



**NOORDA COLLEGE**  
of OSTEOPATHIC MEDICINE

Policy Name:	Conflict of Interest
Approval Authority:	Board of Trustees
Responsible Executive:	President
Responsible Office(s):	President's Council Title IX Coordinator
Effective:	March 2019
Expires:	January 2024
Last Revised:	September 2021
Next Review Date:	N/A

## Conflict of Interest Policy

### Policy Statement

All board members, professional and non-professional full time employees, and all credentialed instructional staff shall disclose and avoid any conflicts of interest pertaining to any decisions or matters before the organization in which a member of his or her immediate family has a conflict of interest, financial or otherwise.

If he or she has existing or potential financial or other interests that impair or appear to impair his or her independent, unbiased judgment in the discharge of his or her responsibilities to the Noorda-COM. By reason of their appointment, Trustees appointed by the Parent Corporation or Management Corporation shall not be considered to have a conflict of interest by virtue of their relationship with the Parent Corporation or Management Corporation, respectively.

### Entities Affected by the Policy

Board members  
Full-time employees, professional and non-professional  
Credentialed instructional staff

### Policy Procedures

If he or she shall disclose any possible conflict of interest upon learning that a matter before Noorda-COM would create a conflict of interest. The individual must make a full disclosure to their direct supervisor, department or committee chair of his or her financial interest, and shall not further participate in any discussion of or decision on such matter. He or she shall absent himself or herself from discussions of, and abstain from voting on, such matters that may be under consideration. The minutes of such meetings shall reflect that a disclosure was made and that the member with a conflict of interest abstained from discussion and voting. Any member who is uncertain as to whether a conflict of interest may exist in any matter may request that the Committee or Council Chair resolve the question in his or her absence by majority vote.

Each board members, professional and non-professional full time employees, and all credentialed instructional staff shall complete and sign a disclosure form annually

## Definitions

Conflict of interest - any contract, transaction, or other matter between Noorda-COM and one or more of its board members, professional and non-professional full time employees, or credentialed instructional staff, or between the Noorda-COM and any other corporation, firm, association, or other entity in which one or more of Noorda-COM's employees are officers, directors, or members and are financially or otherwise interested in this other entity.

Entity - corporation, firm, association, or other in which one or more of Noorda-COM's employees are officers, directors, or members and are financially or otherwise interested.

Matters - includes, but not be limited to, contracts to furnish goods and/or services, leases or purchase agreements of real or personal property, which would result in a financial gain or loss.

Family member - as a person connected by blood or marriage or an individual who is residing in the same household as the board members, professional and non-professional full time employees, and all credentialed instructional staff

## Responsibilities

Board members  
Professional and non-professional, full-time employees  
Credentialed instructional staff

## Policy Violations

The failure of an employee to make a disclosure as described herein may result in the avoidance of such agreement, contract, lease, or other matter at the discretion of Noorda-COM of this relationship, product or service.

## Interpreting Authority

Board of Trustees

Statutory or Regulatory References

Relevant Links

Policy Adoption Review and Approval



### Conflict of Interest Disclosure Form

All board members, professional and non-professional full time employees, and all credentialed instructional staff shall disclose and avoid any conflicts of interest pertaining to any decisions or matters before the organization in which a member of his or her immediate family has a conflict of interest, financial or otherwise.

If he or she has existing or potential financial or other interests that impair or appear to impair his or her independent, unbiased judgment in the discharge of his or her responsibilities to the Noorda-COM. By reason of their appointment, Trustees appointed by the Parent Corporation or Management Corporation shall not be considered to have a conflict of interest by virtue of their relationship with the Parent Corporation or Management Corporation, respectively.

An individual must disclose any possible conflict of interest upon learning that a matter before Noorda-COM would create a conflict of interest. A Trustee must make a full disclosure to the Chair of the Board and the Committee chair of his or her conflict of interest, and shall not further participate in any discussion of or decision on such matter.

He or she shall absent himself or herself from discussions of, and abstain from voting on, such matters that may be under consideration. The minutes of such meetings shall reflect that a disclosure was made and that the member with a conflict of interest abstained from discussion and voting. Any member who is uncertain as to whether a conflict of interest may exist in any matter may request that the Committee or Council Chair resolve the question in his or her absence by majority vote.

\_\_\_\_\_ I have no conflict of interest to report.

\_\_\_\_\_ I have the following conflict of interest to report (please specify other nonprofit and for-profit boards you (and/or a family member) sit on, any for-profit businesses, are an officer or director, or a majority shareholder, and the name of your employer and any businesses you or a family member own:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

I hereby certify that the information set forth above is true and complete to the best of my knowledge.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



**NOORDA COLLEGE**  
of OSTEOPATHIC MEDICINE

Policy Name:	AOA Code of Ethics Policy
Approval Authority:	Board of Trustees
Responsible Executive:	Dean
Responsible Office(s):	Dean's Council
Effective:	January 2019
Expires:	January 2024
Last Revised:	September 2021
Next Review Date:	N/A

## AOA Code of Ethics Policy

### Policy Statement

The American Osteopathic Association has formulated this Code to guide its member physicians in their professional lives. The standards presented are designed to address the osteopathic physician's ethical and professional responsibilities to patients, to society, to the AOA, to others involved in healthcare and to self.

Further, the American Osteopathic Association has adopted the position that physicians should play a major role in the development and instruction of medical ethics.

*Section 1.* The physician shall keep in confidence whatever she/he may learn about a patient in the discharge of professional duties. The physician shall divulge information only when required by law or when authorized by the patient.

*Section 2.* The physician shall give a candid account of the patient's condition to the patient or to those responsible for the patient's care.

*Section 3.* A physician-patient relationship must be founded on mutual trust, cooperation and respect. The patient, therefore, must have complete freedom to choose her/his physician. The physician must have complete freedom to choose patients whom she/he will serve. However, the physician should not refuse to accept patients because of the patient's race, creed, color, sex, national origin or handicap. In emergencies, a physician should make her/his services available.

*Section 4.* A physician is never justified in abandoning a patient. The physician shall give due notice to a patient or to those responsible for the patient's care when she/he withdraws from the case so that another physician may be engaged.

*Section 5.* A physician shall practice in accordance with the body of systematized and scientific knowledge related to the healing arts. A physician shall maintain competence in

such systematized and scientific knowledge through study and clinical applications.

*Section 6.* The osteopathic medical profession has an obligation to society to maintain its high standards and, therefore, to continuously regulate itself. A substantial part of such regulation is due to the efforts and influence of the recognized local, state and national associations representing the osteopathic medical profession. A physician should maintain membership in and actively support such associations and abide by their rules and regulations.

*Section 7.* Under the law a physician may advertise, but no physician shall advertise or solicit patients directly or indirectly through the use of matters or activities, which are false or misleading.

*Section 8.* A physician shall not hold forth or indicate possession of any degree recognized as the basis for licensure to practice the healing arts unless he is actually licensed on the basis of that degree in the state in which she/he practices. A physician shall designate her/his osteopathic school of practice in all professional uses of her/his name. Indications of specialty practice, membership in professional societies, and related matters shall be governed by rules promulgated by the American Osteopathic Association.

*Section 9.* A physician should not hesitate to seek consultation whenever she/he believes it advisable for the care of the patient.

*Section 10.* In any dispute between or among physicians involving ethical or organizational matters, the matter in controversy should first be referred to the appropriate arbitrating bodies of the profession.

*Section 11.* In any dispute between or among physicians regarding the diagnosis and treatment of a patient, the attending physician has the responsibility for final decisions, consistent with any applicable osteopathic hospital rules or regulations.

*Section 12.* Any fee charged by a physician shall compensate the physician for services actually rendered. There shall be no division of professional fees for referrals of patients.

*Section 13.* A physician shall respect the law. When necessary a physician shall attempt to help to formulate the law by all proper means in order to improve patient care and public health.

*Section 14.* In addition to adhering to the foregoing ethical standards, a physician shall recognize a responsibility to participate in community activities and services.

*Section 15.* It is considered sexual misconduct for a physician to have sexual contact with any current patient whom the physician has interviewed and/or upon whom a medical or surgical procedure has been performed.

*Section 16.* Sexual harassment by a physician is considered unethical. Sexual harassment is defined as physical or verbal intimation of a sexual nature involving a colleague or subordinate in the workplace or academic setting, when such conduct creates an unreasonable, intimidating, hostile or offensive workplace or academic setting.

*Section 17.* From time to time, industry may provide some AOA members with gifts as an inducement to use their products or services. Members who use these products and services as a result of these gifts, rather than simply for the betterment of their patients and the improvement of the care rendered in their practices, shall be considered to have acted in an unethical manner. (Approved July 2003)

*Section 18.* A physician shall not intentionally misrepresent himself/herself or his/her research work in any way.

*Section 19.* When participating in research, a physician shall follow the current laws, regulations and standards of the United States or, if the research is conducted outside the United States, the laws, regulations and standards applicable to research in the nation where the research is conducted. This standard shall apply for physician involvement in research at any level and degree of responsibility, including, but not limited to, research, design, funding, participation either as examining and/or treating provider, supervision of other staff in their research, analysis of data and publication of results in any form for any purpose.

## Entities Affected by the Policy

Faculty  
Staff  
Students

## Policy Procedures

Each professional and non-professional full time employees, and all credentialed instructional staff shall complete and sign a disclosure form at the time of matriculation or promotion. Students shall complete and sign a disclosure at the time of matriculation and at the beginning of third year

## Definitions

Faculty Council – A COM organization that serves as a representative for faculty participation for the free exchange of ideas and concerns of all faculty.

## Responsibilities

Faculty  
Staff  
Students

## Policy Violations

Students, faculty, and employees found to be in violation of this policy will be subject to discipline including written reprimand, termination or dismissal with cause.

## Interpreting Authority

Faculty Council  
President's Council

## Statutory or Regulatory References

N/A

## Relevant Links

AAUP, *Policy Documents and Reports*, 11th ed. (Baltimore: Johns Hopkins University Press, 2015), 91–93 <https://www.aaup.org/report/statement-professional-ethics>

<https://osteopathic.org/about/leadership/aoa-governance-documents/code-of-ethics/>

## Policy Adoption Review and Approval

Dean's Council



**NOORDA COLLEGE**  
of OSTEOPATHIC MEDICINE

Policy Name:	Employee Records Confidentiality Retention and Destruction Policy
Approval Authority:	Board of Trustees
Responsible Executive:	President
Responsible Office(s):	President's Council Title IX Coordinator
Effective:	March 2019
Expires:	January 2024
Last Revised:	September 2021
Next Review Date:	N/A

## Employee Records Confidentiality Retention and Destruction Policy

### Policy Statement

Noorda College of Osteopathic Medicine takes seriously its obligations to preserve information relating to litigation, audits, and investigations. Noorda-COM ensures that necessary records and documents of the COM are adequately protected and maintained and to ensure that records that are no longer needed by the COM or are of no value are discarded at the proper time. This Policy is also for the purpose of aiding employees of the Noorda-COM in understanding their obligations in retaining electronic documents - including e-mail, Web files, text files, sound and movie files, PDF documents, and all Microsoft Office or other formatted files.

The information listed in the retention schedule below is intended as a guideline and may not contain all the records the COM may be required to keep in the future. Questions regarding the retention of documents not listed in this chart should be directed to the President.

From time to time, the President may issue a notice, known as a "legal hold," suspending the destruction of records due to pending, threatened, or otherwise reasonably foreseeable litigation, audits, government investigations, or similar proceedings. No records specified in any legal hold may be destroyed, even if the scheduled destruction date has passed, until the legal hold is withdrawn in writing by the President.

Access to and privacy of personnel records maintained by Human Resources are governed by Title 63G, Chapter 2, the Utah Government Records Access and Management Act (GRAMA) and applicable federal laws.

Personal health information created or used by employee sponsored health plans has special protection under the Health Insurance Portability and Accountability Act of 1996 (HIPAA)

### Entities Affected by the Policy

Faculty  
Staff  
Office of the Dean  
Office of Finance

## Policy Procedures

Human Resources shall maintain confidentiality for electronic records for each employee that contains but not limited to the following, as appropriate:

- Social Security number
- Date of birth
- Home address
- Private phone number

Human Resources may grant agency access to this information. Agencies shall maintain the privacy of this information.

- Performance ratings
- Records of actions affecting employee
- Salary history
- Classification history
- Title
- Salary range
- Employment status
- Medical records
- Other personal data

Human Resources shall maintain personnel files.

Human Resources shall maintain confidential medical files. Confidentiality shall be maintained in accordance with applicable regulations.

### **Right to Inspect**

Employees have the right to inspect and review their records upon request with proper identification. Request for official records can be made to Human Resources. Hardcopy requests for official documents will be generally accomplished within 3-5 business days within receipt of the request. Employees may not have access to records that the employee has waived his/her right to inspect and review.

Applicants have the right to review records and data submitted for employment with a Human Resources representative. Those denied employment must exercise this right within six (6) months of the date of denial. The decision to accept or deny employment is, however, a composite professional decision not subject to review.

**Fees**

Requests which require extensive labor, interfere with regular operations, or require data in specific formats (e.g. mailing labels) may be denied or charged a fee for the service. An estimate of the fees may be provided upon request.

**Right to Appeal/Amend**

An employee who is denied access to his/her records may appeal in writing to the Director for Human Resources. If the decision to deny access is upheld, the Director for Human Resources handling the appeal must provide a written statement regarding the basis for the denial within ten (10) business days of receipt of the appeal.

An employee has the right to request an amendment of their records that he/she believes to be inaccurate or misleading. A request to amend a record must be made in writing to the Director for Human Resources, clearly identifying the part of the record the employee is contesting and the justification for the requested amendment. If the employee's request to amend is denied, the Director for Human Resources will notify the employee in writing of the decision and the right for an appeal.

A request for an appeal to a denial of a request to amend records, must be made in writing to the President. The President will respond to the appeal within ten (10) business days of receipt of the appeal. The President's will determination on the appeal is final.

If the President deems that the employee's record is factually incorrect, the record shall be amended in accord with the final determination.

Upon employee separation, Human Resources shall retain electronic records for thirty (30) years. Agency hard copy records shall be retained at the agency for a minimum of two (2) years.

**Electronic Documents and Records**

Electronic documents will be retained as if they were paper documents. Therefore, any electronic files that fall into one of the document types on the above schedule will be maintained for the appropriate amount of time. If a user has sufficient reason to keep an e-mail message, the message should be printed in hard copy and kept in the appropriate file or moved to an "archive" computer file folder. Backup and recovery methods will be tested on a regular basis.

**Emergency Planning**

The COM's records will be stored in a safe, secure, and accessible manner. Documents and financial files that are essential to keeping the COM operating in an emergency will be duplicated or backed up at least every week and maintained off-site.

**Document Destruction**

The President is responsible for the ongoing process of identifying its records, which have met the required retention period, and overseeing their destruction. Destruction of financial and personnel-related documents will be accomplished by shredding.

Document destruction will be suspended immediately upon any indication of an official investigation, or when a lawsuit is filed or appears imminent. Destruction will be reinstated upon conclusion of the investigation.

File Category	Item	Retention Period
College Records	Bylaws and Articles of Incorporation	Permanent
	Policies	Permanent
	Board and committee meeting agendas and minutes	Permanent
	Conflict-of-interest disclosure forms	4 years
	Safety and Security (Clery Act) reports	7 years
Finance and Administration	Financial statements (audited)	7 years
	Auditor management letters	7 years
	Payroll records	7 years
	Check register and checks	7 years
	Bank deposits and statements	7 years
	Chart of accounts	7 years
	General ledgers and journals (includes bank reconciliations)	7 years
	Equipment files and maintenance records	7 years after disposition
	Contracts and agreements	7 years after all obligations end
Correspondence — general	3 years	
Insurance Records	Policies — occurrence type	Permanent
	Policies — claims-made type	Permanent
	Accident reports	7 years
	Safety (OSHA) reports	7 years
	Claims (after settlement)	7 years
	Group disability records	7 years after end of benefits
Real Estate	Deeds	Permanent
	IRS exemption determination and related correspondence	Permanent
	IRS Form 990s	7 years
Tax	Charitable Organizations Registration Statements (filed with Utah Attorney General)	7 years
	Employee personnel files	Permanent
	Retirement plan benefits (plan descriptions, plan documents)	Permanent
Human Resources	Employee handbooks	Permanent
	Workers comp claims (after settlement)	7 years
	Employee orientation and training materials	7 years after use ends
	Employment applications	3 years
	IRS Form I-9 (store separate from personnel file)	Greater of 1 year after end of service, or three years
	Withholding tax statements	7 years

	Timecards	3 years
	Software licenses and support agreements	7 years after all obligations end
Clinical	Affiliation Agreements	7 years

The President and Board Chair will periodically review these procedures with legal counsel or the COM's certified public accountant to ensure that they are in compliance with new or revised regulations.

## Definitions

Legal hold - suspending the destruction of records due to pending, threatened, or otherwise reasonably foreseeable litigation, audits, government investigations, or similar proceedings

## Responsibilities

Faculty/Staff - who maintains or seeks access to employee records as part of their job responsibilities.

Human Resources Office - Notifies employees annually of confidentiality and HIPAA, manages process by which employees can restrict disclosure of directory information.

Office of the President - Review and approval for confidentiality, HIPAA compliance for all College policies and any data requests beyond the scope of the approved system.

## Policy Violations

Failure on the part of employees to follow this policy can result in possible civil and criminal sanctions against the COM and its employees and possible disciplinary action against responsible individuals.

An employee who violates confidentiality is subject to disciplinary action and may be personally liable.

## Interpretive Authority

If circumstances arise involving records retention or destruction that are not covered in these guidelines contact for advice, clarification, or direction.

Office of the President  
Board of Trustees

Office of Human Resources  
College Legal Counsel

## Statutory or Regulatory References

R477-2-5. Human Resource Management, Administration.

R477-11-1(1) Private records, Subsection 62G-2-302(2)(a).

R477-11-1(4) Disciplinary process - public records, Subsection 63G-2-301(3)(o).

## Relevant Links

<https://rules.utah.gov/publicat/code/r477/r477-002.htm#T5>

## Policy Adoption Review and Approval



**NOORDA COLLEGE**  
of OSTEOPATHIC MEDICINE

Policy Name:	Employees, Faculty, Credentialed Instructional Staff Grievance Policy
Approval Authority:	Board of Trustees
Responsible Executive:	President
Responsible Office(s):	President's Council Director of Human Resources
Effective:	March 2019
Expires:	January 2024
Last Revised:	September 2021
Next Review Date:	N/A

## Employees, Faculty, Credentialed Instructional Staff Grievance Policy

### Policy Statement

Noorda College of Osteopathic Medicine (Noorda-COM) is committed to treating all members of the COM community (administrators, faculty, staff, students, all other persons that participate in the COM's educational programs and activities) fairly with regard to their personal and professional concerns.

Noorda-COM recognizes the need for Employees, Faculty, and Credentialed Instructional Staff to voice grievances and to seek resolution to issues with faculty/staff/students, or interpretations of institutional policy. Noorda-COM also recognizes the responsibility of the Faculty to express their concerns in a professional and ethical manner.

Noorda-COM is committed to providing a learning and working (administrative personnel, faculty and staff) environment that promotes personal integrity, civility, and mutual respect in an environment free of discrimination on the basis of age, color, creed, marital status, medical condition, national or ethnic origin, race, religion, cultural heritage, gender, sex, sexual orientation, gender identity, political affiliation, disability, genetic information, amnesty, or status as a covered veteran in accordance with applicable federal, state and local laws or any other individual personal attribute.

Employees, Faculty, and Credentialed Instructional Staff with complaints should refer to the specific policies below. If assistance is needed, Employees, Faculty, and Credentialed Instructional Staff can contact the Human Resources Manager for further information. In addition to the complaint procedures below, Employees, Faculty, and Credentialed Instructional Staff also have the opportunity to provide anonymous feedback on matters through the "Noorda-COM Suggestion Box". Noorda-COM forbids any retaliatory action against Employees, Faculty, and Credentialed Instructional Staff who present concerns and complaints in good faith.

It is the policy of Noorda College of Osteopathic Medicine (Noorda-COM) to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC).

Furthermore, it is the company policy not to discriminate against qualified individuals in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

## Entities Affected by the Policy

Faculty  
Staff  
Credentialed Instructional Staff

## Policy Procedures

### **Procedure for a Grievance:**

Prior to filing a complaint, Employees, Faculty, and Credentialed Instructional Staff are expected to seek resolution through informal means. Employees, Faculty, and Credentialed Instructional Staff should begin the informal process by discussing their concerns in a professional and ethical manner directly with the other party in the designated administrative unit. If the attempt to resolve the matter is successful, no further progression through this policy is warranted.

If a(n) Employees, Faculty, and Credentialed Instructional Staff member requires assistance, the Human Resources Manager is available for consultation and to provide guidance regarding whether an exception to the procedure is indicated.

If attempts at informal resolution are not successful, the Employees, Faculty, and Credentialed Instructional Staff member should register the complaint by completing the Faculty/Employee Grievance Form found in the Office of Human Resources. All complaints will be monitored and reviewed by the Human Resources Manager within two (2) business days of receipt. Complaints should be filed within 30 business days of the incident prompting the complaint.

If the time requirement is not met, management may notify the employee in writing that the grievance will be administratively closed due to non-compliance, and that the employee has the right to request a compliance ruling from Human Resources to overturn the closing of the grievance.

The request must be in writing, signed by the Faculty member, and include the following information:

- The identity of the grievant
- A clear and precise statement of the grievance
- The specific rule, policy, procedure, practice, or law which is alleged to have been violated, if known
- Name the respondent parties (the person(s) against whom the grievance is filed)
- State how each respondent is responsible for the action or decision
- State attempts at informal resolution of grievance
- State the requested remedy

Upon receipt of the complaint, the Human Resources Manager will pursue resolution of the complaint, bringing the matter to the attention of the relevant administrative unit head, as needed.

If a satisfactory outcome is achieved, the Human Resources Manager will notify the Employees, Faculty, and Credentialed Instructional Staff member via certified notification, and close the matter. If a satisfactory resolution is not obtained, the matter will be routed to the next highest level of authority.

If a satisfactory resolution is not obtained after exhausting the appropriate levels of authority, the Human Resources Manager will bring the issue to the Due Process Committee of the Dean's Council for deliberation and final resolution.

The Director of Human Resources will be responsible for notifying all parties. Final documentation on the resolution of the complaint will be maintained by the Office of Human Resources.

The Employees, Faculty, and Credentialed Instructional Staff Grievance Procedure governs complaints except for grievances related to sexual harassment/sexual misconduct, discrimination, non-compliance with AOA Accreditation Standards, or grade appeals. To register a complaint in these areas, please see the related policies.

Each step of the Resolution and Grievance Procedures typically take ten (10) business days to complete, unless otherwise noted. Extensions or waivers to this timeframe may be granted on a case-by-case basis. Notice of a request for an extension from a Employees, Faculty, and Credentialed Instructional Staff member will be submitted within five (5) business days prior to the deadline. Decisions about granting or denying the request for extension will be communicated to the Employees, Faculty, and Credentialed Instructional Staff member via certified notification within five (5) business days of receipt of the request for extension. Likewise, if Noorda-COM needs to extend a deadline, the Human Resources Manager will provide said notice two (2) business days before the deadline.

### **Investigation and Confidentiality**

In the event a complainant requests confidentiality or asks that a complaint not be investigated, the COM will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a complainant insists that his or her name not be disclosed to the alleged perpetrator, the COM's ability to respond may be limited. The COM reserves the right to initiate and proceed with an investigation despite a complainant's request for confidentiality in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the COM Community.

### **Resolution**

If a(n) Employees, Faculty, and Credentialed Instructional Staff member's complaint is found to be substantiated, the COM will take appropriate corrective and remedial action. Faculty and staff found to be in violation of this policy will be subject to discipline up to and including written reprimand.

### **Bad Faith Complaints**

While Noorda-COM encourages all good faith complaints the COM has the responsibility to balance the rights of all parties. Therefore, if the COM's investigation reveals that a complaint was knowingly false, the complaint will be dismissed and the person who filed the knowingly false complaint may be subject to discipline up to and including written reprimand.

### **Academic Freedom**

While the COM is committed to the principles of free inquiry and free expression, conduct constituting is neither legally protected expression nor the proper exercise of academic freedom.

### **Rights of the Parties**

During the investigation and resolution of a complaint, the complainant and respondents shall have equal rights. They include:

- Equal opportunity to identify and have considered witnesses and other relevant evidence
- Similar and timely access to evidence considered by the Human Resources Manager in preparing the written report
- Equal opportunity to review any statements or evidence provided by the other party

Equal access to review and comment upon any evidence independently developed by the Human Resources Manager

### **Appeals**

Employees, Faculty, and Credentialed Instructional Staff who have a complaint can expect to have their complaint addressed through this procedure.

## **Grounds of Appeal**

The complainant or respondent may appeal the determination of a complaint only on the following grounds:

- The decision was contrary to the substantial weight of the evidence.
- There is a substantial likelihood that newly discovered information, not available at the time evidence was presented to the Human Resources Manager, would result in a different decision
- Bias or prejudice on the part of the Director for Human Resources or
- The punishment or the corrective action imposed is disproportionate to the offense

## **Method of Appeal**

Appeals must be filed with the Office of the President within ten (10) days of receipt of the written determination of the outcome of the complaint. The appeal must be in writing and contain the following:

- Name of the complainant
- Name of the respondent
- A statement of the determination of the complaint, including corrective action if any
- A detailed statement of the basis for the appeal including the specific facts, circumstances, and argument in support of it, and
- Requested action, if any.

The appellant may request a meeting with the President, but the decision to grant a meeting is within the President's discretion. The President may refuse the meeting if the appeal has not been presented in writing, in advance of the meeting. However, if a meeting is granted, then the other party will be granted a similar opportunity.

- Grievants are expected to represent themselves.
- In disciplinary actions and dismissals for unsatisfactory performance, the employee bears the burden of establishing any affirmative defenses to discipline and any evidence of mitigating circumstances related to discipline. In all other grievances, the employee presents his/her evidence and must prove his/her claim by a preponderance of evidence.
  - Appellant may make opening and closing statements.
  - Formal rules of evidence do not apply.
  - Testimony and exhibits may be admitted into evidence and made part of the record.
  - Non-party witnesses are not to be present at the hearing except to give testimony
  - The hearing is closed to the public.

### **Resolution of the Appeal**

The COM will resolve the appeal in a reasonably prompt manner. The decision of the President is final. The President shall issue a short and plain, written statement of the resolution of the appeal, including any changes made to the Human Resources

Manager previous written determination and/or the sanctions and remedial measures imposed. The written statement shall be provided to the complainant, respondent, and the Human Resources Manager within three (3) days of the resolution.

The President may order appropriate remedies but may not grant relief that is inconsistent with law, policy, or grievance procedure. In granting relief, the President may consider the relief requested in the written grievance. Relief may include, but is not limited to:

- Reinstatement to the employee's former position or, if occupied, to an equivalent position;
- Reduction or rescission of disciplinary actions;
- An order that Noorda-COM comply with applicable law and policy.

Relief that is not available include:

- Damages
- Attorney's fees
- Establishing or revising policies, procedures, rules, or regulations
- Taking any adverse action against an employee.

### **Withdrawal of Grievance**

When the grievant withdraws the grievance prior to the issuance of the President's decision, or when the parties agree to a settlement of the grievance, the grievant must submit to the President a statement clearly stating that he or she is withdrawing the grievance. Such a withdrawal statement terminates the grievance process. A copy of the settlement agreement is sent to the Human Resources Manager. The President shall prepare and issue in writing the dismissal of the grievance to Human Resources Manager to document that the grievant has withdrawn the grievance and the grievance has been dismissed.

### **Documentation**

Throughout all stages of the investigation, resolution, and appeal, the Human Resources Manager, and the President as the case may be, are responsible for maintaining documentation of the investigation and appeal, including documentation of all proceedings conducted under these complaint resolution procedures, which may include written findings of fact, transcripts, and audio recordings.

If you think you have been discriminated against in employment on the basis of disability, you should contact the U.S. Equal Employment Opportunity Commission (EEOC). A charge of discrimination generally must be filed within 180 days of the alleged discrimination. You may have up to 300 days to file a charge if there is a State or local law that provides relief for discrimination on the basis of disability. However, to protect your rights, it is best to contact the EEOC promptly if discrimination is suspected. Complaints can be filed [here](#)

## Grievable Issues

The following issues may be grieved using this Policy:

- Any disciplinary action will remain in place throughout the grievance process until final resolution of the grievance at which time the findings and recommendations of the grievance will determine the state of the action.
- Dismissal of permanent employees (does not include employees on probation). A grievance involving such a dismissal shall proceed directly to a formal resolution and hearing; Any dismissal action will remain in place throughout the grievance process until final resolution of the grievance at which time the findings and recommendations of the grievance will determine the state of the action.
- Policy and Procedure (i.e., whether the action being grieved was made in accordance with relevant Noorda-COM policies, rules, or procedures);
- Retaliation for participating in the grievance process, complying with any law or reporting a violation of such law to a governmental authority, seeking to change any state or federal law, reporting an incidence of abuse, fraud, gross mismanagement, or exercising any right otherwise protected by law

## Non-Grievable Issues

The following issues are exempt from this Policy:

- Discretionary actions such as salary adjustments, lump sum awards, wages, hours of work, assignment of overtime, work standards, staffing levels, work assignments, job title assignments, fringe benefits, performance improvement plans, and performance evaluations may not be grieved unless written policies, rules, or procedures are not being followed.
- Management Rights. Employees may not grieve activities falling under management rights. Noorda-COM management possesses the sole right to operate to carry out the mission and goals of Noorda-COM. Management rights include, but are not limited to:
  - The ability to utilize personnel, methods, and means in the most appropriate and efficient manner possible as determined by management.
  - To manage and direct Noorda-COM employees.
  - To suspend, demote, dismiss, or take other appropriate disciplinary action against employees for just cause.
  - To determine the size and composition of the workforce and to lay off employees in the event of lack of work or funds or under conditions where management believes that continuation of such work would be inefficient or nonproductive.

- To determine the mission of Noorda-COM, the content of written policies and procedures, and the methods and means selected to fulfill that mission.
- The management of position classification, position qualification standards, establishment and abolition of classifications, and allocation of positions to classifications.
- Investigation Fact Findings. Employees may not grieve any matter which has been previously submitted through the Noorda COM of Osteopathic Medicine's investigation process. Any findings by an independent Fact Finder are considered final.

## Definitions

Grievance - is a complaint arising out of any alleged unauthorized or unjustified act or decision by an individual (e.g., Faculty, staff, administrator) that in any way adversely affects the status, rights or privileges of a member of the Faculty.

- General mistreatment
- Mentoring
- Privacy of educational records
- Privacy of health records
- Parking
- Security and safety
- Employee health.

Parties - A grievance may be filed by one or more Noorda-COM staff employees.

Grievant - The person filing the grievance. The grievance must be filed by the aggrieved employee(s) and may not be filed by anyone else on that employee's behalf.

Appellant - The person who appeals a decision

Respondent - The person(s) against whom the grievance is filed

## Responsibilities

President  
 Director of Human Resources  
 Faculty  
 Credentialed Instructional Staff  
 Staff

## Policy Violations

Faculty and employees found to be in violation of this policy will be subject to discipline up to and including written reprimand.

## Interpreting Authority

President  
President's Council  
Director of Human Resources

In the event there is a conflict between interpreting authorities, the President will make the final interpretation decision.

## Statutory or Regulatory References

N/A

## Relevant Links

<https://www.eeoc.gov/employees/howtofile.cfm>

## Policy Adoption Review and Approval



**NOORDA COLLEGE**  
of OSTEOPATHIC MEDICINE

Policy Name:	Fiscal Management and Accountability Policy
Approval Authority:	Board of Trustees
Responsible Executive:	Dean
Responsible Office(s):	President's Council
Effective:	March 2019
Expires:	January 2024
Last Revised:	September 2021
Next Review Date:	N/A

## Fiscal Management and Accountability Policy

### Policy Statement

The Dean and Chief Academic Officer (CAO) is provided with the resources and budgetary authority necessary to fulfill his or her responsibility for the management of the Noorda-COM. The Dean and CAO is responsible for fiscal management including the implementation of the expenditure of funds allocated to the Noorda-COM in accordance with the budget approved by the Board of Trustees and the Board of Managers. The Dean in collaboration with the President and Senior Leadership must ensure that the financial resources of the school meet the requirements of Title IV of the Higher Education Act and are adequate to sustain a sound program of osteopathic medical education and to accomplish the programmatic and institutional goals.

### Entities Affected by the Policy

Dean  
Faculty  
Employees  
Credentialed Instructional Staff  
Students

### Policy Procedures

The policy is intended to meet and/or exceed the Commission on Osteopathic College Accreditation (COCA), the Northwest Commission on Colleges and Universities standards as well as the requirements of Title IV of the Higher Education Act in regards to fiscal oversight and budgetary responsibility in support of the adequate financial resources to maintain programmatic and institutional goals. Those resources include but are not limited to the oversight and management of financial resources, including financial planning; board approval and monitoring of operating and capital budgets, reserves,

investments, fundraising, cash management, debt management, and transfers and borrowings between funds.

In consort with the Noorda-COM Budgetary Process Policy, at the Spring Board of Trustees meeting, the Finance Committee of the Board of Trustees will be presented with the budget request for the subsequent academic year demonstrating support for the Dean and CAO in providing the resources and budgetary authority necessary to fulfill the Mission, Vision and Strategic Plan for the COM. The Finance Committee, after completing due diligence under the direction of the Dean with support from the President and Senior Leadership, makes recommendation to the full Board of Trustees for final approval.

## Definitions

Board of Trustees - Noorda College of Osteopathic Medicine  
Board of Managers - Wasatch Education

## Responsibilities

Dean  
Chief Financial Officer

## Policy Violations

Failure to abide can negatively impact COCA Accreditation as well as student eligibility for Title IV Funds and may result in delaying of the approval and distribution of the budget.

## Interpreting Authority

Board of Trustees

## Statutory or Regulatory References

N/A

## Relevant Links

N/A

## Policy Adoption Review and Approval



**NOORDA COLLEGE**  
of OSTEOPATHIC MEDICINE

Policy Name:	Student Grievance Policy
Approval Authority:	Board of Trustees
Responsible Executive:	President
Responsible Office(s):	President's Council Title IX Coordinator
Effective:	March 2019
Expires:	January 2024
Last Revised:	September 2021
Next Review Date:	N/A

## Student Grievance Policy

### Policy Statement

Noorda-COM is committed to treating all members of the College community (administrators, faculty, staff, students, applicants for employment, third-party contractors, all other persons that participate in the College's educational programs and activities, including third-party visitors on campus) fairly with regard to their personal and professional concerns. The Student Grievance Policy ensures that concerns are promptly dealt with, and resolutions reached in a fair and just manner.

The College's grievance procedure enables students to bring complaints and problems to the attention of the College's administration. Noorda-COM forbids any retaliatory action against students who present concerns and complaints in good faith. College policy strongly encourages students who believe they have a grievance to use all appropriate avenues for informal resolution before initiating the formal grievance procedure. Should such a resolution be impossible, the student may pursue the following options if they wish to file a grievance.

### Entities Affected by the Policy

Students  
Faculty  
Employees  
Credentialed Instructional Staff  
Third Party Contractors  
Title IX Coordinator

### Policy Procedures

#### **Student Discipline Procedures**

Complaints involving alleged misconduct by students will be handled according to the following procedures except in those cases where different procedures are prescribed by another College policy (e.g., allegations of sexual harassment, research misconduct). Noorda-COM has established a

multi- dimensional approach to adjudicating student misconduct, poor academic performance and/or disciplinary issues.

The following steps are to be followed in any case where a student is alleged to have violated the Code of Professional Conduct as enumerated in this handbook:

- All reports of code violations shall be reported to the Associate Dean for Student Affairs. Reports must be filed in writing and must be signed by the reporting party.
- Student Affairs will review the report and determine if the charge is of the nature to merit an investigation of the allegation(s).
- If the charge is of a nature to merit an investigation, the Associate Dean for Student Affairs, along with the Dean will gather, analyze and investigate the information. (This will be done as quickly as possible, but sometimes the nature of such investigations takes longer to gather evidence and speak with potential witnesses.)
- After all information is gathered, will apply a preponderance-of-the-evidence standard in making a judgment about the validity of the grievance and will then decide how best the alleged misconduct should be adjudicated.
- The Dean will make the final decision as to how the case will be heard and will make a referral to the specific adjudicating body for disposition of the case. The student will also be notified in writing to appear before the appropriate body to have their case heard.
- The multidimensional nature of Noorda-COM's disciplinary system allows for cases to be heard by the Student Promotion Committee (SPC).
- Upon review of the alleged violation and evidentiary findings, the SPC makes a recommendation as to the proposed outcome to the Senior Administrative Council (SAC).
- Senior Administrative Council (SAC) takes under consideration the SPC recommendations and makes a final decision on the adjudication of the case.
- Once the case has been formally adjudicated, the Chair of the SAC will then communicate in writing (electronically by delivery-receipt) the outcome to the individual(s) involved.
- Appeals of the SAC decision can be made by the student to the Dean within five (5) business days of delivery- receipt of the SAC decision.
- In cases where the information does not merit referral to the SPC or the Professionalism, Academic and Clinical Committee (PACC), the case will be dealt with by Student Affairs staff.

The College reserves the right to address inappropriate behavior that does not clearly fall within the identified Code of Professional Conduct.

Procedure Grievances relating to sex discrimination, sexual harassment or sexual violence fall under the purview of Title IX and will be dealt with under separate procedures. For further details on the basis for these kinds of grievances see the Nondiscrimination and Anti-Harassment Policy. All other grievances should be submitted in writing to the Associate Dean for Student Affairs.

The written statement should be as specific as possible regarding the action that precipitated the grievance:

- Date
- Location
- Individuals involved (including witnesses)
- Summary of the incident
- Efforts made to settle the matter informally

- Remedy sought.

Except as noted above or as otherwise stated in the College's policies, grievances will be evaluated and investigated in accordance with the Student Discipline Procedures. If deemed necessary, the issue will also be referred to the Department of Human Resources or other appropriate leadership team member. A record of all formal grievances, including written findings of fact and any transcripts or audio recordings, will be kept on file in Student Affairs and in the student's permanent file. An annual report of formal student complaints will be provided to the leadership team by June 1 of each year. Reports will be provided to the leadership team on a more frequent basis if necessary. The College uses student complaints in its ongoing performance improvement process.

### **Filing a Complaint with the College's Accrediting Agencies**

The Commission on Osteopathic College Accreditation (COCA) recognize their responsibility to provide complainants the opportunity to utilize their organizations as a vehicle to deal with specific grievances as well as being a mechanism for reviewing and finally resolving complaints.

Complaints that cannot be addressed by the College may be filed with COCA at the following address: COCA 142 East Ontario Street Chicago, IL 60611

### **Information for Crime Victims About Disciplinary Proceedings**

The College will, upon written request, disclose to the alleged victim of any crime of violence or a non-forcible sex offense or, if the alleged victim is deceased as a result of the crime or offense to the alleged victim's next of kin the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. Requests for such documentation should be directed to the Department of Student Affairs.

### **Utah Alcohol Laws**

- **Driving Under the Influence:** It is illegal to drive or be in physical control of a vehicle, even when parked, while under the influence of alcohol or other drugs. Utah's Implied Consent Law requires submission to a blood alcohol content (BAC) test. Refusal will result in revocation of your license for one year. You are in violation if your BAC is .08 or greater, or the officer judges you to be impaired. It is a Class B misdemeanor for the first and second conviction of driving under the influence of alcohol or drugs, with sentencing of not less than 48 hours in jail and a fine of not less than \$700. In addition, the court hearing the case shall suspend the operator's driving privileges.
- **Minors in Possession:** It is illegal for minors (under 21) to buy, possess (even hold), or drink alcohol. Penalties: up to six (6) months imprisonment and/or a \$1,000 fine; Class B misdemeanor. When a minor who is at least 18 years old, but younger than 21 years old, is found in violation of this law, the court hearing the case shall suspend the minor's driving privileges.
- **Not-a-Drop Law:** It is illegal for anyone under 21 years of age to operate a vehicle while there is any measurable alcohol (less than .08) in his or her body. Penalties: A first offense will result in loss of license for 90 days. A second offense within three years of a prior denial or suspension will result in suspension for one year.
- **Open Container:** It is illegal to drink any alcoholic beverage while operating, or as a passenger in, a vehicle (parked or moving), or have an open container in a vehicle. Once a container is open, one can be arrested for possession. Violating an open container law is a

Class B misdemeanor with a maximum penalty of six (6) months imprisonment and/or \$1,000 fine.

- Minors: It is illegal to sell or supply alcohol to a minor under the age of 21. Penalties: up to one-year imprisonment and/or up to \$2,500 fine; Class A misdemeanor.
- Intoxication: It is illegal to drink in a public building, park, or stadium, or to be so intoxicated that you disturb others, or injure yourself or others. Maximum penalty is 90 days imprisonment and/or \$750 fine; Class C misdemeanor. It is also illegal to sell or supply to intoxicated persons or to purchase alcohol if intoxicated. Maximum penalty is six (6) months imprisonment and/or \$1,000 fine; Class B misdemeanor.
- Unlawful Transfer or Use of Identification Card: It is illegal to give or use another's identification card with a maximum penalty of up to six (6) months imprisonment and/or \$1,000 fine; Class B misdemeanor. » (1) procure alcoholic beverages, » (2) gain admittance where alcohol is sold or consumed, and » (3) obtain employment that requires employees to handle alcoholic products.
- Maximum penalty: six (6) months imprisonment and/or \$1,000 fine; Class B misdemeanor.
- Dram Shop Liability: Liability may result to any person who provides alcoholic beverages illegally to underage persons or who provides alcohol to someone who is apparently intoxicated or, given the circumstances, may be under the influence of alcohol or other drugs. If the intoxicated person causes injury to persons or property while intoxicated, the person who furnished the alcohol is liable for injuries, property, or support to any third person or their spouse, child, or parent.

### **Utah Drug Laws**

It is unlawful to possess, produce, manufacture, distribute, and/or dispense a controlled substance such as cocaine, marijuana, LSD, heroin, steroids, and prescribed medications.

- Violation of this law may result in charges running from a Class A misdemeanor to a second-degree felony, depending on the type of controlled substance and the circumstances of the crime. Utah Code Ann. § 58-37-4.
- It is unlawful in Utah to possess or use a controlled substance except pursuant to a valid prescription. Violation of this law may result in charges running from Class B misdemeanor to a second-degree felony, depending upon the quantity of drugs within the individual's possession. Utah Code Ann. § 58-37-8(2).
- It is a Class B misdemeanor in Utah to use or possess drug paraphernalia. Utah Code Ann. § 58-37a-5.
- Penalties for drug violations in Utah may include incarceration for varying periods of time, and fines ranging from \$750 to \$10,000 depending upon the nature and circumstance of the offense. Utah law provides for enhanced penalties and charges if the drug violations occur on a college campus.

### **Drug Definitions**

- Cocaine (Crack) - Can cause short-term effects such as impaired judgment; increased breathing, heart rate, heart palpitations; and anxiety, restlessness, hostility, paranoia and confusion. Long-term effects may include damage to respiratory and immune systems, malnutrition, seizures and loss of brain function. Highly addictive.
- Designer Drugs/Synthetic Cannabinoids (Bath Salts, K2, Spice) - Can cause short-term effects such as elevated heart rate and blood pressure; chest pain; and hallucinations, seizures, violent behavior and paranoia. May lead to lack of appetite, vomiting and tremor. Long-term use may result in kidney/liver failure, increased risk of suicide and death.

- Hallucinogens (PCP, LSD, Ecstasy, Dextromethorphan) - Can cause extreme distortions of what is seen and heard. Can induce sudden changes in behavior, loss of concentration and loss of memory. Increases risk of birth defects in user's children. Overdose can cause psychosis, convulsions, coma and death. Frequent and long-term use can cause permanent loss of mental function.
- Inhalants (Nitrous Oxide, Amyl Nitrite, Butyl Nitrite, Chlorohydrocarbons, Hydrocarbons) - Can cause short-term effects such as nausea, dizziness, fatigue, slurred speech, hallucinations or delusions. May lead to rapid and irregular heart rhythms, heart failure and death. Long-term use may result in loss of feeling, hearing and vision. Can result in permanent damage to the brain, heart, lungs, liver and kidneys.
- Opiates/Narcotics (Heroin, Morphine, Opium, Codeine, Oxycodone, China White) - Can cause physical and psychological dependence. Overdose can cause coma, convulsions, respiratory arrest and death. Long-term use leads to malnutrition, infection and hepatitis. Sharing needles is a leading cause of the spread of HIV and hepatitis. Highly addictive, tolerance increases rapidly. Sedatives - Can cause reduced reaction time and confusion. Overdose can cause coma, respiratory arrest, convulsions and death. Withdrawal can be dangerous. In combination with other controlled substances, sedatives can quickly cause coma and death. Long-term use can produce physical and psychological dependence. Tolerance can increase rapidly.
- Tobacco (cigarettes, cigars, chewing tobacco) - Can cause disease of the cardiovascular system, in particular smoking being a major risk factor for a myocardial infarction (heart attack), diseases of the respiratory tract, such as Chronic Obstructive Pulmonary Disease (COPD), and emphysema and cancer, particular lung cancer and cancers of the larynx and mouth. Nicotine is highly addictive. Noorda-COM is a tobacco-free campus.
- Amphetamines - Can cause short-term effects such as rushed, careless behavior and pushing beyond your physical capacity, leading to exhaustion. Tolerance increases rapidly. Long-term effects include physical and psychological dependence and withdrawal, which can result in depression and suicide. Continued high doses can cause heart problems, infections, malnutrition and death.
- Cannabis - Can cause short-term effects such as slow reflexes, increase in forgetfulness, altered judgment of space and distance; can aggravate preexisting heart and/or mental health problems. Long-term health effects include permanent damage to lung

College Property - all buildings and land owned, leased or used by the College, and motor vehicles operated by employees, when used in connection with work performed for or on behalf of the College

### **Potential Student Conduct Outcomes**

- No Action - An official response from the disciplinary body indicating that no action be taken in regard to the student's case.
- Verbal/Written Warning - Documented warning that the behavior/academic performance demonstrated was unacceptable. Warnings remain in the student's file until the end of each academic year.
- Required Remediation - Required corrective academic action. This is required only after a student has failed a course, section, clerkship and/or national examination. Remediation is not guaranteed for any student who has failed a course, section, clerkship and/or national examination.

- Conditional Requirements - Official stipulations required of the student in order for the student to reconcile his/her behavior. Stipulations may include, but are not limited to the following:
  - Academic Probation - An official status of warning from the College, stating that the student is under the most sensitive academic monitoring and improvement plan, which becomes a part of the student's record for the period of time they are on probation. For specific information regarding academic warning, please review:
  - Academic Warning - A status of warning from Noorda-COM to the student indicating that the College is concerned about the student's academic performance. See the program for specific information regarding academic warning:
  - Clerkship Alterations - Required change(s) to a student's clerkship that might increase the student's likelihood of successful completion of said clerkship (e.g., changing location, repeating the clerkship, repeating an entire year, repeating a shelf exam, completing an independent study)
  - Counseling Intervention - Required referral to a mental health provider for counseling when a student's behavior indicates that counseling may be beneficial.
  - Disciplinary Probation - An official state of warning from the College which states that if the student violates any College policy during the probationary time, he/she could face up to suspension or dismissal depending upon the severity of the violation. The probationary status of the student may be communicated to the student's academic advisor, faculty or any other person who has legal access to this information.
  - First-Year Curricular Change - A formal decision that a first-year student withdraw with the possibility of readmission, after meeting specified academic criteria.
  - Partial (nonacademic) Suspension - A partial suspension of a student's normal right to participate in extra-curricular, co-curricular and other nonacademic activities. The student will continue to attend classes and may use all academic resources. The student will not be in good standing during the time of the suspension.
  - Referral to Outside Agency - The College may refer a student to the Utah Division of Occupational and Professional Licensing (DOPL) or other similar agencies, for assessment and treatment.
  - Required Tutoring/Learning Support - The College has the authority to require a student to seek mandatory tutoring and/or assistance from a learning specialist if it is deemed appropriate in assisting the student with academic performance issues.
  - Restrictions/Stipulations of Behavioral Activity - The College may restrict a student's behavioral activity this is deemed appropriate, including but not limited to restricting the student's contact with another student.
  - Restitution or Monetary Fine - Financial accountability for damage to property, and/or continued disciplinary problems, caused by the student, or a fine that is deemed appropriate for the offense.
  - Restorative Service - A project or amount of community service hours served by the student for the good of the community. This is usually completed within the community. If the service is approved to be done off-campus, it must be at a not-for-profit organization and the student cannot receive pay for his/her work.
- Suspension - A formal separation of the student (without refund) from the College during a specific period of time. The period of suspension can range from one semester to an indefinite period of time. The student will not be in good standing during the suspension.
- Dismissal - Permanent separation of the student from Noorda-COM (without refund).
- Dismissal is permanently noted on the student's Noorda-COM official transcript.

Grievance - a complaint arising out of any alleged unauthorized or unjustified act or decision by an individual (e.g., student, faculty, staff, credentialed instructional staff, administrator) that in any way adversely affects the status, rights or privileges of a member of the student body.

Such complaints may include, but are not limited to the following:

- Academic programs or courses
- Accreditation standards or processes
- Discrimination
- Financial aid
- General mistreatment
- Harassment, including sexual violence
- Mentoring
- Privacy of student educational records
- Privacy of student health records
- Parking
- Research
- Security and safety
- Student health

The use or abuse of alcohol and other drugs also increases the risks of behavioral and social problems such as negative effects on academic work performance; conflicts with classmates, co-workers, family, friends and others; conduct problems resulting in disciplinary action, including dismissal from an academic program; and legal problems resulting in ticketing, fines and imprisonment. College policies, local ordinances, state laws and federal laws prohibit the unlawful possession, and use or distribution of illicit drugs and alcohol.

Noorda-COM values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

When the Respondent is a member of the Noorda-COM community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the Noorda-COM community.

### **Privacy**

Every effort is made by Noorda-COM to preserve the privacy of reports. Noorda-COM will not share the identity of any individual who has made a report or complaint of harassment or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sexual harassment or retaliation, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

### **Retaliation**

Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy. Acts of alleged retaliation should be reported immediately

to the Title IX Coordinator and will be promptly investigated. Noorda-COM will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation. Noorda-COM and any member of Noorda-COM's community are prohibited from taking materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.

Filing a complaint within Process B could be considered retaliatory if those charges could be applicable under Process A, when the Process B charges are made for the purpose of interfering with or circumventing any right or privilege provided afforded within Process A that is not provided by Process B. Therefore, Noorda-COM vets all complaints carefully to ensure this does not happen, and to assure that complaints are tracked to the appropriate process. The exercise of rights protected under the First Amendment does not constitute retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

#### **When a Complainant Does Not Wish to Proceed**

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law. The Title IX Coordinator has ultimate discretion over whether the Noorda-COM proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment. The Title IX Coordinator's decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires the Noorda-COM to pursue formal action to protect the community. A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence.

Noorda-COMs may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes. The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the Noorda-COM's ability to pursue a Formal Grievance Process fairly and effectively. When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy. When Noorda-COM proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant, though this does not extend to the provision of evidence or testimony.

Note that Noorda-COM's ability to remedy and respond to notice may be limited if the Complainant does not want the Noorda-COM to proceed with an investigation and/or grievance process.

The goal is to provide the Complainant with as much control over the process as possible, while balancing the Noorda-COM's obligation to protect its community. In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow Noorda-COM to honor that request, Noorda-COM will offer informal resolution options (see below), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action. If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by Noorda-COM, and to have the incidents investigated and properly resolved through these procedures. Please consider that delays may cause limitations on access to evidence, or present issues with respect to the status of the parties.

### **Federal Timely Warning Obligations**

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, Noorda-COM must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community. Noorda-COM will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

### **False Allegations and Evidence**

Deliberately false and/or malicious accusations under this policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination. Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under Noorda-COM policy:

While the College encourages all good faith complaints of Sexual Misconduct, the College has the responsibility to balance the rights of all parties. Therefore, if the College's investigation reveals that a complaint was knowingly false, the complaint will be dismissed and the person who filed the knowingly false complaint may be subject to discipline.

### **Amnesty for Complainants and Witnesses**

The Noorda-COM community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to Noorda-COM officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons. It is in the best interests of the Noorda-COM community that Complainants choose to report misconduct to Noorda-COM officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process. To encourage reporting and participation in the

process, Noorda-COM maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident. Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to Respondent with respect to a Complainant.

### **Students**

Sometimes, students are hesitant to assist others for fear that they may get in trouble themselves (for example, an underage student who has been drinking or using marijuana might hesitate to help take an individual who has experienced sexual assault to campus security or the student health clinic. Noorda-COM maintains a policy of amnesty for students who offer help to others in need. Although policy violations cannot be overlooked, the Noorda-COM may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.

### **Employees**

Sometimes, employees are hesitant to report sexual harassment or retaliation they have experienced for fear that they may get in trouble themselves. For example, an employee who has violated the consensual relationship policy and is then assaulted in the course of that relationship might hesitate to report the incident to Noorda-COM officials. The Noorda-COM may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident. Amnesty may also be granted to Respondents and witnesses on a case-by-case basis.

### **Federal Statistical Reporting Obligations**

Certain campus officials – those deemed Campus Security Authorities – have a duty to report the following for federal statistical reporting purposes (Clery Act):

- All “primary crimes,” which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson.
- Hate crimes, which include any bias-motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property.
- VAWA-based crimes, which include sexual assault, domestic violence, dating violence, and stalking; and
- Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations. All personally identifiable information is kept private, but statistical information must be shared with campus security regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log.

### **Student Discipline Assurances**

The following assurances are granted to all students in the handling of all alleged violations of the Code of Professional Conduct:

- **Disciplinary Notification:** Any student charged with an alleged violation of the Code of Professional Conduct will be given written notice. Email notification may serve as written notice.
- **Hearing:** Every student alleged to have violated the Code of Professional Conduct has a right to a hearing. The Noorda-COM disciplinary system is a multi-dimensional system that allows the student the right to a formal hearing through the Student Promotion Committee or a hearing through Student Affairs.
- **Appeal:** All students who are charged and found responsible for a violation of the Code of Professional Conduct have the right to appeal the decision of the Student Promotion Committee and any decision made by staff members within Student Affairs.

The student must express his/her intent to appeal any decision within five (5) business days after the initial decision is delivered (verbally or written, whichever is first) to the student. The student must submit an appeal in writing to the Dean. That written appeal should be submitted for review within five (5) business days of receipt of the initial decision. Appeals must clearly outline the sanction(s) you are appealing along with any compelling argument as to why you are requesting any part of this decision be overturned. For example, if part of the process was perceived as being “unfair,” be very specific and include this in the appeal. Disagreement with College policy is not considered a compelling argument for appeal.

The appeal is considered by the Dean with the autonomy to uphold the appealed decision, reverse the decision all together, or change the decision by making the decision either more or less severe. Students can expect a decision on their appeal within ten (10) business days from the time the appeal has been submitted for review. If the student does not agree with the decision of the Dean of COM, they do have the ability to appeal that decision to the President of the College.

They have an additional five (5) business days to submit the appeal to the Office of the President for review and consideration. The President has the authority and autonomy to uphold the appealed decision, reverse the decision all together, or change the decision by making the decision either more or less severe. Once the President has rendered a decision on an appeal, the decision is final with no additional options for appeal.

## Definitions

**Formal Grievance Process** means “Process A,” a method of formal resolution designated by the Noorda-COM to address conduct that falls within the policies included below, and which complies with the requirements of the Title IX regulations (34 CFR §106.45).

**Grievance Process Pool** includes any investigators, hearing officers, appeal officers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).

**Hearing Decision-maker or Panel** refers to those who have decision-making and sanctioning authority within the Noorda-COM’s Formal Grievance process.

**Resolution** means the result of an informal or Formal Grievance Process that is concluded

## Responsibilities

Students  
Student Organizations  
Faculty  
Employees  
Credentialed Instructional Staff  
Title IX Coordinator  
Department of Student Affairs  
Office of the Dean  
Office of the President

## Policy Violations

Violations Students, faculty, and employees found to be in violation of this policy will be subject to discipline including written reprimand, termination, or dismissal with cause. Violation of College policies will be subject to campus disciplinary review pursuant to College policies and consistent with local, state and federal laws. Disciplinary action may include dismissal of individuals and/or sanction of organizations in violation of this policy. Violators may also be subject to the loss of financial aid.

## Interpreting Authority

President's Council  
Title IX Coordinator

## Statutory or Regulatory References

34 CFR §106.45  
§ 58-37-4.  
§ 58-37-8(2)  
§ 58-37a-5

## Relevant Links

N/A

## Policy Adoption Review and Approval

President's Council



**NOORDA COLLEGE**  
of OSTEOPATHIC MEDICINE

Policy Name:	Student Data Security & Confidentiality of Records Policy
Approval Authority:	Board of Trustees
Responsible Executive:	President
Responsible Office(s):	President's Council Title IX Coordinator
Effective:	March 2019
Expires:	January 2024
Last Revised:	September 2021
Next Review Date:	N/A

## Student Data Security & Confidentiality of Records Policy

### Policy Statement

Student Privacy and Family Education Rights and Privacy Act (FERPA) Family Education Rights and Privacy Act of 1974, or FERPA, governs privacy for students who are or have attended Noorda College of Osteopathic Medicine. Students have the right to request, inspect, review, and challenge the records maintained by the institution under the provisions of FERPA. Noorda College of Osteopathic Medicine does not permit access to, or the release of, student's education records or personally identifiable information (PII) outside of directory information without the student's written consent, except to those with an education need-to-know and entities granted access per FERPA. Students may review the complete text of FERPA at the Office of the Registrar.

Questions regarding FERPA should be directed to the Office of the Registrar. Notification of Rights Under FERPA affords students certain rights with respect to their education record. Noorda-COM defines student as any student who is, or has been enrolled, at Noorda-COM. FERPA application begins on the first day of classes of the first term of attendance.

### Entities Affected by the Policy

Faculty  
Staff  
Students  
Office of the Registrar  
Office of the Dean  
Office of Institutional Effectiveness

### Policy Procedures

#### **The Right to Review and Inspect**

Currently enrolled and former students have the right to inspect and review the student's education record within 45 days after the request is received by the institution. A written request must be submitted to the Office of the Registrar identifying the records the student wishes to inspect. The

Registrar, and/or the Registrar's designee, will make arrangements for access and notify the student of the time and place where the records may be inspected.

Please note the following:

- This right does not extend to the financial records, including any information those records contain, of the student's parents. Also, certain restrictions apply to a student's access to confidential letters and confidential statements of recommendation placed in a student's education records. Additionally, certain records may not be accessed by the student because they are excluded from FERPA's definition of "education records."
- If circumstances effectively prevent the student from exercising this right to inspect and review his/her education records, Noorda-COM will either provide the student a copy of the requested records or make other arrangements for the student to inspect and review them.
- Noorda-COM does not charge a fee to search for or to retrieve a student's education records but may charge a fee for a copy of those records, unless doing so would in some way effectively prevent the student from exercising this right.

### **The Right to Seek an Amendment of a Student's Education Record**

A student has the right to request an amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. A student requesting an amendment must submit a written request to the Office of the Registrar clearly identifying the specific part of the record the student wants amended along with justification for the amendment request. Justification can include inaccurate, misleading information, or in violation of a student's privacy rights.

Noorda-COM will follow its internal process to review any request for an amendment. Noorda-COM will respond to an amendment request within ten (10) business days of the receipt of the request. At times, depending on the complexity of the information, it may take longer than ten (10) business days. A student will be notified of timelines. The student requesting the amendment will receive a written response indicating the decision.

### **The Right to a Hearing Regarding the Request for an Amendment**

If Noorda-COM decides an amendment is not warranted, the student will be notified of the decision and advised of the student's right to a hearing regarding the denial of the amendment request. If, as a result of the hearing, Noorda-COM decides an amendment is warranted, the Office of the Registrar will amend the record and will inform the student of the amendment. If, as a result of the hearing, Noorda-COM decides an amendment is not warranted, the student will be informed of the right to place a statement in the record commenting on the contested information or stating why the student disagrees with the decision of the College, or both. Any such statement placed in the student's education record will be maintained and will be disclosed whenever Noorda-COM discloses the portion of the record pertinent to the statement.

### **The Right to Prevent Disclosure of Personally Identifiable Information**

Students have the right to prevent the disclosure of personally identifiable information (PII) from their education records, except to the extent that FERPA authorizes disclosure without consent. Unless authorized by FERPA exception, Noorda-COM must obtain written consent from a student prior to disclosing PII contained in the student's records. Per requirement, a student's consent must specify the records to be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom disclosure may be made. FERPA permits the disclosure of PII from students'

education records, without consent of the student, if the disclosure meets certain conditions. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the student, regulations require the institution to record the disclosure. Eligible students have a right to inspect and review the record of disclosures. A postsecondary institution may disclose PII from the education records without obtaining prior written consent of the student.

Non-consensual disclosure includes but is not limited to the following:

- Legitimate Educational Interests. To school officials with whom Noorda-COM has determined to have legitimate educational interests. A school official is a person employed by Noorda-COM in an administrative, supervisory, academic, research or support staff position (including law enforcement personnel and health staff). It also includes a person serving on Noorda-COM's governing board; a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing tasks. Additionally included are contractors, consultants, volunteers, or other parties (such as attorneys, auditors, or collection agents) to whom Noorda-COM has outsourced institutional services or functions that it would otherwise use employees to perform provided that this outside party is under the direct control of Noorda-COM with respect to the use and maintenance of education records and is subject to FERPA restrictions governing the use and re-disclosure of PII.
- Postgraduate Training Applications. Student education records along with supporting documents relevant to application services used to deliver postgraduate training applications, with whom students are registered, may be disclosed to the application services without the student's prior written consent.
- Judicial Order. Student education records may be released if properly subpoenaed pursuant to a judicial, legislative, or administrative proceeding. In all such cases, reasonable attempts will be made to notify the student of the judicial order in advance of compliance, as permitted by law.
- Financial Aid. Student education records relevant to the student's application for, or receipt of, financial aid may be disclosed without the student's prior written consent.
- Federal and State Authorities. Authorized federal and state official may have access to student education records as required by the audit and evaluation of state and federally supported education programs, or in connection with the enforcement of federal legal requirements which relate to such programs.
- Accrediting or Professional Associations. Designated representatives of accrediting and other professional organizations affiliated with Noorda-COM may have access to student education records to the extent necessary to fulfill the obligation of that affiliation.
- Payment Delinquency. Student education records may be disclosed as necessary to effect collection of a student's financial obligations to the College.
- Student Transfer. Noorda-COM may disclose personally identifiable information from a student's educational records without consent if the disclosure is to another institution for which the student has applied for admission, under the conditions described in 99.31 and 99.34 of the regulations.
- Litigation. Student education records deemed necessary for the defense in a suit filed by a student may be disclosed to attorney's representing Noorda-COM.

Non-consensual disclosures are permitted to parents in the following circumstances:

- Disclosure of a student's personally identifiable information to parents is permitted without a student's written consent if the College determines that there is an articulable and significant threat to the health or safety of the student or other individuals.
- Such disclosure is permitted to parents of the student if the parent provides documentation that the student is a dependent pursuant to Section 152 of the Internal Revenue Code of 1986 and notice is given to the student that a parent has requested such information.
- Such disclosure is permitted if the student is under 21 at the time of the disclosure and the University has determined that the student has committed a disciplinary violation of any federal, state, or local law, or of any rule or policy of the University governing the use or possession of alcohol or a controlled substance.
- Disclosure pursuant to the Wetterling Act, 42 U.S.C. 14071. Noorda-COM may disclose without consent information received under the Wetterling Act about a student who is required to register as a sex offender.

Student education records disclosed to a third party are subject to the condition that the third party will not permit any other party to have access to the records without prior approval from the College or the students.

### **The Right to File a Complaint with the Department of Education**

The right to file a complaint with the U.S. Department of Education concerning alleged failures by the [School] to comply with the requirements of FERPA.

The name and address of the office that administers FERPA is:

Student Privacy Policy Office

U.S. Department of Education 400 Maryland Avenue, SW Washington, DC 20202

### **Notice of Directory Information**

The Family Educational Rights and Privacy Act (FERPA), a Federal law, requires that Noorda-COM, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, Noorda-COM may disclose appropriately designated "directory information" without written consent, unless you have advised Noorda-COM to the contrary in accordance with Noorda-COM's procedures. The primary purpose of directory information is to allow Noorda-COM to include information from your education records in certain institutional publications.

Examples include:

- Dean's Lists and/or other academic honors awarded by Noorda-COM; and/or,
- Graduation programs; and/or,
- Residency Placement information.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that process transcripts, diplomas, etc. FERPA permits Noorda-COM to limit the disclosure of directory information to specific parties, for specific purposes, or both. In the exercise of that authority, Noorda-COM may release all directory information to school officials as defined above. Other releases will be limited to

those situations where Noorda-COM believes the release would recognize a student for academic or co-curricular achievement or otherwise advance the student's career interests.

Examples of such releases would be the disclosure of directory information to prospective employers, financial aid and scholarship agencies or to registry, licensure or certification services.

Another example would be the release of directory information in connection with Noorda-COM-sanctioned alumni affairs unless a restriction requested by the student continues to be in force.

Noorda-COM has designated the following information as directory information:

- Student Name
- Campus Address
- Telephone Listing
- Noorda-COM Email Address
- Photograph
- Date of birth (Month and Day)
- Program of Study
- Dates of Attendance
- COM Level
- Participation in officially recognized activities
- Degrees, honors, and awards received
- Location, Training Institution, and Medical Specialty Identified for Postdoctoral Education
- Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user

Students who wish to opt out of the release of some, or all, of their directory information must notify the Office of Registrar in writing. Upon receipt of such request, the Registrar will designate that portion of the student's directory information as confidential and not to be released outside Noorda-COM except to individuals, institutions, agencies and organizations otherwise authorized by FERPA. Noorda-COM will honor all requests to withhold any of the categories of directory information listed in the written request, but will not assume any responsibility to contact the student for subsequent permission to release that information.

Nondisclosure will be enforced until the student subsequently authorizes its release. A student may not, however, opt out of the disclosure of the student's name, identifier or Noorda-COM email address in a class in which the student is enrolled.

### **Maintenance of Student Records**

Noorda-COM will maintain the following student records information indefinitely:

- Transcripts
- Transcripts for coursework completed at other institutions
- Dates of enrollment, matriculation date, start and end dates of each academic year, dates of leaves of absences, withdrawal, dismissal, conferral/graduation dates
- National exam scores
- Student course performance and clinical clerkship performance evaluations
- MSPE's

- Change of status forms/letters related to leaves, academic schedule variations, remediations, name changes, withdrawal, dismissals, etc.
- Final disposition of disciplinary action records (with or without sanctions)
- Institutional technical standards forms for admissions and/or graduation
- Medical School Diploma (copy)
- Criminal background check, toxicology screenings
- International student documentation
- Student Health and Immunization records

Please note that this is non-exhaustive list. For questions regarding your student record, contact the Office of the Registrar at [registrar@noordacom.org](mailto:registrar@noordacom.org)

### **Privacy**

Every effort is made by Noorda-COM to preserve the privacy of reports. Noorda-COM will not share the identity of any individual who has made a report or complaint of harassment or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sexual harassment or retaliation, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures. Noorda-COM reserves the right to determine which Noorda-COM officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the complaint, including but not limited to:

- President
- Dean
- Associate Dean for Student Affairs
- Director of Human Resources
- Director of Facilities/Security
- and Professionalism, Academic and Clinical Committee

Information will be shared as necessary with Investigators, Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy. Noorda-COM may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student first before doing so.

Noorda-COM is committed to fostering an environment of inclusiveness and supporting students' form of self-identification. Noorda-COM recognizes that some students prefer to identify themselves by a first and/or middle name other than their legal name, and as long the use of a different name is not for the purposes of misrepresentation, Noorda-COM permits students to use a preferred name where possible in the course of Noorda-COM education and business. Any student may choose to identify a preferred first and/or middle name in addition to the legal name. Students may request this service via the COMmons. The student's preferred name may be used in many contexts including class rosters, Canvas, ID Cards, etc. The student's preferred name will appear in the Noorda-COM directory unless a FERPA block is requested.

There are certain Noorda-COM records that require a legal name; however, wherever reasonably possible, a student's preferred name will be used. College administrators, Campus Safety, and your supervisor (if you are employed on campus) will have access to your Legal and Preferred Names.

The legal name is required for, but not limited to just, the following:

- Student Information System
- Student Financial Services documentation
- Financial Aid
- Federal Requests for Information
- Immigration Documents
- Medical Documents
- National Student Clearinghouse
- Official correspondence with external entities
- Official and unofficial Transcripts
- Academic Certifications and Verifications
- Clinical Rotation Applications and Communications
- Diplomas • Paychecks/W-2/1098-T
- Campus Safety Student may designate (or remove) a first and/or middle preferred name through the Office of the Registrar.

The Office of the Registrar will review and respond to all requests. Noorda-COM reserves the right to not accept a preferred name if it is deemed inappropriate, including a preferred name that is vulgar, offensive, fanciful, or creates confusion with another person.

Allowable name formats include (but are not limited to):

- A shortened derivative of a name (e.g., "Katie" for "Katherine")
- A middle name instead of a first name
- First and middle initials (e.g., "M.J." for "Mary Jane")
- An anglicized name (e.g., "Simon" for "Bao")
- A name that better represents the individual's gender identity
- A name to which the individual is in the process of legally changing

An approved preferred name does not affect your legal name. Please note that it may take up to seven (7) business days for the request to be completed through all Noorda-COM systems. Reports of misuse and abuse of both preferred name and legal names in accordance with existing policies and procedures will be reported to Student Affairs. Depending on the individual and circumstances involved, this could include Human Resources, Academic Affairs, General Counsel, and/or appropriate law enforcement agencies. Noorda-COM reserves the right to remove preferred names that are deemed misrepresentative and to suspend the individual's privilege to update a preferred name.

Address and Telephone Number Student will have access to update their personal address information in the COMmons. Noorda-COM requires students to keep their permanent home address and telephone number on file with the Office of the Registrar. Permanent address information is required by the Department of Education for Enrollment Reporting. A campus address, where you are located when you matriculate and attend, and your mobile telephone number can be kept on file as your preferred (local) address. Students are responsible for keeping their local address information current.

## Definitions

N/A

## Responsibilities

Students  
Faculty  
Employees  
Credentialed Instructional Staff  
Associate Dean for Student Affairs  
Media and Information Technology  
Office of the Registrar  
Office of Human Resources  
Office of the Dean  
Office of the President

## Policy Violations

A violation of this policy may lead to reprimand, suspension, dismissal or other disciplinary action, consistent with general personnel policies of the College, and the Code of Student Conduct.

## Interpreting Authority

If circumstances arise involving the release of confidential information that are not covered in the College's Catalog or by these guidelines contact for advice, clarification, or direction from any of the following departments.

Office of the President  
Office of the Dean  
Office of the Registrar  
Department of Student Affairs

## Statutory or Regulatory References

Public Law 93-380, the Family Educational Rights and Privacy Act of 1974, as amended (FERPA)

## Relevant Links

<https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

## Policy Adoption Review and Approval

President's Council