

# SCHOOL OF MEDICINE HONOR CODES

Standards of Professional Conduct and Honor Council Procedures

## STANDARDS OF PROFESSIONAL CONDUCT

Approved by the University of Missouri Board of Curators: December 1994, revised January 31, 2013 and updated December 2014

### I. Preamble

Patient care professionals are characterized by 1) a prolonged specialized training in a body of knowledge and skills; 2) ethical principles; 3) a service orientation; and 4) judgment. These professions determine their own standards of education, training, licensure, and practice and have long subscribed to a body of ethical statements developed primarily for the benefit of the patient. As a potential future member of these professions, a student must recognize responsibility and an obligation not only to patients, but also to society, other health professionals, and self to behave in a manner compatible with the medical profession's standards of conduct.

One of the goals of a medical school is to educate a student during the transition to a professional life. The University of Missouri-Kansas City School of Medicine has an obligation to evaluate our students pursuing the M.D. and other patient care related degrees administered by the School of Medicine as thoroughly as possible for their cognitive abilities, their academic and professional knowledge and skills, their integrity, and their suitability for the practice of medicine. Accordingly, the Standards of Professional Conduct detailed in this document have been developed to guide the pre-professional behavior of students in patient care degree programs of the University of Missouri-Kansas City School of Medicine and to prepare the students to meet the ethical standards of these medical professions.

### II. Standards of Professional Conduct

#### A. Professional Integrity

##### 1. Honesty

A student shall deal honestly with people including, but not limited to, colleagues, instructors, representatives of the University, patients, attending physicians, and other members of the health care team. Students are expected to demonstrate honesty and integrity in all aspects of their interaction with patients and staff — particularly in assuring accuracy and completeness of their part of the medical record. The student shall be willing to admit errors and must not mislead others or promote himself/herself at the patient's expense. The student shall strive to report, by utilizing the Honor Council Procedures for Violations of the Standards of Professional Conduct, those students deficient in character or competence, or who engage in fraud or deception.

The basic principle underlying all research is *honesty*. Scientists and students who participate in research have a responsibility to provide research results of the highest quality; to gather facts meticulously; to keep impeccable records of work done; to interpret results realistically, not forcing them into preconceived molds or models; and to report new knowledge through appropriate channels. Co-authors of research reports must be sufficiently acquainted with the work of their co-workers that they can personally vouch for the integrity of the study and validity of the findings, and must have been active in the research itself.

In all cases of academic dishonesty, the instructor shall make an academic judgment about the student's grade on that work and in that course. The instructor shall report the alleged academic dishonesty to the Chair of the Honor Council.

Examples of academic dishonesty include, but are not limited to, the following:

**Cheating** — 1) use of any unauthorized assistance in taking quizzes, tests, or examinations; 2) dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; or 3) acquisition or possession without permission of tests or other academic material belonging to a member of the University faculty or staff; 4) in any way giving assistance to others who are participating in any of the three preceding types of behavior; or, 5) falsifying attendance records or other official documents.

**Plagiarism** — 1) use by paraphrase or direct quotation of the published or unpublished work of another person without fully and properly crediting the author with footnotes, citations or bibliographical reference; 2) unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials; or 3) unacknowledged use of original work/material that has been produced through collaboration with others without release in writing from collaborators.

The detection may involve the use of commercially available software.

**Sabotage** — unauthorized interference with, modification of, or destruction of the work or intellectual property of another member of the University community.

Examples of dishonesty related to clinical practice include, but are not limited to, the following:

**Falsification of Patient's Medical Record** – writing progress notes regarding the patient's status, including, but not limited to, clinical observations or results in the patient's chart when the student has not seen or evaluated the patient, or using incorrect times of data entry.

**Falsification of Patient's Medical Information** – reporting medical information such as physical examination findings, lab values, test results, and any other relevant patient information to other students, residents, attending physicians, the patient, the patient's family, or other relevant medical personnel that has been fabricated by the student.

## 2. Responsibility

A student must acquire competencies with the appropriate concepts, knowledge, and skills which the faculty determines to be essential. These competencies shall be utilized to care for the sick and to promote the health and welfare of society. A student shall recognize a responsibility to participate in activities contributing to an improved community.

Students in the care of patients must not be harmful, dangerous, or negligent to the mental or physical health of a patient or the public. Negligent means the failure to use that degree of skill and learning ordinarily used under the same or similar circumstances by other students.

Students must pay tuition and other University fees, such as the medical equipment or disability fees, on time. Students must complete required forms of evaluation, degree forms, examination applications, etc. on time.

Students must be familiar with and follow the rules and regulations of the School of Medicine, the University, and related professional organizations.

## B. Medical Professional Behavior

### 1. Nondiscrimination

A student shall be dedicated to providing supervised competent medical service with compassion, respect for human dignity, and without discrimination.

It is against University regulations to discriminate on the race, color, religion, sex, sexual orientation, national origin, age, disability and status as a Vietnam era veteran. The University has an AIDS policy statement consistent with state law that prohibits discrimination against persons with AIDS or who are HIV positive.

### 2. Representation

A student shall accurately represent himself/herself to others including, but not limited to, colleagues, instructors, representatives of the University, patients, attending physicians, and other members of the health care team.

Examples of misrepresentation include, but are not limited to, the following:

- (a) A student shall never use the title of "Doctor" or M.D., as this clearly misrepresents the student's position, knowledge, and authority.
- (b) Use of fraud, deception, lies, or bribery in securing any certificate of registration or authority, diploma, permit or license issued, or in obtaining permission to take any examinations.
- (c) Impersonation of any person holding a certificate of registration or authority, permit, license or allowing any person to use his/her certificate of registration or authority, permit, license, or diploma from any school.
- (d) Forgery, alteration, or misuse of a patient's medical records or knowingly furnishing false information to the medical team and/or professional organizations.

### 3. Confidentiality

A student shall respect the rights of patients, colleagues, and other health professionals, and shall safeguard patient confidences within the constraints of the law. The patient's right to confidentiality in regard to his/her medical record, which includes confidentiality of personal and social history, is a fundamental tenet to medical care.

The discussion in public of the problems of an identified patient, without the patient's permission, by professional staff (including students) violates patient confidentiality and is unethical. Under no circumstances can any medical record be removed from the institution. Photocopying of the entire record is never permitted for presentations or rounds; students are permitted to extract information, but not copy "wholesale" parts of the chart. Names of patients should be omitted from any documents used for these presentations.

### 4. Disclosure

While the student is a member of the medical team and under faculty supervision, a student shall continue to study, apply, and advance scientific knowledge, make relevant information available to patients, colleagues, and the public, obtain consultation, and use the talents of other health professionals when indicated.

Sharing of medical information appropriately with a patient and colleagues involved in the care of the patient is a fundamental ethical requirement. The patient must be well informed to make health care decisions and work intelligently in partnership with the medical team. Information that the patient needs for decision making shall be presented in terms the patient can understand. If, for some reason, the patient is unable to comprehend, there shall be disclosure to the patient's authorized representative.

Failure of a student to share medical information relevant to a patient with the patient and colleagues involved in the care of the patient is unethical. Providing inaccurate information with these individuals is also unacceptable.

#### **5. Assessment of Personal Competence (Self-Evaluation)**

Students shall seek consultation and supervision whenever their ability to play their role in the care for a patient is inadequate because of lack of knowledge or experience.

Students are expected to respond to constructive criticism by appropriate modification of behavior.

It is unacceptable for a student to attempt procedures or to prescribe therapies without supervision.

#### **6. Professional Demeanor**

The student is expected to be thoughtful and professional when interacting with patients and their families, attending physicians, supervising residents, and other students, and whenever his/her behavior may influence adversely the judgments of others about the professional school or University.

Students shall maintain a neat and clean appearance, and dress in attire that is generally accepted as professional by the patient populations served.

Inappropriate behavior includes, but is not limited to, the use of offensive language, gestures, or remarks. Attempting, directly or indirectly, by way of intimidation, coercion or deception, to obtain or retain a patient or discourage the use of a second opinion or consultation is not appropriate.

#### **7. Informed Consent**

Students are to understand the physician's obligation to obtain informed consent from patients, but are **not** responsible for obtaining it for a physician. Simply, it is the **physician's** responsibility to ensure that the patient or his/her surrogate be appropriately informed as to the nature of the patient's medical condition, the objectives of proposed treatments, treatment alternatives, and risks involved. The patient's or surrogate's concurrence must be obtained without coercion.

#### **8. Conflict of Interests**

If a conflict of interest arises, the moral principle is clear – the welfare of the patient must be, at all times, paramount. For example, gifts, hospitality, or subsidies offered by manufacturers and distributors of medical and pharmaceutical equipment/goods shall not be accepted if acceptance would influence the objectivity of clinical judgment.

#### **9. Misconduct with Patients**

The student will not engage in romantic, sexual, or other non-professional behaviors with a patient – even upon the apparent request of a patient – while the student is involved with the patient's care.

#### **10. Impairment**

The student will not use alcohol or drugs in ways that impair his/her ability to perform the work of the profession or results in compromised patient care. It is the responsibility of every student to strive to protect the public from an impaired colleague and to assist that colleague whose capability is impaired because of alcohol or drug use.

#### **11. Criticism of Colleagues**

Professional relations among all members of the medical community shall be marked by civility. Scholarly contributions shall be acknowledged and each person shall recognize and facilitate the contributions of others to this community; slanderous comments and acts are not acceptable. Students shall deal with professional, staff, and peer members of the health team in a considerate manner and with a spirit of cooperation.

It is unethical and harmful for a student to disparage, without sufficient evidence, the professional competence, knowledge, qualifications, or services of a colleague to anyone. It is also unethical to imply without reliable evidence – by word, gesture, or deed – that a patient has been poorly managed or mistreated by a colleague.

## 12. Teaching

The word “doctor” (for the Latin “docere” – to teach) implies a responsibility to share knowledge and information with colleagues and patients. It is incumbent upon those entering this profession to teach what they know of the science, art, and ethics of medicine. It includes communicating clearly and teaching patients so that they are properly prepared to participate in their own care and in the maintenance of their health.

## III. The University of Missouri Student Conduct Code

In addition to the conduct detailed in the preceding sections, a student is subject to the University of Missouri Student Conduct Code, as administered by the UMKC Office of the Vice Chancellor for Student Affairs, except for provisions dealing with academic dishonesty, in Section 200.010 B.1. of the Collected Rules and Regulations of the University ([http://www.umsystem.edu/ums/rules/collected\\_rules/programs/ch200/200.010\\_standard\\_of\\_conduct](http://www.umsystem.edu/ums/rules/collected_rules/programs/ch200/200.010_standard_of_conduct)).

As of the date of this document, such conduct falls into the following categories, and is provided for the convenience of patient care professional students at the University of Missouri School of Medicine:

1. **Academic dishonesty**, such as cheating, plagiarism, or sabotage. The Board of Curators recognizes that academic honesty is essential for the intellectual life of the University. Faculty members have a special obligation to expect high standards of academic honesty in all student work. Students have a special obligation to adhere to such standards. In all cases of academic dishonesty, the instructor shall make an academic judgment about the student’s grade on that work and in that course. The instructor shall report the alleged academic dishonesty to the Primary Administrative Officer. (*see section II.A.1. Honesty above*)
2. **Forgery, alteration, or misuse of University documents, records or identification, or knowingly furnishing false information to the University.**
3. **Obstruction or disruption of teaching, research, administration, conduct proceedings, or other University activities, including its public service functions on or off campus.**
4. **Physical abuse or other conduct which threatens or endangers the health or safety of any person.**
5. **Stalking** another by following or engaging in a course of conduct with no legitimate purpose that puts another person reasonably in fear for his or her safety or would cause a reasonable person under the circumstances to be frightened, intimidated or emotionally distressed.
6. **Violation of the University’s Equal Employment/Education Opportunity Policy** located at Section 320.010 of the Collected Rules and Regulations. These violations include, but are not limited to:
  - a. **Harassment.** Harassment in violation of the University’s antidiscrimination policies, is unwelcome verbal or physical conduct, on the basis of actual or perceived membership in a protected class as defined in the University’s anti-discrimination policies, that creates a hostile environment by being sufficiently severe or pervasive and objectively offensive that it interferes with, limits or denies the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities.
  - b. **Sex Discrimination, Sexual Harassment and Sexual Misconduct** as further defined in Section 600.020 and/or referenced in Section 200.010B7 below.
  - c. **Bullying.** Bullying is defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally on the basis of actual or perceived membership in a protected class.
  - d. **Retaliation.** Retaliation is any adverse action taken against a person because of that person’s participation in protected activity. The University strictly prohibits retaliation against any person for making any good faith report or for filing, testifying, assisting, or participating in any investigation or proceeding involving allegations of discrimination in violation of the University’s Equal Employment/Education Opportunity Policy.
  - e. **False Reporting.** False reporting is making an intentional false report or accusation as opposed to a report or accusation, which, even if erroneous, is made in good faith.
7. **Violation of the University’s Sex Discrimination, Sexual Harassment and Sexual Misconduct in Education/Employment Policy in Section 600.0020 of the Collected Rules and Regulations.** These violations include:
  - a. **Sex Discrimination.** Sex discrimination occurs when a person has been treated inequitably on the basis of sex, gender identity, or gender expression. Specifically, the University of Missouri System upholds Title IX, which states in part that “[n]o

person in the United States shall on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity.” Sexual harassment, sexual misconduct, sexual exploitation, stalking on the basis of sex and dating/intimate partner violence are forms of sex discrimination.

b. **Sexual Harassment.** Sexual harassment is defined as:

1. Unwelcome sexual advances or requests for sexual activity by a person or persons in a position of power or authority to another person, or
2. Other unwelcome verbal or physical conduct of a sexual nature by a person to another person, when:
  - a) Submission to or rejection of such conduct is used explicitly or implicitly as a condition for academic or employment decisions; or
  - b) Such conduct creates a hostile environment by being sufficiently severe or pervasive and objectively offensive that it interferes with, limits or denies the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities.

c. **Sexual Misconduct.** Sexual misconduct is: 1) nonconsensual sexual intercourse; 2) nonconsensual sexual contact involving the sexual touching of the genitals, breast or anus of another person or the nonconsensual sexual touching of another with one’s own genitals whether directly or through the clothing; 3) exposing one’s genitals to another under circumstances in which he or she should reasonably know that his or her conduct is likely to cause affront or alarm; or 4) sexual exploitation.

d. **Stalking on the Basis of Sex.** Stalking on the basis of sex is following or engaging in a course of conduct on the basis of sex with no legitimate purpose that puts another person reasonably in fear for his or her safety or would cause a reasonable person under the circumstances to be frightened, intimidated or emotionally distressed.

e. **Dating/Intimate Partner Violence.** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the recipient of the violent behavior.

f. **Sexual Exploitation.** Sexual exploitation occurs when one person takes nonconsensual or abusive sexual advantage of another person for his/her own advantage or benefit or for the advantage or benefit of anyone other than the person being exploited and which behavior does not constitute any other form of sexual misconduct. Examples of sexual exploitation include, but are not limited to, the following activities done without the consent of all participants:

1. Invasion of sexual privacy;
2. Prostituting another person;
3. Taping or recording of sexual activity;
4. Going beyond the boundaries of consent to sexual activity (letting your friends hide to watch you engaging in sexual activity);
5. Engaging in voyeurism;
6. Knowingly transmitting and STI, STD, venereal disease or HIV to another person;
7. Inducing another to expose their genitals.

g. **Retaliation.** Retaliation is any adverse action taken against a person because of that person’s participation in protected activity. The University strictly prohibits retaliation against any person for making a report required by Section 600.020 of the Collected Rules and Regulations, for making any good faith report to a Title IX Coordinator or for filing, testifying, assisting, or participating in any investigation or proceeding involving allegations of sex discrimination, sexual harassment or sexual misconduct.

h. **False Reporting.** False reporting is making an intentional false report or accusation as opposed to a report or accusation, which, even if erroneous, is made in good faith.

8. **Threatening or Intimidating Behaviors,** defined as written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property or implied threats or acts that cause a reasonable fear of harm in another.

9. **Participating in attempted or actual theft of, damage to, or possession without permission of property of the University or of a member of the University community or of a campus visitor.**

10. **Unauthorized possession, duplication or use of keys to any University facilities or unauthorized entry to or use of University facilities.**

11. **Violation of University policies, rules or regulations or of campus regulations** including, but not limited to, those governing residence in University-provided housing, or the use of University facilities, or the time, place and manner of public expression.
12. **Manufacture, use, possession, sale or distribution of alcoholic beverages or any controlled substance without proper prescription or required license or as expressly permitted by law or University regulations**, including operating a vehicle on University property, or on streets or roadways adjacent to and abutting a campus, under the influence of alcohol or a controlled substance as prohibited by law of the state of Missouri.
13. **Disruptive conduct.** Conduct that creates a substantial disruption of University operations including obstruction of teaching, research, administration, other University activities, and/or other authorized non-University activities that occur on campus.
14. **Failure to comply with directions of University officials acting in the performance of their duties.**
15. **The illegal or unauthorized possession or use of firearms, explosives, other weapons, or hazardous chemicals.**
16. **Hazing**, defined as an act that endangers the mental or physical health or safety of a student, or an act that is likely to cause physical or psychological harm to any person within the University community, or that destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene to prevent (and/or) failing to discourage (and/or) failing to report those acts may also violate this policy.
17. **Misuse of computing resources in accordance with University policy**, including but not limited to:
- a. Actual or attempted theft or other abuse.
  - b. Unauthorized entry into a file to use, read, or change the contents, or for any other purpose.
  - c. Unauthorized transfer of a file.
  - d. Unauthorized use of another individual's identification and password.
  - e. Use of computing facilities to interfere with the work of another student, faculty member, or University official.
  - f. Use of computing facilities to interfere with normal operation of the University computing system.
  - g. Knowingly causing a computer virus to become installed in a computer system or file.

Details of current policies, procedures, sanctions, and due process for violations of the University of Missouri Student Conduct Code are found in [http://www.umsystem.edu/ums/rules/collected\\_rules/programs/ch200/200.010\\_standard\\_of\\_conduct](http://www.umsystem.edu/ums/rules/collected_rules/programs/ch200/200.010_standard_of_conduct) and [http://www.umsystem.edu/ums/rules/collected\\_rules/programs/ch200/200.020\\_rules\\_of\\_procedures\\_in\\_student\\_conduct\\_matters](http://www.umsystem.edu/ums/rules/collected_rules/programs/ch200/200.020_rules_of_procedures_in_student_conduct_matters) and in the University of Missouri-Kansas City General Catalogue. Students should check and be familiar with these rules and procedures.

#### **HONOR COUNCIL PROCEDURES FOR VIOLATIONS OF THE STANDARDS OF PROFESSIONAL CONDUCT**

Approved by the University of Missouri Board of Curators: December 1994, Revised January 31, 2013

## **I. Jurisdiction of the Honor Council**

The Honor Council shall be concerned with incidents of alleged violations by University of Missouri-Kansas City School of Medicine students enrolled in either the M.D. or graduate Professional programs involving direct patient care at the UMKC School of Medicine of the School's Standards of Professional Conduct, Sections II.A and II.B., whether such violations occur on the Volker campus or in classes or clinical experiences at affiliated hospitals and clinics through the UMKC Medical School. Violations of Section III will be referred to the Office of the Vice Chancellor for Student Affairs. The standards identify areas of conduct which are judged unacceptable for individuals either who are in or aspire to the profession of medicine. The Standards of Professional Conduct and Honor Council Procedures is a published document of the School of Medicine. It is distributed to all newly accepted students during orientation. When a student has been charged with one or more acts of misconduct according to these standards, the Honor Council shall adhere to the following procedures detailed herein. The Honor Council shall have the authority to recommend sanctions upon any student appearing before the Council. The disciplinary proceedings described are not to be construed as judicial trials. Care shall be taken, however, to comply as fully as possible with the spirit and intent of these procedural safeguards.

## **II. Organization of the Honor Council**

### **A. Composition**

The Honor Council voting members shall consist of the Chair representing the Dean's Office, six faculty/staff members (1 Docent, 1 Basic Scientist, 2 Clinical Scientists, 1 Humanities/Social Sciences representative, and 1 Graduate faculty member), and two student members (1 Years 3-6 and 1 graduate student). Four members constitute a quorum. Two nonvoting Honor Council staff, the Council Coordinator and the Administrative Assistant, assist the Chair in investigations and generation of reports and may be present at the hearings to take minutes.

**B. Eligibility and Appointment**

The Chair, faculty/staff, and student members shall be appointed to the Honor Council by the Dean of the School of Medicine.

**C. Chair**

The Chair shall count as one member of the Honor Council and shall be entitled to vote on all matters before the Council.

**D. Time of Appointment and Term of Office**

The Chair and faculty/staff members of the Honor Council shall serve for the duration of their appointments by the Dean. The student members of the Honor Council shall serve for one year.

A student is ineligible to continue as a member of the Honor Council if he/she is placed on academic or disciplinary probation, or if for any other reason his/her continued membership on the Council may not be in the best interest of the School of Medicine as determined by the Dean.

**III. Procedures for Report of Violation, Investigation, Informal Disposition, and Notice****A. Report of Violation**

An alleged violation of the Standards of Professional Conduct should be reported to the Chair or his/her designee of the Honor Council as soon as possible after discovery of the incident.

**B. Preliminary Procedures and Investigation**

The Chair of the Honor Council or his/her designee shall investigate any reported student misconduct before initiating formal conduct procedures. The reporter will be requested to meet with the Chair or his/her designee to discuss the alleged violation.

The Chair is responsible for notifying, in writing, the accused student of the charge brought against him/her prior to the commencement of the investigation. In addition, the student charged with misconduct shall receive a copy of these Procedures for Violations of the Standards of Professional Conduct along with the written notice. The Chair shall meet with the accused student to give the student the opportunity to present a personal version of the incident or occurrence.

**C. Informal Disposition**

After conducting an investigation, the Chair or his/her designee shall provide a written report to the Dean, the accused student, and the Honor Council members.

The Chair shall have the authority to dismiss a charge that is determined unfounded or to impose appropriate sanctions and shall fix a reasonable time within which the student shall accept or reject a proposed informal disposition.

A failure of the student either to accept or reject within the time fixed shall be deemed to be an acceptance and, in such event, the proposed disposition shall become final upon expiration of such time.

If the student rejects informal disposition, it must be in writing and shall be forwarded to the Honor Council.

The Chair may refer cases to the Honor Council for formal investigation and hearing without first offering informal disposition.

The Dean or his/her designee may at any time temporarily suspend or deny readmission to a student from the School of Medicine pending formal procedures when the Dean or his/her designee finds and believes from available information that the presence of a student on campus would seriously disrupt the School of Medicine or constitute a danger to the health, safety, or welfare of members of the School of Medicine community. The appropriate procedure to determine the future status of the student will be initiated within seven calendar days.

**D. Notice of Hearing**

Upon completion of the investigation, when a student rejects informal disposition or the charge justifies a formal hearing, in the judgment of the Honor Council Chair, the Chair will schedule a formal hearing as soon as possible.

The reporter, witnesses, and accused student will be given written notice of the hearing by email or personal delivery. The notice shall set forth the date, time, and place of the alleged violation, the conduct for inquiry, the date, time, and place of the hearing before the Council, request for attendance of the parties involved, and a reference for the accused student to the Rights of the Accused Student Upon Hearing which are outlined in these Procedures.

Notice by certified mail may be addressed to the mailing address currently on record with the university. Failure by the accused student to have a current correct local address on record with the School of Medicine shall not be construed to invalidate such notice.

The notice shall be given at least seven (7) consecutive calendar days prior to the hearing, unless a shorter time is fixed by the Chair for good cause.

Any request for continuance shall be made in writing to the Chair who shall have the authority at his/her discretion to postpone the hearing if he/she determines the request is timely and made for good cause. The Chair shall notify the Honor Council members, the accused student, the reporter, the witnesses, and any other relevant individuals of the new date for the hearing.

If the accused student fails to appear at the scheduled time, the Honor Council may hear and determine the matter in the student's absence.

## **IV. Procedure for Honor Council Hearing**

### **A. Rights of the Honor Council**

The Honor Council shall have the right to:

1. hear together cases involving more than one student which arise out of the same act of misconduct, but in that event shall make separate findings and determinations for each student;
2. permit a stipulation of facts by the Honor Council member who performed the investigation and the student involved;
3. permit the incorporation in the record by a reference of any document, affidavit, or other material produced and desired in the record by the School of Medicine or the student charged;
4. question witnesses or challenge other evidence introduced by either the School of Medicine or the student at any time;
5. hear from the Council Chair about dispositions made in similar cases and any dispositions offered to the student appearing before the Council;
6. call additional witnesses or require additional investigation;
7. dismiss any action at any time or permit informal disposition as otherwise provided;
8. permit or require at any time, within a reasonable time as determined by the Council, amendment of the Notice of Hearing to include new or additional matters which may come to the attention of the Council before final determination of the case; provided, however, that in such event the Council shall grant to the student or the School such time as the Council may determine reasonable under the circumstances to answer or explain such additional matters; and,
9. dismiss any person from the hearing who interferes with or obstructs the hearing or fails to abide by the rulings of the Council Chair on any procedural question or request of the Chair for order.

### **B. Rights of the Accused Student**

A student scheduled to appear before the Honor Council pursuant to formal notice of charges and disciplinary hearing shall have the right to:

1. submit a written response to the charge outlined in the Notice before the scheduled hearing is to commence;
2. request in advance of the scheduled hearing a review of any materials contained in his/her hearing file. ;
3. submit a written request for the identities of witnesses to be called to testify before the Council;
4. be present at the hearing;
5. have an adviser or counselor appear with him/her and to consult with such an adviser or counselor during the hearing; however, the adviser/counselor will not be allowed to question witnesses and/or members of the Council;
6. hear or examine evidence presented to the Honor Council against him/her;
7. question witnesses present who are testifying against him/her at the hearing;
8. present evidence by witness, affidavit, written report, other memoranda, photographs, drawings, and any other relevant evidence of any defense the student desires;
9. make any statement to the Honor Council in mitigation or explanation of the conduct in question;
10. remain silent to avoid self-incrimination;
11. be informed in writing of the findings and any decisions imposed by the Honor Council, Coordinating Committee, and the Dean; and,
12. appeal the decision and/or disposition to the Chancellor, as herein provided.

### **C. Rights of Witnesses**



Witnesses shall be notified of the scheduled time, date, and location of the hearing. Witnesses shall bring with them whatever documentation is requested. Failure of a student witness to appear, without good cause, is a violation of the Standards of Professional Conduct.

#### D. Record of Hearing

All proceedings of the Honor Council are to be held in the strictest confidence by the members and all other persons involved. The hearings shall be audio taped, and written minutes are also recorded. The notice, exhibits, hearing record, verdict, and disposition of the Honor Council shall become the "Record of the Case". This official document shall be filed under strictest security in the permanent records. The record shall be accessible at reasonable times and places to both the University and the student for the purposes of review or appeal.

#### E. Conduct of the Hearing

The Honor Council Chair shall preside at the hearing, call the hearing to order, call the roll of the Honor Council members in attendance, ascertain the presence or absence of the student charged with misconduct, read the Notice of Hearing and charge and verify the receipt of notice of charge by the student, report any continuances requested or granted, establish the presence of any adviser or counselor of the student, call to the attention of the student charged and the adviser any special or extraordinary procedures to be employed during the hearing, and permit the student to make suggestions of or objections to any procedures for the Honor Council to consider.

All requests to address the Council shall be addressed to the Chair. The Chair will rule on all requests and points of order and may consult with Council's legal adviser prior to any ruling. The Chair's ruling shall be final, and all participants shall abide thereby, unless the Chair shall present the question to the Council at the request of a member of the Council, in which event the ruling of the Council by majority vote shall be final.

Rules of common courtesy and decency shall be observed at all times. An adviser or counselor may be permitted to address the Council at the discretion of the Chair. An adviser or counselor may request clarification of a procedural matter or object on the basis of procedure at any time by addressing the Chair after recognition.

**Opening Statements:** 1) The Honor Council Chair or his/her designee shall make opening remarks outlining the general nature of the case and testify to any facts the investigation has revealed. 2) The accused student may make an opening statement to the Council about the charge at this time or at the conclusion of the School of Medicine's presentation.

**School of Medicine Evidence:** 1) School of Medicine witnesses are to be called by the Chair of the Honor Council and identified or written reports of evidence are introduced as appropriate. 2) The Council may question witnesses at any time. 3) The student may question witnesses or examine evidence at the conclusion of the School of Medicine's presentation.

**Student Evidence:** 1) The student shall have the opportunity to make a statement to the Honor Council about the charge. 2) The student may present evidence through witnesses or written memoranda. 3) The Council may question the student or witnesses at any time.

**Rebuttal Evidence:** The Honor Council may permit the School of Medicine or the student to offer a rebuttal of the other's presentation.

If it appears that essential testimony is unavailable, or that for other good cause the hearing should be deferred, the Council may continue, recess, or discontinue the hearing without prejudice.

## V. Determination of the Honor Council

Following the hearing, the Council shall promptly deliberate in closed session out of the presence of the student charged. Determination is to be made regarding both the validity of the misconduct charge and on the discipline, if any, to be imposed.

#### A. Violation of the Standards of Professional Conduct

The Honor Council shall determine if the evidence presented in the hearing supports the charge of violation of the Standards of Professional Conduct. The Council shall render a decision, by simple majority vote, of whether a violation has been committed by the accused. Each charge of misconduct, if there is more than one, shall be considered individually and/or collectively at the discretion of the Council.

#### B. Discipline Imposed

The Honor Council shall determine the discipline to be imposed, if any, based upon its deliberations. One of the following forms of discipline is to be recommended by means of simple majority vote of the Council members. Where there are multiple violations, there can be separate sanctions for each violation. The sanctions include, but are not limited to, the following:

**No Disciplinary Action.** Given when the student is not found in violation of the Standards of Professional Conduct.

**Warning.** A written reprimand to the student that the student has violated the Standards of Professional Conduct. A copy is to be placed in the student's file.

**Probation.** A written reprimand to the student for violation of the Standards of Academic Conduct that includes a designated period of time, the probability of more severe sanctions if the student violates any institutional regulation(s) during the probationary period, and subject to any appropriate terms or conditions, such as loss of privileges, restitution, and discretionary assignments.

**Suspension.** An involuntary separation of the student from the School of Medicine for a specified period of time or until a special conditions have been met, with a statement whether suspension should relate back to the date of the offense, begin at the time imposed, or begin at a date specified in the future. At the conclusion of the period of suspension, the suspended student is automatically returned to student status. Conditions for readmission may be specified.

**Dismissal.** An involuntary separation from the School of Medicine for an indefinite period of time. The order of dismissal may specify a date before which the faculty will not consider a petition for readmission from the dismissed student.

**Expulsion.** Permanent separation of the student from the School of Medicine.

The above sanctions apply to the status of the accused student in the School of Medicine. Any sanction impacting a student's enrollment status and/or privileges will be forwarded to the Vice Chancellor for Student Affairs or designee for information purposes.

An oral presentation of the Council's findings and recommendations is permitted following the hearing, but a written document including findings of fact, verdict, and recommended disposition shall be completed as soon as possible after the hearing. This Final Report of the Council shall be submitted to the Coordinating Committee, the Dean, and the Office of the Vice Chancellor for Student Affairs.

## VI. Decision of the Coordinating Committee

The findings and determination of the Honor Council serve as recommendations to the Coordinating Committee and to the Dean of the School of Medicine. The Coordinating Committee, chaired by the Associate Dean for Academic Affairs and composed of members detailed in *The Academic Plan for the School of Medicine*, reviews the charge of misconduct, the findings of fact, the decision of the Council, and the recommended discipline to be imposed from the Honor Council.

After deliberation and careful consideration, the Coordinating Committee approves, by simple majority vote, one of the following actions: 1) to sustain the recommendations of the Honor Council; 2) to amend the recommendations of the Honor Council to another type of sanction; 3) to remand the Honor Council's recommendations; or, 4) to reverse the Honor Council's recommendations.

The findings and determinations of the Honor Council and the Coordinating Committee shall be transmitted to the Dean in writing within seven (7) consecutive calendar days following the Coordinating Committee meeting. A copy of this recommendation shall also be transmitted to the accused student by email or personal delivery in the indicated time frame.

## VII. Decision of the Dean

Upon receipt of the documents from the Honor Council and the Coordinating Committee, the Dean shall review the entire record that includes the following: 1) formal notice of the charges; 2) minutes of the Honor Council hearing; 3) written findings of the Honor Council and its recommendations to the Coordinating Committee; and 4) written decision of the Coordinating Committee concerning the sanction passed.

The Dean will, within a reasonable amount of time, make a decision to affirm, amend, or reverse the Coordinating Committee's sentence, or remand the Coordinating Committee for further proceedings.

The Dean shall notify the student in writing by certified mail or personal delivery of his/her final decision. Copies of the letter will be sent to the Honor Council Chair and the Coordinating Committee Chair, and will be placed in the student's file and in the official hearing file.

## VIII. Right of Appeal

When a recommendation from the Honor Council and the Coordinating Committee is made for some form of disciplinary action other than "none", and this is upheld by the Dean, or if a recommendation of "no disciplinary action" is revised to one of greater severity by the Dean, the student may appeal such decision to the Chancellor or his/her designated representative by filing written notice of appeal with the Chancellor within ten (10) consecutive calendar days after notification of the decision of the Dean. A copy of the Notice of Appeal will also be given by the student to the Dean of the School of Medicine at the time of filing. The student may file a written memorandum for consideration by the Chancellor with the Notice of Appeal.

The Chancellor or his/her designated representative shall review the full record of the case and the appeal documents and may affirm, reverse, or remand the case for further proceedings and shall notify the Dean and the student in writing of the decision on the appeal. The action of the Chancellor shall be final unless it is to remand the matter for further proceedings.

Status during Appeal: In cases of suspension, dismissal, or expulsion where a Notice of Appeal is filed within the required time, a student may petition the Chancellor in writing for permission to attend classes pending final determination of appeal. The Chancellor may permit a student to continue in school under such conditions as may be designated pending completion of appellate procedures, provided such continuance will not disrupt the University or constitute a danger to the health, safety, or welfare of the University community. In such event, however, any final disciplinary action imposed shall be effective from the date of the action of the Dean.

## IX. Status of the Standards of Professional Conduct

Amendments to the Standards of Professional Conduct and/or Honor Council Procedures for Violations may be proposed by petition of any twenty-five members of the student body, the Honor Council on its own motion, or the faculty.

A proposed amendment in the Standards of Professional Conduct and/or Honor Council Procedures for Violations must be approved by the Honor Council, the Coordinating Committee, the Dean, the Chancellor, and the Board of Curators.

The Standards of Professional Conduct and/or Honor Council Procedures for Violations may be terminated at any time by action under the general amending procedure.

All students in the School of Medicine, including students enrolled in either the M.D. or graduate Professional programs involving direct patient care at the UMKC School of Medicine are subject to the jurisdiction of the Standards of Professional Conduct and Honor Council Procedures for Violations upon enrollment. To insure their knowledge of the Standards of Professional Conduct and Honor Council Procedures for Violations, the presentation of these documents shall be an integral part of the orientation of newly accepted students in these programs to the School of Medicine.