

HEALTH SCIENCES STUDENT PROFESSIONAL BEHAVIOR CODE

A. Introduction

The Introduction to the University's Code of Student Conduct states: "The Code does not cover decisions of the faculty of a professional school as to character, moral or ethical, required of a student for purposes of awarding a degree or certificate, or for continuation as a candidate for such degree or certificate...."

This document, the Health Sciences Student Professional Behavior Code, hereafter denoted as HSSPBC, provides the standards and procedures to be used in the health sciences colleges of the Medical Center where questions of character, to be defined in terms of professional conduct, arise regarding a student enrolled in courses or programs, including clinical programs, in any of the colleges of the Medical Center.

The HSSPBC shall be uniformly applicable to all colleges of the Medical Center. The HSSPBC shall be applicable to all students enrolled in colleges of the Medical Center, including graduate students enrolled in the courses or programs offered by the colleges, and students licensed to practice.

B. Standards

Upon graduation or licensure, the health sciences student will be expected to adhere to accepted standards of professional practice.

Character, moral or ethical, is an important component of professional behavior and of the overall assessment of the performance of each health sciences student. A student's continued enrollment depends in part on the student's ability to adhere to recognized standards of professional practice and conduct. The standards are drawn from the duly legislated practice acts of the professions that have educational programs in the Medical Center.

Violation of one or more of the standards shall be sufficient grounds for the dean of a Medical Center college to initiate a review of the appropriateness of the student's continuing enrollment in courses or programs of the College.

Unprofessional conduct of a student includes conduct leading to, or associated with, one or more of the following in a context or manner which is relevant to professional practice when such conduct occurs at any site which is the subject of a clinical affiliation agreement or at any site where the student is engaged in a course or other learning experience for credit toward graduation or upon University property as that term is defined in the University's Code of Student Conduct:

1. Conviction for a felony;
2. Abuse of a controlled substance or drug;
3. Misappropriation or illegal use of drugs or other pharmacologically active agents;
4. Chronic or persistent abuse of alcohol;
5. Any condition or behavior which may endanger clients, patients, or the public, including failure to carry out the appropriate or assigned duties where lack of doing so may endanger the health or well-being of a patient or client;
6. Behavior or action which deceives, defrauds, or harms the public and/or profession;
7. Falsifying or, through negligence, making incorrect entries or failing to make essential entries in health records;
8. Deliberate deception of a patient or client through failure of the student to identify student status;
9. Failure to maintain client or patient confidentiality;
10. Obtaining any fee by fraud or misrepresentation;
11. Removal or suspension from any clinical setting by appropriate administrative authority for unprofessional conduct; or
12. Commission of any act which has the effect of bringing the student, the University, or the student's intended profession into disrepute, including, but not limited to, any departure from or failure to conform to the standards of acceptable and prevailing professional practice with the state and any departure from or failure to conform to the principles or code of ethics recognized by the licensing, certifying, or professional association or agency of the student's intended profession.

C. Sanctions

Sanctions which may be imposed by a dean for violation of the standards are:

1. Written warning;
2. Probation with specific conditions;

3. Suspension from a college of the Medical Center or suspension from that college's courses or programs for a definite period;

4. Dismissal from a college of the Medical Center for an indefinite period; the conditions for readmission shall be specified at the time of dismissal; readmission to the college or to the courses or programs of the college from which the student has been dismissed shall be only with the specified approval of the Chancellor for the Medical Center;

5. Termination as a student and/or candidate for professional degree or certificate in a college of the Medical Center without possibility of readmission to that college.

D. Jurisdiction

A student enrolled in a course or program in a college of the Medical Center shall be held to the Health Sciences Student Professional Behavior Code, the Code of Student Conduct, and Selected Rules of the University Senate of the University of Kentucky. If a violation of the Code of Student Conduct and also one or both of the other above referenced codes or rules allegedly has been committed in the same set of circumstances or facts, the dean of the college in which the student is enrolled and the Dean of Students of the University of Kentucky shall consult. (In cases involving a graduate student, the dean of the college also shall consult the Dean of the Graduate School.) They shall determine whether the Dean of Students, the dean of the college, and/or the Dean of the Graduate School will investigate and pursue the case in accordance with the appropriate procedure(s) and authorities.

A decision taken by a dean under the HSSPBC shall not preclude or be precluded by any action for which the student may be liable for the same or a related offense under the Code of Student Conduct, Selected Rules of the University Senate of the University of Kentucky, or behavioral standards which may have been established in any specific course.

E. Notifications by Dean to the Student

When a dean of a college, after investigation into an alleged violation of the standards, believes a student has committed a violation of the standards, the dean shall:

1. Notify the student in writing at a meeting or by certified mail that the student is charged with the violation of one or more of the standards; and

2. Notify the student in writing of the student's rights:

a. The student has the right to waive the rights to a hearing and an appeal.

b. The student has the right to a hearing before an impartial committee of faculty and students from the student's college, which hearing shall be conducted in accordance

with the procedure described herein. A request from the student for a hearing must be communicated in writing to the dean of the college and received within five (5) working days of the student's receipt of notification of the charge.

c. The student shall not be compelled to give testimony which might tend to be incriminating. Refusal to do so shall not be considered evidence of guilt.

d. The student shall receive a written statement of the conclusions and recommendation reached by the Hearing Committee.

e. The student shall have the right to appeal the decision of the dean to the Chancellor for the Medical Center.

F. Hearing Procedure

If the student has requested a hearing:

1. The dean shall form an impartial ad hoc Hearing Committee with representation from the following groups:

a. Two college faculty members whose teaching occurs in a patient care setting, appointed by the dean;

b. One representative of the college's full-time tenured faculty, who has no current academic or supervisory relationship with the student, chosen and appointed by the dean; and

c. Two students within 12 months of completing professional degree requirements and in good standing, selected by the college's Student Advisory Council.

2. The dean shall designate one of the above described representatives to be the Chairperson of the Hearing Committee. The Chairperson shall:

a. Be a voting member of the Committee; and

b. Convene the Committee within 15 calendar days of the dean's receiving the student's written request for a hearing.

3. A quorum shall be all five members of the Committee.

4. The Hearing Committee shall establish procedural rules for the hearing which will ensure the orderly conduct of its functions. The Hearing Committee shall maintain a record of its proceedings.

5. The hearing may be open or closed, according to the student's choice, which shall be specified in the student's request for a hearing (refer to Section E.2.b).

6. The student may have an advisor of the student's own choice who may advise the student and speak on the student's behalf; however, neither the student nor the student's advisor may examine any witnesses or committee members unless permitted by the Chairperson.

7. The student shall be able to hear all witnesses. Any questions the student may wish to ask of witnesses shall be furnished to the Chairperson, to be asked by the Chairperson, at the Chairperson's discretion.

8. The student shall enjoy all other rights specified at the time of notification of charges, cited above.

G. Hearing Committee Report

The Hearing Committee, after concluding the hearing and taking evidence, shall reconvene in executive session with Committee members only, to review the evidence, to make findings, and to determine whether or not a violation of the standards has occurred. The Hearing Committee shall recommend an appropriate sanction to the dean if it concludes a violation has occurred. If the Committee determines that insufficient evidence exists to conclude that a violation of the standards has occurred, it shall so notify the dean. The Committee's summary of findings, including its determination of whether or not a violation of the standards has occurred, and any recommended sanction shall be communicated in writing to the dean.

H. Decision of the Dean

The dean shall not reverse the determination of the Committee as to whether or not a violation of the standards occurred. The dean shall take any recommendation of a sanction by the Hearing Committee under advisement. The dean may impose a sanction which is less than, the same as, or greater than that recommended by the Committee. The student shall be notified in writing by certified mail of the dean's decision, which shall be final unless appealed by the student.

I. Appeal

A student has the right to appeal a decision of the dean, unless waived, to the Chancellor for the Medical Center within 15 calendar days of the date of student's receipt of written notification of the dean's decision. An appeal may be based on one or more of the following grounds only:

1. Error of fact;

2. Lack of adherence to due process as established by this Code; or
3. Student's belief that the sanction is too severe.

The Chancellor shall review the dean's decision on only those grounds which are cited in the appeal and for which written documentation is submitted with the student's written request for an appeal.

The Chancellor's decision, which shall be made within 15 calendar days of the receipt of request for an appeal, shall be final.

The Chancellor's decision shall be recorded in writing and made a part of the student's permanent record. The Chancellor shall notify the student by certified mail, with a copy to the dean of the college.

J. Amendment of the Health Sciences Student Professional Behavior Code

As an Administrative Regulation, supplementary to the Governing Regulations of the University of Kentucky, amendment of the Health Sciences Student Professional Behavior Code shall be recommended by the Chancellor for the Medical Center, after consultation with Medical Center deans and other administrators, to the President with final approval of all amendments to be made by the Board of Trustees.