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4 April 2000

TO: Members, University Senate

FROM: University Senate Council

RE: AGENDA ITEM: University Senate Meeting, Monday 10 April 2000. Proposal to revise the College of Medicine Honor Code, University Senate Rules, Section VI – 6.6.2

Current:

6.6.2 Honor Code: College of Medicine

The Honor Code requires honorable and ethical behavior in all professional and academic affairs of students enrolled in University of Kentucky College of Medicine. Failure to exhibit such behavior shall constitute a violation of the Honor Code.

The following are violations of this code:

1. CHEATING - copying another's work; use of crib notes; use of unauthorized material during examinations; unauthorized collaboration during an exam, report, or writing a paper; plagiarism; falsification of data.
2. LYING - deliberately misrepresenting the truth in areas relating to academic or professional performance.
3. STEALING - taking or acquiring possession of, without permission, any academic material from a member of the academic community.
4. Breach of Confidence of the proceedings of the Honor Council.
5. Deliberately misusing the Honor Code to harass another student.

I agree to uphold the Honor System of the College of Medicine and to report violations of this code should I become aware of them.

Signature

Organizational Framework

Administration of the Honor System shall be the responsibility of the Honor Council. This group consists of eight students and five faculty members. The Council shall elect a student as Chairperson. The Council shall establish, with University Legal Counsel, rules of procedure to govern its proceedings in conformity with the adopted code of student conduct in the UK Student Rights and Responsibilities Handbook - section 2.3, p. 19 (rights of the accused). These procedures shall be made available to all students when signing the honor code, and on file in the University Ombud's office.

Annually, each class will select a pool of six Honor System Representatives. The pool from each class will be responsible for selecting two members from among themselves to serve on the Honor Council. The remaining four students from each class will serve on Ad Hoc Honor Committees. The five faculty members will be appointed annually by the Dean, with recommendations by Faculty Council/Chairmen.

Ad Hoc Honor Committees

When an infraction is reported to the Honor Council Chairperson, he/she will establish two Ad Hoc Honor Committees. Committee membership will come from the Honor System Representatives and the Honor Council Faculty.

Investigation Committee - composed of two students and two faculty members. This body has the responsibility of investigating alleged failure of a student to adhere to the honor code. This committee will review their findings and will recommend to the Honor Council Chairperson whether to conduct a formal inquiry.

Judicial Committee - composed of six students and three faculty. This body is responsible for holding formal inquiries of alleged violations, determining innocence or guilt, and recommending a penalty for each violation to the Dean.

Notifications to the Student

After investigation into an alleged violation of the Honor Code, if the Investigation Committee informs the Honor Council Chairperson that a formal hearing is required, the Dean of the College of Medicine shall:

1. Notify the student in writing at a meeting or by certified mail that the student is charged with a violation of the Honor Code; and
2. Notify the student in writing of the student's rights:
 - a. The student has the right to waive the rights to a hearing and an appeal.
 - b. The student has the right to a hearing before an impartial committee of faculty and students (the Judicial Committee). A request from the student for a hearing must be communicated in writing to the Dean and received within five working days of the student's receipt of notification of the charge.
 - c. The student shall not be compelled to give testimony which might tend to be incriminating. Refusal to do so shall not be considered evidence of guilt.
 - d. The student shall receive a written statement of the conclusions and recommendation reached by the Judicial Committee.
 - e. The student shall have the right to appeal the decision of the Dean to the Academic Ombud of the University.

Penalties/Sanctions

The Dean is responsible for a) imposition or modification of any penalty and b) reporting to the Registrar according to Senate Rule 6.4.9. Possible penalties would include: failure of course, probation with specific conditions, suspension or dismissal. Suspension or dismissal shall be imposed only with the recommendation of the Dean and upon approval by the Chancellor of the Medical Center.

Appeal

A student found guilty by the Judicial Committee will have all rights of appeal according to University policy. The student may appeal the determination of guilt to the Academic Ombud.

The final decision disposition shall be recorded in writing and made part of the student's permanent record.

The Honor Code fulfills the requirements stated in Section VI, 6 of the Senate Rules.

Proposed:

I. Introduction

A) Purpose

The University of Kentucky College of Medicine Professional Code seeks to foster the highest standards of responsibility, integrity, and professionalism throughout the College community. The code is intended to positively impact the institutional culture at the University of Kentucky College of Medicine and professional development of the College's medical students. The code also establishes a mechanism to address cases of alleged misbehavior in a manner that is fair and constructive to the students, faculty, and College.

B) Recognition of Responsibility

The students of the University of Kentucky College of Medicine recognize that members of the medical profession should subscribe to a set of ethical standards that recognize our primary obligation to the patient and which foster integrity and honor within our profession. We recognize our responsibility to society, other health professionals, and self. Furthermore, we recognize the great trust society bestows on us as we administer to the health care needs of our patients. Because of this responsibility, we do hereby affirm and undertake to live within the privileges and duties accorded us and required by this Code.

C) Additional Documentation

In addition to this Code, students are expected to understand and abide by the standards outlined in the following University/Professional documents: Health Science Student Professional Behavior Code, University Student's Rights and Responsibilities, American Medical Association Code of Ethics, Behavioral Standards in Patient Care, Policy Statement for a Drug Free Institution.

D) Scope

- This Code is intended first and foremost to be an educational tool that fosters an environment of professional conduct and mutual respect for others.
- Students come to the College of Medicine with a variety of experiences, values, and beliefs; this Code sets forth a standard to allow all students to conform their behavior in a manner compatible to the medical profession.
- This Code is intended to reinforce conduct so that all students can become successful, efficient, and ethical physicians.
- Self-regulation is a feature of the medical profession and this code is designed to begin this process while in this institution. This Code is meant to be flexible, yet enforceable, allowing for effective mediation between individual parties. However, it is understood that the University has guidelines and procedures for various situations in place, and that these will be used as appropriate.

II. Behavioral Standards

Empathy, integrity, honesty, concern for others, dependability, good interpersonal skills, interest and motivation to excel are all personal qualities that are expected of the University of Kentucky College of Medicine students. Below are listed specific behavioral expectations pertaining to students in the College of Medicine. Students are expected to:

- 1) Be well read, exercise good judgement, and develop the skills necessary to be active learners in medical school and as future medical professionals;
- 2) Be self-motivated and seek out information to understand the many topics discussed in the curriculum;
- 3) Accept appropriate suggestions and criticism and, if necessary, respond by modification of behavior;
- 4) Behave with integrity and respect toward colleagues and faculty in all academic situations;
- 5) Adapt to changing environments, display flexibility, work for extended periods, and learn to function in the face of uncertainties inherent in the educational and clinical arenas;

- 6) Complete promptly all responsibilities attendant to the diagnosis and care of patients;
- 7) Develop appropriate professional relationships with patients;
- 8) Respect the rights of patients, colleagues, and other health care professionals, and safeguard patient and others' confidences within the constraints of the law;
- 9) Recognize a responsibility to participate in activities contributing to an improved society;
- 10) Obtain consultation, and use the talents of other health professionals when indicated;
- 11) Accept the responsibility to identify peers who are physically/emotionally impaired due to substance use/abuse in order that assistance might be given and patient harm might be prevented.
- 12) Continue to study, apply and advance scientific knowledge, make relevant information available to patients, colleagues and the public.

III. Specific Academic and Professional Misconduct

A) Cheating

A medical student must not cheat. Cheating is defined, but not limited to, the wrongful giving, taking or presenting of any information or material by a student with the intent of aiding himself/herself or another in any academic work. It is understood that because of the nature of the medical curriculum at the University of Kentucky College of Medicine, a certain amount of teamwork and sharing of information is necessary for completion of assignments; however, these situations will be clearly identified by the course instructor. Cheating on an examination can take a variety of forms including: 1) discussing the examination during the examination with anyone except the instructor or the instructor's substitute unless specifically authorized to do so by the instructor; 2) giving, receiving, or soliciting unauthorized aid during any examination, take-home examination, or make up examination before or after the regularly scheduled examination has been administered; 3) using materials in any examination except those which are specifically authorized by the instructor; 4) exchanging materials with another student during the examination unless authorized to do so by the written examination instructions; 5) violating any rules that the instructor has established for an examination period.

B) Plagiarism

A medical student must not plagiarize materials of others. Students' work is expected to be the result of their own thought, research or self-expression. Plagiarism is the act of presenting the information, ideas, organization or phrasing of another source without appropriate acknowledgement as one's own, either intentionally or because of gross negligence.

C) Interference with academic pursuits

A medical student will not engage in grossly negligent or intentional conduct, which interferes with the academic performance of any member of the College of Medicine.

D) Lying

A medical student will not deliberately misrepresent the truth. Lying includes gross negligence or intentional misrepresentation within the academic setting. Students must deal honestly with patients and colleagues, and strive to expose those medical students who engage in fraud or deception.

E) Stealing

A medical student must not intentionally take or acquire any property without permission. Stealing includes, but is not limited to: 1) theft or conversion of property belonging to the College of Medicine or to another member of the College of Medicine community; and 2) the misappropriation or destruction of property needed by other students for a specified academic endeavor. This offense includes removing academic resources, including items such as reserve articles, radiologic files, microscope slides, etc. from the library or an

equivalent reference area without checking them through the proper channels.

F) Grossly Disrespectful or Inappropriate Behavior

As members of the medical profession it is imperative that medical students recognize their responsibility to society and their patients and exhibit behavior representing high standards, polite etiquette, compassion and respect for human dignity. Disrespectful or inappropriate behavior to others is considered an infraction of this Professional Code. For the purposes of this Code, disrespectful behavior includes but is not limited to: cursing at patients/ancillary staff, degrading comments or actions, rude behavior, disrespectful nonverbal communications, fraudulent behavior, deception or willful neglect of patients. Sexual harassment, as defined by University Policy, is considered an infraction of this Code and shall be dealt with under established University Policy.

G) Substance Abuse

Medical students will not participate in the clinical setting while under the influence of a controlled substance not specifically prescribed for an illness/disorder. The clinical setting includes on-call responsibilities whether in house or home call. Medical students will not drink alcohol while on-call. Like any other profession, physicians are susceptible to the pitfalls that others in society face including substance abuse; however, when these situations put our patients at risk, it is a breach of this Code.

IV. Integrity of Professional Code

The basis of the code rests upon each student's acceptance of the responsibility to act honorably and to uphold the code of honorable conduct. For this system to be effective, each student must acknowledge that he or she will not accept dishonorable conduct among fellow students. Similarly, each student should be willing to testify as a witness in any proceeding related to the administration of this code, if called upon to do so. A student will not deliberately misuse the code. This offense includes:

- misusing the code to harass another student;
- failing to maintain rules of confidentiality and discretion for Professional Code Committee and Professional Code Panel proceedings.

Professional Code Committee - Procedure

Definitions

1. **Professional Code Committee (PCC)** - a standing student-faculty committee of the College of Medicine with the composition and charge noted below.
2. **Professional Code Advisory Panel (PCAP)** - an ad hoc group convened by the Professional Code Committee and consisting of members of the Professional Code Committee and students and faculty of the college, charged with investigating and making recommendations about a specific issue and/or case referred to it by the Professional Code Committee.
3. The Professional Code Committee will have complaints and concerns referred to it by its own membership and by members of the academic community. At times these complaints and concerns may include specifics about one or more named students; at other times, they will not. The Committee will take the complaints/concerns and redefine them as issues and/or cases. Anonymous information would be addressed as an issue. An **issue** is a general area of concern that needs to be addressed within the whole academic community or some portion of the community. A **case** is a specific concern or complaint about the actions and/or behaviors of one or more identified students.

Composition and Function

1. There will be a standing Professional Code Committee (PCC). The PCC will consist of one M1 student; two M2 students; three M3 students; four M4 students; one administrator; and four faculty members. Each year, by majority vote, the PCC will elect a third year student to serve as Vice-Chair of the committee. That individual will then serve as Chair during the subsequent year.
2. The M1 representative will be elected from the class in January. Each year in

spring each medical school class will elect another member of the PCC for the following year. Once elected, students will remain on the PCC until graduation, resignation by the student or removal of the student from the PCC by majority vote of the PCC. If there is more than one opening in a class in a given year, the class will elect more than one member in September.

3. The administrator member will be selected by the Associate Dean for Academic Affairs.

4. Faculty members will be proposed by the administration and confirmed by the majority of votes of ballots cast by the entire student body in the spring. Faculty service on the PCC will be from July 1-June 30. If a faculty member is on a PCAP at the time that his/her term expires, he/she may continue on the PCAP until the issue and/or case has been resolved. Initially four faculty (two basic science; two clinical) will be identified. One person each will have an initial term of one year, two years, three years and four years (decided by lot). After the initial assignment of faculty, subsequent faculty appointments will have a four-year term. A faculty may serve up to two consecutive terms on the PCC.

5. The PCC will have the charges of impacting the culture of the institution by regularly reviewing the Code; educating incoming students about the Code and regularly reeducating students, faculty and staff about the Code; participating in and providing leadership for Professional Code Advisory Panel hearings, and reviewing recommendations and decisions of the PCAP.

6. When a PCAP is convened, members of the PCC will be assigned to participate as noted below. PCC representatives and student community representatives on the PCAP may come from any of the classes, but any member should exclude him/herself from the Panel if there is a conflict.

Procedure

1. When a member of the academic community knows or suspects a Professional Code violation, they must do at least one of three things: a) confront the person/s suspected of violating the Code individually; b) confront the class as a whole; c) report the violation to the PCC. Individuals are encouraged to speak to suspected violator(s) individually as a first step, and are expected to behave professionally in the manner in which they pursue any/all of the above steps.

2. The PCC will have a regularly scheduled monthly meeting, which may or may not occur. In addition to its other activities, the PCC will consider any charges brought to it at this meeting.

3. A complaint or concern may be forwarded to the PCC by a student/faculty or administrator (including members of the PCC) in writing or by appearance at the committee meeting.

4. When a complaint or concern is received by the PCC, the following procedure will occur.

A. The full committee with a quorum (majority of members) present will consider the charge. All members may participate in discussion. Any member who perceives that he/she has a conflict will announce the conflict to the remaining members but may participate in the discussion after this announcement.

B. As a result of this discussion, the PCC will a) define the issue and/or case (which may include a decision that there is no issue and/or case); b) refer the issue and/or case to another institutional mechanism if deemed appropriate by the PCC; c) convene a PCAP if appropriate. As examples: 1) The PCC may consider a complaint against an individual, define the complaint as an issue not involving a specific case, and convene a hearing panel to consider the issue but not the specific complaint. 2) The PCC may receive a complaint, define a case and refer it to another university mechanism and convene a PCAP to consider an issue. 3) The PCC may receive a complaint, define a specific case and convene a PCAP to consider the case. Other examples are possible.

C. In general, if a case falls into another university mechanism the PCC is encouraged, but not required, to refer the specific case into that mechanism. This does not preclude the PCC from considering the broader issue raised by the case or convening a hearing panel to consider the broader issue.

D. If there is an accused party, she or he will be notified in writing of the concern and given the date of the hearing. An accused party is encouraged to participate in the Professional

Code Advisory Panel process but may refuse. If the accused party refuses to participate in a hearing Panel, this information will be conveyed to the PCC. The accused will be allowed to defer any examinations during this period if requested. The accused may work with the administrator member of the PCAP to identify other individuals who should present testimony at the PCAP.

E. Professional Code Advisory Panels will include a minimum of three members from the PCC (two students and one faculty) and a maximum of five members from the PCC (three students and two faculty); one of these students will chair the proceedings, another will serve as vice-chair. The administrator member of the PCC, or her/his designee, will sit on each PCAP. Remaining members of the PCAP will be randomly chosen from the student community; eight students (two from each class) will be identified. In order to preserve the integrity of the process, these students should be willing to be a PCAP participant. In general, PCAP members should not have a significant conflict with the particular case. Members with a significant conflict should remove themselves from the Panel. If a member questions the possibility of a conflict, they may present the question to the hearing panel and act on the judgement of the Panel. However, if an issue and/or case is one which involves an entire class or is such that it appears that members of an entire class group may be in conflict, this conflict will be announced, affected Professional Code Advisory Panel members will not vote on an issue and/or case, but members may participate in discussions and deliberations of the Panel. It is better to have full involvement of the student community with announcement of a possible conflict than to eliminate input from a large portion of the community. If a PCAP is considering a specific case, the accused student may identify perceived conflicts or other concerns regarding any Panel member to the chair. The chair may remove individual members of the PCAP if deemed appropriate.

F. Within five days of determining that an issue and/or case will be heard by a Panel, Panel membership will be defined, the person(s) subject to a case investigation (if any) will be notified, and a meeting (to take place within a two-week time frame) will be scheduled.

G. No attorneys will be present at the hearing panel. An accused may be present for all the testimony presented. The accused may be accompanied by a non-attorney faculty advisor. The PCAP will discuss and deliberate in executive session. Both the accuser (if any) and the accused may be present during or made aware of testimony presented at any testimony given to the panel.

H. A majority of members will constitute a quorum for a Professional Code Advisory Panel. The PCAP will investigate the charge as fully as possible through interviews with the accused, the person bringing the charges, and other individuals identified by the accused or the Panel. In general, witnesses will be present only to provide testimony. However, the Panel will deliberate in closed session. The PCAP may convene additional meetings but should schedule meetings so that any hearing panel convened to hear charges about an individual completes its work within six weeks of the first PCAP meeting considering the issue, whenever possible.

I. The Professional Code Advisory Panel shall reach a conclusion about a particular issue or case, when appropriate exonerate an individual either privately (or publicly should the individual chose), where appropriate identify corrective action for the educational community and/or the individual and, where appropriate, recommend that action to the accused. When there is an accused party, the goal of the Panel with regard to corrective action is to reach a consensus itself about the most appropriate corrective action and then reach agreement with the accused. Corrective action recommendations, which must be agreed to by an accused party prior to forwarding to the PCC, may include, but are not limited to, an oral warning, a service activity, suspension, withdrawal from school, and/or completion of a learning activity (e.g., paper or other project). Follow up of corrective action recommendations will be part of the PCAP report.

J. If agreement is reached about corrective action, the full PCC will be informed. The PCC should then implement the agreed action. If an accused party is unwilling to participate in the corrective action plan identified, or if the Panel cannot reach a consensus about the issue, the Panel will forward their findings, recommendations and other information to the PCC. The PCC may then refer the issue for consideration within other academic mechanisms, including those within the University, under the Health Sciences Student

Professional Behavior Code, or the technical standards rules.

K. Referral of an issue and/or case by the PCC to another committee can occur before a PCAP or after a PCAP. Referral of an issue and/or case conveys no conclusion of innocence or guilt. Only the issue and/or case is referred forward, not the deliberations or conclusions of the PCAP. Once an issue has been forwarded to another mechanism, the rules of that system shall be in place. An individual who participated in the Panel deliberations may be called and may provide testimony in another setting. However, this testimony may not include information about the deliberations, findings or recommendations of the PCAP.

L. The purpose of the PCAP is to identify and explore issues, improve the community, form a conclusion about individual behavior, and devise a plan to address and improve the behavior of individuals who have violated the standards of the Professional Code. The Panel proceedings are intended to be fair. When there is a disagreement, the Panel is intended to be a dispute resolution mechanism. The process is not intended to be legalistic. Attorneys are not to be present, and traditional rules of evidence are not enforced.

However, any accused is considered innocent until a majority of hearing panel members believe that guilt has been established by a preponderance of the evidence.

M. It is expected that all participants of the PCC and Panels will: keep all proceedings about a specific case confidential; keep all information that may be damaging to an individual that surfaces during exploration of an issue confidential; and use discretion in discussing all other matters that surface during deliberations.

Revised 3/31/2000

Implementation: Fall Semester, 2000

The revised Honor Code has been approved by the Senate's Admissions and Academic Standards Committee and the University Senate Council. If approved, the proposal will be forwarded to the Rules Committee for codification.

US Agenda Item: Med School Honor Code 4.10.00