

## **CODE OF STUDENT CONDUCT**

### **The Brody School of Medicine**

#### **ARTICLE I: DEFINITIONS**

1. The term "School of Medicine" means the Brody School of Medicine at East Carolina University.
2. The term "student" includes all persons enrolled at the Brody School of Medicine, both fulltime and part-time, pursuing studies for the degree of Doctor of Medicine.
3. The term "faculty member" means any person hired by the School of Medicine to conduct classroom or clinical activities.
4. The term "School of Medicine official" includes any person employed by the School of Medicine, performing assigned administrative or professional responsibilities.
5. The term "member of the School of Medicine community" includes any person who is a student, resident, faculty member, School of Medicine official or any other person employed by the School of Medicine or University Medical Center of Eastern Carolina - Pitt County (henceforth referred to as University Medical Center).
6. The term "School of Medicine premises" includes, but is not limited to, all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the School of Medicine or University Medical Center (including adjacent streets and sidewalks).
7. The term "Professional Conduct Committee" means those persons authorized to determine whether a student has violated the Code of Student Conduct and to recommend imposition of sanctions.
8. The term "Appellate Board" means those persons authorized to consider an appeal of a Professional Conduct Committee's determination that a student has violated the Code of Student Conduct or from the sanctions recommended by the Professional Conduct Committee. For each individual case, the members of an "Appellate Board" will not be the same members as the Professional Conduct Committee for that case.
9. The Dean of the School of Medicine is that person designated by the Chancellor to be responsible for the administration of the Code of Student Conduct.
10. The term "policy" is defined as the written regulations of the School of Medicine as found in the School of Medicine Code of Student Conduct, School of Medicine Code of Professional Ethics, School of Medicine Student Handbook, School of Medicine and East Carolina University catalogs, East Carolina University Student Handbook, and the University of North Carolina Code.
11. The term "cheating" is defined as the actual giving or receiving of any unauthorized aid or assistance. The term "cheating" includes, but is not limited to: a. use of any unauthorized assistance in taking quizzes, tests or examinations; b. 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 c. the acquisition, without permission, of tests or other academic material belonging to a member of the School of Medicine faculty or staff.
12. The term "plagiarism" includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work or thoughts of another person without full and clear acknowledgment and passing it as one's own work. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

#### **ARTICLE II: AUTHORITY FOR "CODE OF STUDENT CONDUCT"**

1. The Dean of the School of Medicine and the Dean for Student Affairs shall be responsible for appointing the Professional Conduct Committee and Appellate Board, if necessary, to hear each case.
2. A Professional Conduct Committee or Appellate Board shall be composed of six members representative of the School of Medicine community. Three student members and three

faculty members shall be selected by the Dean of the School of Medicine and the Dean for Student Affairs to hear a particular case. At least two faculty members should be tenured and there should be at least one M.D. faculty representative and one Ph.D. faculty representative on a Professional Conduct Committee or Appellate Board. Student members eligible for appointment to a Professional Conduct Committee will be elected annually by members of the M2-M4 class (two students per class plus one alternate). M1 students eligible for service will be identified by the Assistant Dean for Student Affairs. A Professional Conduct Committee will be composed of at least one student from the M-1 or M-2 classes and at least one student from the M-3 or M-4 classes. All members of a Professional Conduct Committee or Appellate Board must be present for a scheduled hearing.

3. A chairperson shall be selected by the members of the Professional Conduct Committee prior to the beginning of the review process. The chairperson must be one of the faculty members appointed to the Professional Conduct Committee. The chair shall rule on what information can be introduced and on all questions of procedure. The chair's decision is final.
4. The Dean for Student Affairs shall be an ex-officio, non-voting member of each Professional Conduct Committee and shall provide administrative assistance for the implementation of the procedural rules for the conduct of hearings.
5. Decisions made by a Professional Conduct Committee shall be in the form of recommendations to the Dean of the School of Medicine, whose decision is final, and subject to the normal appeal process (Article IV, E).
6. A Professional Conduct Committee may be designated as arbitrator of disputes within the student community in cases which do not involve a violation of the Code of Student Conduct; provided, however that disputes which fall under established University procedures must follow established guidelines, e.g. sexual harassment. All parties must agree to arbitration, and be bound by the decision with no right of appeal.
7. Consideration of issues or concerns regarding Academic Integrity, including, but not limited to, "cheating" and "plagiarism", are included within the purview and authority of this "Code for Student Conduct".

### **ARTICLE III: PROSCRIBED CONDUCT**

#### **A. Conduct and Regulations**

Any student found to have committed the following misconduct is subject to disciplinary sanctions as outlined in Article IV:

1. Acts of dishonesty, including but not limited to the following:
  - a. Cheating, plagiarism, or other forms of academic dishonesty.
  - b. Furnishing false information to any School of Medicine official, faculty member or office with intent to deceive.
  - c. Forging, altering, or misusing any School of Medicine document, record, or instrument of identification.
  - d. Submitting falsified ballots in an election of any School of Medicine recognized student organization or class election
2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other School of Medicine activities.
3. Verbal and/or physical abuse, threats, intimidation, harassment, coercion and/or other conduct which threatens or endangers the health or safety of any person.

4. Audio or video taping of another without consent or the taking of pictures without consent which would cause injury or distress.
5. Posting of confidential faculty, staff, student or patient information on personal websites or blogs.
6. Attempted or actual theft or receipt of stolen property and/or damage to property of the School of Medicine community or other personal or public property.
7. Failure to comply with directions of School of Medicine Security, ECU Security personnel or law enforcement officers acting in performance of their duties.
8. Unauthorized possession, duplication or use of keys to any School of Medicine premises or unauthorized entry to or use of School of Medicine premises
9. Violation of published School of Medicine and/or East Carolina University policies, rules or regulations
10. Violation of federal, state or local law
11. Illegal use, possession, manufacture, sale, or distribution of narcotic or other controlled substances
12. Independently writing and signing a prescription for any medication without a medical license or without authorization.
13. Use, possession or distribution of alcoholic beverages except as expressly permitted by the law and University regulations.
14. Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on School of Medicine premises.
15. Conduct which is disorderly, lewd or indecent; or conduct or disruptive language directed toward and offensive to a member of or a visitor to the School of Medicine community; breach of peace; or aiding, abetting or procuring another person to breach the peace on School of Medicine premises or at functions sponsored by, or participated in by, the School of Medicine.
16. Theft or other abuse of computer time, including but not limited to:
  - a. Unauthorized entry into a file, to use, read or change the contents, or for any other purpose.
  - b. Unauthorized transfer of a file.
  - c. Unauthorized use of another individual's identification and password.
  - d. Use of computing facilities to interfere with the work of another student, faculty member or School of Medicine official.
  - e. Use of computing facilities to send obscene or abusive messages.
  - f. Use of computing facilities to interfere with normal operation of the School of Medicine computing system.
17. Abuse of implementation of Code of Student Conduct procedures, including but not limited to:
  - a. Failure to obey the summons to present information as a witness of a Professional Conduct Committee or School of Medicine official.
  - b. Falsification, distortion, or misrepresentation of information before a Professional Conduct Committee.

- c. Disruption or interference with the orderly conduct of a Professional Conduct Committee proceeding.
- d. Filing of a charge against a student knowingly without cause.
- e. Attempting to discourage an individual's proper participation in, or use of, the Code of Student Conduct system.
- f. Attempting to influence the impartiality of a member of a Professional Conduct Committee prior to, and/or during the course of, the proceeding.
- g. Harassment (verbal or physical) and/or intimidation of a member of a Professional Conduct Committee prior to, during, and/or after a proceeding.
- h. Failure to comply with the sanction(s) imposed under the Code of Student Conduct.
- i. Influencing or attempting to influence another person to commit an abuse of the Code of Student Conduct system.

18. Violations of the Code of Professional Conduct.

B. Violation of Law and School of Medicine Discipline

- 1. School of Medicine disciplinary proceedings may be instituted against a student charged with violation of a law which is also a violation of this Student Code, for example, if both violations result from the same factual situation.
- 2. If, it is the judgment of the Professional Conduct Committee that imposing sanctions would be prejudicial and unreasonably burdensome to the student charged in respect to civil or criminal proceedings, notwithstanding the finding of sufficient evidence for the charges, the Professional Conduct Committee may defer imposing sanctions. If, after finding sufficient evidence for the charge(s), the Professional Conduct Committee decides to defer imposing sanctions in the situations covered in this paragraph, the Professional Conduct Committee shall put in writing their determination of finding sufficient evidence for the charge(s) and their reasons for deferring the imposition of sanctions. If the Professional Conduct Committee finds sufficient evidence for the charge(s) and decides to impose a sanction, the maximum sanction will be Interim Suspension until the civil or criminal proceedings are completed. When civil or criminal proceedings have been completed, the Professional Conduct Committee will meet and determine what further action, if any, needs to be recommended.
- 3. When a student is charged by federal, state or local authorities with a violation of law, the School of Medicine will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also the subject of a proceeding before a Professional Conduct Committee under the Code of Student Conduct, however, the School of Medicine may advise off-campus authorities of the existence of the Student Code and of how such matters will be handled internally within the School of Medicine community.

**ARTICLE IV: CODE OF STUDENT CONDUCT POLICIES**

- A. All policies and procedures related to this Code of Student Conduct will maintain as fundamental principles the following as stated in The Code - Board of Governors, The University of North Carolina, July, 2003; Chapter V, Section 502D., (3): "...secure to every student the right of due process ".

B. Charges and Hearings

- 1. Any individual may file a bona fide complaint against a student for misconduct on East Carolina University or University Medical Center premises, or for off-campus violations of the code of conduct. The complaint shall be prepared in writing and directed to the Dean for Student Affairs responsible for the administration of the School of Medicine

Code of Student Conduct system. Any complaint should be submitted as soon as possible after the event takes place, preferably within seven (7) working days.

2. The Dean for Student Affairs may conduct an investigation to determine if the charges have merit and/or if they can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Dean for Student Affairs. Such disposition shall be final and there shall be no subsequent proceedings. If the charges cannot be disposed of by mutual consent, a Professional Conduct Committee will be appointed (as outlined in Article II, 1 & 2).
3. All charges shall be presented to the accused student in written form. A time shall not be set for a hearing, less than five nor more than fifteen working days after the student has been notified. Maximum time limits for scheduling of hearings may be extended at the discretion of the Dean for Student Affairs.
4. Hearings shall be conducted by a Professional Conduct Committee according to the following guidelines:
  - a. Confidentiality of the proceedings and transcripts shall be maintained at all times.
  - b. Admission of any person to the hearing shall be at the discretion of the Professional Conduct Committee and in compliance with FERPA.
  - c. In hearings involving more than one student charged with a violation of the Code of Student Conduct, the chairman of the Professional Conduct Committee, in his or her discretion, may permit the hearings concerning each student to be conducted separately. If the hearings are conducted separately, the students charged can call one another as witnesses at the individual hearings.
  - d. The complainant and the student charged have the right to be assisted by any advisor they choose, at their own expense. The advisor may be an attorney only if the student is also charged with a crime arising from the same set of facts. The complainant and/or the student charged is responsible for presenting his or her own case and, therefore, advisors may be present and provide consultation and or advice to the complainant or charged student, but are not permitted to speak in behalf of the individual they represent or to participate directly in any hearing before a Professional Conduct Committee.
  - e. The complainant and the student charged shall have the right to present witnesses. The Professional Conduct Committee has the right to ask questions of any witness brought in to testify during the hearing.
  - f. A Professional Conduct Committee may accept pertinent records, exhibits and written statements.
  - g. All procedural questions are subject to the final decision of the chairman of the Professional Conduct Committee.
  - h. After the hearing, the Professional Conduct Committee shall determine whether the student has violated each section of the Code of Student Conduct which the student is charged with violating. In order for the Professional Conduct Committee to make a determination that a student has violated the Student Code, a majority vote is required.
  - i. The Professional Conduct Committee's determination shall be made on the basis of whether the preponderance of presented information supports the conclusion that the student charged violated the Code.
5. There shall be a single verbatim record, such as a tape recording, of all hearings before a Professional Conduct Committee. The record (which includes written materials presented as evidence during a hearing) shall be the property of the School of Medicine. The student charged with a violation of the Code may, upon request, receive a written transcript of the hearing proceedings.

6. No student may be found to have violated the Student Code solely because the student failed to appear before the Professional Conduct Committee considering that student's case. In all cases, the evidence in support of the charges shall be presented and considered.
7. Any student shall have the right to a fair hearing, the presumption of innocence until found responsible, the right to know the information in support of a violation and to face witnesses testifying against him or her and the right to such advice and assistance in his or her own defense as may be allowable as noted above (IV, B, 4,d).

### C. Sanctions

1. The following sanctions may be imposed upon any student found to have violated the Code of Student Conduct:
  - a. Warning - A notice in writing to the student that the student is violating or has violated institutional regulations.
  - b. Probation - A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any institutional regulation(s) during the probationary period. If applicable, the Professional Conduct Committee may specify conditions that would apply to the student during the probation period.
  - c. Loss of Privileges - Denial of specified privileges for a designated period of time.
  - d. Restitution - Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement. When determining restitution, the Professional Conduct Committee shall consider any order for restitution arising from civil proceedings.
  - e. School of Medicine Suspension - Separation of the student from the School of Medicine for a definite period of time, after which the student is eligible to return. Conditions for re-enrollment may be specified.
  - f. School of Medicine Expulsion (Dismissal) - Permanent separation of the student from the School of Medicine and removal of all rights and privileges. If the circumstances warrant for the student's own emotional well-being, the Professional Conduct Committee may make a specific recommendation that a student be allowed access to counseling services through the School of Medicine during the period of suspension or for a defined period of time following expulsion.
2. More than one of the sanctions listed above may be imposed for any single violation.
3. Other than School of Medicine expulsion, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the confidential record that is initiated at the time of appointment of a Professional Conduct Committee and preparation for a hearing. Upon graduation, the student's confidential record may be expunged of disciplinary actions other than School of Medicine suspension or School of Medicine expulsion, upon application, in writing, to the Dean for Student Affairs. Cases involving the imposition of sanctions other than School of Medicine suspension or School of Medicine expulsion shall be expunged from the student's confidential record five years after final disposition of the case, unless the Professional Conduct Committee has specifically made this confidential file a part of the student's permanent record.
4. The following sanctions may be imposed upon groups or organizations:
  - a. Those sanctions listed above in Section C

- b. Deactivation - Loss of all privileges, including School of Medicine recognition, for a specified period of time.
5. The determination of the sanction(s) to be imposed requires a majority vote of the Professional Conduct Committee. In each case in which a Professional Conduct Committee determines that a student has violated the Code of Student Conduct, the Professional Conduct Committee shall recommend, in writing, to the Dean of the School of Medicine the sanction(s) to be imposed by the Dean for Student Affairs. The Committee's recommendation(s) should include findings of fact based solely on information presented at the hearing and rationale(s) for the decision and sanction(s) recommended. The Dean of the School of Medicine makes the final decision with regard to the sanctions to be imposed.
6. Following the hearing, the Dean for Student Affairs shall advise the student charged in writing of the determination and of the sanction(s) imposed, if any.

#### D. Interim Suspension

The Dean of the School of Medicine, or a designee, may impose a School of Medicine suspension prior to the hearing before a Professional Conduct Committee.

1. Interim suspension may be imposed: a) to ensure the safety and well-being of members of the School of Medicine community or preservation of School of Medicine property; b) to ensure the student's own physical or emotional safety and well-being; or c) if the student poses a definite threat of disruption of or interference with the normal operations of the School of Medicine.
2. During the interim suspension, a student shall be denied access to the campus (including classes) and/or other School of Medicine activities or privileges for which the student might otherwise be eligible, as the Dean of the School of Medicine or the Dean for Student Affairs may determine to be appropriate.
3. Student who are suspended on an interim basis will be granted a hearing within 5 to 15 days after notice of an interim suspension at which time they will be given an opportunity to show cause why their suspension should not continue.
3. Information related to an Interim Suspension will not be included as a part of the confidential record should the Professional Conduct Committee find that the student charged had not violated the Code.

#### E. Appeals

1. A decision reached by a Professional Conduct Committee or a sanction imposed by the Dean for Student Affairs may be appealed. A written statement, clearly outlining the grounds for the appeal should be delivered to the Dean for Student Affairs within five (5) school days (except to present new information) of the decision. Upon receipt of the written appeal statement, an Appellate Board will be appointed as outlined in Article I, 8 and Article II, 1 & 2.
2. Except as required to explain the basis of new information, an appeal shall be limited to review of the verbatim record of the initial hearing and supporting documents for one or more of the following purposes:
  - a. To determine whether the original hearing was conducted fairly, and in conformity with prescribed procedures as described in Article IV: Code of Student Conduct Policies.
  - b. To determine whether the decision reached regarding the student was based on sufficient information, that is, such relevant information as a reasonable mind might accept as adequate to support a conclusion, which a violation of the Code of Student Conduct occurred.

- c. To determine whether the sanction(s) imposed were appropriate for that specific violation of the Code of Student Conduct.
  - d. To consider new information, sufficient to alter a decision, because such information was not known to the person appealing at the time of the original hearing.
- 3. The Appellate Board may uphold, alter or dismiss decisions made by a Professional Conduct Committee. An Appellate Board may reduce but not increase the term of the sanction, or it may assign a more appropriate sanction providing the subsequent action does not constitute a level of sanction which is more severe than that assigned by the Professional Conduct Committee. If the Appellate Board determines that the sanction(s) imposed are insufficient for the violation, it must recommend the appointment of a new Professional Conduct Committee for a new hearing of the case. If the Appellate Board determines that the rights of the student charged have been violated, it may dismiss charges, or remand the case to a new Professional Conduct Committee for a new hearing.
- 4. Further appeals shall be governed by the Code of the University of North Carolina System

#### **ARTICLE V: INTERPRETATION AND REVISION**

- A. Any question of interpretation regarding the Code of Student Conduct shall be referred to the Dean of the School of Medicine or his or her designee for final determination.
- B. The Code of Student Conduct shall be reviewed every three years under the direction of the Dean for Student Affairs.

APPROVED BY FACULTY, SCHOOL OF MEDICINE, at Faculty Meeting, Brody Auditorium, September 8, 1993, and revised on March 31, 2011.