

BURRELL COLLEGE OF OSTEOPATHIC MEDICINE

STANDARD OPERATING PROCEDURES

Student Conduct Violations – Investigation and Disciplinary Review Procedure		SOP #: SA.015.03
Effective Date	02/01/2018	
Last Revision/Review	1/27/2021	

1. Purpose

This is the procedure followed by the Office of Student Affairs when receiving a report of alleged violation(s) of College Policies, including student academic and non-academic conduct violations.

This refers to any action or attempted action, behavior or conduct that is inconsistent with:

- the expectations and/or standards set by the College and the profession as defined in school policies (refer to section 2 of this SOP),
- federal, state, or municipal laws, or
- shared community standards.

This procedure also addresses any action or attempted action where:

- a student misrepresents his/her academic work/accomplishments that may result in an unfair academic advantage for the student or others, or
- any action or attempts to create an unfair academic disadvantage for other member(s) of the academic community.

2. Related Policy/Authority

BCOM Policy B5001 - Code of Professional Conduct

BCOM Policy B7520 - Consensual Relationships

Student Handbook

Clerkship Manual

Class Honor Codes

3. Faculty/Staff Responsibilities

The Office of Student Affairs is responsible for investigation of Student Academic and Non-Academic conduct violations

Note: It is the responsibility of the Faculty, staff and students to report any student academic and/or non-academic conduct to the Office of Student Affairs immediately.

4. Definitions/Abbreviations

Accused – Student against whom a report of alleged violation has been filed.

BURRELL COLLEGE OF OSTEOPATHIC MEDICINE

STANDARD OPERATING PROCEDURES

Conduct Officer – Student Affairs personnel appointed by the Student Affairs Department Head to conduct the preliminary investigation.

Reporter – Student/Faculty/Staff filing a report of an incident of alleged violation.

Committee – Student Conduct and Professionalism Committee

Summary Suspension – an action in which the Dean of the College deems appropriate to suspend the enrollment of a student upon receipt of alleged violations of any College policy, including federal, state or municipal laws or shared community standards prior to a resolution.

5. Procedural Steps

1.1 Receipt of incident report

A reporter will first be encouraged to discuss and attempt to resolve the issue directly with whomever the issue arose, if at all possible. **Note:** this requirement does not apply in cases of alleged sexual harassment, sexual misconduct or discrimination (refer to the College's Title IX policy: Sex Discrimination and Harassment). It is expected that in all, except the most unusual circumstances, the reporter will first address the issue with the alleged accused student, faculty or staff directly.

In the event that an informal discussion is not possible or the issue is not resolved, then the reporter should contact the Office of Student Affairs to try to reach an informal resolution through mediation.

If no resolution is reached through the informal processes, and the reporter wishes to continue the process, the reporter must present a completed Incident Report Form to the Office of Student Affairs no later than thirty (30) business days after the alleged incident. The student may contact the Office of Student Affairs for help in following procedures correctly. All reports have to be submitted in writing by the reporter. No incident report by proxy will be considered or investigated.

Upon receiving a report of an alleged student conduct violation(s), violation of policies, regulations, statutes or laws established by the College or violation of any municipal, state and/or federal law, the Office of Student Affairs will establish a confidential file within five business days and initiate a preliminary investigation of the incident.

1.2 Interim Removal from Educational Activity and Summary Suspension

Upon receipt of an alleged student conduct violation, violation of policies, regulations, statutes or laws established by the College or violation of any municipal, state and/or federal law, the Associate Dean of Clinical Education, the Executive Director of Student Affairs, or the Regional Assistant Dean (RAD) can temporarily remove a student from educational activity for a preliminary review/risk assessment to determine if, in consultation with the Dean, a summary suspension is warranted. The interim removal can be up to 2 full business days.

The decision regarding a summary suspension rests with the College Dean. Such decision will take into account the following guidelines:

- a. A determination is made about any immediate threat to the physical health or safety of any individual arising from the allegations; AND/OR
- b. The clinical site of a clerkship rotation has requested removal of the student;

A student will be provided written notice of summary suspension pending the completion of the investigation and/or a determination by Student Conduct and Professionalism Committee Hearing. If no summary suspension is warranted as determined by the Dean, the student will resume educational activities.

1.3 Preliminary Investigation and Disciplinary Review

- a. Upon receiving an Incident Report, the Student Affairs Department Head will designate a Conduct Officer to initiate a preliminary investigation, which must be completed within five business days of receiving the report.
- b. The Conduct Officer will review and collect all relevant information and interview all relevant witnesses during the preliminary investigation period.
- c. At the conclusion of the preliminary investigation, the Conduct Officer will cross-reference the expectations and/or standards set by the College and the profession as defined in school policies (refer to section 2 of this SOP) to determine if the allegations violate any of the standards therein. If it is determined that the allegation has merit and violates a school policy, the Conduct Officer will make a good faith effort to issue a written Notice of Complaint to the accused student.
- d. Any accused party will have the option to provide a written statement regarding the complaint to the Conduct Officer within two business days of receiving the written Notice of Complaint.
- e. The Conduct Officer will provide a summary of the investigation to the Student Affairs Department Head within three business days.
- f. The Student Affairs Department Head will determine if the violation will be referred directly to the Student Conduct and Professionalism Committee.
- g. If a violation is referred to the Student Conduct and Professionalism Committee, the Conduct Officer will provide the accused with a Notice of Hearing within ten business days of the case referral. The Conduct Officer also provides a summary of the preliminary investigative report to the Committee for review. (See SOP SA.014.00 – Student Conduct and Professionalism Committee Hearing)
- h. The Committee may decide to call additional witnesses and/or collect additional information necessary to ensure a fair process.

- i. The Committee will have up to sixty calendar days to complete the case review and schedule a meeting with the accused for a Committee Hearing.
- j. Upon completion of the case review, the Committee will determine the outcome of the investigation and may apply appropriate sanction(s) based on the information, evidence and statements collected. The determination will be given to the Student Affairs Department Head.
 - i. Upon receipt of the determination, the Student Affairs Department head, or his/her designee, notifies the student of the determination within five business days.

1.4 Appeal Process

- a. Upon receipt of the determination from the Office of Student Affairs, the student has the right to appeal to the Dean of the College.
- b. Bases for appeal includes:
 - i. evidence that new information, unknown or unavailable during the original conduct hearing has been discovered;
 - ii. evidence of bias or discrimination;
 - iii. evidence of a procedural error;
 - iv. evidence that the Student Conduct Committee acted in an arbitrary manner; or
 - v. appropriateness or severity of the sanctions.
- c. The appeal must be made within five business days of the notice of determination. The appeal must be made, in writing, and sent directly to the Dean within the five business days of the notice of determination.
- d. The intent to appeal must be disclosed to the Student Affairs Department Head.
- e. Upon receipt of the appeal, the Dean of the College has thirty business days to make a final determination. The student may be asked to meet, in person, with the Dean per the Dean's request.
- f. The decision of the Dean is final.

Note: Timelines set forth in this procedure are goals and the inability to meet the timeframe will not render the procedures invalid so long as no student rights are violated. Timelines may be modified as deemed necessary for a fair process.

6. Reports/Charts/Forms/Attachments/Cross References

[Disciplinary Sanctions](#)

[Incident Report Form](#)

[Student Conduct and Professionalism Committee Hearing](#)

BURRELL COLLEGE OF OSTEOPATHIC MEDICINE

STANDARD OPERATING PROCEDURES

7. Maintenance

The SOP will be reviewed annually by the Office of Student Affairs.

8. Signature

Signature on File

1/27/2021

Vanessa Richardson, Executive Director of Student Affairs

Date

9. Distribution List

Internal/External

10. Revision History

Revision Date	Subsection #	Summary of Changes	New/Cancellation/Replacement Procedure? (if applicable)	Approval Date
6/4/19	2,3	Clarification of Procedures		6/4/2019
7/7/20	2,5,6	Updated Links, Related Policies/Authority, Cross References		7/7/2020
1/27/21	2,5	Removed hyperlinks, Added 1.2 regarding summary suspension, Added bases for appeal in 1.4		1/27/2021