

06/18/07

HEALTH CARE COLLEGES CODE OF STUDENT PROFESSIONAL CONDUCT

~~This version of the Health Care Colleges Code Of Student Professional Conduct supersedes all previous versions. Students in the Health Care Colleges will be held to the standards in the most recent version of this Code as approved by the president.~~

ARTICLE 1: INTRODUCTION

Rationale

The credibility of a health care professional is based, to a large extent, on maintaining a high degree of trust between the professional and the individuals he or she serves. Each health profession has a code of professional conduct administered by a professional organization and/or regulatory agency that prescribes and imposes high standards of conduct and principles of professionalism upon its members. Students must understand and adhere to these standards during their education in preparation for careers in which they must conduct themselves in the manner expected by their profession. Consequently, students in the health care colleges have a particular obligation to conduct themselves at all times in a manner that reflects appropriate professional moral and ethical character, ~~morals, and ethics.~~

This Health Care Colleges Code of Student Professional Conduct (HCC Code) provides the standards of professional conduct and procedures to be ~~followed~~used when ~~re~~rise questions arise about the of moral or ethical character, ~~morals, or ethics, to be defined in terms of professional conduct, arise regarding of~~ a student enrolled in courses or programs, including clinical programs, in the health care colleges. For guidance and matters of interpretation of standards or propriety of conduct in this HCC Code, the professional standards and interpretations promulgated by organizations representing the professions and bodies that grant licensure and/or certification were consulted and considered.

Applicability

The purpose of the ~~Health Care Colleges Code of Student Professional Conduct~~ (“HCC Code”) is to provide a professional behavior code that ~~applies~~will apply uniformly to all students enrolled in a degree program, leading ultimately to a profession requiring licensure or certification, offered by any of the health care colleges ~~professional students health care college~~ (“HCC students”). These health care colleges are: Dentistry, Health Sciences, Medicine, Nursing, Pharmacy, and Public Health.

This HCC Code shall also be applicable to students in professional and/or clinically related programs for which there is joint responsibility between a health care college and the graduate school. Examples of such joint responsibility programs include (but are not limited to) Masters degrees in Clinical Laboratory Sciences, Communication Disorders, Dentistry, Nursing, Physician Assistant Studies, Public Health, Radiation Sciences, and

Doctoral programs in Nursing, Physical Therapy and Rehabilitation Sciences.

Applicability

Article II of the revised University of Kentucky Code of Student Conduct (“UKCSC”) states: “The Code does not cover decisions of the faculty of a professional school as to character, moral or ethical, required of a student for purposes of awarding a degree or certificate, or for continuation as a candidate for such degree or certificate.” The jurisdiction of this HCC Code extends to ~~(1) violations of the UKCSC solely to the extent that the behavior reflects on the character, morals, or ethics of the student enrolled in a health care college program (see defined below) and (2) the~~ commissions of acts on- or off-campus that ~~are not considered as violations of the UKCSC, but that~~ reflect adversely on the moral and ethical character, ~~morals, or ethics~~ of the enrolled HCC student, independent of whether or not such acts are judged to be violations of the UKCSC.

~~The purpose of this Code is to provide a professional behavior code that applies will apply uniformly to all students enrolled in a degree program, leading ultimately to a profession requiring licensure or certification, offered by any of the health care colleges professional students, hereinafter called “health care college HCC students,” at any stage of their educational program in the health care colleges. These health care colleges are: Dentistry, Health Sciences, Medicine, Nursing, Pharmacy, and Public Health. ~~Professional degree or health care college students will be defined here as those students at any stage in the curriculum whose course of study will lead ultimately to a profession requiring licensure or certification.~~~~

Written Acceptance

~~At the start of each academic year, all students shall be asked to sign a statement acknowledging that they received a copy of this Code, read it, and agree to uphold this Code and abide by its principles. The signed statements shall be returned to the appropriate health care college office within five working days of a student’s starting classes. Failure to return the signed statement does not remove the student from being covered by this Code. The signed statement shall be placed in the student’s permanent file.~~

ARTICLE 2: STANDARDS

A health care college student shall be expected to adhere to accepted standards of professional practice.

All health care college students must possess the qualities of appropriate professional moral and ethical character, ~~morals, and ethics~~. Each student must apply these standards to his or her academic career as well as his or her professional career. A student's continued enrollment shall depend on the student's ability to adhere to recognized standards of professional practice and conduct. The standards are drawn from the duly legislated practice acts of the professions that have educational programs in the health care colleges of the University.

Violation of one or more of the standards shall be sufficient grounds for the dean of the appropriate health care college to initiate a review of the status of the student's continued enrollment in courses or programs of the College.

ARTICLE 3: PROHIBITED CONDUCT

This Article summarizes a representative, but non-comprehensive, list of violations of this HCC Code that are punishable, disciplinary offenses. The list includes items specific to the training programs of the health care colleges as well as those in the UKCSC. Some overlap among items is to be expected. At a minimum, health care college students shall ~~avoid the following~~not:

1. Commit ~~A~~any offenses enumerated under the UKCSC to the extent that the violation reflects adversely on the student's professional moral and ethical character;
- ~~1.2. Misappropriation~~ Misappropriate and/or illegally use of drugs or other pharmacologically active agents;
- ~~2.3. Engage in~~ Aany condition or behavior that may endanger clients, patients, or the public, including failure to carry out the appropriate or assigned duties, particularly when such failure may endanger the health or well-being of a patient or client;
- ~~3.4. Engage in~~ Bbehavior or action that deceives, defrauds, or harms the public and/or the public's perception of the profession;
- ~~4.5. Falsify~~ ing or, through negligence, making incorrect entries or failing to make essential entries in health records;
- ~~5.6. Deliberately~~ deception ~~deceive~~ of a patient or client through failure of the health care college student to identify his or her student's status unequivocally to the patient;
- ~~6.7. Failure~~ to maintain client or patient confidentiality including failure to follow HIPAA standards;
- ~~7.8. Obtain~~ ing any fee by fraud or misrepresentation;
- ~~8.9. Behave in a manner that results in~~ Removal ~~removal~~ or suspension from any clinical setting by appropriate administrative authority for unprofessional conduct.
- ~~9.10. Commission~~ Commit of any act that has the effect of bringing the health care college student, the University, or the student's intended profession into disrepute. These include, but are not limited to, any departure from or failure to conform to the standards of acceptable and prevailing professional practice, and any departure from or failure to conform to the principles or code of ethics recognized by the licensing, certifying, or professional association or agency of the health care college student's intended profession.

~~10.11.~~ Use of communication systems in whatever form in an intimidating, harassing, or illegal manner, or in a manner designed to interfere with or disrupt the educational process.

~~11.12.~~ Any Engage in any course of conduct, act, or omission that would be considered unprofessional conduct as a basis for discipline under the professional standards applicable to the profession for which the health care college student is in training.

13. Failure to report a felony conviction pursuant to Article 4 in this HCC Code.

~~12. Violation of conditions imposed in connection with one or more of the sanctions enumerated in this Code~~

~~13. Attempts to commit acts prohibited by this Code, or by the UKCSC, may be punished to the same extent as completed violations:~~

~~14. Assisting in attempts and/or in the commission of acts prohibited by this Code, or by the UKCSC, may be punished to the same extent as committing completed violations:~~

~~15. Offenses enumerated under the UKCSC, to the extent that the offense reflects adversely on the character, morals, or ethics of the student; the offenses under the UKCSC are as follows:~~

- ~~a. Interference, coercion or disruption that impedes, impairs or disrupts University missions, processes or functions or interferes with the rights of others. The following, while not intended to be exclusive, illustrate the offenses encompassed herein: occupation of any University building or property, or part thereof, without authorization by the University; blocking the entrance or exit of any University building or corridor or room therein; setting fire to, or by any other means, damaging any University building or property or the property of others on University premises; any possession or display of, or attempt, or threat to use firearms, explosive or other weapons upon University property without University authorization; prevention of the convening, continuation or orderly conduct of any University class or activity or of any lawful meeting or assembly upon University property; blocking normal pedestrian or vehicular traffic on University property; and failure to vacate premises when ordered to do so by a University official.~~
- ~~b. Use, possession, or distribution of narcotic or dangerous drugs, except as expressly permitted by law.~~
- ~~c. Disorderly, abusive, drunken, violent or excessively noisy behavior or expression.~~
- ~~d. The threat or commission of physical violence against self or other persons.~~
- ~~e. The commission of acts or the implementation of programs or activities that constitute a violation of local, state or federal law.~~
- ~~f. Failure to comply with directions of University officials acting in the performance of their duties.~~

- ~~g. Falsifying, altering or forging any official University records or documents, employing official University documents or records for purposes of misrepresentation, or causing any official University documents or records to be falsified by means of any misrepresentation.~~
- ~~h. Hazing by any action taken or situation created, intentionally or recklessly, whether on or off University premises, to produce mental or physical discomfort, embarrassment, harassment, or ridicule. Such abusive activities and situations may include, but are not limited to the following: illegal or harmful use and/or forced consumption of food, alcohol or drugs; paddling in any form; creation of fatigue; personal servitude; physical and/or psychological shocks; wearing apparel which is conspicuous and not normally in good taste; engaging in public stunts and buffoonery; degrading or humiliating games and activities; sleep or food deprivation; any meetings which unreasonably interfere with scholastic activities; and/or any other activities which are not consistent with the regulations and policies of the University of Kentucky.~~
- ~~i. Knowingly passing a worthless check or money order to the University or to a member of the University community acting in an official capacity; recurring financial obligation and nonpayment of debts to the University.~~
- ~~j. Theft of property or services; knowingly possessing stolen property.~~
- ~~k. Possessing a deadly weapon without authorization of the Dean of Students.~~
- ~~l. Defacing, disfiguring, damaging or destroying public or private property.~~
- ~~m. Giving false testimony or other evidence at any official hearing of the University or giving false information to any faculty or staff members acting in the performance of their duties.~~
- ~~n. Bribing any University employee or student officials.~~
- ~~o. Harassing anyone present on University property.~~
- ~~p. Providing information to individuals involved in organized gambling activities concerning intercollegiate athletics competition; or participating in any gambling activity that involves intercollegiate athletics or amateur athletics, through a bookmaker, a parlay card or any other method employed by organized gambling.~~
- ~~q. Violation of conditions imposed in connection with one or more of the sanctions enumerated in Article II, Section 11 of the Code of Student Conduct.~~
- ~~r. Violation of other published University regulations or policies. Such regulations or policies include, but are not limited to, policies regarding computer use, alcohol, hazing, entry and use of University facilities as well as regulations governing student organizations and residence halls.~~

ARTICLE 4: STUDENT'S OBLIGATIONS

A student who is subject to the jurisdiction of this Code shall report to the dean of the applicable

health care college, prior to enrollment in classes for a semester, if the student has been convicted of a felony crime. Further, during the academic year, a student shall notify the dean of any felony conviction within ten days of such conviction. Failure to make a timely notification under this Article shall be a violation of the "Prohibited Conduct" section of this Code.

ARTICLE ~~45~~: JURISDICTION

A ~~health care college~~HCC student enrolled in a course or program in a health care college shall be subject to the jurisdiction of this HCC Code, the UKCSC, and the Selected Rules of the University Senate of the University of Kentucky (hereinafter Selected Rules). If a violation of the UKCSC and also one or both of the other above referenced codes or rules allegedly has been committed in the same set of circumstances or facts, the dean of the health care college in which the student is enrolled and the University's Dean of Students or Academic Ombuds, as applicable, will consult, investigate the circumstances at issue, and pursue the case in accordance with the appropriate procedure(s) and authorities.

A decision taken by a dean of a health care college under this HCC Code shall not preclude or be precluded by any action for which the health care college student may be liable for the same or a related offense under the UKCSC, the Selected Rules, or behavioral standards that may have been established in any specific course.

A decision taken by a dean of a health care college under this Code shall not preclude any action by legal authorities outside the University.

ARTICLE ~~56~~: ADMINISTRATIVE PROCESS AND SANCTIONS

Preliminary Meeting with the Dean

When a dean of a health care college, after an appropriate, preliminary investigation into an alleged violation of the standards, believes a health care college student has violated the standards or engaged in a violation of the HCC Code, the dean shall notify the student by first class mail that the student is charged with one or more specific violation(s). A student accused of violations of this HCC Code is subject to an informational meeting with the dean of the student's college or authorized designee. When a student fails to respond to proper notification of an informational meeting or fails to attend a scheduled meeting within the specified period, the dean or authorized designee may deem that the student has denied responsibility for the pending charges and refer the matter to the hearing committee chair to convene a hearing panel.

At the informational meeting the accused student will be asked to state whether s/he is "responsible" or "not responsible" for the alleged violation. The student shall not be compelled to give testimony that might tend to be incriminating and a student's refusal to do so shall not be considered evidence of guilt. Information obtained from the student during this informal meeting is confidential and inadmissible in any disciplinary hearing of the University except in cases where the student withdraws his/her admission of responsibility or refuses to comply with the sanction proposed by the dean.

When a student accepts responsibility for an alleged violation, the dean or authorized designee shall counsel the student and outline proposed disciplinary action as defined in the section on *Sanctions* below of this HCC Code. When a student denies responsibility for an alleged violation or withdraws from or refuses to comply with the proposed sanction, the dean or authorized designee shall forward the reports and evidence concerning the case to the hearing committee chair to convene a hearing panel.

~~When a dean of a health care college, after an appropriate, preliminary investigation into an alleged violation of the standards, believes a health care college student has committed a violation of the standards, the dean shall:~~

- ~~1. Notify the student in writing at a meeting or by first class certified mail that the student is charged with one or more specific the violation(s); of one or more of the standards; 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.~~
 - ~~c. The student shall not be compelled to give testimony that might tend to be incriminating and a student's 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 Hearing Committee.~~
 - ~~e. The student shall have the right to appeal the decision of the dean to the Provost.~~
 - ~~f. The student shall enjoy all other rights at the time of notification of charges cited above, including continued enrollment and participation in classroom and clinical activity, unless specifically prohibited by the dean of the student's health care college.~~~~

Hearing Committee and Procedures

~~If a student in a health care college were to deny an alleged violation(s) of this Code, a hearing committee shall be convened to examine the alleged violation(s) and to make recommendations to the dean.~~

At the beginning of each academic year, the dean of each health care college shall appoint

eighteen (18) members to serve on a college hearing committee, consisting of ten (10) college faculty members, at least six (6) of whom teach in patient-care settings and none of whom has an administrative appointment in the college, and eight (8) students in good standing who have completed two years of their professional degree requirements and whose names are among those provided by the college's Student Advisory Council or equivalent body. The dean shall designate a hearing committee chair and alternate chair from among the faculty appointees. The alternate chair will serve in the absence of the chair.

1. The chair, or alternate chair in the chair's absence, dean shall appoint a Hhearing panel Committee with representation from the following groups among the hearing committee membership:

a. Two-Three faculty college faculty members, at least two (2) of whom teach in a patient-care setting, and none of whom has a current academic or supervisory relationship with the student; and who are selected by the dean on the basis of their experience and ability to render an impartial judgment;

b. One representative of the college's full-time, tenured faculty who is not a college or divisional administrator, who has no current academic or supervisory relationship with the student, and who is chosen and appointed by the dean; and

be. Two students, in good standing who are within twelve (12) months of completing their professional degree requirements and whose names are among those provided by the college's Student Advisory Council or equivalent body.

2. The chair, or alternate chair in the chair's absence, dean shall designate one of the faculty representatives to be the Chair of the Hearing Committee. The Chair shall:

a.b. convene the hearing panel Committee within fifteen (15) working calendar days of the dean's receiving the student's written request for a hearing;

b. obtain but not share the previous disciplinary record, if any;

c. conduct the hearing but not participate as a voting member of the hearing panel except to cast a tie-breaking vote;

de.e. provide the dean with a report of the Hhearing panel's Committee's actions, findings and recommendations.

3. A meeting with at least four (4) members of the Ccommittee present shall constitute a quorum of the panel. The chair or the alternate chair must be present for the hearing panel to conduct its business.

4. The Hhearing Ccommittee chair shall establish procedural rules that shall ensure the orderly conduct of the panels' its functions. The chair Hearing Committee shall maintain a

~~written~~ record of ~~its~~ the hearing panel's proceedings and, at the appropriate time, forward the record to the Dean of Students, who shall determine its proper disposition.

5. The standard that shall be applied in all cases brought before a hearing panel ~~the Hearing Committee~~ is that a ~~guilty~~ finding of responsibility requires that the preponderance of the evidence against the accused student in the majority opinion of a panel ~~the Committee~~ warrants the finding.

6. A student shall be guaranteed the following rights in all proceedings of a hearing panel:

a. The student shall have the right to a fair and impartial hearing in all proceedings of any hearing panel.

b. The student shall not be compelled to give testimony and refusal to do so shall not be considered evidence of responsibility for an alleged violation.

c. The student shall be informed in writing of the reasons for appearance before any hearing panel and given sufficient time to prepare for the appearance.

d. The student shall be entitled to receive, upon written request, a copy of all rules and procedures governing the hearing panel at least 72 hours prior to appearance before the panel.

e. The student shall have the right to hear and question all witnesses and present witnesses of the student's choice.

f. The student may be present, if he or she desires, to listen to all individuals called by the Committee as part of its actions. The student may be assisted by one advisor. The role of the advisor shall be limited to providing advice to the accused student. Even if accompanied by an advisor, an accused student shall personally respond to inquiries from the hearing panel chair or panel members. In consideration of the limited role of an advisor, and of the compelling interest of the college to seek an expeditious conclusion to the matter, a panel hearing shall not, as a general practice, be delayed due to the unavailability of an advisor.

g. The student may request that any member of a hearing panel be disqualified on the ground of personal bias.

h. The student shall have access to the record of the hearing.

i. The student shall be notified by the chair of hearing panel's composition with sufficient time before the date of the hearing to permit the student to identify any member of the panel who in the opinion of the student has a conflict of interest and recommend the member be recused. The chair shall have the authority to exclude any hearing panel member whom the chair determines has a conflict of interest or the appearance of a conflict of interest with a case.

6. The hearing may be open or closed, according to the accused student's choice as specified in the student's request for a hearing.

7. ~~The student may have an advisor of the student's own choice who may advise the student and speak on the student's behalf; however, neither the student nor the student's advisor may examine any witnesses or Hearing Committee members unless permitted by the Chair. The H~~ hearing panel's Committee's meeting(s) will ~~cannot~~ be ~~tape~~ recorded, but not the supplemental proceedings.

8. ~~The student may be present, if he or she desires, to listen to all individuals called by~~

~~the Committee as part of its actions. Any questions the student may wish to ask of these individuals shall be furnished in writing to the Chair who shall have sole discretion in determining whether these individuals shall be asked these questions.~~

9. The ~~H~~hearing panel ~~C~~Committee shall reconvene in a ~~S~~supplemental ~~P~~proceeding, not attended by the student and/or his or her advisor, to discuss and determine whether or not a violation of ~~this HCC Codee standards~~ has occurred and if so, to recommend sanction(s). The ~~C~~college's Office of Student Affairs or equivalent will obtain past records of offenses from the University Registrar and the Dean of Students. The information obtained shall be shared with the hearing panel chair, if the student is found responsible for a violation of this HCC Code. Both the accused and the complainant may submit relevant evidence or make relevant statements regarding the appropriateness of a specific sanction. The Chair shall convey these statements and records, if any, to the entire hearing panel Committee at the Ssupplemental Pproceeding.

10. The student shall enjoy all other rights specified at the time of notification of charges, cited above.

Reporting Procedures

Written, hard-copy communication is preferred.

Electronic mail (e-mail) is an accepted official form of written communication in the health care colleges. E-mail may be used to communicate information regarding ~~this HCC Code. ethics code policies and procedures.~~ E-mail correspondence between members of the hearing panel Committee and other necessary parties regarding a case under consideration should be discouraged.

Hearing Committee Report

~~At the conclusion of its deliberations, The the H~~hearing panel ~~C~~Committee, ~~after concluding its hearings in order to review evidence and interview individuals involved in a case and after holding a Supplemental Proceeding to recommend sanctions, if any,~~ shall provide a written report to the dean within seven (7) working days that summarizes whether or not a violation of the standards has occurred. ~~within seven (7) working days.~~ If the ~~H~~hearing panel ~~C~~Committee determines that a violation has occurred, ~~it the Committee~~ shall recommend an appropriate sanction to the dean in its written report. If the hearing panel Committee determines that insufficient evidence exists to conclude that a violation of the standards has occurred, it shall also notify the dean in writing of this finding.

Role of the Dean

The dean shall accept and ~~may shall~~ not reverse the determination of the Hearing Committee as to whether or not a violation of the standards occurred. The dean shall, however, have considerable latitude in implementing the sanctions recommended by the Hearing Committee. The dean may impose a sanction that is less than, the same as, or greater than that recommended by the Committee. The dean shall notify the student in

writing by ~~first class~~certified mail of the decision within seven (7) working days following the receipt of the Committee's report. The dean's decision shall be final unless appealed by the student.

Sanctions

All disciplinary sanctions imposed upon students are cumulative in nature and shall be recorded in the student's disciplinary record, which shall be housed in the Office of the Dean of Students. All prior disciplinary actions noted in a student's file may be used in subsequent cases of code violations committed by that student and may result in more severe consequences than would otherwise have been the case.

Sanctions imposed by a dean for violation(s) under this Code shall include one or more of the following:

1. a written warning, including statements on expectations for future professional conduct and consequences if a subsequent violation of the HCC Code occurs;
2. a requirement that the student accede to sanctions such as but not limited to restriction of access to specific areas of campus, ~~monetary penalty~~, monetary reimbursement, public or community service, research projects, compulsory attendance at education programs, compulsory psychiatric/psychological evaluation and counseling, such as alcohol and drug counseling;
- ~~3. academic probation with specific conditions;~~
- ~~34.~~ suspension from a college or suspension from that college's courses or programs for a defined period;
- ~~45.~~ dismissal from a college with possible readmission under conditions specified at the time of dismissal and with specified approval of the appropriate college committee and dean at the time of readmission; and
- ~~56.~~ termination as a student and/or candidate for professional degree or certificate without the possibility of readmission to that college.

ARTICLE ~~67~~: APPEAL

A student who is found responsible for a violation of this HCC Code and is sanctioned with suspension, dismissal or termination from the health care college in which the student is enrolled may appeal in writing to the chair of the HCC Code Appeals Board (herein HCCAB). The written appeal shall be submitted to the chair or postmarked, if mailed to the chair, within seven (7) working days of the receipt of the decision rendered by the college dean.

The written appeal shall clearly state the reason for appeal. Acceptable reasons for an appeal are an assertion and evidence that:

1. Due process rights have been violated through the HCC Code hearing process;
2. The sanction is inappropriate for the infraction for which the student was found responsible; or
3. There is information that was unavailable at the time of the original hearing which would alter the determination of responsibility, or which would alter the sanction.

HCCAB

A. Jurisdiction

The HCCAB shall hold appellate jurisdiction over students matters involving alleged violations of the HCC Code, except that if the HCCAB hearing panel, by majority of those present, decides the student's rights have been substantially violated, the HCCAB hearing panel has original jurisdiction on the issue of responsibility.

B. Composition of the HCCAB

1. The HCCAB shall consist of twenty-five (25) members from the health care colleges, comprised of fifteen (15) faculty members, at least ten (10) of whom teach in patient-care settings and none of whom has an administrative appointment in the college, and ten (10) students in good standing who have completed two years of their professional degree requirements and whose names are among those provided by the college's Student Advisory Council or equivalent body, and a hearing officer who shall be the chair.
2. A hearing panel of the HCCAB shall consist of nine (9) members, at least five (5) of whom are faculty members, at least one (1) of whom is a student, and a hearing officer, who shall be the chair. No member of an HCCAB hearing panel may serve on the college hearing panel and the HCCAB hearing panel in the same case.
3. A quorum of the hearing panel for the conduct of business will be seven (7), at least five (5) faculty members (exclusive of the hearing officer) and at least one (1) student. The hearing officer must be present for the hearing panel to conduct its business.

C. Appointments to the HCCAB

1. The Hearing Officer

The hearing officer shall be the chair of the hearing panel and shall be a person with training in the law appointed by the Provost for a three-year term, subject to reappointment. The term shall begin on September 1, and end August 31. The

hearing officer shall establish a written set of procedures for the conduct of HCCAB hearings, which is consistent with the policies enumerated in Article I, Section 7 of the UKCSC. The hearing officer shall convene and preside at all meetings of the hearing panel, but does not vote as a member of the hearing panel except to cast a tie-breaking vote. All questions of the law, either substantive or procedural, and all procedural questions shall be addressed to and ruled upon by the hearing officer. The hearing officer shall have the authority to exclude any hearing panel member whom the hearing officer determines has a conflict of interest or the appearance of a conflict of interest with a case.

2. The Student Members

- (a) The student membership of the HCCAB shall be appointed to one-year terms, subject to reappointment. Their terms shall begin May 1 and end April 30.
- (b) The student membership shall consist of eight (8) professional students and two (2) graduate students. The student members must be full-time students currently enrolled in a health care college, have been in residence at least two years and be in good academic and disciplinary standing.
- (c) The Provost shall appoint student members to the HCCAB from the recommendations submitted by the Student Government Association and deans of the health care colleges. Five (5) student members shall be appointed from those names submitted by the Student Government Association and five (5) members from those names submitted by the college deans, totaling ten (10) student members.

3. The Faculty Members

Faculty members of the HCCAB shall be appointed to staggered three-year terms by the Provost upon the recommendation of the Senate Council. All terms shall begin on September 1 and end on August 31. To minimize the possibility of a conflict of interest, faculty members with primary administrative appointments (more than fifty percent of their assignment allotted to administration) shall not be appointed to the HCCAB.

4. Temporary Appointments

- (a) If a sufficient number of the members of the HCCAB are not present or have been determined by the hearing officer to have a conflict of interest or the appearance of a conflict of interest at any time when that Board has duties to perform, the Provost or, in the Provost's absence, the Executive Vice President for Health Affairs, shall make such temporary appointments as are necessary to ensure that the required number of members are present. Such temporary appointments need not be preceded by the recommendations otherwise provided herein. However, in no case shall a faculty member replace a student

member or a student member replace a faculty member.

(b) If, at any time, in the judgment of the hearing officer, there are sufficient cases pending before HCCAB that it is unlikely that the pending cases can be processed within the time prescribed, the hearing officer shall notify the Provost of that fact. The Provost may, in accordance with the above provisions of the HCC Code, activate additional boards and appoint a hearing officer for each such additional board, or appoint additional boards and hearing officers for designated cases and time periods.

(c) The authority, jurisdiction, and range of possible actions of, and the guaranteed rights of an accused person before any special board or panel appointed or activated under the terms of (a) or (b) above shall be the same as those applicable to the regularly constituted board or panel.

D. Disposition of Cases – Authority

The HCC Appeals Board shall render a prompt decision after receipt of the appeal. The HCC Appeals Board may uphold the decision of the hearing officer or modify the decision by reducing or increasing the level of sanctions imposed and/or modifying any terms and conditions of the initial sanctions. The imposition of sanctions shall be deferred during the review unless, in the discretion of the Vice President for Student Affairs or authorized designee, 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. Decisions of the HCCAB are final.

~~A health care college student has the right to appeal a decision of the dean, unless waived, to the Provost within seven (7) calendar days of the date of student's receipt of written notification of the dean's decision.~~

~~The written appeal shall clearly state the reason for appeal. Acceptable reasons for an appeal are an assertion and evidence that [a] due process rights have been violated through the University Disciplinary Hearing Process; [b] the sanction is inappropriate for the infraction for which the student was found responsible; or [c] there is information that was unavailable at the time of the original hearing that would alter the determination of responsibility or which would alter the sanction.~~

~~The Provost shall review the dean's decision on only those grounds which are cited in the appeal and for which written documentation is submitted with the health care college student's written request for an appeal.~~

~~The Provost's decision, made within fifteen (15) working days of the receipt of request for an appeal, shall be final.~~

~~The Provost's decision shall be recorded in writing and made a part of the student's permanent record. The Provost shall notify the student by certified mail, with a copy to the~~

~~dean of the college.~~

ARTICLE ~~78~~: DISCIPLINARY FILES AND RECORDS

~~The A~~ record of disciplinary ~~cases actions~~ will be maintained in the Office of the Dean of Students ~~by the appropriate dean or his or her designee.~~

The file of a health care college student charged with or found responsible for any violations of this Code will be retained as a disciplinary record for seven (7) years following the incident or five (5) years after the last semester enrolled, whichever is longer. ~~The student's record may be shared with another institution to which the student may transfer only if the student approves the release of his or her records from the University of Kentucky.~~

ARTICLE ~~89~~: AMENDMENT OF THE HEALTH CARE COLLEGES CODE OF STUDENT PROFESSIONAL CONDUCT~~STUDENT PROFESSIONAL BEHAVIOR CODE~~

This HCC Code shall be amended only by the Board of Trustees. Responsibility for proposing revisions is delegated to a committee appointed by the Provost with input from students, faculty and administrators from the health care colleges. The composition of the committee and the procedures it follows shall be determined by the Provost. Nothing included above shall be construed as a limitation upon the Provost or the President of the University to propose changes without reference to a committee.

~~As an Administrative Regulation, supplementary to the Governing Regulations of the University of Kentucky, amendment of the Health Sciences Student Professional Behavior Code shall be recommended by the Chancellor for the Medical Center, after consultation with Medical Center deans and other administrators, to the President with final approval of all amendments to be made by the Board of Trustees~~