

## FACULTY OF HEALTH STUDIES

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<b>Subject:</b>	Professional Conduct Review	<b>Date:</b>	September 30, 2004
<b>Department:</b>	Nursing/Psychiatric Nursing	<b>Revised:</b>	April 29, 2020
<b>Program:</b>	BN/BScPN/BScMH	<b>Approved at Faculty Council:</b>	May 1, 2020

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### **RATIONALE:**

Nursing and Psychiatric Nursing are self-regulated professions. This means that the government has delegated to the professional regulatory bodies the authority to regulate itself for the purpose of protecting the public. In the spirit of self-regulation, students in the Faculty of Health Studies are expected to provide competent, 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 support staff in the Faculty of Health Studies at Brandon University and the community-at-large, must not be harmed or placed in positions of undue risk because of unsafe, unprofessional and/or unethical conduct of a student.

Professional misconduct is defined as an act or omission that is in breach of accepted standards of conduct based upon professional and ethical standards of the College of Registered Nurses of Manitoba (CRNM) and the College of Registered Psychiatric Nurses of Manitoba (CRPNM). Where concern about the conduct of a student exists, a mechanism within the Faculty of Health Studies 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 in the Faculty of Health Studies are required to conduct themselves in a professional, safe and ethical manner in all program-related situations. Failure to adhere to expected standards of professional, safe and ethical conduct will result in disciplinary consequences, which may include expulsion from the 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 professional misconduct include behaviour 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. Professional misconduct includes, but is not limited to:

- Failure to maintain the standards of practice and practice expectations of the profession
- Working while impaired by any substance

- Abusive conduct (including verbal, physical, emotional, sexual, and/or electronic)
- Breach of professional boundaries (including physical, emotional and/or sexual boundaries)
- Theft from a client, coworker, educational facility and/or workplace
- Failure to obtain informed consent and/or breach of confidentiality
- Inadequate documentation and record keeping
- Misrepresentation of qualifications and abilities
- Failure to identify/report a conflict of interest and/or loyalty
- Inappropriate business practices related to position of authority, influence and trust
- Disgraceful, disrespectful, dishonourable and/or unprofessional conduct in an academic environment, professional practice or in the community (e.g., verbal, written, electronic etc.)

### **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. Procedural steps are as follows:

1. Within five (5) working days (Monday to Friday with the exception of specified university holidays) of receiving the written complaint, the Chair will inform the Dean of the Faculty of Health Studies of a potential situation of professional misconduct. The Dean and the Department Chair 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.
3. Within five (5) working days of notifying the student of the complaint, the Dean will activate the Faculty of Health Studies, Professional Conduct Review Committee to proceed with resolution of the complaint. In consultation with the Chair of the Department and the Chair of the Professional Conduct Review Committee, the Dean will populate the committee as per the Terms of Reference. The Committee will have the authority to resolve the complaint.
4. Within twenty (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 initial Professional Conduct Review Committee meeting, the Chair of the 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 of a hearing, 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 they may attend the meeting, along with a chosen representative, if so desired.

6. The hearing shall occur within twenty (20) working days of the student receiving notice of meeting.
7. The complainant will be invited to the proceedings of the Committee and may be asked to submit additional documentation or information to support or clarify the original complaint.
8. 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. In the event that the Dean does not agree with the recommendation submitted by the Professional Conduct Review Committee, the Dean will meet with Committee members to provide a rationale for the final decision regarding the course of action.
9. The Dean will inform the student, the complainant and the Department Chair in writing about the decision on resolution of the complaint.
10. The Department Chair will inform faculty members of the resolution of the complaint.
11. A decision that restricts, suspends, or terminates the student's status in their program of studies will be forwarded to the Brandon University Registrar by the Dean.
12. The University Registrar will forward the recommendation to the Vice-President (Academic) for information.
13. 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.

## **PROFESSIONAL CONDUCT REVIEW COMMITTEE**

### **Terms of Reference**

#### **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 Faculty of Health Studies' Dean. Recommendations will be based on consideration of the Code of Ethics and Standards of Practice 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 Professional Conduct Review 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 in the Faculty of Health Studies, the Faculty of Health Studies' Dean will activate an existing Professional Conduct Review Committee and the Professional Conduct Review Committee Chair will convene a Committee meeting to review the complaint and develop recommendations for a course of action.

#### **Committee Proceedings:**

- Members of the Committee, the student who is named in the complaint, the complainant and all witnesses involved in the complaint shall be bound by confidentiality with 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 their 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 (5) days in advance of the hearing.

- The Committee will ensure that the hearing is not scheduled during the student's scheduled classroom, lab or clinical time.
- Where the student named in the complaint fails to participate in the hearing, they forfeit 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 all documentation that 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 and subsequent 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 of Health Studies' Council. The Committee Chair 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 member will hold an active practice licensure with the CRNM and the other member will hold an active practice licensure with the CRPNM.

#### **Additional:**

- Two faculty members from the program involved, either tenured or on a continuing appointment, and who hold an active practice licensure with either the CRPNM or CRNM, appointed by the Dean, in consultation with the respective Department Chair.
- Brandon University Student Union President or designate.
- Student from the alternate program of the student who is named in the complaint and, who is in their third or fourth year of study and not in the same year of study as the student in question. This student representative is appointed by the Faculty of Health Studies' 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:**

To make the best overall decisions, attendance of the entire committee membership is recommended but simple majority is sufficient.

**RECORDER:**

One of the standing members, excluding the Chair, will act as a 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 recommended decision and rationale regarding course of action.

**References:**

- BU Undergraduate Calendar, Professional Conduct.
- College of Registered Nurses of Manitoba: Practice Expectations for RNs (2018). Available: [www.crnmb.ca](http://www.crnmb.ca)
- College of Registered Nurses of Manitoba: Standards for Nursing Education Programs (2018). Available: [www.crnmb.ca](http://www.crnmb.ca)
- College of Registered Nurses of Manitoba: Code of Ethics for Registered Nurses (2017). Available: <http://www.cna-aiic.ca>
- College of Registered Psychiatric Nurses of Manitoba: Standards of Psychiatric Nursing Practice (2019). Available: <http://www.crpnm.mb.ca>
- College of Registered Psychiatric Nurses of Manitoba: Code of Ethics (2017) Available: <http://www.crpnm.mb.ca>