

FACULTY OF HEALTH STUDIES

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| Subject: | Professional Conduct Review | Date: | September 30, 2004 |
| Department: | Nursing/Psychiatric Nursing | Revised: | May 28, 2012 |
| Program: | BN/BScN BScPN/BScMH | Reviewed: | September 23, 2015 |

RATIONALE:

Students in the Faculty of Health Studies are expected to provide safe and ethical care to their clients. This means that clients must not be harmed or placed in positions of undue risk because of incompetent (see Students Experiencing Difficulty in Clinical Practice policy), unsafe (see Unsafe Clinical Practice & Debarment policy) and/or unethical conduct. In addition, other students, faculty members and other support staff, or members of the Faculty of Health Studies, Brandon University and the community-at-large, must not be harmed or placed in positions of undue risk because of unethical and/or unsafe conduct of a student. Where concern about the conduct of a student exists, a mechanism must also exist to effectively assess and respond to the matter, such that the student is treated fairly, and clients, colleagues, and others are protected.

POLICY:

Students at the Faculty of Health Studies are required to conduct themselves in an ethical manner in all program-related situations. Failure to adhere to expected standards of ethical conduct will result in disciplinary consequences, which may include expulsion from the specific program of studies. The standards of practice and codes of ethics that guide the relevant profession will be considered in the decision-making process, as will standards and codes existent in the particular program of study and at Brandon University.

Grounds for disciplinary action are:

1. Conduct that if participated in by a registered practitioner of the profession would result in suspension or expulsion from the profession, or other disciplinary action available to the governing body of the profession.
2. Failure to perform at the level of preparation in any clinical setting.
3. Interference in professional functioning because of self-interest.
4. Behaviour with respect to other students, colleagues, faculty, supervisors or the public that is exploitative, irresponsible or in other ways harmful or destructive.

PROCEDURE:

Any person may submit a complaint or a concern about the program-related conduct of a student by writing to the Chair of the Department in which the student is enrolled. On receipt of the written complaint:

1. The Chair will inform the Dean of the Faculty of Health Studies within five (5) working days (working days means Monday to Friday with the exception of specified university holidays), and in consultation with the Dean, will determine if the complaint falls under the purview of the policy on Professional Conduct Review, the policy on Academic Dishonesty and Misconduct or the policy on Students Rights and Responsibilities (See Board of Governors and Senate policies). It may also be determined that the complaint should be addressed in some other reasonable, responsible, and appropriate manner.
2. On determining that the complaint merits formal process, the Department Chair will notify the student in writing of the complaint and the manner in which it will be processed. Within five (5) working days, the Department Chair will then ensure that the complaint is forwarded to the appropriate authority for resolution.
3. If it has been determined that the complaint falls under the purview of the policy on Professional Conduct Review, the complaint will be forwarded to the Chair of the Professional Conduct Review Committee.
4. Within 20 working days of receipt of the complaint, the Chair of the Professional Conduct Review Committee will convene a meeting of the Committee to initiate the process to address hearing the complaint.
5. Within five (5) working days of the meeting, the Chair of the Professional Conduct Review Committee shall provide the student with a copy of the complaint and any documents that will be reviewed by the Committee. The Chair will inform the student of the date, time and place at which the complaint will be reviewed. The student will also be informed of the range of decision-making outcomes open to the Committee, and that he or she may attend the meeting, along with a chosen representative, if so desired. The hearing shall occur within twenty (20) working days of the notice of meeting.
6. The complainant will be invited to the proceedings of the Committee, but in any circumstance, may be asked to submit additional documentation or information to support or clarify the original complaint.
7. After reviewing the complaint, the Professional Conduct Review Committee will develop a recommendation that will be forwarded to the Department Chair for information, and to the Dean of the Faculty of Health Studies for approval and implementation.
8. The Dean will inform the student in writing about the decision on resolution of the complaint.
9. A decision that restricts, suspends, or terminates the student's status in his or her program of studies will be forwarded to the Brandon University Registrar by the Dean.
10. Appeal: The student may appeal the decision of the Dean within forty-five (45) working days of the date of the decision to the Vice-President (Academic) whose ruling on the matter shall be final.

Note: The Dean of the Faculty of Health Studies shall maintain records of all procedural steps.

PROFESSIONAL CONDUCT REVIEW COMMITTEE

PURPOSE:

The purpose of this committee is to receive and hear specific, formal complaints pertaining to the conduct of a student; to review the complaint(s); and to make recommendations regarding a course of action to the Dean of the Faculty of Health Studies. Recommendations will be based on consideration of the codes of ethics and standards maintained by the appropriate professional body, as well as on other pertinent codes and standards, and on the Committee's assessment of harm and/or risk for harm.

Recommendations that may be made by the Committee are:

- Dismissal of the complaint.
- A written reprimand with conditions established for continuance in the specific Health Studies program, and consequences described where those conditions are not met.
- Suspension from the Faculty of Health Studies for a specified period of time.
- Suspension from the Faculty of Health Studies for a specified period of time with conditions for continuation on return.
- Expulsion from the specific program at the Faculty of Health Studies.
- Such other recommendations as the committee may see fit.

PROCEDURE:

In accordance with the policy and procedures on Professional Conduct Review, and on receipt of a written complaint from a Department Chair at the Faculty of Health Studies, the Chair of the Professional Conduct Review Committee will convene a Committee meeting to review the complaint and develop recommendations.

Committee Proceedings:

- Members of the Committee shall be bound by confidentiality in respect to the information received in Committee.
- The Chair of the Committee shall inform Committee members of the nature of the complaint and make supporting documents available to members. The complainant may make a presentation to Committee members.
- The student named in the complaint shall be given an opportunity to respond to the complaint, and will be permitted to have a selected representative present at the Committee proceedings. The student and his/her representative may only speak with the permission of the chair. The student will inform the committee of the name and title of the selected representative at least five days in advance of the hearing
- Where the student named in the complaint fails to attend the hearing he/she forfeits the right to participate in this step of the process.
- The complainant and the student have the right to submit documentation from others who may be able to bear witness.
- The student, the complainant and the committee members have the right to see

- whatever documentation is available in advance of the hearing.
- Committee members may ask questions of the complainant and student, and of appropriate others in order to obtain additional information and clarify understandings.
 - The complainant, the student and the student's representative have the right to request further information through the chair of the committee.
 - On hearing the positions of the complainant and the student, and on reviewing all other pertinent documents and sources of information, Committee members shall develop a recommendation for consideration of and implementation by the Dean of the Faculty of Health Studies.
 - A simple majority of the members hearing the matter is required for any finding, or for determination of the appropriate disposition of the matter.

COMMITTEE COMPOSITION:

Committee members will be elected from or appointed by the Faculty Council of the Faculty of Health Studies. The Chair of the Committee will vote only in the case of a tie.

Standing:

Two tenured faculty members of the Faculty of Health Studies elected by Faculty Council for a two year period. One will hold an active practicing license with the CRNM; the other with the CRPNM.

Additional:

Two Faculty members from the program involved, either tenured or on a continuing appointment, and who hold an active practicing license with either the CRPNM or CRNM, appointed by the Dean in consultation with the Chair. Brandon University Student Union President or designate. Student from the third year of the appropriate program, appointed by the Dean.

Note: A faculty member who submitted a complaint against the student, or who was directly involved in a situation or situations under review, is ineligible for Committee membership, but may be required or requested to submit or present pertinent information to the Committee. A student who is named in the complaint or any other student who is directly involved in the situation is ineligible for committee membership.

Chair:

The Standing Committee member external to the student's program.

Substitution:

Where any selected committee member is unable to attend the hearing, that member may be substituted.

FREQUENCY OF MEETINGS:

At the call of the Chair.

VOTING:

Each member shall have one vote. The Committee Chair will vote only in the case of a tie.

QUORUM:

Attendance of full committee membership.

RECORDER:

One of the standing members, excluding the Chair, will act as recorder. The recorder shall record only the hearing and not the deliberations, which are confidential.

RECORD:

The Dean will retain a written record of the proceedings and the decision regarding course of action.

References:

1. BU General Calendar Professional Conduct.
2. College of Registered Psychiatric Nurses of Manitoba: Professional Code of Ethics (1999) [Online] Available: <http://www.crpnm.mb.ca>
3. College of Registered Nurses of Manitoba: Code of Ethics for Registered Nurses (2002) [Online] Available: <http://www.can-aiic.ca/cna>