantially contributed. (See also Standard [8.12b, Publication Credit.](#))
- (b) Principal authorship and other publication credits accurately reflect the relative scientific or professional contributions of the individuals involved, regardless of their relative status. Mere possession of an institutional position, such as department chair, does not justify authorship credit. Minor contributions to the research or to the writing for publications are acknowledged appropriately, such as in footnotes or in an introductory statement.
- (c) Except under exceptional circumstances, a student is listed as principal author on any multiple-authored article that is substantially based on the student's doctoral dissertation. Faculty advisors discuss publication credit with students as early as feasible and throughout the research and publication process as appropriate. (See also Standard [8.12b, Publication Credit.](#))

### **8.13 Duplicate Publication of Data**

Psychologists do not publish, as original data, data that have been previously published. This does not preclude republishing data when they are accompanied by proper acknowledgment.

### **8.14 Sharing Research Data for Verification**

- (a) After research results are published, psychologists do not withhold the data on which their conclusions are based from other competent professionals who seek to verify the substantive claims through reanalysis and who intend to use such data only for that purpose, provided that the confidentiality of the participants can be protected and unless legal rights concerning proprietary data preclude their release. This does not preclude psychologists from requiring that such individuals or groups be responsible for costs associated with the provision of such information.
- (b) Psychologists who request data from other psychologists to verify the substantive claims through reanalysis may use shared data only for the declared purpose. Requesting psychologists obtain prior written agreement for all other uses of the data.

### **8.15 Reviewers**

Psychologists who review material submitted for presentation, publication, grant, or research proposal review respect the confidentiality of and the proprietary rights in such information of those who submitted it.

## *Standard 9: Assessment*

### **9.01 Bases for Assessments**

- (a) Psychologists base the opinions contained in their recommendations, reports, and diagnostic or evaluative statements, including forensic testimony, on information and techniques sufficient to substantiate their findings. (See also Standard [2.04, Bases for Scientific and Professional Judgments.](#))
- (b) Except as noted in [9.01c](#), psychologists provide opinions of the psychological characteristics of individuals only after they have conducted an examination of the individuals adequate to support their statements or conclusions.



When, despite reasonable efforts, such an examination is not practical, psychologists document the efforts they made and the result of those efforts, clarify the probable impact of their limited information on the reliability and validity of their opinions, and appropriately limit the nature and extent of their conclusions or recommendations. (See also Standards [2.01, Boundaries of Competence](#), and [9.06, Interpreting Assessment Results](#).)

(c) When psychologists conduct a record review or provide consultation or supervision and an individual examination is not warranted or necessary for the opinion, psychologists explain this and the sources of information on which they based their conclusions and recommendations.

### **9.02 Use of Assessments**

(a) Psychologists administer, adapt, score, interpret, or use assessment techniques, interviews, tests, or instruments in a manner and for purposes that are appropriate in light of the research on or evidence of the usefulness and proper application of the techniques.

(b) Psychologists use assessment instruments whose validity and reliability have been established for use with members of the population tested. When such validity or reliability has not been established, psychologists describe the strengths and limitations of test results and interpretation.

(c) Psychologists use assessment methods that are appropriate to an individual's language preference and competence, unless the use of an alternative language is relevant to the assessment issues.

### **9.03 Informed Consent in Assessments**

(a) Psychologists obtain informed consent for assessments, evaluations, or diagnostic services, as described in Standard 3.10, Informed Consent, except when (1) testing is mandated by law or governmental regulations; (2) informed consent is implied because testing is conducted as a routine educational, institutional, or organizational activity (e.g., when participants voluntarily agree to assessment when applying for a job); or (3) one purpose of the testing is to evaluate decisional capacity. Informed consent includes an explanation of the nature and purpose of the assessment, fees, involvement of third parties, and limits of confidentiality and sufficient opportunity for the client/patient to ask questions and receive answers.

(b) Psychologists inform persons with questionable capacity to consent or for whom testing is mandated by law or governmental regulations about the nature and purpose of the proposed assessment services, using language that is reasonably understandable to the person being assessed.

(c) Psychologists using the services of an interpreter obtain informed consent from the client/patient to use that interpreter, ensure that confidentiality of test results and test security are maintained, and include in their recommendations, reports, and diagnostic or evaluative statements, including forensic testimony, discussion of any limitations on the data obtained. (See also Standards [2.05, Delegation of Work to Others](#); [4.01, Maintaining Confidentiality](#); [9.01, Bases for Assessments](#); [9.06, Interpreting Assessment Results](#); and [9.07, Assessment by Unqualified Persons](#).)

### **9.04 Release of Test Data**

(a) The term test data refers to raw and scaled scores, client/patient responses to test questions or stimuli, and psychologists' notes and recordings concerning client/patient statements and behavior during an examination. Those portions of test materials that include client/patient responses are included in the definition of test data. Pursuant to a client/patient release, psychologists provide test data to the client/patient or other persons identified in the release. Psychologists may refrain from releasing test data to protect a client/patient or others from substantial harm or misuse or misrepresentation of the data or the test, recognizing that in many instances release of confidential information under these circumstances is regulated by law. (See also Standard [9.11, Maintaining Test Security](#).)

(b) In the absence of a client/patient release, psychologists provide test data only as required by law or court order.

### **9.05 Test Construction**

Psychologists who develop tests and other assessment techniques use appropriate psychometric procedures and current scientific or professional knowledge for test design, standardization, validation, reduction or elimination of bias, and recommendations for use.



### 9.06 Interpreting Assessment Results

When interpreting assessment results, including automated interpretations, psychologists take into account the purpose of the assessment as well as the various test factors, test-taking abilities, and other characteristics of the person being assessed, such as situational, personal, linguistic, and cultural differences, that might affect psychologists' judgments or reduce the accuracy of their interpretations. They indicate any significant limitations of their interpretations. (See also Standards [2.01b](#) and [c](#), [Boundaries of Competence](#), and [3.01](#), [Unfair Discrimination](#).)

### 9.07 Assessment by Unqualified Persons

Psychologists do not promote the use of psychological assessment techniques by unqualified persons, except when such use is conducted for training purposes with appropriate supervision. (See also Standard [2.05](#), [Delegation of Work to Others](#).)

### 9.08 Obsolete Tests and Outdated Test Results

(a) Psychologists do not base their assessment or intervention decisions or recommendations on data or test results that are outdated for the current purpose.

(b) Psychologists do not base such decisions or recommendations on tests and measures that are obsolete and not useful for the current purpose.

### 9.09 Test Scoring and Interpretation Services

(a) Psychologists who offer assessment or scoring services to other professionals accurately describe the purpose, norms, validity, reliability, and applications of the procedures and any special qualifications applicable to their use.

(b) Psychologists select scoring and interpretation services (including automated services) on the basis of evidence of the validity of the program and procedures as well as on other appropriate considerations. (See also Standard [2.01b](#) and [c](#), [Boundaries of Competence](#).)

(c) Psychologists retain responsibility for the appropriate application, interpretation, and use of assessment instruments, whether they score and interpret such tests themselves or use automated or other services.

### 9.10 Explaining Assessment Results

Regardless of whether the scoring and interpretation are done by psychologists, by employees or assistants, or by automated or other outside services, psychologists take reasonable steps to ensure that explanations of results are given to the individual or designated representative unless the nature of the relationship precludes provision of an explanation of results (such as in some organizational consulting, preemployment or security screenings, and forensic evaluations), and this fact has been clearly explained to the person being assessed in advance.

### 9.11 Maintaining Test Security

The term test materials refers to manuals, instruments, protocols, and test questions or stimuli and does not include test data as defined in Standard [9.04](#), [Release of Test Data](#). Psychologists make reasonable efforts to maintain the integrity and security of test materials and other assessment techniques consistent with law and contractual obligations, and in a manner that permits adherence to this Ethics Code.

## Standard 10: Therapy

### 10.01 Informed Consent to Therapy

(a) When obtaining informed consent to therapy as required in Standard [3.10](#), [Informed Consent](#), psychologists inform clients/patients as early as is feasible in the therapeutic relationship about the nature and anticipated course of therapy, fees, involvement of third parties, and limits of confidentiality and provide sufficient opportunity for the client/patient to ask questions and receive answers. (See also Standards [4.02](#), [Discussing the Limits of Confidentiality](#), and [6.04](#), [Fees and Financial Arrangements](#).)

(b) When obtaining informed consent for treatment for which generally recognized techniques and procedures have not been established, psychologists inform their clients/patients of the developing nature of the treatment, the potential risks involved, alternative treatments that may be available, and the voluntary nature of their participation. (See also Standards [2.01e](#), [Boundaries of Competence](#), and [3.10](#), [Informed Consent](#).)



(c) When the therapist is a trainee and the legal responsibility for the treatment provided resides with the supervisor, the client/patient, as part of the informed consent procedure, is informed that the therapist is in training and is being supervised and is given the name of the supervisor.

#### **10.02 Therapy Involving Couples or Families**

(a) When psychologists agree to provide services to several persons who have a relationship (such as spouses, significant others, or parents and children), they take reasonable steps to clarify at the outset (1) which of the individuals are clients/patients and (2) the relationship the psychologist will have with each person. This clarification includes the psychologist's role and the probable uses of the services provided or the information obtained. (See also Standard 4.02, Discussing the Limits of Confidentiality.)

(b) If it becomes apparent that psychologists may be called on to perform potentially conflicting roles (such as family therapist and then witness for one party in divorce proceedings), psychologists take reasonable steps to clarify and modify, or withdraw from, roles appropriately. (See also Standard 3.05c, Multiple Relationships.)

#### **10.03 Group Therapy**

When psychologists provide services to several persons in a group setting, they describe at the outset the roles and responsibilities of all parties and the limits of confidentiality.

#### **10.04 Providing Therapy to Those Served by Others**

In deciding whether to offer or provide services to those already receiving mental health services elsewhere, psychologists carefully consider the treatment issues and the potential client's/patient's welfare. Psychologists discuss these issues with the client/patient or another legally authorized person on behalf of the client/patient in order to minimize the risk of confusion and conflict, consult with the other service providers when appropriate, and proceed with caution and sensitivity to the therapeutic issues.

#### **10.05 Sexual Intimacies with Current Therapy Clients/Patients**

Psychologists do not engage in sexual intimacies with current therapy clients/patients.

#### **10.06 Sexual Intimacies with Relatives or Significant Others of Current Therapy Clients/Patients**

Psychologists do not engage in sexual intimacies with individuals they know to be close relatives, guardians, or significant others of current clients/patients. Psychologists do not terminate therapy to circumvent this standard.

#### **10.07 Therapy with Former Sexual Partners**

Psychologists do not accept as therapy clients/patients persons with whom they have engaged in sexual intimacies.

#### **10.08 Sexual Intimacies with Former Therapy Clients/Patients**

(a) Psychologists do not engage in sexual intimacies with former clients/patients for at least two years after cessation or termination of therapy.

(b) Psychologists do not engage in sexual intimacies with former clients/patients even after a two-year interval except in the most unusual circumstances. Psychologists who engage in such activity after the two years following cessation or termination of therapy and of having no sexual contact with the former client/patient bear the burden of demonstrating that there has been no exploitation, in light of all relevant factors, including (1) the amount of time that has passed since therapy terminated; (2) the nature, duration, and intensity of the therapy; (3) the circumstances of termination; (4) the client's/patient's personal history; (5) the client's/patient's current mental status; (6) the likelihood of adverse impact on the client/patient; and (7) any statements or actions made by the therapist during the course of therapy suggesting or inviting the possibility of a posttermination sexual or romantic relationship with the client/patient. (See also Standard 3.05, Multiple Relationships.)

#### **10.09 Interruption of Therapy**

When entering into employment or contractual relationships, psychologists make reasonable efforts to provide for orderly and appropriate resolution of responsibility for client/patient care in the event that the employment or contractual relationship ends, with paramount consideration given to the welfare of the client/patient. (See also Standard 3.12, Interruption of Psychological Services.)



### 10.10 Terminating Therapy

(a) Psychologists terminate therapy when it becomes reasonably clear that the client/patient no longer needs the service, is not likely to benefit, or is being harmed by continued service.

(b) Psychologists may terminate therapy when threatened or otherwise endangered by the client/patient or another person with whom the client/patient has a relationship.

(c) Except where precluded by the actions of clients/patients or third-party payors, prior to termination psychologists provide pretermination counseling and suggest alternative service providers as appropriate.

### *History and Effective Date*

The American Psychological Association's Council of Representatives adopted this version of the APA Ethics Code during its meeting on August 21, 2002. The Code became effective on June 1, 2003. The Council of Representatives amended this version of the Ethics Code on February 20, 2010. The amendments became effective on June 1, 2010. Inquiries concerning the substance or interpretation of the APA Ethics Code should be addressed to the Director, Office of Ethics, American Psychological Association, 750 First St. NE, Washington, DC 20002-4242. The standards in this Ethics Code will be used to adjudicate complaints brought concerning alleged conduct occurring on or after the effective date. Complaints will be adjudicated on the basis of the version of the Ethics Code that was in effect at the time the conduct occurred.

## 1) Classroom Code of Conduct (FPS #50 – rev. 2/2010)

### **I. Expectations and Obligations**

As written in our Statement of Mission and Goals, “Hofstra University is a private institution whose primary mission is to provide a quality education to its students in an environment that encourages, nurtures, and supports learning through the free and open exchange of ideas, for the betterment of humankind.” Environments favorable to learning require civility and consideration of students and faculty. In all their conduct, members of the University community are expected to follow the Pride Principles stated in the Guide to Pride, the Faculty Policy Series, and other documents establishing standards of behavior (for a full listing see “Rights and Responsibilities of Hofstra University Community Members”

[http://www.hofstra.edu/Faculty/senate/senate\\_rights\\_responsibilities.html](http://www.hofstra.edu/Faculty/senate/senate_rights_responsibilities.html)).

Class sessions, and class related activities such as Blackboard discussions, field trips, and programs abroad, create specific requirements for responsible and mature behavior. Students are expected to come to class prepared. Prior to coming to class, students should check their Hofstra email accounts for course-related announcements, complete all assignments, and bring course-relevant materials to class. Once in the classroom, students should avoid disruptive and disrespectful conduct. Certain activities can disrupt a class session and impede learning. Other activities unrelated to the class also work against learning environments. Both types of behaviors implicitly communicate that the course and other students' contributions are of little value.

Behaviors that may be disruptive or disrespectful include but are not limited to: shouting at the instructor or at students, physically menacing or verbally threatening the instructor or students, entering late or leaving the room during a class session,



allowing one's cell phone to ring, sending or reading text messages, sideconversations, sleeping, listening to music unrelated to the class, surfing the web, playing video games, and reading material unrelated to the class.

Importantly, intellectual disagreements that arise normally in academic discussion are not in themselves disruptive or disrespectful. Intellectual disagreements can be valuable, and class participants should respect and value them. Yet, expressions of disagreement can become disruptive. Course participants must recognize, then, that when instructors judge that a class must move on to address other important subjects, they are not thereby stifling opinion.

## **II. Prevention and Responses**

Accordingly, this policy explicitly forbids disruptive or disrespectful behaviors as prohibited by the Pride Principles stated in the Guide to Pride, the Faculty Policy Series, and other documents establishing standards of behavior and as communicated by faculty in their syllabi or orally.

Faculty may reasonably insist during class that students stop behaving in ways that faculty judge to be disrespectful or to interfere with others' learning. Faculty are encouraged to consult materials on how to prevent and effectively respond to disruptive classroom conduct. Some of these materials are available at:

[http://www.hofstra.edu/Faculty/CTSE/ctse\\_resources.html](http://www.hofstra.edu/Faculty/CTSE/ctse_resources.html)

When faculty deem disruptive or disrespectful behaviors to be serious or repeated, they may reasonably elect to remove students from the classroom for the class period, or for the most serious cases, to remove students permanently from the course and assign a grade. If necessary, they may summon a Public Safety Officer for assistance. Instances of permanently removing students from the classroom must always be reported by faculty within 24 hours through email to the Department Chair, Dean of the School, the Provost, and the Center for University Advisement. The Provost through both email and telephone will officially notify students of their right to appeal. If students choose to appeal, they must begin the process by sending an email to Provost@Hofstra.edu as soon as possible, but no later than 5 business days after being officially notified by the Provost of the appeal process.

## **2) Examinations, Final Grades and Student Absences (FPS #10 – Rev. 2008)**

I. Final grades shall not be based primarily on the final examination; sufficient interim examinations, quizzes, and papers shall be given to establish the quality of the student's work, which the final examination is designed to check and review. Faculty are encouraged to provide students with feedback on their performance before the deadline for a grade of W.

II. Final examinations shall normally be given during the time scheduled by the Office of Academic Records. All classes must meet during the scheduled final examination period.

III. Faculty shall grade, as promptly as possible, all student papers, and examinations. The



final examination shall be retained for one year.

IV. Final grades shall be recorded with the Office of Academic Records within six (6) days from the time the final examination is given.

V. Information regarding a student's grades, courses, GPA, social security number and other personal information will not be released without the student's written consent.

The University will not provide directory information for specific students who formally request that such information be withheld from all third parties, including military recruiters. A form to request nondisclosure of this information must be filed by the student. This form is available at the Student Administrative Complex, Memorial Hall, or can be downloaded from Hofstra's website.

VI. See the current University Bulletin for procedures for handling incomplete grades.

VII. Individual faculty members determine policies regarding missed quizzes and exams. If a student is unable to take a regularly scheduled final examination because of circumstances beyond her or his control, the student must obtain permission from the instructor to take a postponed examination. Such permission should not be unreasonably withheld. Faculty are not required to provide make-up opportunities for students absent from quizzes and/or examinations during regularly scheduled classes. The rules and procedures governing the documentation of excused absences described in FPS#48 are also applicable here.

### **3) Course Grade Appeal Policy (FPS #42 - rev. 2012)**

It is the right and responsibility of the faculty to determine student grades at Hofstra University. An instructor's right to determine a final grade assigned in his or her class shall be abrogated only if it is demonstrated (through the procedure below) that the final course grade was not based on the student's academic performance in the course.

Each School and College at Hofstra shall adopt procedures consistent with the policy for appeals of final course grades given within that unit. Within these procedures a student shall appeal in writing first to the instructor (unless the instructor is no longer in residence or is otherwise unreachable). If this appeal does not resolve the issue, the student may then appeal to the Chair of the Department. The student shall be required to submit a written statement to the Chair detailing an argument for a change of final grade. The chair shall attempt to mediate a resolution, but cannot change a grade. If no satisfactory resolution is achieved, the student has a right to continue the appeal process by making a formal written appeal to the Dean of the unit involved. The Dean will review the issues and merits of the case. The Dean may choose to dismiss the case if there is no material basis for the appeal, to mediate a resolution or to empanel an Ad Hoc Appeals Committee according to the timeline as appropriate.

The Ad Hoc Appeals Committee shall be composed of three to five tenured faculty. The student must submit a written statement to the committee detailing an argument for a change of grade. The committee shall have the authority to investigate the matter fully and request material from the student and the instructor. The committee, however, proceeds from the presumption that the course grade was justified; the burden of proof shall lie with the student. If the committee members find that the grade was not based on academic performance, they may determine a new grade and submit a change of grade through the Dean's office.



Both a faculty member and a student have the right to request a review by the Provost of the decision by the Dean (in the event that an ad hoc committee is not convened) or by the Ad Hoc Appeals Committee. In such instances, the Provost shall begin with the presumption that the Dean's or the Ad Hoc Appeals Committee's determination is correct. The Provost determines if the proper procedure was followed. If he or she determines that there is cause for reconsideration, the Provost shall convene (or reconvene) the Ad Hoc Appeals Committee for further consideration of the matter. In all cases the Ad Hoc Appeals Committee's decision shall be forwarded to the student who made the appeal, the instructor involved, and the Dean and Provost.

To ensure a fair and expeditious processing of appeals, the following deadlines should guide the entire appeals process.

Students must contact their instructor with a formal appeal in writing about their final grade no later than three (3) weeks into the subsequent fall or spring semester following the issuance of the grade.

The instructor must then reply in writing within two (2) weeks. If the student wishes to appeal to the Chair, he or she must submit a formal appeal within two (2) weeks of receiving the instructor's reply. If the student does not get a response from the instructor within two (2) weeks, the student may proceed directly to the Chair, also within a two (2) week period.

The Chair will have two (2) weeks to mediate a resolution.

If the student wishes to appeal further, he or she must submit an appeal in writing to the Dean within two (2) weeks of hearing from the Chair.

The Dean shall have three (3) weeks to dismiss, begin a mediation or empanel an Ad Hoc Appeals Committee and investigate the appeal.

By the end of the semester in which the appeal process began, the Ad Hoc Appeals Committee should notify the student, instructor, Chair, Dean, and Provost of its decision. The student and instructor then have two (2) weeks to ask for a review by the Provost.

This timetable should be uniform across all units of the University, (other than the Law School and the Medical School). All deadlines should hold except for unforeseeable circumstances or emergencies. If such circumstances arise, the Dean or Provost may adjust dates accordingly.

#### HCLAS Policy (adopted 12/8/2011)

It is the right and responsibility of each faculty member to determine student grades at Hofstra University. Each instructor's right to determine the grades assigned in his or her classes shall not be abrogated except in the most extraordinary circumstances. Nothing in this policy shall be construed to apply to or affect an individual instructor's grading standards. Only final grades



may be appealed. Appeals for grades received in the fall semester must be initiated by the end of the third week of the following spring semester. Appeals for grades received in January, spring, and summer must be initiated by the end of the third week of the fall semester.

If there is a disagreement between a student and an instructor about a final grade, it is expected that the problem will be resolved through discussion between the student and the instructor. If such discussion does not resolve the problem (or the instructor is no longer in residence or is otherwise unreachable) the chair of the department may be called upon to help. (If the instructor is the chair, then the HCLAS Associate Dean for Student Academic Affairs may be called upon.)

If discussion among the student, instructor and chair still does not lead to resolution, the student may appeal in writing to the HCLAS Associate Dean for Student Academic Affairs, detailing the arguments for a change of grade. The HCLAS Associate Dean for Student Academic Affairs will review the issues and merits of the case. The HCLAS Associate Dean for Student Academic Affairs may choose to dismiss the case if there is no material basis for the appeal, to mediate, or to instruct the departmental chairperson to immediately empanel an ad hoc appeals committee. The ad hoc committee will review the final grade and decide whether it should be raised, lowered, or remain the same.

The ad hoc committee shall consist of three tenured members of the department (excluding the chair and instructor) selected by the department's chairperson, and, in an advisory capacity, the HCLAS Associate Dean for Student Academic Affairs. (In the event that there are not three tenured faculty members in the department available to serve on the committee, the additional members shall be selected from tenured members of related departments by the HCLAS Associate Dean for Student Academic Affairs in consultation with the chair of the department.)

The student must submit a letter to the committee detailing the arguments for a change of grade. After selecting a chair from among its faculty members, the committee must invite the student, the instructor, and any other witnesses it deems relevant to appear before it and present any relevant evidence. The committee will not disclose to the student the grades of other students in the course or any other information it deems private. The committee may determine that a change of grade is appropriate only if one or more of the following is demonstrated to be true:

1. A demonstrated bias by the instructor is reflected in the grade.
2. The student's final grade is inconsistent with the other grades he or she earned in the course and cannot be justified by other pedagogical considerations. 2

If the committee by a unanimous vote determines that there is just cause to alter the grade, the three faculty members on the committee shall convene to determine, by a unanimous vote, the appropriate new grade. The full committee shall inform the student, instructor, chair, and HCLAS Associate Dean for Student Academic Affairs in writing of their decision, and of any change in the final grade that shall be made.

Both a faculty member and a student have the right to request a review by the Provost of the decision by the HCLAS Associate Dean for Student Academic Affairs (in the event that an ad hoc committee is not convened) or by the ad hoc appeals committee. In such instances, the



Provost shall begin with the presumption that the HCLAS Associate Dean's or the ad hoc appeals committee's determination is correct. The Provost determines if the proper procedure was followed. If he or she determines that there is cause for reconsideration, the Provost shall convene (or reconvene) the ad hoc appeals committee for further consideration of the matter. In all cases the ad hoc appeals committee's decision shall be forwarded to the student who made the appeal, the instructor involved, the HCLAS Associate Dean for Student Academic Affairs, and the Provost.

#### **4) Violations of Academic Honesty (Faculty Policy Series #11G -2004)**

##### **I. Statement of Principles**

A University is a community of faculty, administrators and students dedicated to the pursuit of learning and to the creation of new knowledge. Every individual in this community has an obligation to uphold its intellectual standards, which alone make education worthwhile. It is the responsibility of the faculty not only to share its knowledge, but also to communicate understanding of, and respect for, the process by which knowledge is produced. The goal of most graduate study is individual synthesis and analysis, and the independent evaluation by students of others' work. Thus, students play an active role in their own education, and each student bears responsibility for his or her work. Anyone who refuses this responsibility both misses the point of a graduate education and proves unworthy of it.

A student who commits any act of academic dishonesty, including knowingly helping another student to commit such an act, is rejecting the responsibility that is inherent in the pursuit of learning and may forfeit the right to remain a member of the academic community, particularly if he or she is unwilling or unable to recognize the seriousness of the offense and fails to demonstrate such recognition by abstaining from further violation of academic propriety.

One learns and contributes to the body of knowledge by reviewing work already done and by using it as the basis for generating new ideas, discovering new data, and drawing new conclusions. Though the process of learning is undeniably collaborative, one's achievement in that process is assessed on the basis of one's individual contribution. Academic honesty requires carefully distinguishing one's own work from that of others. Each individual must fully acknowledge when, where, and how his or her work refers to or depends on that of others. This means carefully tracing the boundary between others' efforts and one's own, clearly noting where others' work leaves off and one's own begins.

The academic community assumes that work of any kind--whether a research paper, a critical essay, a homework assignment, a test or quiz, a computer program, or a creative assignment in any medium--is done, entirely and without assistance, by the individual whose name it bears. (If joint projects are assigned, then the work is expected to be wholly the work of those whose names it bears.) If the work contains facts, ideas, opinions, discoveries, words, or other elements found in sources, these must be fully and appropriately acknowledged, following a prescribed format for doing so. In general terms,



the conventional format consists of a bibliography (a list of sources) coupled with footnotes or parenthetical citations that serve to identify the precise derivation of each idea, fact, paraphrase, or quotation that comes from another's work.

## II. Guidelines

It is particularly important for students to understand that it is not enough to identify the source of quoted material; it is also necessary to indicate when one is paraphrasing (restating in other words) material found in a source. Thus, the use of other's ideas as well as their words needs to be acknowledged.

The standard guides in these matters are the *Publications Manual of the American Psychological Association* for the social sciences, *Style and Format: The CBE Manual for Authors, Editors, and Publishers* for the natural sciences, *MLA Handbook for Writers of Research Papers* and *Chicago Manual of Style* for the humanities. Individual programs may designate more discipline-specific style manuals.

## III. Violations

Any violation of these principles constitutes academic dishonesty. Indeed, it is important for students to avoid even the appearance of dishonesty. In simplest terms, academic dishonesty refers to using unauthorized assistance or making false representations in work submitted for academic credit or knowingly helping others to use unauthorized assistance or make false representations in such work. It includes, but is not limited to the following offenses.

### A. Violations Regarding Exams:

1. obtaining unauthorized information concerning an exam and/or giving such information to another student;
2. communicating with anyone, other than the exam proctor, while taking an exam;
3. reading or copying another student's examination sheet or book during an exam;
4. possessing unauthorized material or tools (such as calculators or computers) in the examination room during an exam and/or consulting such materials or tools during an exam;
5. without proper authorization, beginning an exam before the prescribed time or continuing to work on the exam after the prescribed time;
6. failing to submit all bluebooks and examination materials at the end of an exam or removing bluebooks or examination materials from the exam room without the proctor's or faculty member's approval;
7. having another person take an exam in one's place;
8. submitting work produced with unauthorized collaboration or assistance;

### B. Violations Regarding Plagiarism:

1. copying or substantially copying someone else's words without both citing the author of the quotation and using either quotation marks or an indented block quotation;



2. paraphrasing someone else's words or work without citing the source;
3. using paid "research services";
4. copying from another's term paper or computer disk;
5. submitting work produced with unauthorized collaboration or assistance;

C. Other Violations:

1. submitting the same or a significantly similar work for credit in more than one course without the consent of the faculty members involved;
2. falsifying experimental data;
3. using computer programs or data without proper authorization or acknowledgment;
4. making one's own academic work available to others to present as the recipients' own;
5. submitting work produced with unauthorized collaboration or assistance.

#### **IV. Procedures for Handling Violations**

The names of all students involved in academic dishonesty issues shall be held confidential.

A. Any question of academic dishonesty should first be addressed through discussion between the student and the instructor. The faculty member must explain the nature of the alleged offense, inquire into the student's knowledge of its character and seriousness, ascertain the student's motivation, and take into consideration any relevant information the student wishes to provide.

B. When, after discussing the alleged offense with the student or making a good faith effort to do so, a faculty member determines that a violation of academic honesty has occurred, the instructor shall determine the penalty (if any) within the context of the course and complete the "Report Form on a Graduate Student's Violations of Academic Honesty," sending copies to the Provost, the appropriate academic dean, Dean of Students, and the student within 10 days of determining that an infraction has occurred. That form shall specify the nature of the charges, the rationale for the penalty (if any) that the instructor has imposed, and the student's right to appeal. The instructor shall include a copy of FPS 11G in the mailing to the student. The Provost's Office shall keep a record of all such reports.

C. Penalties shall be assessed according to the following guidelines:

1. Graduate students guilty of gross and unambiguous violations of academic honesty (e.g., cheating on exams or graded projects, quoting a substantial portion of a source verbatim without citation) shall fail the course and be subject to suspension or dismissal by action of the Provost.
2. Students guilty of violations that require a more sophisticated understanding of the use of sources and development of an authorial voice shall be subject to a range of penalties: rewriting the assignment, failure of the assignment or of the course, or suspension/dismissal from the University. Such offenses



include: a) reproducing the ideas of another (but not the precise language with which those ideas were previously expressed) without citing the source, b) presenting a paraphrase (with citation) that so closely resembles the language of the original that it fails to put the concepts in the student's own words.

3. A graduate student who commits a second violation of academic honesty shall be subject to suspension or dismissal. The Office of the Provost shall inform the student by letter of his or her status and of the right to appeal.

## **V. Procedures for Review and Appeal**

A. The student has the right to appeal a charge of academic dishonesty, the grade resulting from the charge, or a suspension/dismissal decision. The student can appeal based on the following grounds: a) the evidence does not adequately prove that the student violated academic honesty; b) new evidence has come to light; c) the penalty imposed was not appropriate, reasonable, just, and consistent with the guidelines in this Faculty Policy Series; d) proper procedures were not followed in the case.

B. The Provost's designee shall review all reported violations of academic dishonesty. At her or his discretion, the Provost's designee may:

1. take no action (allowing the faculty member's report and the penalty imposed to stand);
2. impose the penalty of suspension or dismissal when appropriate under the guidelines of this Faculty Policy Series;
3. mediate between the student and the faculty member, (possibly involving the faculty member's dean or associate dean in that mediation);
4. encourage the student to appeal; or
5. (even if the student chooses not to appeal) convene an Ad Hoc Board of Review to examine a reported case of academic dishonesty when he or she finds that the evidence is inadequate or the penalty imposed is inappropriate.

C. Upon receipt of notification of charges and/or penalty the student must inform the Office of the Provost, in writing and within seven (7) University business days, of his or her intention to appeal the charges and/or penalty.

D. If mediation, undertaken by the Provost's designee, does not resolve the concerns of the student appealing or of the Provost's designee, the Provost will then appoint an Ad Hoc Board of Review consisting of the following voting members: a representative of the Office of the Provost, who will serve as chair; a representative of the Dean of the appropriate School or College; and the Dean of Students. The student may opt to have two graduate student representatives to be appointed by the Dean of Students. These graduate student representatives should not be enrolled in the same program or department as the student charged with academic dishonesty.

E. The Ad Hoc Board of Review will be governed by the following bylaws:



1. The presumption of innocence shall apply. The Board shall review the case de novo: The burden of proof of the violation and the justification of the penalty is upon the faculty member making the charge. In the case of suspension or dismissal, the burden of justification may also rest with the Provost's designee. The Board shall determine: a) whether the evidence adequately proves that the student violated academic honesty; b) whether the penalty imposed was appropriate, reasonable, just, and consistent with the guidelines in this Faculty Policy Series; and c) whether proper procedures have been followed in the case.
2. The student must have an explicit statement of the charges and a reasonable amount of time prior to the first formal meeting of the Board.
3. The student may have an adviser of his/her choice from within the University; however, that adviser may not address the Board.
4. Both parties (the student and the faculty member who has brought the charge) must be present when either party is presenting statements or evidence to the Board.
5. Both parties may elect to present evidence or call witnesses on their behalf.
6. Both parties must receive copies of written evidence presented to the Board.
7. Both parties may elect to cross-examine those who appear before the Board.

F. Decisions of the Ad Hoc Board of Review are final and binding and will be presented in writing to the student, with a copy to the Provost.

### **5) Academic Freedom and Civil Liberties (FPS #12 - rev. 2010)**

Since students rightly seek a voice in the determination of University policy, it is appropriate for the faculty to state its views regarding the proper freedom and responsibilities of university and college students. As used in this pamphlet the word "college" refers to all institutions of higher education including the university.

In the pursuit of knowledge, critical thinking, and understanding, the student must be viewed as an individual who is most likely to attain maturity if left free to make responsible personal decisions and to exercise the rights, as well as shoulder the responsibilities that this freedom entails, especially within the University community.

### **I. THE UNIVERSITY, THE COMMUNITY AND THE EDUCATIONAL PROCESS**

Like all complex human enterprises, the American University is made up of many groups - students, faculty, several levels of administration, and boards of trustees - which will, at times, disagree on means as well as goals. The University also exists in a network of human relations with many other organizations and constituencies, including alumni, parents, legislatures and various governmental agencies, which may desire to influence its policies.

The University which wishes to set an example of open-minded inquiry in its classrooms will defeat its purpose if it denies the same right of inquiry to its students outside the classroom. The University should protect the student from, and resist itself, any pressures from within or without that would prevent or thwart freedom of inquiry. Open-minded inquiry, however, entails equally



the burden of responsibility in and out of the classroom.

## II. BASIC PRINCIPLES

### A. Freedom of Expression

The student government, student organizations, and individual students should be free to discuss, pass resolutions upon, distribute leaflets, circulate petitions, and take other lawful action respecting any matter which directly or indirectly concerns or affects them.

Students should take responsibility for helping to maintain a free academic community. They should respect and defend not only their fellow students' freedoms, but also the rights of their teachers and invited speakers to the free expression of views based on their own pursuit of the truth and their right to function as responsible citizens. In the exercise of these rights, they should bear in mind the obligations that accrue to them by virtue of their membership in the academic community. Indeed, all members and constituencies within an academic community are obliged to protect these rights to free expression.

To recapitulate, in the words of the National Council of A.A.U.P.; we reaffirm "that free inquiry and free expressions are indispensable to the attainment of the goals of academic institutions; emphasize that the responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the academic community ...and note that students should be free to support causes by any orderly means which do not disrupt the regular and essential operation of the institution."

### B. Freedom From Discrimination

Just as the University should not discriminate on grounds of race, color, religion, sex, sexual orientation, gender identity or expression, age, national or ethnic origin, physical or mental disability, marital or veteran status or any other characteristic or status protected by state or federal laws in its educational programs and activities, so should it not permit unlawful discrimination in any area of student life, such as University-managed housing, athletics, clubs, organizations, and other campus activities. Cases of discrimination by students against other students should be dealt with in accordance with the official Judicial Code. Cases of discrimination involving academic affairs should be reported to the appropriate academic dean or to the Equal Rights and Opportunities Officer. Cases involving claims of sexual harassment should be handled according to the appropriate University policy.

No student shall be expelled or refused admission to Hofstra University because he or she is unable to participate in any examination, study or work requirement because of his or her religious obligations and practices. However, all students are expected to complete all assignments and examinations. It is understood that no adverse or prejudicial effects shall result to any student who avails himself or herself of religious observances. The University, faculty, and student shall work together to achieve a reasonable accommodation concerning any conflicts between educational and religious obligations.

### C. Government by Law

Students should live under a government of law, created, where appropriate, by joint action of students, faculty, and administration. The United States National Student Association has properly said: "The functioning of the educational community requires an awareness of mutual



responsibility, understanding, trust, and respect in order that all its members actively contribute to the development of policies and programs; this purpose can best be achieved only through the continuous cooperation within the educational community ...These policies and procedures should in no case be subject to change without notice under the pressure of a particular situation, and the groups affected should participate at all times in their application."

### **III. STUDENTS AS CAMPUS CITIZENS**

#### **A. Student Participation in Institutional Government**

As constituents of the academic community, students should be free, individually and collectively, to express their views on issues of institutional policy and on matters of general interest to the student body. The student body should have clearly defined means of participating in the formulation and application of institutional policy affecting academic as well as student affairs. The role of the student government and both its general and specific responsibilities should be made explicit, and the actions of the student government within the areas of its jurisdiction should be reviewed only through orderly and prescribed procedures.

#### **B. Student Government**

1. The University should recognize and respect the Student Government Constitution.
2. One purpose of student government is to provide students with the means to regulate student-sponsored activities, organizations, publications and any other matters properly subject to their jurisdiction. The electorate of such a government should consist of the undergraduate student body. Designation of delegates, officers, committees and boards should be by student vote only, should be non-discriminatory and should not be subject to administration or faculty approval. The Student Government may set up a uniform and reasonable system of eligibility requirements for major student offices.
3. The Student Government has the responsibility to establish a procedure for official recognition and registration of student organizations. The organization applying for recognition must submit a constitution and provide information about its purpose, affiliations, and activities. Such information should be available to all within the University community and should be subject to publication on the campus.

#### **C. Student Clubs and Organizations**

1. Freedom of Student Association: Students have the right to organize and join lawfully organized associations for educational, political, religious, social, or cultural purposes. The fact of affiliation with any co-curricular association or national organization or political party, so long as it is an open affiliation, may not bar a group from recognition. Any campus group which plans political discussion or action has the right to organize. The administration may not discriminate against a student because of membership in any such organization.
2. Disclosures: If the Dean of Students, or student government has reason to believe that any organization has concealed, misrepresented, or otherwise failed to disclose its purposes or affiliations, it may proceed in accordance with the Judicial Code.
3. Membership List: Organizations should not be required to file a public list of members. However, confidential membership lists are required to be submitted to ensure that student



activity fees are being allocated appropriately, and to verify the authenticity of student members' registration and undergraduate status. The names of officers and members should not, without the consent of the individuals involved, be disclosed to any non- University persons or to any University persons having no direct and legitimate interest therein, except as provided by law.

#### 4. Use of the Campus:

##### a. Campus Facilities:

Meeting rooms and other campus facilities should be made available, as far as their primary use for educational purposes permits, on a non- discriminatory basis, to registered student organizations.

##### b. Pamphlets, Petitions, and Demonstrations:

Student organizations and individual students should be allowed to distribute pamphlets in accordance with University procedures, or collect names for petitions concerning either campus or off-campus issues. Such procedures shall not include regulation of content. Orderly demonstrations on campus should not be prohibited. Any such demonstrations must be registered with the Office of Student Activities, Residential Life, and the Department of Public Safety

##### c. Bulletin Boards:

Bulletin boards should be provided for the use of student organizations; school-wide circulation of all notices and leaflets which meet uniform and nondiscriminatory standards, and which are in compliance with posting policies established by the Office of Student Activities, Residential Life and the Department of Public Safety, should be permitted.

##### d. Other Forms of Publication:

Information related to student events or student issues may be disseminated through telephone, voice mail, e-mail, websites, and other technologies. Such disseminations must comply with University regulations.

#### 5. Advisers for Organizations:

A student organization has the right to choose its own faculty adviser from among the full-time faculty or administration or someone else approved by the Dean of students. A student organization may not operate without selecting an advisor and having that advisor confirm that he/she has agreed to serve as such with the Office of the Dean of Students.

An adviser's responsibility to the organization consists solely in consulting with and advising the organization. The adviser may not regulate or control the organization's activities nor should the adviser be held responsible if the group rejects his or her advice. For the record and for his/her protection, however such rejection should be reported to the Office of the Dean of Students.

#### D. Student-Sponsored Forums

Students have the right to assemble, to select speakers and to discuss issues of their choice.

When a student organization wishes to invite an outside speaker, it must give sufficient notice to the University administration as specified in the appropriate procedures.

The latter may properly inform the group's leaders of its views in the matter, but should leave the final decision to them. This student right remains even if the speaker is a controversial figure.

The University should encourage students to hear all sides of controversial issues and to draw their own conclusions in a responsible manner. If off-campus opposition is feared, it should be made clear to the public that an invitation to a speaker does not necessarily imply approval of his or her views by either the student group or the University administration. At the same time, faculty members and University administrators may, if they wish, acquaint students with the



nature of organizations and causes that seek to enlist student interest.

#### E. Student Publications

All students - including those involved in University newspapers, literary and humor magazines, academic periodicals and yearbooks - have the right to freedom of the press. University publications in general are dependent on the administration's favor in that they use campus facilities and are subsidized either directly by the University or indirectly by the collection of student activity fees. This dependence should not be used as a means of limiting freedom of expression within the bounds of the law. The editors-in-chief should be left free to exercise their own best judgment in the selection of materials to be published. The faculty adviser should meet with the editorial staff to develop a Code of Professional Responsibility based upon codes adopted by mainstream newspapers and to establish a consistent, ongoing dialogue concerning their mutually agreed upon relationship and roles. In addition, the adviser may counsel the editors in the ethics and responsibilities of journalism (through, for instance, weekly "postmortem" sessions following each issue or through other mutually agreed upon methods), but neither a faculty member nor an administrator should exercise veto power over what may be printed.

In summary, the University administration which takes no steps to control the content of student publications, and refrains, in a controversial situation, from suspending or discontinuing publications or penalizing one or more student editors testifies to its belief in the principles of academic freedom and freedom of the press, as well as its trust in the students' ability to act responsibly.

#### F. Radio and Television.

Hofstra University's radio and television stations are responsible to the University, which provides their facilities and management.

1. Radio. WRHU-FM functions as both a Hofstra University extracurricular activity and a broadcast facility owned by and licensed to Hofstra University by the Federal Communications Commission. While these two functions usually work in tandem to facilitate an educational mission, they occasionally come into conflict. As a member of the Hofstra community and a cornerstone of the School of Communication, WRHU-FM supports the constitutional freedoms and academic principles that form the foundation of any University media organization.

However, as an FCC-licensed, non-commercial educational radio station, WRHU-FM must adhere to FCC and University regulations that pertain to on-air content and technical operation. Thus, FPS #12 (rev. 2010) 7

WRHU-FM nurtures the broad freedoms enjoyed by other University media within legal constraints and University policy.

#### 2. Television.

Hofstra Television (HTV) is a closed-circuit operation producing curricular- based programming in the School of Communication, and therefore is not legally subject to FCC Regulations.

Notwithstanding, the School of Communication adheres to FCC Regulations in its operation of HTV as a matter of effective pedagogy. The School also supports and nurtures the same broad constitutional freedoms enjoyed by all media in the United States. As a member of the Hofstra community and an integral part of the School of Communication, HTV supports the constitutional freedoms and academic principles and responsibilities which are the cornerstone of



any University media organization. HTV-produced television programs provide educational experiences for the students in the School, and as such, are produced in consultation with faculty advisors from the School. In order to ensure the responsible exercise of First Amendment freedoms among students, the faculty recognizes its own responsibilities in establishing a dialogue with students about their responsibilities as broadcasters.

#### **IV. STUDENT DISCIPLINE**

Responsibility for regulations on academic matters normally rests with the faculty and administration. Regulations governing the conduct of students should be established by the Dean of Students with the advice and counsel of members of the University community and with periodic review by legal counsel and the University Senate. Regulations governing the behavior of students should be fully and clearly formulated, published, and made available to the whole academic community. Academic matters, including cases of academic dishonesty, are handled through the Provost's Office, while disciplinary issues related to student conduct are handled through the Dean of Students' office. In no case shall students be denied their rights under the Judicial Code. The Division of Campus Life shall publish and distribute the Judicial Code to all undergraduate students.

#### **V. STUDENTS AS OFF-CAMPUS CITIZENS**

##### **A. Off-Campus Conduct of Individual Students**

In their off-campus life, students are generally not under University control, nor should the University be held responsible for the off-campus activities or personal conduct of individual students. Nevertheless, the University expects a level of maturity appropriate for University students. When off-campus conduct or behavior of an individual is believed to warrant corrective action by the University, the rights of the individual shall be safeguarded in accordance with FPS #12 (rev. 2010) the procedures described in the Judicial Code.

B. No disciplinary action shall be taken by the University against a student for engaging in off-campus political activities provided the student does not claim without authorization to speak or act in the name of the University or one of its student organizations. For their part, students should observe the same kind of self-discipline that their teachers accept when they speak as citizens and not as representatives of their educational institution.<sup>7</sup>

When students choose to participate in political activities that result in police action, it is an infringement of their liberty for the University to punish such activity. Students who violate a local ordinance or any law which they consider to be morally wrong, risk the legal penalties prescribed by civil authorities. In this connection it is incumbent on the University to refrain from administrative decisions which would violate the student's academic freedom. The same principle should apply to the admission of a student who has been expelled from another college.

##### **C. Student Records**

As per the Family Educational Right to Privacy Act of 1974, the University should have a carefully considered policy as to the information which should be part of a student's permanent educational record and as to the conditions of its disclosure. To minimize the risk of improper disclosure, academic and disciplinary records should be separate, and the conditions of access to each should be set forth in an explicit policy statement. Transcripts of academic records should contain only information about academic status. Information from disciplinary or counseling files should not be available to unauthorized persons on campus, or to any person off campus without the express consent of the student involved except under legal compulsion or in cases



where the safety of persons or property is involved. No records should be kept which reflect the political activities or beliefs of students. Provisions should also be made for periodic routine destruction of noncurrent disciplinary records. Administrative staff and faculty members should respect confidential information about students which they acquire in the course of their work.<sup>8</sup>

#### D. Teacher Disclosure

Teachers who are asked to supply information to employers or prospective employers, governmental or private, about students or former students, should be aware of Federal and State Privacy Laws as well as the dangers to academic freedom inherent in this practice. Since the best education calls for probing, sharing and hypothesizing, and for uninhibited expression and thinking out loud by the student, disclosure by the teacher to a source outside the University community of a student's expressed opinion without the student's expressed written consent, or the making of a statement based on such an opinion, becomes a threat to the educational process. A faculty member should not answer questions about a former student without the student's expressed consent or unless asked by the student to act as a reference.

#### E. Housing

On-campus housing as well as other facilities and services should be available to all enrolled students without unlawful discrimination. The University retains the right to inspect premises occupied by the students, and students are advised of the University's policies in their license agreement. (See the Policies for Residence Halls at Hofstra University.)

### SUMMARY

The principles set forth here are consistent with those expressed by Dean Erwin N. Griswold of the Harvard Law School who wrote in 1961: "A University is the place where students learn not merely from the past but also through developing the capacity for and habit of independent thought. If they are well taught, they learn to do their own thinking. There is no 'party line' in any American university worthy of the name. Great ideas can rarely be developed in an atmosphere of constraint and oppression. The university has a unique function not merely in systematizing the orthodox, but also in providing the soil in which may be nourished the speculative, the unfashionable, and the unorthodox....."

### 6) Freedom from Discrimination (Faculty Policy Series I2B-2010)

Members of the faculty, administration, and student body of Hofstra University all share in the responsibility of preserving and upholding the principles of academic freedom as defined in Section II of Faculty Statutes and the Statement of Academic Freedom and Civil Liberties of the students of Hofstra University. The public expression of prejudice and bigotry toward any member of the university community because of race, color, religion, sex, sexual orientation, gender identity or expression, age, national or ethnic origin, physical or mental disability, marital or veteran status or any other characteristic or status protected by state or federal laws and any unwarranted public accusations or charges against any individual or group within the university that might damage their character and reputation are a threat to the academic freedom of all members of the university community, and those most directly affected may seek redress of their grievances in the following manner.

I. Such cases as those described above that involve relations among students should be referred to the Student Judiciary Board.



*one is involved) that belittle or demean an individual's or a group's sexuality or sex;*

- *unwelcomed comments of a sexual nature about an individual's body or clothing;*
- *unwarranted displays of sexually suggestive objects or pictures;*
- *unwelcomed touching such as patting, pinching, hugging, or brushing against an individual's body;*
- *explicit or implied suggestions that submission to or rejection of sexual advances will affect decisions regarding such matters as an individual's employment, work assignments or status, salary, academic standing, grades, participation in programs or activities, athletic opportunities, receipt of financial aid; grants, leaves of absence, letters of recommendation, or other similar matters;*
- *tangible action taken against an individual (e.g. a demotion, lower grade) for refusing to submit to sexual advances, or threatening to take such actions; and*
- *sexual assault. (For additional information about sexual assault involving students, see the Sexual Assault Policy contained in the Guide to Pride).*

### C. Definition of Other Forms of Harassment

Unlawful harassment, other than sexual harassment, is conduct that denigrates or shows hostility or aversion to a person on the basis of a protected characteristic or belief when such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, or creating an intimidating, hostile, or offensive environment for working, learning, or enjoying other University opportunities, programs and activities. Protected characteristics or beliefs are listed in Section I of this policy.

Examples of other forms of harassment covered by this policy, include, but are not limited to:

- *verbal abuse, ridicule, slurs, epithets, stereotyping, and offensive and unwelcome jokes and comments;*
- *threatening, intimidating, or hostile acts; and*
- *displaying or distributing offensive materials, writings, graffiti, or pictures that denigrate or show hostility or aversion towards an individual or group based on any of the protected characteristics or beliefs set forth in this policy.*

### III. Harassment Complaint Procedure

Any member of the University community, including a student or employee, who believes that he or she has been subjected to harassment in violation of this policy may pursue redress through the appropriate complaint procedure. This complaint procedure is provided for the prompt and equitable resolution of complaints alleging harassment by members of the University community, including faculty members, staff members, administrators, and other persons.



However, complaints of harassment against students arising out of their conduct as students shall be made to the Dean of Students Office and will be handled in accordance with the provisions set forth in the Student Judicial Code. Members of the University community may also choose to pursue one of the informal options discussed below.

#### A. Confidentiality

1. Generally it is the policy of Hofstra University to protect the confidentiality of members of the University community who may be involved in harassment complaint procedures, insofar as that is reasonably practicable. Specifically, the identity of the complaining party, the identity of the accused offender (hereinafter referred to as the “responding party”), and information relating to the harassment complaint will be disseminated only to those individuals who have a legitimate need to know, or as reasonably necessary for the purpose of investigating or resolving the complaint.

Complaining parties should be informed and understand that, upon their advising a Harassment Adviser or the Equal Rights and Opportunity Officer of a harassment complaint, the University may be legally required to investigate that complaint. Therefore, complaining parties should understand that the complaint may be disclosed, as necessary, to persons other than the one(s) to whom the complaint is made, including the party complained of (hereafter referred to as “the responding party”).

Although the University will endeavor to maintain the confidentiality of harassment complaints and proceedings in accordance with this policy, it cannot absolutely guarantee against the further dissemination of information by individuals to whom such information was reasonably disclosed by the University in the course of a harassment investigation.

2. Waiver of Confidentiality: A complaining party or a responding party may be deemed to have waived, directly or indirectly, the confidentiality provisions of this policy by voluntarily disclosing information about the complaint or the complaint proceedings to parties within or outside the University community who are not directly involved in the investigation or complaint process. The University retains the right to respond as it deems appropriate, including the right to rebut or refute such allegations consistent with applicable law.

#### B. Retaliation

No individual shall be penalized or retaliated against in any way by a member of the University community for his or her participation in this complaint procedure: This protection includes both the complaining and responding parties and individuals who participate in an investigation of a harassment complaint. Every effort should be made to protect members of the University community so they may use or participate in the harassment complaint procedure without fear of reprisal or retaliatory action. Threats, other forms of intimidation, and retaliation against a complaining or responding party or any other party involved in implementing or utilizing the University’s harassment complaint procedure are violations of this policy, and, thus, may be grounds for disciplinary action, including separation from the University, consistent with appropriate procedures.

Individuals who believe they have been retaliated against in violation of Hofstra’s harassment



policy must follow the complaint procedures outlined herein, and such complaints will be processed in accordance with those procedures.

### C. Informal Procedure

The goal of the informal options is to end quickly the offending behavior without utilizing disciplinary action or the formal complaint procedure. However, no one is required to pursue an informal resolution and a complaining party may proceed immediately to the formal complaint procedure. If the informal options are not feasible or desired or do not result in a mutually agreeable solution or cessation of the offending conduct, the formal complaint procedure is available as well. Informal options include:

- Talking directly to the other party or writing a letter describing the unwelcome behavior and asking him or her to stop.
- Consulting with a University Harassment Adviser. Harassment Advisers are individuals specially trained by the University who are available to anyone to discuss issues relating to harassment or the University's policy and procedures. Harassment Advisers may assist the parties in resolving a complaint informally without the need to file a formal complaint. A current list of Harassment Advisers is available from the Human Resources Office and the Equal Rights and Opportunity Officer.
- Speaking to members of the Student Counseling Center or campus Chaplains. Such conversations may be confidential because of the legal protections held by the specific persons receiving the information.

### D. Formal Procedure

#### 1. Step One

a. Whom to Contact: Individuals who believe they have been subjected to harassment in violation of this policy and seek to file a formal complaint should contact the Equal Rights and Opportunity Officer at (516) 463-7310, C/O Office of Legal Affairs and General Counsel, 101 Hofstra University, Hempstead NY 11549. The Equal Rights and Opportunity Officer is the designated official responsible for the investigation of harassment complaints made by members of the University community, as well as for coordinating the processing of such complaints under this policy. Individuals who believe they have been subjected to harassment by a student in violation of this policy should contact the Dean of Students. If such a complaint is made to the Equal Rights and Opportunity Officer, the complaint will be forwarded to the Dean of Students for handling in accordance with the provisions of the Student Judicial Code. Complaints by individuals who believe they have been subjected to harassment by a third party such as a vendor, contractor or visitor to campus will be handled by the Equal Rights and Opportunity Officer, even though not subject to this formal complaint procedure.

b. Timing of Complaint: An initial complaint of harassment to the Equal Rights and Opportunity Officer must be made within six months of the most recent occurrence of alleged harassment. The Equal Rights and Opportunity Officer is authorized to waive this timeliness requirement in extenuating circumstances. Even if the time to file a complaint has elapsed, any member of the



University community who becomes aware of a potential violation of this policy is encouraged to report the violation to the Equal Rights and Opportunity Officer so that appropriate action may be taken. In order to facilitate investigation of a complaint, prompt reporting is encouraged.

c. Making a Written Complaint: If the complainant, after an initial discussion with the Equal Rights and Opportunity Officer, decides to proceed, the complainant must make the complaint in writing by filing a Harassment Complaint Form. Such forms may be obtained from the Equal Rights and Opportunity Officer.

d. Investigation By the Equal Rights and Opportunity Officer: The Equal Rights and Opportunity Officer or a designee shall conduct an investigation of the complaint, which shall include discussing the allegations with the responding party, reviewing any relevant documents or other materials, and interviewing potential witnesses to the alleged harassment, including administrators, faculty members, staff members, students or other persons who may have knowledge of the situation. If the responding party is a member of a union, the party may request that a union representative be present during his or her interview.

Neither the complaining party nor the responding party is entitled to the participation of legal representatives during the course of the Equal Rights and Opportunity Officer's investigation of the complaint.

e. Informal Resolution: The Equal Rights and Opportunity Officer is authorized and encouraged to explore informal resolution of the complaint at any time after the complaint is received. The Equal Rights and Opportunity Officer shall advise both the complaining and responding parties that conciliation of the complaint is available should the parties so desire. Informal resolution is designed to obtain an expedient, mutually-acceptable solution to a harassment problem without the necessity for conducting further investigation or hearings. The purpose of informal resolution is to attempt through discussion and inquiry to make an effort to resolve or "work out" the issue in a non-adversarial manner. Therefore, the Equal Rights and Opportunity Officer should be able to use a great degree of discretion and flexibility in deciding what kind of informal means would be most effective in accomplishing this end, provided that the result achieved is acceptable to both parties in interest.

If the Equal Rights and Opportunity Officer is able to resolve the complaint to both parties' satisfaction, the Equal Rights and Opportunity Officer should provide the parties with a written statement reflecting the terms of the resolution and stating that the agreed-upon resolution will be undertaken. The written statement of informal resolution should be signed by the complaining party and the responding party. Upon the signing of the written statement of informal resolution, the matter will be deemed closed, and no party will be permitted to appeal, contest, re-open, or otherwise attempt to set aside or amend the terms of the informal resolution as long as the terms are adhered to.

f. False Complaints: Due to the nature of harassment, complaints of harassment cannot always be substantiated. Lack of corroborating evidence should not discourage a complaining party from seeking relief through the procedures outlined above. However, complaints found to have been intentionally dishonest or made maliciously or without regard for the truth will subject the complaining party to disciplinary action in accordance with relevant University procedures.



g. Interim Action: If, at any point after proceedings have been initiated under this complaint procedure, it is determined that there is a compelling reason to remove the responding party from his or her position within the University community (for example, if the responding party's continuance in his or her position within the University community threatens immediate harm to the complaining party or others), the Equal Rights and Opportunity Officer or other responsible officials, including the Provost, a Vice President and the University Harassment Review Board<sup>3</sup> may recommend to the President that the responding party be placed on leave with pay pending the outcome of the complaint procedure. After reviewing the current state of the evidence and consulting, as appropriate, with the individuals making the recommendation, the President may accept or reject the recommendation. Prior to being placed on such leave, the responding party is entitled to submit a written statement to the President stating why he or she should not be placed on leave. This provision shall not restrict the President's authority with respect to administrative employees and is subject to any applicable collective bargaining agreement and disciplinary provisions with respect to union-represented employees.

h. Reasonable Cause Determination: After the investigation has been conducted, the Equal Rights and Opportunity Officer shall render a written determination as to whether there is reasonable cause to believe that the sexual harassment policy may have been violated.

#### (1) "No Reasonable Cause" Finding

A finding of "no reasonable cause" means that the investigation has not revealed sufficient facts or circumstances indicating that the complaint may have merit. If the Equal Rights and Opportunity Officer makes a finding of no reasonable cause, he or she shall promptly notify the complaining party and the responding party in writing. The complaining party shall have *ten (10) calendar days* from receipt of such notice in which to file a written appeal of the finding to the President. If the complaining party does not file an appeal of the no reasonable cause finding within the allotted time, the complaint will be dismissed. The President shall notify the responding party that an appeal has been filed and shall provide a copy of the appeal and supporting documents to the responding party, who shall have the right to file a written response thereto. The responding party's written response must be filed within *ten (10) calendar days* after receiving notice of the appeal and copies of the supporting documents.

Upon receipt of the respective parties' written appeals, the President shall appoint a senior administrator to review the merits of the appeal. This administrator, after reviewing the respective parties' written appeals, and any other evidence or information he or she may deem relevant, may either affirm or reverse the Equal Rights and Opportunity Officer's determination of no reasonable cause. The decision of this administrator is final and non-appealable. If the Equal Rights and Opportunity Officer's determination is affirmed, the harassment complaint will be dismissed. If the determination is reversed, the matter will be remanded to the Equal Rights and Opportunity Officer, who shall proceed as if a reasonable cause finding has been made.

#### (2) "Reasonable Cause" Finding

A finding of "reasonable cause" means that the investigation has revealed facts or circumstances indicating that a violation of the harassment policy may have occurred, and, therefore, further proceedings are warranted. If the Equal Rights and Opportunity Officer makes a finding of reasonable cause, he or she shall promptly notify the complaining party and the responding party in writing. Upon making a reasonable cause finding, the Equal Rights and Opportunity Officer



should attempt to reach an informal resolution, as discussed in Section II.D.1.e, and, if necessary, proceed to Step Two in the complaint procedure.

#### i. Instituting Step Two Proceedings

If the Equal Rights and Opportunity Officer is unable to reach an informal resolution of the matter within *thirty (30) calendar days* of the date the reasonable cause finding was made, the Equal Rights and Opportunity Officer shall so notify both the complaining party and the responding party in writing, and shall inform the parties that, if the complaining chooses to proceed to Step Two, the case will be referred to the University Harassment Review Board for commencement of formal proceedings.

Timing: The complaining party has *twenty (20) calendar days* from receipt of such notice to submit a written request to initiate proceedings under Step Two of the University's harassment complaint procedure, as described below.

### 2. Step Two

a. Initiation of Proceedings: To initiate Step Two of the complaint procedure, the complaining party must file a written statement of intention to proceed to Step Two within the prescribed time period. The statement must be submitted to the Equal Rights and Opportunity Officer. The complaining party may also submit, at this time, other documents or information to supplement the Harassment Complaint Form.

b. The University Harassment Review Board: The University Harassment Review Board (the "UHRB") shall be responsible for processing Step Two harassment complaints within the University. The Equal Rights and Opportunity Officer will notify the University's General Counsel that Step Two proceedings have been initiated and the General Counsel will see to the formation of the committee. The members will be appointed, as described in the next paragraph, for the duration of the case.

The UHRB shall consist of three (3) members: the Provost or the Provost's designate, as Chair, one representative from the constituency of the complaining party and one representative from the constituency of the responding party. For purposes of this complaint procedure, the constituency for a faculty member shall be the faculty (excluding department chairs), the constituency for a student shall be the Dean of Students Office, the constituency for an administrative employee shall be the administration (excluding department chairs), and the constituency for a union represented staff member (office, clerical, technical employee or maintenance employee) shall be the membership of the same collective bargaining unit. All faculty members shall be appointed by the Faculty Affairs Committee of the University Senate through the Senate Executive Committee. The Dean of Students shall be responsible for selecting a representative from the Dean of Students Office. All administrative employees shall be appointed by the President. All union-represented staff members shall be appointed by the appropriate union. Prior to the commencement of proceedings before the UHRB, members of the UHRB will be trained with respect to harassment issues, current standards concerning what conduct may constitute harassment and any other specific issues necessary for determination of the complaint before them.



Both the complaining party and the responding party shall be provided with a list identifying the members of the UHRB. Any member of the UHRB with an interest in the matter, or who the complaining party or the responding party justifiably maintains has a conflict of interest, may be asked to disqualify himself or herself from participating in processing the complaint. Requests for disqualification should be made within five working days of receipt of the list, and should be submitted to the appropriate appointing body as listed above. A UHRB member may request disqualification of himself or herself by submitting a statement to the appropriate appointing body stating reasonable grounds for disqualification. If a member of the UHRB is disqualified, another member from the same constituency shall be appointed as in the paragraph above.

c. Formal Complaint Proceedings Before the University Harassment Review Board: The UHRB shall commence formal proceedings for determination of the complaint promptly after Step Two proceedings are initiated. This process shall include hearings before the UHRB in which the complaining party, responding party and other relevant witnesses shall have the opportunity to provide testimony and documents. At the conclusion of the hearings, the UHRB will make written findings and recommend a penalty, if applicable. A more detailed statement of UHRB hearing procedures is available from the Equal Rights and Opportunity Officer. A copy of the hearing procedures will be provided to the complaining party and the responding party after Step Two proceedings are initiated.

d. Hearing Before the Senate Committee on Grievances: If the responding party is a tenured member of the faculty and the UHRB makes a recommendation of dismissal, the President shall forward the UHRB's written finding to the Chair of the Senate Executive Committee, who shall forward it to the Special Committee on Grievances of the University Senate. No member of this Committee shall have previously been concerned with the case. The Committee shall meet as soon as possible, but no later than thirty (30) days after receipt of the UHRB's written finding; to decide whether adequate cause for the sanction has been established by the evidence. The Committee shall be provided with and consider all documents related to the case including transcripts of previous hearings. The committee shall conduct its own hearings, which shall be governed by the procedural standards laid out in the AAUP/AAC's 1958 joint *Statement on Procedural Standards in Faculty Dismissal Proceedings*, as amended.<sup>4</sup> The Committee shall report its findings in writing to the President, with copies to the complaining and responding parties.

### 3. Step Three

*Within fifteen (15) calendar days* after receiving a copy of the UHRB's written finding or the finding of the Senate Committee on Grievances, whichever is later, either party may submit written objections to the findings with the President of the University. Such written objections should set forth, in detail, the reasons why the objecting party believes the UHRB's or Grievance Committee's findings should not be affirmed, or why the recommended penalty should not be adopted, by the President. A copy of the written objections will be provided to the other party in interest, who may file a written response *within fifteen (15) calendar days* after receipt of the objections.

In addition to filing written objections, either party may request a hearing before the President, which the President may grant in his discretion. The hearing may be attended by the objecting



party (with one advisor), the other party (with one advisor), the President, the Equal Rights and Opportunity Officer, the Chair of the UHRB or his or her designated UHRB member, and the Chair of the Senate Committee on Grievances if applicable. At the hearing, each party will be permitted to present his or her position orally (limited to thirty (30) minutes), and the President and the Equal Rights and Opportunity Officer may question each. These proceedings will be recorded.

*Within thirty (30) calendar days* of the submission of written objections or the hearing, whichever is later, the President shall issue his final decision, in writing. If neither party files objections to the UHRB's or Grievance Committee's findings within the prescribed time period, the President will issue a final decision within *thirty (30) calendar days* after receiving the findings and recommendations. After giving due consideration to the UHRB's and the Grievance Committee's findings and recommendations, the President may accept or reject the findings and recommendations, including any recommendation regarding penalty.

Any penalty imposed by the UHRB or the President shall be consistent with any applicable collective bargaining agreement or disciplinary provisions with respect to union-represented employees. A copy of the decision will be provided to each party. The President's decision will be final and binding on all parties.

#### 4. Informal Resolution of Complaint Permitted

At any time during the Step Two or Step Three process, the President, the UHRB or the Equal Rights and Opportunity Officer shall have authority to enter into an informal resolution of the complaint that is acceptable to both the complaining party and the responding party. As noted above, upon the informal resolution of a complaint, the matter will be deemed closed, and no party will be permitted to appeal, contest, re-open, or otherwise attempt to set aside or amend the terms of the informal resolution as long as the terms are adhered to.

#### 5. Reopening

Except for complaints resolved informally with the consent of both parties, an investigation or hearing pursuant to Hofstra's harassment complaint procedure may be reopened at any time within *one (1) year* of the date of the President's final decision or if a finding of no reasonable cause was rendered, within one (1) year of that finding. An investigation or hearing may be reopened only in the event that new evidence comes to light that would likely change the outcome of the complaint.

Either party may apply to the UHRB (or to the Equal Rights and Opportunity Officer in the case of a no reasonable cause finding) for reopening, in writing, within the prescribed time period. The party applying for reopening has the burden of demonstrating the existence of new evidence that was not available at the time of the initial investigation or hearing, and that that evidence would likely have lead to a different result. In addition, the UHRB may independently decide to reopen an investigation if relevant new evidence comes to its attention. All decisions regarding reopening are subject to approval by the President.



## 6. Extensions of Time

All of the time limits contained in the foregoing may be extended by mutual written agreement of the party requesting the extension and the Equal Rights and Opportunity Officer (Step One), the UHRB (Step Two) or the President (Step Three).

## 7. Harassment File

The Office of the Equal Rights and Opportunity Officer shall maintain a file of all harassment complaints and their outcomes, including harassment complaints by students against students. In determining an appropriate penalty in such a case, the UHRB or the President may inquire of the Equal Rights and Opportunity Officer whether prior cases exist in which the responding party was involved where the case resulted in a finding by the UHRB against the responding party. Additionally, the UHRB may consider for purposes of determining an appropriate penalty prior cases involving other parties that involve the same or similar conduct to that alleged in the shall provide this information in summary fashion.

## 8. Independent Investigation

The University reserves the right to conduct an investigation of a complaint of harassment independent of or in addition to the procedure provided herein at any time.

## IV. Policy Review

The University Senate shall be responsible for periodically reviewing this policy and its implementation to assess its effectiveness and make recommendations regarding possible changes. The Equal Rights and Opportunity Officer shall deliver an annual report on the activities of the Office of the Equal Rights and Opportunity Officer to the University's General Counsel.

## 9) Policy for Dismissal and Appeal of Dismissal from Graduate Study

(PhD program policy from Graduate Studies Bulletin program requirements and FPS # 11G)

The Director of a graduate program shall notify a student of his/her dismissal from that program in writing (certified return receipt requested) within 7 days following the decision to dismiss. The notification shall state the reasons for the dismissal and shall be as explicit as possible. The letter shall indicate the appeal procedures specified below. A copy of the letter shall be sent to the Chair, the appropriate Dean, the Provost and the Office of Academic Records.

The student is given 15 days after receiving notification of dismissal to decide whether or not to appeal the dismissal. During that time, the student is permitted to continue coursework in progress. If a student chooses not to appeal, 15 days after receiving notification of dismissal the student will no longer be permitted to continue coursework in progress, to sit in on classes, or to register for additional classes.

Appeals:



If dismissal occurs during the semester and the student appeals the decision, the student shall be permitted to continue coursework already in progress unless extenuating circumstances have been determined. Grades shall be withheld until the appeal process has been completed. Unless the appeal is successful, no grade or credit will be awarded. However, if a student is registered for a course that involves an outside internship (including but not limited to field experience, practicum, and student teaching), the student may not continue the course during the appeal process unless extenuating circumstances have been determined.

If dismissal occurs at the completion of a semester and the student appeals the decision, the student may not register for or sit in on any courses unless extenuating circumstances have been determined.

**Step 1:**

The first appeal is at the Program level. The student may appeal this decision in writing to the Director of the Program within 15 days from the date of receipt of the letter of dismissal. The letter of appeal shall include the grounds for appealing the dismissal. If no letter is forthcoming, the right of the student to further appeal is waived.

An ad hoc committee of program faculty and the department Chair shall be constituted and chaired by the Director. The Director of the Program shall inform the student in writing (certified return receipt requested) of the date, time and location of the Program ad hoc committee meeting. The student must inform the Program Director if he/she chooses to appear before the committee. The student may be accompanied by one advisor of his/her choosing. Under no condition shall the advisor address the committee.

The Director shall inform the student in writing (certified return receipt requested) of the decision of the Committee within 15 days from the date of the receipt of the appeal letter. (A copy of the letter shall be sent to the Chair, the appropriate Dean, the Provost and the Office of Academic Records.) The student may appeal this decision in writing.

**Step 2:**

The second appeal is at the Dean's level. The student may appeal in writing to the Dean within 15 days of the receipt of the Program's decision. If no letter is forthcoming, the right of the student to further appeal is waived.

The Dean shall conduct a full review of the appeal, which may include independent research and/or discussion with the program's Ad Hoc Committee. The Dean shall inform the student in writing (certified return receipt requested) of his/her decision within 15 days from the date of receipt of the appeal letter. (A copy of the letter shall be sent to the Program Director, the Chair, the Provost and the Office of Academic Records.) The student may appeal this decision in writing.

**Step 3:**

The final appeal is at the Provost's level. The student may appeal in writing to the Provost within 15 days of the receipt of the Dean's decision.



The Provost shall inform the student in writing (certified return receipt requested) of his/her decision within 15 days from the date of the receipt of the appeal letter. The Provost's decision is final. (A copy of the letter shall be sent to the Program Director, the Chair, the appropriate Dean and the Office of Academic Records.)

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