

**BURRELL COLLEGE
OF OSTEOPATHIC MEDICINE
POLICY MANUAL**

SECTION: Board Policies

Policy 1002

TOPIC: Code of Academic and Professional Ethics

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Code of Academic and Professional Ethics

The Burrell College of Osteopathic Medicine (BCOM) strives to maintain the highest standards of personal, professional, business, and medical ethics in all of its activities and relationships, both within and outside the college. In this spirit, all BCOM employees, contracted faculty or staff, and students, as part of BCOM board policies and procedures, will share in these standards and commit to this BCOM's Code of Academic and Professional Ethics. The American Osteopathic Association (AOA) Code of Ethics has been adopted as part of this BCOM's Code of Academic and Professional Ethics and it is therefore listed here within. Upon faculty or staff hire, or student matriculation, a copy of this BCOM's Code of Academic and Professional Ethics will be provided, and at that time, each faculty member, staff member or student will be required to sign an affirmation of receipt as well as an agreement to adhere and abide by it. Statements of affirmation and agreement by contracted faculty and staff will be filed and stored within BCOM's Human Resources Department. Statements of affirmation and agreement by students will be filed and stored within BCOM's Office of Student Affairs.

Section 1. Duty to adhere to policies and procedures of the COM in all matters:

- Upon contracted faculty or staff hire, or student matriculation, a copy of board policies, applicable handbooks and other similar documentation will be provided, and at that time, each faculty member, staff member, or student will be required to sign an affirmation of receipt as well as an agreement to adhere and abide by them. These statements of affirmation and agreement will be filed and stored with BCOM's Human Resources Department (employees) and the Office of Student Affairs (students).
- Laws, policies, and regulations at the college, local, state and federal levels benefit the community and are not to be disregarded or violated. Any matters under the jurisdiction of local, state, or federal laws are explicitly deemed 'outside the scope' of this code.

Section 2. The student – administration/faculty/staff/student interactions: BCOM students will exhibit respect for administration, faculty, staff, colleagues, and others, including hospital personnel, guests, and members of the general public.

- This respect should be demonstrated by punctuality in relationships with peers, prompt execution of reasonable instructions, and deference to those with superior knowledge, experience or capabilities.
- In addition, students should make every effort to maintain an even disposition, display a judicious use of others' time, and handle private information maturely.
- Students should express views in a calm, respectful and mature manner when in disagreement with another individual, understanding that a mutual agreement will not always be reached. Confrontations of such nature are to be carried out in a private location as soon as time permits.
- If deemed necessary, a grievance form and student grievance procedure has been posted on the BCOM website: <http://bcomnm.org/students/student-life/student-affairs/>

Section 3. The faculty - administration - staff interactions: BCOM administration, faculty and staff will exhibit respect for each other, guests, and members of the general public.

- The Employee Handbook contains the procedure for grievances.
- If deemed necessary, a grievance form has been posted on the BCOM website: <http://bcomnm.org/faculty-staff/forms/>

Section 4. The patient interactions:

- The written medical record is important in communication between healthcare providers and effective patient care; it is also a legal document and available for patient review. As such, it is crucial to maintain the integrity of patients' medical care through accurate reporting of all pertinent

information about which the student, faculty or staff member has direct knowledge.

- Written medical documents, including electronic correspondence pertaining to patients and their care must be legible, truthful, complete, and accurate to the best of the student, faculty or staff member's knowledge and abilities. Students, faculty or staff members will take the utmost care to ensure patient respect and confidentiality through appropriate language and behavior, including that which is non-threatening and non-judgmental.
- Patient privacy and modesty should be respected as much as possible during history taking, physical examinations, and any other contact, to maintain professional relationships with the patients and their families.
- To avoid an accidental breach of confidentiality, patient care will not be discussed in common areas.
- Appropriate medical and/or personal information about patients should only be shared with health professionals directly involved or for educational purposes.
- Any communication of patient information in the course of educational presentations will always be void of any patient identifying information and with the permission of attending physician(s) if presented by a student and/or other provider.
- It is also important that students be truthful and not intentionally mislead or give false information. With this in mind, students should avoid disclosing information to a patient that only the patient's physician should reveal. Students should always consult more experienced members of the medical team regarding patient care, or at the request of the patient.
- Students understand that patients they see are not under BCOM's care, so students will not initiate orders until after graduation and in an appropriate post-graduate training program. Students will also never introduce themselves or allow patients to carry the mistaken impression that they are physicians rather than osteopathic medical students.

Section 5. Intellectual honesty and academic integrity: It is the aim of BCOM to foster a spirit of complete honesty and a high standard of integrity.

- BCOM faculty, staff, and students are responsible for proper conduct and integrity in all scholastic and clinical work.
- All BCOM faculty, staff and students must respect and comply with the rules on copyrights, U.S. Copyright Act of 1976.
- Offering the work of another as one's own without proper acknowledgement is plagiarism; therefore, any student or employee who fails to give credit for quotations or essentially identical material taken from books, magazines, encyclopedias, or other references of works, or from the themes, reports, or other writings of peer or colleague has committed plagiarism. BCOM faculty, staff, and students should become familiar with any standing policies differing from these general expectations as per their academic department and/or institution.
- In deference to the scientists, doctors, and patients who have shared their knowledge and experience for the betterment of medical learning, we have a responsibility to not intentionally misrepresent the work of others nor claim it as our own.
- Students are obligated to develop their medical knowledge and skills to the best of their ability, realizing that the health and lives of persons committed to their charge could depend on their own competence. Due to teamwork inherent in the medical profession, students will work together and utilize all available resources.
- Students and employees have an obligation to maintain a non-disruptive atmosphere during an examination.
- At the end of each examination, students will provide a signed statement that affirms their conduct was in accordance with BCOM's Code of Academic and Professional Ethics. Cheating is unethical and is defined as doing any of the following without authorizations:
 - o Looking at the answers written by another student during an examination.
 - o Communicating with another student about topics that might help to answer a question during an examination.
 - o Referring to notes or textual matter during an examination.
 - o Violating any other policy of examinations.
 - o Dishonesty of any kind on examinations or written assignments, unauthorized possession of examination questions, the use of unauthorized notes during an examination, obtaining information during an examination from another medical student, assisting others to cheat, altering grade records, or illegally entering an office are instances of cheating.

- Communicating specific information regarding an examination to a classmate who has not yet completed that examination during that academic year.
- During training, students will be provided with communal instructional material that will greatly aid their learning. Students should make every effort to protect and preserve these resources for the use of future peers and classmates.

Section 6. Electronic and physical data, and on-line behavior:

- BCOM recognizes the role IT plays in protecting data and maintaining personal, professional, medical, academic and intellectual integrity. A security incident is an event that may result in the confidentiality, integrity, or availability of BCOM information systems or data being compromised.
- BCOM has a three-tier data classification standard to identify the security requirements for how data should be handled; Sensitive, Restricted, and Public.
 - Sensitive Electronic Information (SEI) refers to data that BCOM must protect by law, or that BCOM protects to reduce institutional risk and include, but are not limited to:
 - Protected Health Information (PHI) as defined by the Health Insurance Portability and Accountability Act (HIPAA).
 - Social Security Numbers (SSNs).
 - Credit/Debit card numbers and other financial account information.
 - Student Information as defined by the Federal Educational Rights and Privacy Act (FERPA).
 - BCOM IT has strict, strong password policies that must be adhered to by all faculty, staff and students.
 - Computer monitors and other device screens should be arranged, as much as possible, so that they are only facing the individual using them. If available, consider using a screen filter. These monitors and screens are to always be locked if left unattended.
 - Dispose of all old storage media, including but not limited to, hard drives and backup tapes by returning them to the BCOM IT Help Desk.
 - Retrieve printed sensitive information immediately upon printing.
 - When disposing of hardcopy, only use bins that have been marked for the disposal of confidential documents or a crosscut shredder.
 - Extreme caution must be used with photography and videography inside of clinical facilities to prevent inadvertent disclosures of PHI.
 - NMSU provides seven day a week, twenty-four hour a day physical security staffing on BCOM campus for security and protection of persons and data.
- A social networking site is a space on the internet where users can create a profile and connect that profile to others (whether be individual or entities) to establish a personal or professional network. Examples include, but are not limited to, email, blogs, "Facebook," "MySpace," "LinkedIn," "Twitter," and "Instagram." Even though these sites offer immense potential to bolster communication with friends and colleagues, their public and permanent nature is also a forum for lapses in professionalism that may be freely visible to many people, despite the impression of privacy these sites portray.
 - The permanence and written nature of on-line postings cause them to be subject to higher levels of scrutiny than many other forms of communication. Therefore, the postings within social networking sites are subject to the same standards of professionalism as any other personal or professional interaction, and will be treated as if made in a public forum.
 - Comments made regarding the care of patients, or that portray you or a colleague in an unprofessional manner, may be used in court or other disciplinary proceedings as evidence of a variety of claims including: libel, slander, defamation of character, negligence, and others.
 - With respect to confidentiality, the Health Insurance Portability and Accountability Act (HIPAA) applies to social networking sites, and violators may be subject to the same prosecution as with other HIPAA violations
 - Cyber stalking and other inappropriate posting can be considered forms of verbal, emotional, sexual, and other harassment and are subject to such disciplines as outlines in this and other BCOM board policies and procedures.

Section 7. Promotion of learning by students:

- BCOM Student Government Association (SGA) is the official voice for the osteopathic medical students. BCOM SGA is open to all medical students at BCOM and welcomes proposals and participation from the entire student body. BCOM SGA is responsible for dispersing funds for student

activities; acting as liaison for the medical student body; promoting osteopathic medicine; supporting club and classroom activities; and working to improve the quality of life for all BCOM medical students. Osteopathic medical students are encouraged to develop, organize, and participate in student associations and government organizations. The BCOM Division of Student Services is responsible for providing the support for these associations and organizations.

- A Code of Student Rights and Conduct can be found in the BCOM Student Handbook for options in participation and promotion.
- Students realize that a personal diversity serves to enrich the medical profession. Therefore, students will encourage the upholding of personal ethics, beliefs, and morals in both daily conduct and in the practice of this code. Understanding conflicts may exist that interfere with personal beliefs, students are encouraged to be proactive with communicating these situations.
- BCOM has made available to students the following confidential resources for physical and mental healthcare services: The New Mexico State University offers its employees an Employee Assistance Program (EPA) through NMSU student health services. These confidential services will be provided to BCOM students through the BCOM Student Assistance Program (SAP) and include services for drug and alcohol abuse, emotional, family, marriage, financial, and legal issues. This is a strictly confidential service, providing the same level of benefits to help assist in daily problems that might impair a student's personal or professional life.

Section 8. Pursuit of innovation in medical education: The BCOM provides quality healthcare education while inspiring students to serve with compassion, integrity, and excellence. The primary responsibility of the faculty is the education of the medical student. Essential elements in effective teaching are respect for academic freedom and responsible course oversight. Secondly, faculty also have the responsibility to embody high professional ethical standards including academic and scholarly conduct. The BCOM Faculty Council has established and governs the following committees designed to promote and enable this:

- Faculty Grievance Committee
- Evaluation and Promotion Committee
- Research Committee
- Osteopathic Medicine Curriculum Committee
- Technology and Educational Resource Committee.

Section 9. Scholarly activity by faculty and students:

- Please refer to Section 5 as intellectual honesty and academic integrity apply equally to the scholarly activity engaged in by faculty, staff and students.
- BCOM believes that the clear academic expectations and carefully monitored performance will result in the graduation of the highest quality osteopathic physicians. Therefore, BCOM provides the means to carefully monitor the growth of each student and to promptly assist if any academic or personal difficulties arise. The primary tools for academic monitoring and advising are the Student Progress Committee, the Division of Institutional Effectiveness and Integrity, the Division of Student Services, Course Directors, and Faculty Advisors. The BCOM Mission serves as the mainstay for the development of an innovative curriculum that is organized around the following seven core competencies:
 - o Osteopathic Principles and Practice
 - o Medical Knowledge
 - o Patient Care
 - o Interpersonal and Communication Skills
 - o Professionalism
 - o Practice Based Learning and Improvement
 - o Systems Based Practice
- Scholarly activity is part of expected performance of all faculty and is used in the process of evaluation and promotions.

Section 10. Research:

Research and scholarly activity is of paramount importance in the academic realms of the biomedical sciences, clinical sciences, and educational sciences. BCOM supports and encourages the active pursuit of research in the biomedical and clinical sciences, in Osteopathic Manipulative Medicine, and in medical education. Agents of BCOM conducting research are expected to abide by all local, state and federal rules and regulations that are applicable to their research program. The BCOM Office of Research and Sponsored Programs (ORSP) is

responsible for providing institutional support and oversight of research activities conducted at BCOM or by agents of BCOM. ORSP is led by the Assistant Dean for Research who has been designated as the BCOM Authorized Institutional Officer for Research by the BCOM President.

- Responsible Conduct of Research
 - o BCOM believes that all research be conducted in accordance with institutional policies, as well as all applicable local, state and federal rules and regulations. All BCOM faculty, staff and students should become familiar with and abide by the rules and guidelines for responsible conduct of research. This includes but is not limited to topics of supervision of students, data gathering and retention, authorship, and publication. BCOM requires certain levels of training for researchers that are tied to the specific research activity. Researchers are expected to meet the required training requirements.
- Human Research Protection Program
 - o The Burrell College of Osteopathic Medicine (BCOM) ensures the protection of human subjects in research through the College's Office of Research and Sponsored Programs (ORSP). The ORSP provides administrative oversight of all research conducted at BCOM and ensures institutional compliance with appropriate federal, state, and local regulations as well as BCOM policies. ORSP responsibilities include providing guidance, assistance, and training to BCOM researchers and providing administrative support for the BCOM Institutional Review Board. (POLICY7201)
 - o The Burrell College of Osteopathic Medicine at New Mexico State Institutional Review Board #1 (IRB) is established as the authorized BCOM entity that functions to protect the welfare of human subjects used in research conducted by agents, students, and/or trainees of BCOM. Additionally, the BCOM IRB may fill this role for outside entities (educational institutions, research labs, healthcare systems, corporations, etc.) who contract with BCOM for this purpose. The BCOM IRB operates in full compliance with the U.S. Department of Health and Human Services, and U.S. Food and Drug Administration regulations for the protection of human subjects as described in 45 Part 46 and 21 CFR Parts 50 and 56 as outlined by the BCOM policies for the conduct of human research. (POLICY 7202).
- Institutional Biosafety Committee (IBC)
 - o The BCOM Institutional Biosafety Committee (IBC) provides oversight of research and use of biohazardous agents and recombinant or synthetic nucleic acid molecules in compliance with NIH Guidelines and in accordance with Biosafety in Microbiological and Biomedical Laboratories in Microbiological and Biomedical Laboratories (BMBL), 5th edition. BCOM faculty, staff and students are required to inform ORSP of their intent to use biohazardous agents and to seek IBC approval prior to the start of work with biohazardous agents.

Section 11. Relationship with commercial entities:

- Conflicts of interest between BCOM and a faculty member, staff member or student are not allowed. Outside personal or professional activities, interests, and benefits can potentially create a conflict of interest that could interfere with a faculty member, staff member or student's responsibilities to uphold BCOM's mission, goals, and policies. Efforts should be made to avoid such relationships and any and all potential or perceived conflicts of interest should be declared transparently.
- The Complaint Resolution Procedure Policy applies to the conduct of vendors, contractors and third parties. Persons who believe they have been discriminated against or harassed in violation of the Harassment Policy should make a complaint set forth in the Complaint Resolution Procedure Policy.
- Clinical data may not be shared with vendors or other third parties who perform services on behalf of BCOM unless there is a signed agreement governing data security and usage.

Section 12. Professional Conduct: BCOM expects all employees to adhere to the highest standards of professional conduct and integrity. This ensures that the work environment is safe, comfortable, and productive. Employees should be respectful, courteous, and mindful of others' feelings and needs. General cooperation between faculty, staff, and students is expected. Individuals who act in an unprofessional manner may be subject to disciplinary action. This list exhibits the types of conduct or events that are subject to disciplinary action. It is not intended to indicate every act that could lead to disciplinary action. BCOM reserves the right to determine the severity and extent of any disciplinary action based on the circumstances of each case. An employee and/or student should talk to his/her superior if he/she is unsure of what to do in a given situation. The

following kinds of conduct while at the workplace or representing BCOM offsite, are absolutely prohibited and can lead up to disciplinary action up to and including termination of employment:

- Abuse, mistreatment, or threatening of any person, either physical, verbal, or psychological.
- Engaging in acts of discrimination or harassment in the workplace;
- Falsification, misrepresentation or omission of information, documents or records.
- Using foul and/or abusive language.
- Discussing anyone's salary or hourly wage information.
- Disregard of one's appearance, uniform, dress or personal hygiene.
- Dishonesty.
- Commission of a crime.
- Excessive tardiness or unauthorized absence by an employee from his or her workstation during an employee's working time.
- Immoral, indecent or disorderly conduct of any nature.
- Unauthorized use and/or possession of narcotic or dangerous drugs, or being under the influence of intoxicants or drugs on premises during working hours.
- Possessing, distributing or being under the influence of illicit controlled substances;
- Being under the influence of a controlled substance or alcohol at work, on company premises, or while engaged in company business;
- Any discourtesy, unkindness or impatience with any person.
- Possession of firearms or any other type of weapon while on company property.
- Damage, destruction or theft of company property, equipment, devices or assets;
- Unauthorized possession/use of property, equipment, devices or assets belonging to the company, including removing company property without prior authorization or disseminating company information without authorization.
- Negligent or deliberate destruction of or misuse of property belonging to the company.
- Unauthorized possession, use, copying or reading of BCOM's records, patient's records, administrative data or disclosure of information contained in such records to unauthorized persons.
- Disregard for safety and security procedures.
- Acting in a manner which will damage the reputation of BCOM.
- Disparaging or disrespecting supervisors and/or co-workers.
- Any act of misconduct (including insubordination or refusal to comply with directives), incompetence, or any violation of the Employee Handbook.
- Any other action or conduct that is inconsistent with company policies, procedures, standards or expectations.

Section 13. Performance:

- BCOM has a non-discrimination policy and is an equal opportunity employer.
- BCOM offers at-will employment.
- BCOM employees and students can/will be subject to background reviews and drug screens.
- BCOM has an open door policy.
- BCOM prohibits retaliation against any student or employee for filing or responding to a complaint of discrimination or harassment, appearing as a witness or participating in the investigation of a complaint, or reporting a concern that opposes discrimination or harassment.
- All BCOM faculty, staff, and students are supervised by their respective evaluation and promotions committees based on their expected performance.
- Each BCOM faculty member, staff member and student is issued and expected to wear an identification card that also serves as campus access. Each employee or student is subject to his/her own individual or department's campus access, dress code, performance requirements, etc., and should see the appropriate handbook or guideline for more information regarding these topics.

AOA Code of Ethics

<http://www.osteopathic.org/inside-aoa/about/leadership/Pages/aoa-code-of-ethics.aspx>, 11/07/2016.

The American Osteopathic Association (AOA) Code of Ethics is a document that applies to all physicians who practice osteopathically throughout the continuum of their careers, from enrollment in osteopathic medical college/school through post-graduate training and the practice of osteopathic medicine. It embodies principles that serve as a guide to the prudent physician. It seeks to transcend the economic, political, and religious biases, when dealing with patients, fellow physicians, and society. It is flexible in nature in order to permit the AOA to consider all circumstances, both anticipated and unanticipated. The physician/patient relationship and the professionalism of the physician are the basis for this document.

The AOA has formulated this Code to guide its member physicians in their professional lives. The standards presented are designed to address the osteopathic physician's ethical and professional responsibilities to patients, to society, to the AOA, to others involved in health care and to self.

Further, the AOA has adopted the position that physicians should play a major role in the development and instruction of medical ethics.

Section 1. The physician shall keep in confidence whatever she/he may learn about a patient in the discharge of professional duties. Information shall be divulged by the physician when required by law or when authorized by the patient.

Section 2. The physician shall give a candid account of the patient's condition to the patient or to those responsible for the patient's care.

Section 3. A physician-patient relationship must be founded on mutual trust, cooperation, and respect. The patient, therefore, must have complete freedom to choose her/his physician. The physician must have complete freedom to choose patients whom she/he will serve. However, the physician should not refuse to accept patients for reasons of discrimination, including, but not limited to, the patient's race, creed, color, sex, national origin, sexual orientation, gender identity, or disability. In emergencies, a physician should make her/his services available.

Section 4. A physician is never justified in abandoning a patient. The physician shall give due notice to a patient or to those responsible for the patient's care when she/he withdraws from the case so that another physician may be engaged.

Section 5. A physician should make a reasonable effort to partner with patients to promote their health and shall practice in accordance with the body of systematized and scientific knowledge related to the healing arts. A physician shall maintain competence in such systematized and scientific knowledge through study and clinical applications.

Section 6. The osteopathic medical profession has an obligation to society to maintain its high standards and, therefore, to continuously regulate itself. A substantial part of such regulation is due to the efforts and influence of the recognized local, state and national associations representing the osteopathic medical profession. A physician should maintain membership in and actively support such associations and abide by their rules and regulations.

Section 7. Under the law a physician may advertise, but no physician shall advertise or solicit patients directly or indirectly through the use of matters or activities which are false or misleading.

Section 8. A physician shall not hold forth or indicate possession of any degree recognized as the basis for licensure to practice the healing arts unless he is actually licensed on the basis of that degree in the state or other jurisdiction in which she/he practices. A physician shall designate her/his professional degree in all professional uses of her/his name. Indications of specialty practice, membership in professional societies, and related matters shall be governed by rules promulgated by the American Osteopathic Association.

Section 9. A physician should not hesitate to seek consultation whenever she/he believes it is in the best interest of the patient.

Section 10. In any dispute between or among physicians involving ethical or organizational matters, the matter in controversy should first be referred to the appropriate arbitrating bodies of the profession.

Section 11. In any dispute between or among physicians regarding the diagnosis and treatment of a patient, the attending physician has the responsibility for final decisions, consistent with any applicable hospital rules or regulations.

Section 12. Any fee charged by a physician shall compensate the physician for services actually rendered. There shall be no division of professional fees for referrals of patients.

Section 13. A physician shall respect the law. When necessary a physician shall attempt to help to formulate the law by all proper means in order to improve patient care and public health.

Section 14. In addition to adhering to the foregoing ethical standards, a physician shall recognize a responsibility to participate in community activities and services.

Section 15. It is considered sexual misconduct for a physician to have sexual contact with any patient with whom a physician-patient relationship currently exists.

Section 16. Sexual harassment by a physician is considered unethical. Sexual harassment is defined as physical or verbal intimation of a sexual nature involving a colleague or subordinate in the workplace or academic setting, when such conduct creates an unreasonable, intimidating, hostile or offensive workplace or academic setting.

Section 17. From time to time, industry may provide some AOA members with gifts as an inducement to use their products or services. Members who use these products and services as a result of these gifts, rather than simply for the betterment of their patients and the improvement of the care rendered in their practices, shall be considered to have acted in an unethical manner.

SECTION 18. A physician shall not intentionally misrepresent himself/herself or his/her research work in any way.

SECTION 19. When participating in research, a physician shall follow the current laws, regulations and standards of the United States or, if the research is conducted outside the United States, the laws, regulations and standards applicable to research in the nation where the research is conducted. This standard shall apply for physician involvement in research at any level and degree of responsibility, including, but not limited to, research, design, funding, and participation either as examining and/or treating provider, supervision of other staff in their research, analysis of data and publication of results in any form for any purpose.