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## HEALTH CARE COLLEGES STUDENT PROFESSIONAL BEHAVIOR CODE

This version of the Health Care Colleges Student Professional Behavior Code (hereinafter this Code) supersedes all previous versions. Students in the Health Care Colleges will be held to the standards in the most recent version of this Code as approved by the Board of Trustees.

### ARTICLE 1: INTRODUCTION

#### *Applicability*

Article II of the revised University of Kentucky Code of Student Conduct (hereinafter 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 Code extends to (1) violations of the UKCSC solely to the extent that the behavior reflects on the character, morals, or ethics of the student enrolled in a health care college program (see defined below) and (2) commissions of acts on or off campus that are not considered as violations of the UKCSC, but that reflect adverse on the character, morals, or ethics of the enrolled student.

The purpose of this Code is to provide a professional behavior code that will apply uniformly to professional students, hereinafter called "health care college students" at any stage of their educational program in the health care colleges. These colleges are: Dentistry, Health Sciences, Medicine, Nursing, Pharmacy, and Public Health. Professional degree or health care college students will be defined here as those students at any stage in the curriculum whose course of study will lead ultimately to a profession requiring licensure or certification. This Code shall also be applicable to students in professional and/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, Physical Therapy and Rehabilitation Sciences.

#### *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 and/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 character, morals, and ethics.

This Code provides the standards and procedures to be used where questions of character, morals, or ethics, to be defined in terms of professional conduct, arise regarding a student enrolled in courses or programs, including clinical programs, in the health care colleges. For guidance and matters of interpretation of standards or propriety of conduct in this Code, the professional standards and interpretations promulgated by organizations representing the professions and bodies that grant licensure and/or certification were consulted and considered.

### *Written Acceptance*

At the start of each academic year, all students shall be asked to sign a statement acknowledging that they received a copy of this Code, read it, and agree to uphold this Code and abide by its principles. The signed statements shall be returned to the appropriate health care college office within five working days of a student's starting classes. Failure to return the signed statement does not remove the student from being covered by this Code. The signed statement shall be placed in the student's permanent file.

## ARTICLE 2: STANDARDS

A health care college student shall be expected to adhere to accepted standards of professional practice.

All health care college students must possess the qualities of appropriate professional character, morals, and ethics. 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 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 avoid the following:

1. Misappropriation and/or illegal use of drugs or other pharmacologically active agents.
2. Any condition or 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.
3. Behavior or action that deceives, defrauds, or harms the public and/or the public's perception of the profession.
4. Falsifying or, through negligence, making incorrect entries or failing to make essential entries in health records.
5. Deliberate deception of a patient or client through failure of the health care college student to identify his or her student's status unequivocally to the patient.
6. Failure to maintain client or patient confidentiality including failure to follow HIPAA standards.
7. Obtaining any fee by fraud or misrepresentation.
8. Removal or suspension from any clinical setting by appropriate administrative authority for unprofessional conduct.
9. Commission of any act that has the effect of bringing the health care college student, the University, or the student's intended profession into disrepute. These include, but are not limited to, any departure from or failure to conform to the standards of acceptable and prevailing professional practice, 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 health care college student's intended profession.
10. Use of communication systems in whatever form in an intimidating, harassing, or illegal manner, or in a manner designed to interfere with or disrupt the educational process.
11. Any course of conduct, act, or omission that would be considered unprofessional conduct as a basis for discipline under the professional standards applicable to the profession for which the health care college student is in training.
12. Violation of conditions imposed in connection with one or more of the sanctions enumerated in this Code
13. Attempts to commit acts prohibited by this Code, or by the UKCSC, may be

punished to the same extent as completed violations.

14. Assisting in attempts and/or in the commission of acts prohibited by this Code, or by the UKCSC, may be punished to the same extent as committing completed violations.

15. Offenses enumerated under the UKCSC, to the extent that the offense reflects adversely on the character, morals, or ethics of the student; the offenses under the UKCSC are as follows:

- a. Interference, coercion or disruption that impedes, impairs or disrupts University missions, processes or functions or interferes with the rights of others. The following, while not intended to be exclusive, illustrate the offenses encompassed herein: occupation of any University building or property, or part thereof, without authorization by the University; blocking the entrance or exit of any University building or corridor or room therein; setting fire to, or by any other means, damaging any University building or property or the property of others on University premises; any possession or display of, or attempt, or threat to use firearms, explosive or other weapons upon University property without University authorization; prevention of the convening, continuation or orderly conduct of any University class or activity or of any lawful meeting or assembly upon University property; blocking normal pedestrian or vehicular traffic on University property; and failure to vacate premises when ordered to do so by a University official.
- b. Use, possession, or distribution of narcotic or dangerous drugs, except as expressly permitted by law.
- c. Disorderly, abusive, drunken, violent or excessively noisy behavior or expression.
- d. The threat or commission of physical violence against self or other persons.
- e. The commission of acts or the implementation of programs or activities that constitute a violation of local, state or federal law.
- f. Failure to comply with directions of University officials acting in the performance of their duties.
- g. Falsifying, altering or forging any official University records or documents, employing official University documents or records for purposes of misrepresentation, or causing any official University documents or records to be falsified by means of any misrepresentation.
- h. Hazing by any action taken or situation created, intentionally or recklessly, whether on or off University premises, to produce mental or physical discomfort, embarrassment, harassment, or ridicule. Such abusive activities and situations may include, but are not limited to the following: illegal or harmful use and/or forced consumption of food, alcohol or drugs; paddling in

- any form; creation of fatigue; personal servitude; physical and/or psychological shocks; wearing apparel which is conspicuous and not normally in good taste; engaging in public stunts and buffoonery; degrading or humiliating games and activities; sleep or food deprivation; any meetings which unreasonably interfere with scholastic activities; and/or any other activities which are not consistent with the regulations and policies of the University of Kentucky.
- i. Knowingly passing a worthless check or money order to the University or to a member of the University community acting in an official capacity; recurring financial over-obligation and nonpayment of debts to the University.
  - j. Theft of property or services; knowingly possessing stolen property.
  - k. Possessing a deadly weapon without authorization of the Dean of Students.
  - l. Defacing, disfiguring, damaging or destroying public or private property.
  - m. Giving false testimony or other evidence at any official hearing of the University or giving false information to any faculty or staff members acting in the performance of their duties.
  - n. Bribing any University employee or student officials.
  - o. Harassing anyone present on University property.
  - p. Providing information to individuals involved in organized gambling activities concerning intercollegiate athletics competition; or participating in any gambling activity that involves intercollegiate athletics or amateur athletics, through a bookmaker, a parlay card or any other method employed by organized gambling.
  - q. Violation of conditions imposed in connection with one or more of the sanctions enumerated in Article II, Section 11 of the Code of Student Conduct.
  - r. Violation of other published University regulations or policies. Such regulations or policies include, but are not limited to, policies regarding computer use, alcohol, hazing, entry and use of University facilities as well as regulations governing student organizations and residence halls.

#### ARTICLE 4: JURISDICTION

A health care college student enrolled in a course or program in a health care college shall be subject to the jurisdiction of this 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 Ombuds, as applicable, will consult, investigate the circumstances at issue, and pursue the case in accordance with the appropriate procedure(s) and authorities.

A decision taken by a dean of a health care college under this 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 5: ADMINISTRATIVE PROCESS AND SANCTIONS

### *Notifications by Dean to the Student*

When a dean of a health care college, after an appropriate, preliminary investigation into an alleged violation of the standards, believes a health care college 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. Such a hearing will be conducted in accordance with the procedure described herein. A request from the student for a hearing shall 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. The request shall stipulate whether the hearing will be an open or closed meeting with respect to attendance by faculty, staff and students who are not involved in the alleged action or requested to give statements by the Hearing Committee.
  - c. The student shall not be compelled to give testimony which might tend to be incriminating and a student's 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

Provost.

- f. The student shall enjoy all other rights at the time of notification of charges cited above, including continued enrollment and participation in classroom and clinical activity, unless specifically prohibited by the dean of the student's health care college.

### *Hearing Committee and Procedures*

If a student in a health care college were to deny an alleged violation(s) of this Code, a hearing committee shall be convened to examine the alleged violation(s) and to make recommendations to the dean.

1. The dean shall appoint a Hearing Committee with representation from the following groups:
  - a. Two college faculty members who teach in a patient-care setting and who are selected by the dean on the basis of their experience and ability to render an impartial judgment;
  - b. One representative of the college's full-time, tenured faculty who is not a college or divisional administrator, who has no current academic or supervisory relationship with the student, and who is chosen and appointed by the dean; and
  - c. Two students in good standing who are within twelve (12) months of completing their professional degree requirements and whose names are among those provided by the college's Student Advisory Council or equivalent body.
2. The dean shall designate one of the faculty representatives to be the Chair of the Hearing Committee. The Chair shall:
  - a. participate as a voting member of the Committee;
  - b. convene the Committee within 15 calendar days of the dean's receiving the student's written request for a hearing; and
  - c. provide the dean with a report of the Hearing Committee's actions, findings and recommendations.
3. A meeting with at least four members of the Committee present shall constitute a quorum.
4. The Hearing Committee shall establish procedural rules that shall ensure the

orderly conduct of its functions. The Hearing Committee shall maintain a written record of its proceedings.

5. The standard that shall be applied in all cases brought before the Hearing Committee is that a guilty finding requires that the preponderance of the evidence against the accused student in the majority opinion of the Committee warrant the finding.

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

7. 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 Hearing Committee members unless permitted by the Chair. The Hearing Committee's meeting(s) cannot be tape-recorded.

8. The student may be present, if he or she desires, to listen to all individuals called by the Committee as part of its actions. Any questions the student may wish to ask of these individuals shall be furnished in writing to the Chair who shall have sole discretion in determining whether these individuals shall be asked these questions.

9. The Hearing Committee shall reconvene in a Supplemental Proceeding, not attended by the student and/or his or her advisor, to discuss and determine whether or not a violation of the standards has occurred and if so, to recommend sanction(s). The accused, the complainant, and the representatives of the College may submit newly discovered evidence or make relevant statements (oral or written) to the Chair of Hearing Committee at any time before the Committee completes this Supplemental Proceeding. Any information that comes to light following the Supplemental Proceeding may, if the health care college student so desired, become part of an appeal to the Provost (see below). The College's Office of Student Affairs or equivalent will supply the past disciplinary record of the accused student, if any, to the Chair immediately before the Supplemental Proceeding but after the hearings conducted by the Committee. The Chair shall convey these statements and records, if any, to the entire Committee at the Supplemental Proceeding.

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

### *Reporting Procedures*

Written, hard-copy communication is preferred.

Electronic mail (e-mail) is an accepted official form of written communication in the health care colleges. E-mail may be used to communicate information regarding ethics

code policies and procedures. E-mail correspondence between members of the Committee and other necessary parties regarding a case under consideration should be discouraged.

### *Hearing Committee Report*

The Hearing Committee, after concluding its hearings in order to review evidence and interview individuals involved in a case and after holding a Supplemental Proceeding to recommend sanctions, if any, shall provide a written report to the dean that summarizes whether or not a violation of the standards has occurred within seven (7) working days. If the Hearing Committee determines that a violation has occurred, the Committee shall recommend an appropriate sanction to the dean in its written report. If the Committee determines that insufficient evidence exists to conclude that a violation of the standards has occurred, it shall also notify the dean of this finding.

### *Role of the Dean*

The dean shall accept and may not reverse the determination of the Hearing Committee as to whether or not a violation of the standards occurred. The dean shall, however, have considerable latitude in implementing the sanctions recommended by the Hearing Committee. 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 certified mail of the decision within seven (7) working days following the receipt of the Committee's report. The dean's decision shall be final unless appealed by the student.

### *Sanctions*

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

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

1. a written warning;
2. a requirement that the student accede to sanctions such as but not limited to restriction of access to specific areas of campus, monetary penalty, monetary reimbursement, public or community service, research projects, compulsory attendance at education programs, compulsory psychiatric/psychological evaluation and counseling, such as alcohol and drug counseling;

3. academic probation with specific conditions;
4. suspension from a college or suspension from that college's courses or programs for a defined period;
5. dismissal from a 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
6. termination as a student and/or candidate for professional degree or certificate without the possibility of readmission to that college.

#### ARTICLE 6: APPEAL

A health care college student has the right to appeal a decision of the dean, unless waived, to the Provost within seven (7) calendar days of the date of student's receipt of written notification of the dean's decision.

The written appeal shall clearly state the reason for appeal. Acceptable reasons for an appeal are an assertion and evidence that [a] due process rights have been violated through the University Disciplinary Hearing Process; [b] the sanction is inappropriate for the infraction for which the student was found responsible; or [c] there is information that was unavailable at the time of the original hearing that would alter the determination of responsibility or which would alter the sanction.

The Provost 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 health care college student's written request for an appeal.

The Provost's decision, made within fifteen (15) working days of the receipt of request for an appeal, shall be final.

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

#### ARTICLE 7: DISCIPLINARY FILES AND RECORDS

A record of disciplinary actions will be maintained by the appropriate dean or his or her designee.

The file of a health care college student found responsible for any violations of this Code will 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. The student's record may be shared with another institution to which the student may transfer only if

the student approves the release of his or her records from the University of Kentucky.

**ARTICLE 8: AMENDMENT OF THE HEALTH CARE COLLEGE STUDENT  
PROFESSIONAL BEHAVIOR CODE**

This Code shall be amended only by the Board of Trustees. Responsibility for proposing revisions is delegated to a committee appointed by the Provost with input from students, faculty and administrators from the health care colleges. The composition of the committee and the procedures it follows shall be determined by the Provost. Nothing included above shall be construed as a limitation upon the Provost or the President of the University to propose changes without reference to a committee.

(Previously known by AR II-7.0-6 -123)