

**Policy: Student Conduct and Discipline<sup>1</sup>**

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**Section: Student Affairs**

**Area:**

**Subject: Conduct and Discipline**

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## **BACKGROUND AND RATIONALE**

Students are expected and required to obey federal, state, and local laws; to comply with University of Arkansas for Medical Sciences policies and regulations, university and college rules and regulations, with directives issued by university administrative officials, and to observe standards of conduct appropriate for an academic institution. Students who do not adhere to these requirements may be subject to disciplinary actions and commensurate penalties.

## **PROCEDURE**

### **1. Conduct Subject to Disciplinary Actions**

Students who engage in the following conduct will be subject to disciplinary action, whether the conduct takes place on or off campus or whether civil or criminal penalties are also imposed for the conduct. Disciplinary action will be determined by the Associate Dean for Academic Affairs (ADAA) after investigating the charges and may include one or more of the following: 1) a verbal or written warning, 2) reprimand, 3) community service, 4) restitution, 5) restrictive participation in program activities which may delay program completion, 6) behavioral action plan, 7) probation, 8) suspension from program, 9) program dismissal.

- **Violation of laws, regulations, policies, and directives** – Violation of federal, state and local laws, including laws and policies related to HIPAA (Health Information Portability and Accountability Act); violation of UAMS policies and regulations; non-compliance with university or college rules and regulations; non-compliance with directives issued by administrative officials acting in the course of their authorized duties
- **Scholastic dishonesty** – Cheating, plagiarism, collusion, submission for credit any work or materials that are attributable in whole or part to another person, taking an examination or submitting work or materials for another person, any act designed to give unfair advantage to a student, or the attempt to commit such acts (see Definition of Scholastic Dishonesty in the college catalog)
- **Drugs and alcohol** – Illegal use, possession and/or sale of a drug or narcotic on campus or at education or clinical facilities affiliated with the university; use of alcohol in violation of university policy
- **Health or safety** – Conduct that endangers the health or safety of any person on or off campus, in any building or facility owned or controlled by the university, or any education or clinical facility affiliated with the university
- **Disruptions** – Acting singly or in concert with others to obstruct, disrupt, or interfere with any activities related to the university's responsibilities in teaching, education, healthcare, research, administration, service, or other activities authorized to be held or conducted on property owned by the university or affiliated with the university
- **Inciting lawless action** – Engaging in speech, either orally or in writing, which is directed to inciting or producing imminent lawless action and is likely to incite or produce such action

- **Unauthorized use of property** – Engaging in unauthorized use of property, equipment, supplies, buildings, or facilities owned or controlled by the university or affiliated with the university
- **Hazing** – Hazing is prohibited by Arkansas Act 75 of 1983.
- **Altering of official documents** – Altering official records; submitting false information; omitting requested information required for or related to application for admission or the award of a degree; falsifying clinical records
- **Vandalism** – Defacing, mutilating, destroying, or taking unauthorized possession of any property, equipment, supplies, or facilities owned or controlled by the university or clinical facilities affiliated with the university
- **Prohibited conduct** – Engaging in prohibited conduct that occurs while participating in off-campus activities sponsored by the university, including field trips, internships, rotations, or clinical assignments
- **Possession or use of potentially dangerous articles** – Unauthorized use or possession of any type of explosive, firearm, imitation firearms, ammunition, hazardous substance, or weapon as defined by federal or state law while on campus or in facilities owned or controlled by the university or clinical facilities affiliated with the university
- **Other** – Any other conduct that violates program-specific policies or the CHP *Non-Cognitive Performance Standards* outlined in Policy #02.00.02

## 2. Disciplinary Process

When student conduct occurs that is subject to disciplinary action, the faculty member will immediately notify the department chair/program director. After consultation with the chair/program director, the student of the suspected violation should be notified through a face-to-face or telephone conversation. In some instances, the faculty member may take immediate action appropriate to the circumstances. For example, when a student is observed to be cheating on an examination, the faculty member may stop the examination process for the student and retrieve the examination. Or when a student engages in disruptive behavior, the faculty member may instruct the student to leave the instructional space so that order can be restored.

The faculty member will also complete and submit documentation of the incident to the ADAA within 1 day<sup>1</sup> after observing or discovering the conduct. Documentation may be submitted on the CHP *Student Conduct and Discipline Report* form or other program-specific form. A copy of the report will be sent to the student, as well. The report will summarize the conduct deemed to violate conduct and discipline standards (detailed in Section 1 of this policy) along with pertinent details, e.g., time, place, other observers, etc.

## 3. Interim Disciplinary Action

Prior to the ADAAs investigation of charges and determination of penalty, the ADAA may take immediate interim disciplinary action deemed appropriate for the circumstances when such action is in the best interest of the university, patients and their families, other students, etc. Interim actions may include suspension and bar from the campus when it reasonably appears to the ADAA that the continuing presence of the student poses a potential danger to persons or property or a potential threat for disrupting any activity authorized by the institution.

## 4. Investigation and Administrative Disposition by the Associate Dean for Academic Affairs

Within 2 days<sup>1</sup> of receiving documentation of the incident, the ADAA will contact the student via UAMS email to schedule a meeting for the purpose of investigating and clarifying the charges submitted by the department or program. The meeting should occur within 7 days<sup>1</sup> of the occurrence. The student will be excused from program activities to attend this meeting. The department chair/program director will be copied on the email notifying the student of the meeting date and time. If the student does not respond and meet with the ADAA within 7 days<sup>1</sup> of the occurrence, the ADAA will notify the chair/program director and the student that they will not be allowed to participate in any program activities, including classes and clinical placements, until they contact and meet with the ADAA. If the student continues to be non-responsive to

the ADAA's meeting request, they will be administratively withdrawn from the program after 14 days<sup>1</sup> of the occurrence.

#### **4.1 Administrative Disposition by the Associate Dean for Academic Affairs**

After meeting with the student, the ADAA will determine the facts and penalties and summarize them on the CHP *Student Conduct and Discipline Assessment Summary* form. A copy of the completed form will be provided to the student, chair/program director and stored in the Dean's office.

If the student does not dispute the facts upon which the charges are based and agrees to the penalties the ADAA assesses, the student will complete and sign the *Student Conduct and Discipline Assessment Summary* form indicating that they agree with the charges and penalties. By agreeing with the charges and penalties, the student waives their right to a hearing procedure and the charges and penalties of the ADAA are final.

If the student disputes the charges and/or penalties, the student may appeal either or both to a Conduct and Discipline Panel (CDP). The student must indicate their intent to appeal within two days<sup>1</sup> of receiving the ADAA's written determination by 1) indicating their intent to appeal on the *Student Conduct and Discipline Assessment Summary* form, documenting the charges/penalties they disagree with and returning the form to the ADAA and 2) request the appeal in writing via UAMS email to the CHP Dean. During the appeal process, the student should continue participating in all program activities unless interim disciplinary action has been imposed by the ADAA that prohibits the student's participation,

### **5. Investigation and Hearing Process**

In the event the student disputes the charges and requests an appeal, the charges will be heard and determined by a fair and impartial CDP appointed by the Dean. Within 2 days<sup>1</sup> of the student filing the appeal, The Dean will assemble the CDP consisting of at least 3 faculty members outside of the student's program. The CDP may include faculty members outside the CHP. One member of the panel will be appointed as Chair of the CDP. The CPD will have 5 days to schedule the hearing with the student. In most cases, the hearing should be conducted within 10 days<sup>1</sup> of the CPD being assembled. In some instances, more time may be necessary to collect pertinent information related to the case. The CPD will make a request to the Dean if additional time is needed to prepare for the hearing.

#### **5.1 Notice of Hearing**

The student will be given at least 3 days<sup>1</sup> written notice of the date, time, and place for the hearing and the CDP Chair's name and contact information. The notice will include a statement of the charges and a summary statement of the evidence supporting the charges. The notice will be emailed using the student's university email account. The date for a hearing may be postponed by the CDP Chair for good cause or by agreement of the student and the Dean.

#### **5.2 Impartiality of the Conduct and Discipline Panel Chair**

The student may challenge the impartiality of the CDP Chair. The challenge must be in writing, state the reasons for the challenge, and be submitted to the CDP Chair through the Office of the Dean at least 2 days<sup>1</sup> before the scheduled hearing. The CDP Chair will determine whether they can serve with fairness and objectivity. In the event that the CDP Chair disqualifies them self, a substitute will be appointed by the Dean.

#### **5.3 Duties of the Conduct and Discipline Panel and Chair**

The CDP Chair is responsible for conducting the hearing in an orderly manner and controlling the conduct of the witnesses and participants in the hearing. The CDP Chair will rule on all procedural

matters and on objections regarding exhibits and testimony of witnesses, may question witnesses, and is entitled to have the advice and assistance of university legal counsel.

Members of the CDP are responsible for carefully and fairly considering all evidence and testimony in light of the charges, questioning witnesses, and determining whether the student is responsible for the disciplinary violations as charged.

If the CDP determines that the student is responsible for the disciplinary violations, the CDP will recommend a penalty or penalties specified in Section 5.4 below. While unanimity among members of the hearing panel is desirable, a majority that includes the CDP Chair may determine the student's responsibility and penalties.

#### **5.4 Procedures during the Conduct and Discipline Hearing**

Conduct and Discipline Hearing Participants – The conduct and discipline hearing provides for an objective hearing of all facts related to the charges and should include at a minimum the student and the ADAA in addition to the Conduct and Discipline Panel. The hearing is “closed” and confidential. Only individuals personally involved in the hearing are permitted to attend and participate, including CDP members, the student, departmental faculty, ADAA, witnesses, and counsel, if desired. UAMS general counsel may be available to provide advice on procedural and policy matters.

Witnesses – If called, witnesses will give only their testimony; witnesses may not be present in the hearing before or after their testimony is given. If the student and/or ADAA wish to call witnesses, they must inform the CDP Chair of the names of the witnesses and provide a brief written summary of their relevant testimony at least 3 business days before the hearing. The CDP Chair must inform each party of the witnesses that the other party plans to call at least 2 days<sup>1</sup> before the hearing.

##### Procedures during the Hearing

- The CDP Chair will review the purposes of the hearing and procedures to be followed, and clarify the data-gathering and decision-making functions of the CDP. The CDP Chair will orally read the charges and summary of evidence submitted to the dean. Only the charges submitted to the Dean are discussed during the hearing.
- The student and the ADAA will present facts related to the charges. The CDP may question the student and ADAA. The student and ADAA may question each other, at the discretion of the CDP Chair.
- The CDP Chair calls witnesses as desired by the student and the ADAA, and the CDP may question the witnesses. The student and ADAA may question the witnesses at the discretion of the CDP Chair. At all times, it is the prerogative of the CDP Chair to monitor and control the extent and degree of questioning and terminate it as their judgment dictates.
- Counsel of choice, if requested by the student, may be present to advise and support the student. The student must inform the CDP Chair of the name of the counsel of choice at least 3 days<sup>1</sup> before the hearing. The hearing is not intended to be adversarial in the sense of a court trial and, therefore, witnesses will not be “cross examined” as in a legal context. Counsel of choice may only confer with the student and will not be allowed to question witnesses or otherwise engage in discussion with the hearing officer, hearing panel, or other participants in the hearing.
- If the student's counsel of choice is an attorney, university counsel must also attend. The university's counsel will observe the proceedings and will not be allowed to question witnesses or otherwise engage in discussion with the hearing officer, hearing panel, or other participants in the hearing.
- When all testimony has been provided, all individuals except the CDP leave the hearing room. The CDP discusses the matters and may request additional information as deemed appropriate and necessary. Although it is desirable to conclude conduct and discipline

investigations expeditiously, the CDP may use as much time as necessary and reasonable to assess thoroughly and evaluate the charges and related facts. If the CDP's recommendation is delayed more than 3 days<sup>1</sup> after the hearing, the CDP Chair will notify the dean, student, and ADAA of the delay.

- Following careful review of all information, the CDP will (1) determine the student's responsibility for the conduct and disciplinary violations and (2) recommend penalties deemed appropriate to the CHP Dean. The CDP may concur the penalties assessed by the ADAA were appropriate and recommend the Dean impose the penalties determined by the ADAA. The CDP may also impose other penalties deemed appropriate after completion of the hearing proceedings. The following is a list of penalties the CDP may consider:
  - Probation
  - Withholding of grades, official transcript, and/or degree
  - Bar against reinstatement or readmission
  - Restitution or reimbursement for damage to or misappropriation of university property
  - Suspension of rights and privileges, including participation in student, clinical, or extracurricular activities
  - Failing grade for an examination or assignment or for a course and/or cancellation of all or any portion of prior course credit
  - Denial of degree
  - Suspension from the institution for a specified period of time
  - Expulsion, i.e., permanent separation from the university
  - Revocation of degree and withdrawal of diploma
  - Other penalty as deemed appropriate under the circumstances
- The CDP Chair notifies the Dean in writing of the hearing panel's recommendations within 3 days<sup>1</sup> of its final meeting. The notification should include at a minimum: (a) summary of charges brought against the student; (b) summary of the proceedings, e.g., participants, sources of information, number of meetings, etc.; (c) summary of facts related to the charges; (d) penalties recommended; and (e) rationale for the penalties.
- The Dean may concur with, modify, or reject the hearing panel's recommendations. The Dean will notify the student, ADAA, and the student's Department Chair/Program Director of the decision. The Dean's decision is final and may not be appealed.

## 6. Disciplinary Record

The CHP maintains a written disciplinary record for every student charged with a violation of conduct and discipline standards. A disciplinary record reflects the nature of the charge, the disposition of the charge, the penalties assessed, and any other pertinent information. The disciplinary record is treated as confidential, and is not accessible to or used by anyone other than the Dean or university officials with legitimate educational interests, except under written authorization of the student or in accordance with applicable state or federal laws or court order or subpoena. The record is maintained for at least 5 years unless university or other regulations require a different retention period.

<sup>1</sup> For purposes of this policy, "days" refers to school days and excludes weekends and official university holidays.

## APPROVAL

This policy was approved by the College of Health Professions Executive Committee on July 23, 2015.