

# BURRELL COLLEGE OF OSTEOPATHIC MEDICINE

## STANDARD OPERATING PROCEDURES

<b>Student Conduct Violations – Investigation and Disciplinary Review Procedure</b>	<b>SOP #: SA.015.06</b>
Effective Date	02/01/2018
Last Revision/Review	9/16/2022

### 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.

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

College Catalog

Student Handbook

Clerkship Manual

Class Honor Codes

### 3. Faculty/Staff Responsibilities

The Office of Student Affairs is responsible for investigation of Student conduct violations

**Note:** It is the responsibility of the Faculty, staff and students to report any student misconduct to the Office of Student Affairs immediately.

### 4. Definitions/Abbreviations

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

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

**Reporter** – Any individual filing a report of a complaint 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 Complaint**

The reporter must file a complaint within 30 days of the occurrence of the alleged violation. The reporter may contact the Office of Student Affairs for help in following procedures correctly. All reports must be submitted in writing by the reporter. A complaint by proxy may be considered.

Upon receiving a complaint of an alleged student conduction violation(s), violation of policies, regulations, statutes or laws established by the College or any municipal, state, and/or federal law, the Office of Student Affairs will establish a confidential file within five days and appoint a Conduct Officer to initiate a preliminary review to establish validity of the complaint.

If the complaint validity cannot be substantiated, the Student Affairs Department Head will make a notification to the reporter indicating why the validity could not be substantiated and the complaint filed in the records.

If the validity of the complaint is substantiated, the Conduct Officer will cross-reference the Code of Professional Conduct and College policies to determine if the allegation violates any standards therein. If it is determined that the allegation has merit and violates College policy, the Conduct Officer will issue a written Notice of Complaint to the accused via email.

A reporter may 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). 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 appropriate.

If no resolution is reached through the informal processes, the Conduct Officer will proceed with the investigation.

### **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. The Conduct Officer will review and collect all relevant information and interview all relevant witnesses during the investigation.
- b. Any accused party will be notified that they can provide a written statement regarding the complaint to the Conduct Officer within two business days of receiving the written Notice of Complaint.
- c. The Conduct Officer will provide a report of the investigation to the Student Affairs Department Head within three business days.
- d. The Student Affairs Department Head will determine if the violation will be referred directly to the Student Conduct and Professionalism Committee.
- e. If a violation is referred to the Student Conduct and Professionalism Committee, the Conduct Officer must provide a copy of the investigative report to the Committee for review. The Committee may request additional information to be added as an addendum to the investigative report. The Conduct Officer will have two (2) business days to complete the request. Upon notification from the Chair of the Student Conduct and Professionalism Committee, the Conduct Officer will provide the accused with a Notice of Hearing that will take place within ten (10) business days of the notification by the Chair of the Committee.
- f. The Committee may decide to call additional witnesses and/or collect additional information necessary to ensure a fair process.
- g. 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. For details of the hearing procedures, refer to SA.014 – Student Conduct and Professionalism Committee Hearing.

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- h. Upon completion of the case review and hearing, 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 Conduct Officer.
- i. The Conduct Officer provides a summary of the investigative report and the decision of the Committee, signed by the Committee Chair, to the Student Affairs Department Head within three (3) business days of the Committee's decision.
- j. The decision of the Committee will be delivered to the student through the CAMS student portal via the Office of the Registrar. The student will also be informed of his/her right to appeal (see section 1.4)

### **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

Grievance Form

SOP SA.014 - Student Conduct and Professionalism Committee Hearing

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### **7. Maintenance**

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

### **8. Signature**

Approved by

Department Head of Student Affairs

9/16/2022

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
8/23/2022	5	Update notification timeline from five to three business days.		8/23/2022
8/31/2022	1.1	Clarification regarding incident reports by proxy and mediation		8/31/2022
9/13/2022	All	Restructured the investigation process. Changed "incident report" to "complain"		9/16/2022