



COLLEGE of PROFESSIONAL STUDIES

*Professional Performance Standards*

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# Introduction

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Students enrolled in the National University of Health Sciences College of Professional Studies (CPS) are expected to understand and accept, that as future physicians, they have a personal responsibility to become models of professionalism. Accordingly, the NUHS College of Professional Studies (CPS) has established specific requirements collectively described as *Professional Performance Standards*. These standards are formulated to promote the highest attainable levels of competence and professional conduct and certify that each graduate has met the minimum levels of knowledge, skills, attitude and behavior requirements expected of a primary care physician. The NUHS *Professional Performance Standards* are derived from our distinct reputation and unique tradition of rigorous academic excellence and professionalism as a common predictive profile of a physician educated at National. We believe that authentic professionalism is embodied in the concept of serving the interests of the patient over self-interest. We also believe that every future physician must actualize professionalism in their own lives through frequent expressions of altruism, accountability, excellence, duty, service, honor, integrity and respect for others.

Students enrolled in the College of Professional Studies (CPS) are members of the greater NUHS learning community and, as such, are subject to all the policies and regulations of the University, including the *NUHS Student Code of Conduct*. To foster higher levels of professional development, CPS students are also enjoined to honor these *Professional Performance Standards*, especially where a higher degree of responsibility, moral reasoning, personal accountability or ethical deportment expected of a future physician is described. These *Standards* are designed expressly for the College of Professional Studies and are consonant with the regulations and policies of the National University of Health Sciences.

# Purpose

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The primary objectives of any educational institution are broadly academic in nature. The institution exists to help the student acquire knowledge and to certify that knowledge has been acquired. However, where training of physicians is concerned, special consideration is also devoted to fostering clinical competence, academic excellence and the ethical habits and mannerisms associated with professional conduct. Earning a professional doctoral degree implies that each student has acquired the knowledge and has demonstrated the performance skills necessary to assume responsibility for the healthcare needs of other human beings. It is, therefore, incumbent upon the College of Professional Studies to specifically define the cognitive, psychomotor, and affective competencies required of its graduates. This function is predominantly the responsibility of the faculty who, as representatives of the profession and the community, define the *Professional Performance Standards* of competence and conduct to which individual students must conform.

In summary, the purpose of the *Professional Performance Standards* is to emphasize that the qualities of competence, integrity, self-discipline, and ethical conduct that are generally regarded as essential to all physicians, shall be required attributes that every CPS student will be expected to possess *before* being granted the doctoral degree. These standards also seek to emphasize to those individuals who may not achieve nor value these professional performance requirements, and to remind and protect those who do, that a procedural framework exists to evaluate and to remediate students who encounter impediments to achieving the standards. It is the responsibility of each student to know, and to manifest by his/her behavior, the professional performance standards of competence and conduct described in this document. It is the responsibility of all members of the College of Professional Studies, but primarily of the faculty, to determine that the standards have been met.

# Professional Performance Standards

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The *Professional Performance Standards* applicable to students enrolled in the College of Professional Studies (CPS) are generally described as performance skills related to *Competence* and *Conduct* requirements. More specifically, they consist of two (2) performance skill categories: ***Academic Competence*** and ***Professional Conduct***.

## ***Academic Competence***

*Academic Competence* has two (2) components:

### **1. Scholastic Requirements**

Students must successfully complete all coursework and maintain “Good Academic Standing”<sup>1</sup> (cumulative grade point average of 2.00 on a 4.00 scale and earning “pass” evaluations for Clinic Internship) together with maintaining “Satisfactory Progress.”<sup>2</sup>

### **2. Performance Requirements<sup>3</sup>**

Demonstrate clinical competence in attitudes, knowledge and skills within each of the following categories:

- a. History Taking
- b. Physical Examination
- c. Neuromusculoskeletal Examination
- d. Psychosocial Assessment
- e. Diagnostic Studies
- f. Diagnosis
- g. Case Management
- h. Chiropractic Adjustment or Manipulation
- i. Emergency Care
- j. Case Follow-Up and Review
- k. Record-Keeping
- l. The Doctor-Patient Relationship
- m. Professional Issues
- n. Other Clinical Competencies (Didactic & Lab Components in Non-Adjustive Therapeutic Procedures)

At the end of various coursework or at the completion of a trimester, each student’s *academic competence* will be evaluated to see if the student satisfactorily completed the required scholastic and performance components before permission is granted to advance to the next curricular level.

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<sup>1</sup> For more detail of “Good Academic Standing.” See NUHS, *Bulletin*.

<sup>2</sup> See current NUHS *Bulletin*, wherein: A student making satisfactory progress is one who:

a) Successfully completes all required coursework, student clinic, & clinic internship program within eight calendar years.

Successful completion is indicated by grades of A, B, C, D and S.

b) Successfully completes 50 percent of all hours attempted per academic year.

Hours attempted include grades of A, B, C, D, F, S, U, I, W, WX, or L.

Hours attempted include repeated courses.

Students will be measured for course work completion once per calendar year at the completion of the spring trimester. Students not completing 50 percent of attempted course work during an academic year for the first time shall be sent a letter from the Office of Financial Aid indicating the necessity of an appointment for debt management counseling. The letter will indicate that the student’s Title IV aid for the upcoming academic year will be held until the counseling session has been conducted. The letter will also indicate that if the student does not successfully complete 50 percent of attempted hours in the upcoming academic year, the student will lose Title IV eligibility for future academic years.

c) Is in good academic standing (two and possibly three exceptions may be allowed.)

<sup>3</sup> Adopted directly from the Council on Chiropractic Education (CCE) Manual: “Required Clinical Competencies for the Doctor of Chiropractic Program.” See also: The NUHS Clinic Intern Manual.

## **Professional Conduct**

*Professional Conduct* as a performance standard involves behavior consistent with high standards of professional and personal integrity and honesty, an elevated sense of responsibility, moral reasoning, personal accountability and ethical deportment as well as acting with the self-discipline of a professional who voluntarily complies with laws and applicable guidelines, rules and regulations. Thus, in addition to various forms of academic and social misconduct prohibited by the *NUHS Student Code of Conduct*, students enrolled in the College of Professional Studies (CPS) are also expected to exhibit *Professional Conduct*.

*Professional Conduct* should be broadly construed as an ongoing developmental process in which students strive to avoid acts that can be interpreted as rendering them unfit for a career in healthcare or that casts serious doubt upon their potential suitability or competence as physicians. This means that every CPS student must see themselves as a member of the greater healthcare community, because, while their trainee status dictates restriction of privileges, it does not diminish their obligation to cultivate and demonstrate the habits and mannerisms of professional conduct far in advance of graduation. The specific conditions, competencies or conduct described herein, though not meant to be exhaustive, describe the minimum levels of *Professional Conduct Performance Requirements* that each student in the College of Professional Studies shall be held.

### **1. Nondiscrimination**

It is unethical for a student to refuse to participate in the care of a person based on race, religion, ethnicity, socioeconomic status, gender, age, disability or perceived disability, or sexual preference. It is also unethical to refuse to participate in the care of a patient solely because of medical risk, or perceived risk, to the student. It is not, however, unethical for a pregnant student to refuse to participate in activities that pose a significant risk to her fetus.

### **2. Disclosure**

In general, full disclosure is a fundamental ethical requirement. The patient must be well informed to make health care decisions and work intelligently in partnership with the healthcare team. Information that the patient needs for decision-making should be presented in terms the patient can understand. If the patient is unable to comprehend, for some reason, there should be full disclosure to the patient's authorized representative.

### **3. Informed Consent**

Students are prohibited from performing any unauthorized clinical service on any person. Students must understand the importance of the obligation to obtain informed consent from patients. It is the student's responsibility (under supervision from the clinician) 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 treatment alternatives, and risks involved. The student's presentation should be understandable and unbiased. The patient's or surrogate's concurrence must be obtained without coercion and noted in the patient's file.

### **4. Confidentiality**

The patient's right to the confidentiality of his or her medical record is a fundamental tenet of medical care. It is a right protected by federal law.<sup>4</sup> The discussion of problems or diagnoses of a patient by professional staff or students in public violates patient confidentiality and is unethical. Under no circumstances can any medical record be removed from the clinic setting, nor is unauthorized photocopying of the record permitted. Entries in the patient's chart should be complete and accurate, signed by the clinician at the end of the appointment and the chart should be returned to the dispensary by the end of the duty shift.

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<sup>4</sup> Health Insurance Portability and Accountability Act (HIPAA): Standard Unique Health Identifier for Health Care Providers, 69 Fed. Reg. 3433, Jan. 23, 2004.

**5. Professional Demeanor**

The student should be thoughtful and professional when interacting with patients and their families. Inappropriate behavior includes the use of offensive language, gestures, or remarks with sexual overtones. Students should maintain a neat and clean appearance, and dress in attire that is generally accepted as professional by the patient population served. Students should consider their patient's comfort and ability to tolerate poor personal hygiene or students who lack restraint when applying cologne, after-shave or perfume to themselves. Under pressure of fatigue, professional stress, or personal problems, students should strive to maintain composure. The student should seek supportive services when appropriate.

**6. Absences/Tardiness**

Interns must notify their supervising clinician within 20 minutes of the start of their assigned shift if they are going to be tardy or absent. Failure to do so will result in being charged with unauthorized absence from clinic. Habitual or excessive tardiness will also result in being charged with unauthorized absence. **NOTE:** These conditions also apply to the intern assigned to be the Duty Intern.

**7. Misrepresentation**

Students should accurately represent their status to patients and others unambiguously. Students should never introduce themselves as "Doctor" as this is clearly a misrepresentation of the student's position, knowledge, and authority.

**8. Honesty**

Students are expected to demonstrate honesty and integrity in all aspects of their education and in their interactions with patients, staff, faculty, and colleagues. They may not cheat, plagiarize, or assist others in the commission of these acts. Verbal communication with all health care personnel should be truthful, respectful, accurate and complete. Tampering with or falsifying (by acts of omission or commission) any University records, clinic charts (e.g., failure to record services ordered by the supervising clinician and carried out during the course of a patient visit on the daily route slip) or any information pertinent to patient care (e.g., withholding information from the supervising clinician regarding patient status or the intern's administration of health care to a patient) shall be construed as a breach of these professional standards.

**9. Consultation**

Students should seek consultation and supervision whenever their care of a patient may be inadequate because of lack of knowledge and/or experience.

**10. Sexual Misconduct<sup>5</sup>**

The doctor-patient relationship requires that doctors and students be respectful, well mannered, cordial and (often) friendly in caring for patients. However, it is unethical for a doctor or student to date or equivalently socialize with a patient. Students/Interns shall refrain from any behavior that sexualizes, or appears to sexualize, the doctor-patient relationship. The intimacy of the therapeutic relationship may activate unmet practitioner and/or patient needs or desires that weaken objectivity and may lead to sexualizing the therapeutic relationship. Therefore, students will not engage in romantic, sexual, or other nonprofessional relationships with a patient, even at the apparent request of a patient, while the student is involved with the patient's care. The student is not expected to tolerate inappropriate sexual behavior on the part of any other NUHS personnel or patients.

It is imperative that every student understands and abides by the ethical boundaries of their therapeutic role as a healer. Within the doctor-patient relationship, these boundaries are *very* real and

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<sup>5</sup> Sexual misconduct includes, but is not limited to: sexual assault (which includes rape, attempted rape, sexual battery & attempted sexual battery), voyeurism, stalking, public indecency and sexual harassment. (See *NUHS Student Code of Conduct* for complete text on this form of prohibited conduct.)

distinct. They are designed to protect the patient, the practitioner, and to safeguard the universal sanctity of the doctor-patient clinical encounter. In his/her role as a physician, student's shall use special care to avoid specific interpersonal alliances with patients. (*NOTE: Advancing arguments to support a claim that the doctor and patient drew "mutual benefit" from a prohibited relationship is indefensible. The relationship is barred conduct that violates interpersonal boundaries. It holds immeasurable potential to undermine the relationship for all doctors and all patients.*) Therefore, at a minimum, the student/intern shall:

- a. Not engage in *any* sexual activity with a patient.
- b. Recognize his/her influential position with a patient and shall not exploit the relationship for personal gain, or any other so-called "greater good" at the patient's expense.
- c. Recognize and restrict the powerful impact of transference<sup>6</sup> and counter-transference<sup>7</sup> with a patient.
- d. Avoid dual<sup>8</sup> or multidimensional relationships<sup>9</sup> that could impair professional judgment or result in exploitation of the patient.

### **11. Impairment**

The student will not use alcohol or drugs in a manner that could compromise patient care. It is the responsibility of every student to protect the public from an impaired colleague and to reach out to a colleague whose capability is impaired because of ill health. The student is obligated to report persons of the healthcare team whose behavior exhibits impairment or lack of professional conduct or competence, or who engage in fraud or deception. At NUHS, students should contact their supervising clinician, the Dean of Clinics or the Dean of Students for help or guidance.

### **12. Criticism of Colleagues**

It is unethical and harmful for a student to disparage without good evidence the professional competence, knowledge, qualifications, or services of a colleague to a review (judicial) body, staff, students, or a patient. It is also unethical to imply by word, gesture, or deed that a patient has been poorly managed or mistreated by a colleague without tangible evidence. Professional relations among all members of the healthcare community should be marked with civility. Thus, scholarly contributions should be acknowledged, slanderous comments and acts should be avoided, and each person should recognize and facilitate the contributions of others to the community. Students shall deal with professional, staff, and peer members of the health team and all others in a cooperative and considerate manner.

### **13. Research**

The basic principle underlying all research is honesty. Scientists have a responsibility to provide research results of high 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 well enough acquainted with the work of their coworkers 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. Plagiarism<sup>10</sup> is unethical. To consciously incorporate the words of others, either verbatim, or through paraphrasing,

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<sup>6</sup> A patient's unresolved feelings and issues that are unconsciously transferred to the practitioner.

<sup>7</sup> A practitioner's unresolved feelings and issues that are unconsciously transferred to the patient.

<sup>8</sup> An alliance in addition to the doctor/patient relationship, such as social, familial, business or any other relationship that is outside the therapeutic relationship.

<sup>9</sup> Overlapping relationships in which doctor and patient share an alliance, in addition to the therapeutic relationship.

<sup>10</sup> Intentional and unauthorized falsification or invention of any information or citation in an academic exercise. This includes but is not limited to: knowingly reporting data, research or reports so that either the process or the product is shown to be different from what actually occurred; falsely reporting having met responsibilities of attendance or participation in class, practicum, internship or other types of field work experience; or submission of falsified excuses for attendance or participation in such experiences. Falsification also includes submitting work to meet the requirements of one course when it was done in whole or in part, to meet graduation requirements or the requirements of another course. Exceptions to this provision must be given prior approval by the instructor to whom the work is to be submitted. (See *NUHS Student Code of Conduct* for complete text on this form of prohibited conduct.)

without appropriate acknowledgment is unacceptable in scientific literature.

**14. Clinical Services Credit**

Students should present work, such as histories and physical examinations, based on their own performance of these components of patient care. False claims for credit of clinical services (by acts of acts of omission or commission) applied toward degree completion (internship) requirements is a serious ethical violation strictly prohibited by these standards.

**15. Clinic Assignments**

Students are expected to perform special clinic support assignments made by the supervising clinician, the clinic director or the Dean of Clinics. If any such assignment contradicts a student's own ethical standards, this must be discussed with the supervising clinician, the Dean of Clinics, the Dean of the College of Professional Studies, or the Dean of Students.

**16. Unauthorized Use**

Students should respect the property of other individuals and of the University and affiliated institutions. Students should also avoid the unauthorized use of clinic facilities or unauthorized possession of clinic equipment.

**17. Unprofessional Conduct**

Failure to achieve or maintain the conditions, competencies or conduct described above may also satisfy the terms needed to hold a student to a charge of unprofessional conduct.

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# Responsibilities and Jurisdiction

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***Academic Competence Issues***

The overall progress of each student is monitored on a continuous basis. Barring any record of academic deficiency, each student advances through the curriculum without formal notice of satisfactory progress other than being able to register and enroll for each succeeding trimester without limitation or stipulation by the Dean of the College of Professional Studies. Generally, course grades serve as the primary indicators of performance. However, the totality of assessing future physicians is not bound by categorical or arithmetic assessment of scholastic and performance requirements alone but rather, in the context of his/her total record of academic competence and any other circumstances that may influence performance.

The Dean of the College of Professional Studies is responsible for monitoring student progress, identifying problem areas, assisting students in dealing with these problems, and determining whether the established standards of Academic Competence have been met. The Dean may delegate any or all of these responsibilities to the Dean of Clinics (who oversees the internship phase of training) or to the Academic Standards, Grades and Records (ASGR) Committee. The ASGR Committee shall function as a formal hearing body to the Dean of the College of Professional Studies. The ASGR Committee shall also serve as the hearing body when the Dean of Clinics elects to refer an intern with Academic Competence deficiencies to a formal hearing body. The ASGR Committee shall have jurisdiction to consider all matters of Academic Competence (which are defined to include *Scholastic Requirements* and *Performance Requirements*).

*Academic Standards, Grades and Records (ASGR) Committee: Responsibilities & Jurisdiction*

1. Review, evaluate and discuss the progress of each student's academic competence and professional development referred to it by the Dean of the College of Allied Health Sciences or the Dean of the College of Professional Studies (or, under certain conditions, the Dean of Clinics). This shall include development of clinical skills, problem solving abilities, judgment, professional attitudes and personal integrity. In particular, ASGR will be concerned with addressing impediments to individual academic performance and professional development, such as deficiencies in cognitive or noncognitive skills, personal and interpersonal problems, etc., and recommending individual action plans or academic contracts for continued study.

2. Respond to and adjudicate issues that may arise concerning the application of student evaluation criteria and guidelines in specific situations (e.g., during clinical internship rotations.)
3. Interpret the rules concerning satisfactory progress, unsatisfactory student performance, probation, suspension, and expulsion as applied to individual students and situations and to recommend action when needed.
4. Recommend changes that may be needed in the process of evaluating student performance.
5. Recommend changes that may be needed in the rules governing satisfactory progress, student performance, probation, suspension, expulsion, remediation protocols, leave-of-absence and similar topics.

## ***Professional Conduct Issues***

Students enrolled in the College of Professional Studies (CPS) are required to conform to every aspect of the *NUHS Student Code of Conduct*. The Code prohibits various forms of academic and social misconduct that apply to **all** NUHS students. In general, any issue involving student conduct (including allegations of professional misconduct by a CPS student prior to beginning the clinical internship) should be brought to the attention of the Dean of Students. Under the aegis of the President, the Dean functions as the primary judicial officer within the University. Thus, the Dean is responsible for the administration of the *NUHS Student Code of Conduct*, and is also the arbiter of procedural interpretations or disputes related to unprofessional conduct and/or discipline arising from alleged violations of these *Professional Performance Standards*.

The Dean of Students will inquire, gather, and review information about the reported student misconduct and will evaluate the accuracy, credibility and sufficiency of the information. If the Dean determines the complaint has enough merit to proceed, the matter shall then be managed by either an informal hearing (with the Dean) or a formal hearing conducted by the Committee on Discipline.<sup>11</sup>

### ***Committee on Discipline: Responsibilities & Jurisdiction***

1. To provide a fair evaluation of an accused student's responsibility for violating University regulations. Formal rules of evidence shall not be applied, nor shall deviations from prescribed procedures necessarily invalidate a decision, unless significant prejudice to the accused student or the University may result.<sup>12</sup>
2. To function as the formal hearing body in matters related to alleged violations of *Professional Conduct Requirements* as outlined in this document and the various forms of social and academic misconduct prohibited by the *NUHS Student Code of Conduct*. The Committee on Discipline shall also hear cases referred by the Dean of Clinics when an intern with Professional Conduct deficiencies either fails to satisfactorily complete clinician-assigned remediation or violates the *Professional Conduct Performance Requirements* with enough frequency or severity to merit referral to a formal hearing body.
3. To conduct a hearing in accordance with the guidelines set forth in the Formal Hearing Procedures section of this document.

## ***Professional Performance Standards During Internship***

Failure to achieve and maintain the standards of *Academic Competence* and *Professional Conduct* during the internship phase of academic coursework may result in immediate remedial action (depending upon the frequency or context of a deficiency) by a supervising clinician. This remedial action is primarily formulated to help an intern correct a deficiency in competence or conduct without interrupting:

- a. the quality or continuity of patient care; and/or
- b. the timely completion of internship; and/or
- c. the degree completion credit an intern may have earned toward graduation requirements.

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<sup>11</sup> For a full explanation of Formal Hearing Procedures, see the section on Hearing Procedures within this document.

<sup>12</sup> Disciplinary proceedings in the University environment must not evolve into a quest for procedural error. The courts have recognized, even in the context of a criminal case, that procedural perfection is impossible. See *United States v. Hasting* 461 U.S. 499 (1983): "...taking into account the reality of the human fallibility of the participants, there can be no such thing as an error-free perfect trial, and the Constitution does not guarantee such a trial."

Monitoring the progress of each student's development during the internship phase of the curriculum relies upon a carefully fostered mentoring relationship between an intern and a clinician. This important relationship involves more subtle, interactive assessment of a student than the restrictive contour of a written exam format. The intern/clinician relationship provides opportunities for a student to reveal personal attributes of autonomy; responsible leadership, sound judgment, and the capacity to exceed mere compliance with rules or avoiding prohibited behavior. These attributes constitute the "moral minimum" of behavior, competence, personal integrity and self-discipline required of a future physician. The interactive supervision occurring within the internship phase of training provides the most effective context for the development and assessment of these vital qualities.

During this phase of the curriculum, a clinician functions as the primary instructor responsible for assessing an intern's ability to achieve the *Professional Performance Standards*. To this end, clinicians are authorized to employ short-term remedial measures to foster better reinforcement and retention of attitudes, knowledge and skills. However, frequent remediation and/or the extent of an intern's inability to remediate shall be a major consideration in determining the severity of an intern's deficiency. When, after due consideration of an intern's overall record and any special circumstances, it has been determined that the intern has failed to meet the scholastic and/or performance standards, the intern may be given Formal Warning, placed on Probation, Suspension, or Expelled from the College of Professional Studies. Any of these actions may be taken based upon the severity of the intern's academic deficiency.

## Hearing Procedures

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### ***Academic Competence Issues***

When a student has not achieved nor maintained good academic standing<sup>13</sup> and/or satisfactory progress<sup>14</sup> within the curriculum, the Dean of the College of Professional Studies will assign a prescribed course of action and the student will be notified in writing. Students facing probation, suspension or expulsion on academic grounds and who wish to challenge this action by the Dean may file an appeal with the Academic Standards, Grades and Records Committee (through the office of the Dean of the College). The request ***must*** explain the reason for the appeal and propose a ***realistic*** remedy for the ASGR Committee to consider as a reasonable alternative to automatic enforcement of the academic policies governing eligibility for continued enrollment. The student has two (2) business days after written notification to request a hearing with the Academic Standards, Grades and Records (ASGR) Committee. At a hearing, the student will be expected to explain why the prescribed course of action should not be implemented and to propose an effective alternative course of action to address the academic deficiencies. Following the hearing with the student, the ASGR Committee may then vote to uphold the prescribed course of action or to recommend an alternative course of action by consulting with the Dean of the College and forming a consensus. With a quorum present, the committee action will be determined by a majority vote. ASGR recommendations will be made only after careful review and deliberation. Every reasonable effort will be made to secure adequate, accurate and carefully documented information on which to base ASGR recommendations. Humanistic concerns and extenuating circumstances will be taken into account. The chair of the ASGR Committee shall notify the student in writing of the Committee's decision.

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<sup>13</sup> Supra at note 1.

<sup>14</sup> Supra at note 2.

## **Professional Conduct Issues**

Students enrolled in the College of Professional Studies (CPS) are required to conform to the *NUHS Student Code of Conduct*. The Code prohibits various forms of academic and social misconduct that apply to **all** NUHS students. In general, any issue involving student conduct (including allegations of professional misconduct by a CPS student prior to internship) should be brought to the attention of the Dean of Students. Under the aegis of the President, the Dean functions as the primary judicial officer within the University. Thus, the Dean is responsible for the administration of the *NUHS Student Code of Conduct*, and is also the arbiter of procedural interpretations or disputes related to unprofessional conduct and/or discipline arising from alleged violations of these *Professional Performance Standards*.

1. Any member of the University community may file a complaint against any CPS student for alleged violation(s) of the *NUHS Student Code of Conduct* or the *Professional Conduct Performance Standards*. Charges should be prepared in writing and directed to the Dean of Students.<sup>15</sup>
2. A complaint should be submitted as soon as possible after the event takes place, preferably within 48 hours. Any complaint filed beyond 90 days of the incident shall not be processed unless the Dean determines the delay was influenced by the nature of the complaint or that strict enforcement of the deadline would undermine the purpose of the policy and/or the best interests of the University. Only under extraordinary circumstances shall any action be taken on unwritten or unsigned charges.
3. The Dean of Students will inquire, gather, and review information about the reported student misconduct and will evaluate the accuracy, credibility and sufficiency of the information. If the Dean determines the complaint has enough merit to proceed, the matter shall then be managed by either an informal or formal hearing.

### **Informal Hearing Procedure (excerpted from *NUHS Student Code of Conduct*)**

- a. Generally, in cases in which the accused does not dispute the charge(s), or the preliminary information or the findings gathered by the Dean of Students and accepts responsibility for the misconduct, the matter may be managed by an informal hearing with the Dean. If a complaint is managed informally, the accused student shall be notified in writing of the complaint(s) by the Dean of Students, and allowed a reasonable amount of time to prepare a response to the charge/complaint. The Dean may tape record this meeting and admit record(s), witness(es), written statement(s) or exhibit(s) deemed contributory or important to a fair hearing. The accused shall not be assisted by an advisor nor an attorney. If the Dean determines the Code has been violated, the full range of sanctions may be imposed (as set forth in this policy.) The Dean of Students shall write a summary report that includes sanction(s) imposed, if any. The report shall be the property of the University. This report shall be on file with the Dean of Students. The Dean shall notify the accused student in writing of his/her disposition in a timely manner. The decision of the Dean of Students shall be final pending an appeal based upon the criteria set forth in the Appeals section of this document.
- b. Any change in status of the student with the University resulting from the Dean's decision shall be transmitted in writing to the Chairperson of the Committee on Discipline, the Dean of the College, the Dean of Clinics (if the student is/was enrolled as an intern assigned to one of the University's clinical settings), the Director of the Business Office, the Director of Financial Aid and the Registrar.

### **Formal Hearing Procedure (excerpted from *NUHS Student Code of Conduct*)**

- a. If the accused student disputes the charge(s), the information and findings reported to or discovered by the Dean that a violation has been committed, then the matter shall be adjudicated through a formal hearing. All charges shall be presented to the accused student in written form and a copy of this notification shall also be forwarded to the chairperson of the Committee on Discipline.
- b. The Committee on Discipline shall conduct a formal hearing according to the guidelines set forth in the Formal Hearing section of the *NUHS Student Code of Conduct*.

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<sup>15</sup> Under the aegis of the President, the Dean functions as the primary judicial officer within the University. Thus, the Dean is responsible for the administration of the *NUHS Student Code of Conduct*. The Dean is also the arbiter of procedural interpretations or disputes related to student conduct and discipline arising from alleged violations of the NUHS College of Professional Studies "*Professional Performance Standards*," and the NUHS College of Allied Health Sciences "*Standards of Conduct and Performance*."

## **Hearing Procedures During Internship**

Failure to achieve and maintain the standards of *Academic Competence* and *Professional Conduct* during the internship phase of academic coursework may result in immediate remedial action (which will vary in application due to the frequency and context of a deficiency) by a supervising clinician. This remedial action is primarily formulated to help an intern correct a deficiency in competence or conduct without interrupting:

- a. the quality or continuity of patient care; and/or
- b. the timely completion of internship; and/or
- c. the degree completion credit an intern may have earned toward graduation requirements.

If an intern fails to remediate a deficiency after completing the assignment issued by the clinician, wishes to dispute a remedial assignment, or; if, in the judgment of the intern's supervising clinician the nature or severity of an intern's academic deficiency warrants review by the Dean of Clinics, then the matter shall be referred to the Dean of Clinics. The Dean shall informally resolve the issue or refer it to the Academic Standards, Grades and Records Committee (for issues related to academic competence) or to the Committee on Discipline (for issues related to professional conduct) for a formal hearing depending upon the fundamental nature of the unmet standard in dispute.<sup>16</sup>

- a. If managed informally, the intern shall be notified in writing of the issue(s) before the meeting and allowed a reasonable time to prepare a response. The Dean may tape record this meeting and admit record(s), witness(as), written statement(s) or exhibit(s) deemed contributory or important to a fair hearing. The intern shall not be assisted by an advisor or an attorney. The Dean of Clinics shall write a brief summary report that includes a final decision (to take no further action, assign additional remediation, or impose an additional disciplinary sanction.) The report shall be the property of the University. This report shall be on file with the Dean of Clinics. The Dean shall notify the intern in writing of his/her disposition in a timely manner. The Dean's decision shall be final. If the intern challenges the Dean's decision or seeks an appeal, the Dean will refer the entire issue to the appropriate Committee (see above) for a formal hearing.
- b. If the issue is to be referred for a formal hearing, the intern shall be notified in writing and a copy of this notification shall also be forwarded to the chairperson of the Academic Standards, Grades & Records Committee or the Committee on Discipline.
- c. A formal hearing by either committee shall follow the guidelines set forth in the Hearing Procedures section of this document.
- d. Any change in status of the intern with the University resulting from either the Dean or a committee decision shall be transmitted in writing to all principal parties (e.g., Dean of the College and/or Dean of Clinics) including the Director of Financial Services, the Director of Financial Aid and the Registrar.

# Hearing Recommendations

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## **Academic Competence Issues**

Informal or Formal hearing recommendations may include, but are not limited to the following:

### **1. Remediation**

Failure to achieve scholastic and performance standards will likely necessitate that the same course or entire trimester be repeated. Unlimited opportunity to repeat courses or entire trimesters is neither feasible nor desirable. Accordingly, frequent remediation and/or the extent of the student's inability to remediate shall be a major consideration in determining the severity of the student's academic competence deficiency. When, after due consideration of a student's overall academic performance and any special circumstances, it has been determined that the student has failed to meet the scholastic and/or performance standards, the student may be issued a Formal Warning, placed on Probation, Suspension, or Expelled from the College of Professional Studies. Any of these actions

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<sup>16</sup> The Dean of Clinics may confer with the Dean of Students to discern which hearing procedure is best suited to address the issue in dispute while safeguarding the interests of the student and the institution.

may be taken based upon the severity of the student's academic performance deficiency.

The Committee uses a number of procedures to help the student achieve the goal of satisfactorily completing the program or to permanently remove the student from the program if warranted. These include, but are not limited to, the following:

- a. S/R-stop and repeat courses in which a grade of D, F, I, or U have been received;
- b. LL-limited load which varies dependent upon the severity of the academic difficulty;
- c. NNS-no new subjects which allows for registration in repeat courses only;
- d. MC-mandatory counseling with individuals on or off campus;
- e. MT-mandatory tutorial;
- f. MR-mandatory remedial study and test taking skills improvement via programs on or off campus which may include special audit;
- g. MW-mandatory withdrawal from courses which are deficient at midterm;

## **2. Formal Warning**

Formal Warning shall take the form of written notice and may be issued as appropriate when a trend toward increasing academic difficulty develops. The notice of Formal Warning shall describe the problems in reasonable detail and shall indicate possible consequences if the trend continues.

## **3. Probation**

A student with any of the following deficiencies may be placed on academic probation:

- a. Failure to achieve or maintain the status of "good academic standing."
- b. Unauthorized withdrawal from a required course/internship rotation.
- c. Documented incidents of academic misconduct, or other breaches of professional behavior.

## **4. Suspension**

A student with any of the following deficiencies may be placed on academic suspension:

- a. The student falls below the number of quality points necessary to maintain a cumulative GPA of 2.00.
- b. The student has received repeated academic warnings of academic deficiencies.
- c. The student's GPA drops below 1.00.
- d. After the student fails the same course twice.
- e. Other circumstances deemed appropriate by the Dean of the College of Professional Studies.

## **5. Expulsion**

With regard to expulsion, it should be emphasized that a pattern of scholastic and/or performance difficulty creates serious doubts about a student's competence and potential ability to function as a physician. As a student moves from one trimester to the next, there are increasing expectations relative to academic competence. Accordingly, when a student has experienced prior academic competence deficiencies, there will be decreasing tolerance for deficient performance in subsequent curricular activities. Therefore, a student may be expelled from the College of Professional Studies as a result of frequent remediation, or repetition of courses and/or trimesters.

In the absence of extraordinary circumstances, ASGR may recommend expulsion for a student who fails to meet the standards of Academic Competence previously described, and for any of the following deficiencies:

- a. Difficulties in academic performance resulting in three previous academic probations.
- b. Withdrawal from NUHS programs without written permission of the Dean of the College of Professional Studies.
- c. Failure to satisfactorily meet all of the requirements for graduation for the professional doctoral degree within eight (8) calendar years of the date of first entry into NUHS College of Professional Studies as a beginning student without advanced standing.
- d. The student's cumulative GPA drops below 1.00.
- e. After the student has failed to maintain good academic standing for the number of trimesters noted above for each individual program.
- f. The student has received any combination of warnings, probations or suspensions that cumulatively exceed those noted above.
- g. The student has failed the same course a third time.
- h. Other circumstances deemed appropriate by the Dean of the College of Professional Studies.

## **Professional Conduct Issues**

A student's disciplinary history shall have no bearing on determining the question of guilt or innocence. If, however, a student is found to be in violation of the *NUHS Student Code of Conduct* or any of the higher requirements described within the *Professional Conduct Performance Standards*, the full disciplinary history shall be considered in determining the sanction. The following sanctions may be imposed upon any CPS student found to have committed a violation. Also, a condition may accompany a sanction. Conditions include, but are not limited to, restitution of damages, work projects, counseling or therapy, required improvement in academic performance, or loss of certain University privileges. If a condition accompanies a sanction, the condition must be related to the violation.

Informal or Formal hearing recommendations may include, but are not limited to the following:

- a. Warning - Notice, verbally or in writing, that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.
  - b. Censure: A written reprimand for violation of specified regulations, including a warning that continuation or repetition of prohibited conduct may be cause for additional disciplinary action. Notice of this action may appear on the student's academic transcript for up to one year.<sup>17</sup>
  - c. Disciplinary Probation - Exclusion from participation in privileged or extra-curricular institutional activities for a specified period of time. Additional restrictions or conditions may also be imposed. Violations of the terms of disciplinary probation, or any other violation of this *Code* during the period of probation, will normally result in suspension or expulsion from the University. Notice of this action may appear on the student's academic transcript for up to two years.
  - d. Loss of Privileges - Denial of specified privileges for a designated period of time.
  - e. Fines - Previously established and published fines may be imposed.
  - f. Restitution - Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement to the University or to an affected party.
  - g. Discretionary Sanctions - Work assignment, service to the University or other related discretionary assignments.
  - h. Residence Hall Suspension - Separation of the student from the residence hall for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
  - i. Residence Hall Expulsion - Permanent separation of the student from the residence halls.
  - j. University Suspension - Exclusion from University premises, and other privileges or activities, as set forth in the suspension notice. Notice of this action may appear on the student's academic transcript for up to four years.
  - k. University Expulsion - Permanent termination of student status, and exclusion from University premises, privileges and activities. This action will be recorded on the student's academic transcript, but may be removed by the President or the President's designee after five years, for good cause.
  - l. More than one sanction listed above may be imposed for any single violation.
1. Violations that may result in suspension or expulsion from the University, may take into account specific and significant mitigating factors. Factors to be considered in mitigation shall be the present demeanor and past disciplinary record of the offender, as well as the nature of the offense and the severity of any damage, injury, or harm resulting from it.
  2. Repeated or aggravated forms of social, academic, or professional misconduct may also result in expulsion or suspension or in the imposition of such lesser penalties as may be appropriate.
  3. Attempts to commit acts prohibited by the *NUHS Student Code of Conduct* or any of the higher requirements described within the *Professional Conduct Performance Standards* may be punished to the same extent as completed violations.

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<sup>17</sup> A transcript notation is a serious sanction. Done in accordance with fair and established procedures it is not a violation of due process, or any other constitutional protection (see, *Schulman v. Franklin and Marshall College*, 538 A.2d 49, Superior Court of Pennsylvania, 1988: "[S]hould the [college] prevail, a notation will appear on the transcript; this is a permissible sanction and appellant cannot claim relief from sanctions brought about by his own behavior"). The removal of transcript notations can be keyed to educational interventions. Experienced teachers and administrators recognize that the habits and values of students can change for the better, especially if effective educational interventions are devised. Lifelong stigmatizing penalties should be employed as a last resort.

### **Interim Suspension**

If, in the judgment of the Dean of Clinics,<sup>18</sup> an intern satisfies the conditions for an interim suspension, the Dean of Clinics may suspend an intern from the University for an interim period pending disciplinary or criminal proceedings or a medical evaluation. An interim suspension may be imposed only:

- a. to ensure the safety and well-being of others or preservation of University property;
- b. to ensure the intern's own physical or emotional safety and well-being;
- c. if the intern poses a definite threat of disruption or interference with the normal operations of the University.

During the interim suspension, students shall be denied access to the University premises and/or all other University activities or privileges (including classes) for which the student might otherwise be eligible, as the Dean of Clinics may determine to be appropriate. A suspended student shall, however, be given a prompt opportunity to appear personally before the Dean to discuss the following issues only:

- a. The reliability of the information concerning the student's conduct, including the matter of his/her identity.
- b. Whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on University premises poses a substantial and immediate threat to himself or herself or to others or to the stability and continuance of normal University functions

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<sup>18</sup> The Dean of Clinics may confer with the Dean of Students to discern if the student satisfies the conditions requisite for imposing an interim suspension.

# Appeals

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1. Any decision reached by the Dean of the College, the Academic Standards, Grades and Records (ASGR) Committee, the Dean of Students, the Dean of Clinics, or the Committee on Discipline may be appealed by a student(s) to the Appellate Body (the Vice President for Academic Services) in writing within five (5) business days of the decision. However, the right of appeal does not guarantee that an appeal will be granted nor does it entitle the appellant to a full rehearing of the case. The Appellate Body may request that the original hearing official(s) clarify some aspect of the original decision, or remand the case back to the original hearing body with instructions, or grant the request to review the appeal, or uphold the decision of the original hearing body. An appeal hearing, if granted, shall be limited to the following issues:
  - a. To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and present evidence that the Code was violated, and giving the accused student a reasonable opportunity to prepare and present a rebuttal of those allegations.
  - b. To determine whether the decision reached regarding the accused student was based on the standard of proof known as a more likely than not weighing of the evidence, that is, whether the facts in the case were sufficient to conclude that a violation of the Code occurred.
  - c. To determine whether the sanction(s) imposed was appropriate for the violation of the Code that the student was found to have committed.
  - d. To consider new evidence, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because the person appealing did not know such evidence and/or facts at the time of the original hearing.
2. In any appeal granted by the Appellate Body, review of the case may not result in more severe sanction(s).
3. The imposition of sanctions will be deferred during the pendency of the Appellate Body's review, unless, in the discretion of the Appellate Body, the continued presence of the student on the campus poses a substantial threat to him/herself or to others, or to the stability and continuance of normal University functions.
4. Adjudication by the Appellate Body shall be binding and final. The Appellate Body's decision shall be transmitted in writing to the student(s). Notice of the decision and the resulting status of the student with the University shall also be transmitted in writing to the Chairperson of the Committee on Discipline, the Dean of Students, the Dean of the College, the Dean of Clinics (if the student is/was enrolled as an intern assigned to one of the University's clinical settings), the Director of Financial Services, the Director of Financial Aid and the Registrar.
5. The file of a student(s) found responsible for any charges filed against them will normally be retained for four (4) years from the date of the letter providing notice of final disciplinary action.
6. The President or the President's designee for good cause, upon written petition, may void disciplinary records. Factors to be considered in mitigation shall be the present demeanor of the student, the conduct of the student subsequent to the violation, as well as the nature of the violation(s) and the severity of any damage, injury, or harm resulting from it.

# Interpretation and Revision

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1. Any question of interpretation regarding the NUHS College of Professional Studies *Professional Performance Standards* should be referred to the Dean of Students or other designee selected by the President of the National University of Health Sciences.
2. The NUHS College of Professional Studies *Professional Performance Standards* shall be reviewed every three (3) years under the direction of the Dean of Students.