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Office of the President
October 14, 2008

Members, Board of Trustees:

PROPOSED AMENDMENT TO HEALTH SCIENCES STUDENT PROFESSIONAL BEHAVIOR CODE

Recommendation: that the Board of Trustees approve the attached revision of the *Health Sciences Student Professional Behavioral Code, Administrative Regulation (AR II-7.0-6)*. The revisions to the *Health Sciences Student Professional Behavioral Code* more clearly align it with the UK Student Code of Conduct and more precisely define its jurisdiction. The *Health Sciences Student Professional Behavioral Code* is renamed the “*Health Care Colleges Code of Student Professional Conduct (HCC Code)*”.

Background: The Board is granted authority by K.R.S. 164.200 to establish a disciplinary system to govern the campus. The UK Student Code of Conduct is the document in which the Board states the rules, procedures, rights, and responsibilities governing non-academic relationships between the University and students. However, the Code of Student Conduct does not cover decisions of the faculty of a health care college as to professional conduct required of a student for purposes of awarding a degree or certificate, or for continuation as a candidate for such degree or certificate.

The HCC Code was initially adopted by the Board on June 19, 1984, as *Administrative Regulation II-7.0-6*. The Board last revised the Code on December 8, 1987. Much has changed in the practice of health care over the past twenty years, and it was therefore necessary for the University to re-examine its expectations for the professional behavior of students enrolled in the health care colleges.

The revised HCC Code:

- a) more clearly articulates standards of professional conduct expected by the University, which are consistent with the expectations of the accreditation and licensing boards across the health care professions;
- b) more clearly delineates the jurisdictional boundaries of the HCC Code and the UK Code of Student Conduct;
- c) explicitly states that the policies and procedures on academic offenses delineated in the Selected Rules of the University Senate (SR 6.0, Section VI, Student Academic Affairs) shall be followed when a health care college student is charged with an academic offense.
- d) creates an appeals process for sanctions imposed under the HCC Code that is consistent with the UK Student Code of Conduct;

- e) adopts a process for amendment of the HCC code that is consistent with the UK Student Code of Conduct, including the creation of a HCC Code Committee, and final approval of revisions only by the Board of Trustees; and
- f) renames the *Health Sciences Student Professional Behavioral Code*(AR II-7.0-6), as the “*Health Care Colleges Code of Student Professional Conduct*”; and, consistent with the UK Student Code of Conduct, the HCC Code is no longer categorized as an Administrative Regulation.

The revisions have been reviewed and endorsed by the University Senate, the health care college deans, health care college faculties, the Office of the Dean of Students, and approved by the Provost.

As a result of the substantial revisions, reorganization, and reformatting of this document, a redlined copy is not possible. A copy of the proposed HCC Code is attached.

Action taken: Approved Disapproved Other _____

HEALTH CARE COLLEGES
CODE OF STUDENT PROFESSIONAL CONDUCT

ARTICLE 1: INTRODUCTION

Rationale

The credibility of a health care professional is based, to a large extent, on maintaining a high degree of trust between the professional and the individuals he or she serves. Each health profession has a code of professional conduct administered by a professional organization or regulatory agency that prescribes and imposes high standards of conduct and principles of professionalism upon its members. Students must understand and adhere to these standards during their education in preparation for careers in which they must conduct themselves in the manner expected by their profession. Consequently, students in the health care colleges have a particular obligation to conduct themselves at all times in a manner that reflects appropriate professional moral and ethical character.

This Health Care Colleges Code of Student Professional Conduct (HCC Code) provides the standards of professional conduct and procedures to be followed when questions arise about the professional moral or ethical character of a student enrolled in courses or programs, including clinical programs, in the health care colleges. For guidance in matters of interpretation of standards or propriety of conduct in this HCC Code, the professional standards and interpretations of organizations representing the professions and bodies that grant licensure or certification were consulted and considered.

Applicability

The purpose of the HCC Code is to provide a professional behavior code that applies uniformly to all students enrolled in a degree program, leading ultimately to a profession requiring licensure or certification, offered by any of the health care colleges (“HCC students”). The health care colleges are: Dentistry, Health Sciences, Medicine, Nursing, Pharmacy, and Public Health.

This HCC Code shall also be applicable to students in professional or clinically-related programs for which there is joint responsibility between a health care college and the graduate school. Examples of such joint responsibility programs include, but are not limited to, Masters degrees in Clinical Laboratory Sciences, Communication Disorders, Dentistry, Nursing, Physician Assistant Studies, Public Health, Radiation Sciences, and Doctoral programs in Nursing and Rehabilitation Sciences.

Article II of the revised University of Kentucky Code of Student Conduct (“UKCSC”) 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.” The jurisdiction of this HCC Code extends to the commissions of acts on- or off- campus that reflect adversely on the professional moral and ethical character of the enrolled HCC

student, independent of whether or not such acts are judged to be violations of the UKCSC.

ARTICLE 2: STANDARDS

A HCC student shall be expected to adhere to accepted standards of professional practice.

All HCC students must possess the qualities of appropriate professional moral and ethical character. Each student must apply these standards to his or her academic career as well as his or her professional career. A student's continued enrollment shall depend 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 health care colleges of the University.

Violation of one or more of the standards shall be sufficient grounds for the dean of the appropriate health care college to initiate a review of the status of the student's continued enrollment in courses or programs of the college.

ARTICLE 3: PROHIBITED CONDUCT

This Article summarizes a representative, but non-comprehensive, list of violations of this HCC Code that are punishable, disciplinary offenses. The list includes items specific to the training programs of the health care colleges as well as those in the UKCSC. Some overlap among items is to be expected. At a minimum, health care college students shall not:

1. Commit any offenses enumerated under the UKCSC to the extent that the violation reflects adversely on the student's professional moral and ethical character;
2. Misappropriate or illegally use drugs or other pharmacologically active agents;
3. Engage in any behavior that may endanger clients, patients, or the public, including failure to carry out the appropriate or assigned duties, particularly when such failure may endanger the health or well-being of a patient or client, or treatment is dispensed without appropriate faculty supervision;
4. Engage in behavior or action that deceives, defrauds, or harms the public or the public's perception of the profession;
5. Falsify or, through negligence, make incorrect entries or failing to make essential entries in health records;
6. Deliberately deceive a patient or client through failure of the HCC student to disclose his or her student's status unequivocally to the patient;
7. Fail to maintain client or patient confidentiality including failure to follow the Health Insurance Portability and Accountability Act (HIPAA) standards;

8. Obtain any fee or compensation by fraud or misrepresentation;
9. Engage in any course of conduct, act, or omission that would be considered unprofessional conduct as a basis for discipline under the professional standards recognized by the licensing, certifying, or professional association or agency of the health care college student's intended profession for which the health care college student is in training;
10. Fail to report a felony conviction pursuant to Article 4 in this HCC Code.

ARTICLE 4: STUDENT'S OBLIGATIONS

A student who is subject to the jurisdiction of this HCC Code shall report to the dean of the applicable health care college, prior to enrollment in classes for a semester, if the student has been convicted of a felony crime. Further, during the academic year, a student shall notify the dean of any felony conviction within ten days of such conviction. Failure to make a timely notification under this Article shall be a violation of the "Prohibited Conduct" section of this Code.

ARTICLE 5: JURISDICTION

A HCC student enrolled in a course or program in a health care college shall be subject to the jurisdiction of this HCC Code, the UKCSC, and the Selected Rules of the University Senate of the University of Kentucky (hereinafter Selected Rules). If a violation of the UKCSC 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 health care college in which the student is enrolled and the University's Dean of Students or Academic Ombud, as applicable, shall consult, investigate the circumstances at issue, and pursue the case in accordance with the appropriate procedure(s) and authorities. An investigation of an alleged academic offense (plagiarism, cheating, or the falsification or misuse of academic records) shall be conducted in accordance with the policies and procedures established in the Selected Rules of the University Senate (SR 6.0, Section VI, Student Academic Affairs). Any levy of sanctions resulting from a finding of responsibility in an academic offense shall also conform with the policies and procedures established in the Selected Rules of the University Senate (SR 6.0, Section VI, Student Academic Affairs).

A decision taken by a dean of a health care college under this HCC Code shall not preclude or be precluded by any action for which the health care college student may be liable for the same or a related offense under the UKCSC, the Selected Rules, or behavioral standards that may have been established in any specific course.

A decision taken by a dean of a health care college under this Code shall not preclude any action by legal authorities outside the University.

ARTICLE 6: ADMINISTRATIVE PROCESS AND SANCTIONS

Preliminary Meeting with the Dean

When a dean or authorized designee of a health care college, after an appropriate, preliminary investigation into an alleged violation of the standards, believes a HCC student has violated the standards or engaged in a violation of the HCC Code, the dean or authorized designee shall notify the student by first class mail that the student is charged with one or more specific violation(s). A student accused of violations of this HCC Code is subject to an informational meeting with the dean of the student's college or authorized designee. When a student fails to respond to proper notification of an informational meeting or fails to attend a scheduled meeting within the specified period, the dean or authorized designee may deem that the student has denied responsibility for the pending charges and refer the matter to the hearing committee chair to convene a hearing panel.

At the informational meeting with the dean or authorized designee, the accused student shall be asked to state whether he or she is "responsible" or "not responsible" for the alleged violation. The student shall not be compelled to give testimony that might tend to be incriminating and a student's refusal to do so shall not be considered evidence of guilt. Information obtained from the student during this informal meeting is confidential and inadmissible in any disciplinary hearing of the University except in cases where the student withdraws his or her admission of responsibility or refuses to comply with the sanction proposed by the dean.

When a student accepts responsibility for an alleged violation, the dean or authorized designee shall counsel the student and outline proposed disciplinary action as defined in the section on *Sanctions* below of this HCC Code. When a student denies responsibility for an alleged violation or withdraws from or refuses to comply with the proposed sanction, the dean or authorized designee shall forward the reports and evidence concerning the case to the hearing committee chair to convene a hearing panel.

Hearing Committee and Procedures

At the beginning of each academic year, the dean of each health care college shall appoint eighteen (18) members to serve on a college hearing committee, consisting of ten (10) college faculty members, at least six (6) of whom teach in patient-care settings and none of whom has an administrative appointment in the college, and eight (8) students in good standing who have completed at least one year of their professional or clinically-related degree program requirements and whose names are among those provided by the college's Student Advisory Council or equivalent body. In those health care colleges with smaller numbers of college faculty, the dean may appoint fewer faculty members to the college hearing committee. However, a hearing panel shall be of uniform size, as prescribed below, across all health care colleges. The dean shall designate a hearing committee chair and alternate chair from among the faculty appointees. The alternate chair shall serve in the absence of the chair.

1. The chair, or alternate chair in the chair's absence, shall appoint a hearing panel with representation from the following groups among the hearing committee membership:
 - a. three faculty members, at least two (2) of whom teach in a patient-care setting, and none of whom has a current academic or supervisory relationship with the

- student;
- b. two students.
2. The chair, or alternate chair in the chair's absence, shall:
 - a. convene the hearing panel within fifteen (15) working days of the dean's receiving the student's written request for a hearing;
 - b. obtain but not share the previous disciplinary record, if any, with the hearing panel before the conclusion of the hearing;
 - c. conduct the hearing but not participate as a voting member of the hearing panel except to cast a tie-breaking vote;
 - d. provide the dean with a report of the hearing panel's actions, findings and recommendations.
 3. A meeting with at least four (4) members of the committee, excluding the chair, present shall constitute a quorum of the panel. The chair or the alternate chair must be present for the hearing panel to conduct its business.
 4. The hearing committee chair shall establish procedural rules that shall ensure the orderly conduct of the panels' functions. The chair shall maintain a record of the hearing panel's proceedings and, at the appropriate time, forward the record to the University Dean of Students, who shall determine its proper disposition.
 5. The standard of proof that shall be applied in all cases brought before a hearing panel is that a finding of responsibility requires that the preponderance of the evidence against the accused student in the majority opinion of a panel warrants the finding. The burden of proof in disciplinary cases rests with the college that initiated the investigation.
 6. A student shall be guaranteed the following rights in all proceedings of a hearing panel:
 - a. The student shall have the right to a fair and impartial hearing in all proceedings of any hearing panel.
 - b. The student shall not be compelled to give testimony and refusal to do so shall not be considered evidence of responsibility for an alleged violation.
 - c. The student shall be informed in writing of the reasons for appearance before any hearing panel and given sufficient time to prepare for the appearance.
 - d. The student shall be entitled to receive, upon written request, a copy of all rules and procedures governing the hearing panel within a reasonable time prior to appearance before the panel.
 - e. The student shall have the right to hear and question all witnesses and present witnesses of the student's choice.

f. The student may be present, if he or she desires, to listen to all individuals called by the Committee as part of its proceedings. One advisor of the student's choosing may attend the hearing and assist the student. The advisor may be an attorney. The role of the advisor shall be limited to providing advice to the accused student. Even if accompanied by an advisor, an accused student shall personally respond to inquiries from the hearing panel chair or panel members. In consideration of the limited role of an advisor, and of the compelling interest of the college to seek an expeditious conclusion to the matter, a panel hearing shall not, as a general practice, be delayed due to the unavailability of an advisor.

g. The student may request that any member of a hearing panel be disqualified on the ground of personal bias. The hearing officer shall make the determination either to retain or to disqualify the member.

h. The student shall have access to the record of the hearing.

i. The student shall be notified by the chair of hearing panel's composition with sufficient time before the date of the hearing to permit the student to identify any member of the panel who in the opinion of the student has a conflict of interest and recommend the member be recused. The chair shall have the authority to exclude any hearing panel member whom the chair determines has a conflict of interest or the appearance of a conflict of interest in a case.

7. The hearing may be open or closed, according to the accused student's choice as specified in the student's request for a hearing.

8. The hearing panel shall reconvene in a supplemental proceeding, not attended by the student or his or her advisor, to discuss and determine whether or not a violation of this HCC Code has occurred and if so, to recommend sanction(s). The college's Office of Student Affairs or equivalent shall obtain past records of offenses from the University Registrar and the Dean of Students. The information obtained shall be shared with the hearing panel, if the student is found responsible for a violation of this HCC Code. Both the accused and the complainant may submit relevant evidence or make relevant statements regarding the appropriateness of a specific sanction.

9. The hearing panel's meeting(s), but not the supplemental proceedings, shall be recorded.

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

Reporting Procedures

Written correspondence is the preferred form of formal communication between a hearing panel and other parties participating in a case. Informal email correspondence among members of a hearing panel or between hearing panel members and other involved parties regarding a case under consideration is discouraged.

Hearing Committee Report

At the conclusion of its deliberations, the hearing panel shall provide a written report to the

dean within seven (7) working days that summarizes whether or not a violation of the standards has occurred. If the hearing panel determines that a violation has occurred, it shall recommend an appropriate sanction to the dean in its written report. If the hearing panel determines that insufficient evidence exists to conclude that a violation of the standards has occurred, it shall also notify the dean in writing of this finding.

Role of the Dean

The dean shall accept and shall not reverse the determination of the Hearing Committee as to whether or not a violation of the standards occurred. The dean may impose a sanction that is less than, the same as, or greater than that recommended by the Committee. The dean shall notify the student in writing by first class mail of the decision within seven (7) working days following the receipt of the Committee's report. The dean shall also inform the hearing committee chair. The dean's decision shall be final unless appealed by the student.

Sanctions

All disciplinary sanctions imposed upon students are cumulative in nature. All prior disciplinary actions noted in a student's file may be used in the punishment phase of subsequent cases of code violations committed by that student and may result in more severe consequences than would otherwise have been the case. A student's disciplinary record shall be housed in the Office of the Dean of Students.

Sanctions imposed by a dean for violation(s) under this Code shall include one or more of the following:

1. a written warning, including statements on expectations for future professional conduct and consequences if a subsequent violation of the HCC Code occurs;
2. a requirement that the student consent to sanctions such as, but not limited to, restriction of access to specific areas of campus, monetary reimbursement, public or community service, research projects, compulsory attendance at education programs, compulsory psychiatric or psychological evaluation and counseling, such as alcohol and drug counseling;
3. suspension from the college or suspension from that college's courses or programs for a defined period;
4. dismissal from the college with possible readmission under conditions specified at the time of dismissal and with specified approval of the appropriate college committee and dean at the time of readmission; and
5. termination as a student or candidate for professional degree or certificate without the possibility of readmission to that college.

ARTICLE 7: APPEAL

A student who is found responsible for a violation of this HCC Code and is sanctioned with suspension, dismissal or termination from the health care college in which the student is enrolled may appeal in writing to the chair of the HCC Code Appeals Board (herein HCCCAB). The written appeal shall be submitted to the chair or postmarked, if mailed to the chair, within ten (10) days of the receipt of the decision rendered by the college dean.

The written appeal shall clearly state the reason(s) for appeal. Acceptable reasons for an appeal are an assertion and evidence that:

1. Due process rights have been violated through the HCC Code hearing process;
2. The sanction is inappropriate for the infraction for which the student was found responsible; or
3. There is information that was unavailable at the time of the original hearing which would alter the determination of responsibility, or which would alter the sanction.

Health Care College Code Appeals Board

A. Jurisdiction

The HCCCAB shall hold appellate jurisdiction over student matters involving alleged violations of the HCC Code, except that if the HCCCAB hearing panel, by majority of those present, decides the student's rights have been substantially violated, the HCCCAB hearing panel has original jurisdiction on the issue of responsibility.

B. Composition of the Health Care College Code Appeals Board

1. The HCCCAB shall consist of twenty-five (25) members from the health care colleges, comprised of fifteen (15) faculty members, at least ten (10) of whom teach in patient-care settings and none of whom has an administrative appointment in the college, and ten (10) students in good standing who have completed at least one year of their professional or clinically-related degree requirements and whose names are among those provided by the Student Advisory Council or equivalent body in each of the six health care colleges, and a hearing officer who shall be the chair.
2. A hearing panel of the HCCCAB shall consist of nine (9) members, at least five (5) of whom are faculty members, at least one (1) of whom is a student, and a hearing officer, who shall be the chair. No member of an HCCCAB hearing panel may serve on the college hearing panel and the HCCCAB hearing panel in the same case.

3. A quorum of the hearing panel for the conduct of business shall be seven (7) members. A quorum shall include at least five (5) faculty members (exclusive of the hearing officer) and at least one (1) student. The hearing officer must be present for the hearing panel to conduct its business.

C. Appointments to the Health Care College Code Appeals Board

1. The Hearing Officer

The hearing officer shall be the chair of the hearing panel and shall be a person with training in the law appointed by the Provost for a three-year term, subject to reappointment. The term shall begin on September 1, and end August 31. If possible, a hearing officer shall preside in a case(s) that extends beyond the hearing officer's service until the case is concluded. Similarly, the hearing panel members shall be asked to continue on cases that extend beyond their terms of service whenever feasible. The hearing officer shall establish a written set of procedures for the conduct of HCCCAB hearings, which is consistent with the policies enumerated in Article I, Section 7 of the UKCSC. The hearing officer shall convene and preside at all meetings of the hearing panel, but does not vote as a member of the hearing panel except to cast a tie-breaking vote. All questions of the law, either substantive or procedural, and all procedural questions shall be addressed to and ruled upon by the hearing officer.

The student appellant may request that any member of a hearing panel be disqualified on the ground of personal bias. The hearing officer shall make the determination either to retain or to disqualify the member.

2. The Student Members

- (a) The student membership of the HCCCAB shall be appointed to one-year terms, subject to reappointment. Their terms shall begin May 1 and end April 30.
- (b) The student membership shall consist of eight (8) professional students and two (2) graduate students in clinically-related programs. The student members must be full-time students currently enrolled in a health care college, have been in residence at least one year and be in good academic and disciplinary standing.
- (c) The Provost shall appoint ten (10) student members to the HCCCAB from the recommendations submitted by the Student Advisory Council or equivalent body in each of the six health care colleges. At least three (3) names shall be submitted from each of the six (6) health care colleges, and the preponderance of the names submitted shall be those of professional students.

3. The Faculty Members

Faculty members of the HCCCAB shall be appointed to staggered three-year terms by the Provost upon the recommendation of the Senate Council. All terms shall begin on September 1 and end on August 31. To minimize the possibility of a conflict of interest, faculty members with primary administrative appointments (more than fifty percent of their assignment allotted to administration) shall not be appointed to the HCCCAB.

4. Temporary Appointments

- (a) If a sufficient number of the members of the HCCCAB are not available or have been determined by the hearing officer to have a conflict of interest or the appearance of a conflict of interest at any time when that Board has duties to perform, the Provost or, in the Provost's absence, the Executive Vice President for Health Affairs, shall make such temporary appointments as are necessary to ensure that the required number of members are present. Such temporary appointments need not be preceded by the recommendations otherwise provided herein. However, in no case shall a faculty member replace a student member or a student member replace a faculty member.
- (b) If, at any time, in the judgment of the hearing officer, there are sufficient cases pending before HCCCAB that it is unlikely that the pending cases can be processed within the time prescribed, the hearing officer shall notify the Provost of that fact. The Provost may, in accordance with the above provisions of the HCC Code, activate additional boards and appoint a hearing officer for each such additional board, or appoint additional boards and hearing officers for designated cases and time periods.
- (c) The authority, jurisdiction, and range of possible actions of, and the guaranteed rights of an accused person before any special board or panel appointed or activated under the terms of (a) or (b) above shall be the same as those applicable to the regularly constituted board or panel.

D. Disposition of Cases – Authority

The HCCAB shall render a prompt decision after receipt of the appeal. The HCCAB may uphold the decision of the dean or modify the decision by reducing or increasing the level of sanctions imposed or modifying any terms and conditions of the initial sanctions. The imposition of sanctions shall be deferred during the review unless, in the discretion of the Vice President for Student Affairs or authorized designee, the continued presence of the student on the campus poses a substantial threat to himself or herself, or to others, or to the stability and continuance of normal University functions. Decisions of the HCCCAB are final.

ARTICLE 8: DISCIPLINARY FILES AND RECORDS

The record of disciplinary cases shall be maintained in the Office of the Dean of Students

The file of a HHC student charged with or found responsible for any violations of this Code shall be retained as a disciplinary record for seven (7) years following the incident or five (5) years after the last semester enrolled, whichever is longer.

ARTICLE 9: AMENDMENT OF THE HEALTH CARE COLLEGES CODE OF STUDENT PROFESSIONAL CONDUCT

The Health Care Colleges Code of Student Professional Conduct shall be amended only by the Board of Trustees. Responsibility for proposing revisions to the HCC Code is delegated to a committee consisting of students, faculty and administrators from the health care colleges. The exact composition and procedure of the committee shall be determined by the President of the University.

The Committee shall accept and review recommendations from students, faculty and administrators regarding revisions of the HCC Code. The Committee shall prepare proposed revisions, and after consultation with the University Senate, forward them to the President for approval and, after approval, for presentation to the Board of Trustees for its consideration.

Nothing included above shall be construed as a limitation upon the President to propose changes without reference to the Committee.