

# Emory University School of Medicine

## Conduct Code

Given the goals of the University as a place of academic freedom, and the School of Medicine as a site of training for highly ethical healthcare providers, a system is necessary to provide the proper balance between the academic freedoms allowed a member of the University and his or her responsibility as a future healthcare professional. For this purpose, and in accordance with the By-laws of the University, the President of the University has defined the interests of the University community to be promoted and protected by such a system and has delegated to the Executive Associate Dean for Medical Education and Student Affairs for the School of Medicine the responsibility of designing and maintaining a conduct code for Emory School of Medicine students.

This Code may be reviewed annually and changes require the approval of the Executive Associate Dean for Medical Education and Student Affairs and approval of the Senior Vice President and Dean for Campus Life. Provisions of this Code may be revised, supplemented, or amended at any time by action of the appropriate University authorities.

From the time an individual accepts an offer of admission to a program of the School of Medicine until the day of completion of that degree program and graduation from Emory University, he or she is considered a student of the School of Medicine and is governed by the principles set forth within this Conduct Code.

The Emory University School of Medicine Conduct Code pertains to misconduct of medical students enrolled in the School of Medicine outside of an academic setting. Academic and professional discipline of students is not covered by this Code but rather falls within the jurisdiction of either the School of Medicine Honor Code or the Progress and Promotions Committee.

### **Basic Expectations/Inherent Authority**

The primary purpose for the imposition of non-academic discipline in the School of Medicine setting is to protect and preserve the quality of the educational environment in the campus community. This purpose entails several basic expectations:

1. That the School of Medicine and the University at large assumes high standards of courtesy, integrity, and responsibility in all of its members;
2. That each student is responsible for his/her conduct and that continuation as a student is conditional upon compliance with the requirements of student conduct expressed or implied in this Code.

The School of Medicine reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community and the patients we serve. The Executive Associate Dean for Medical Education and Student Affairs is charged with the welfare of all medical and health professions programs students. Accordingly, in emergency situations, this individual has full authority to deal with student conduct according to the exigencies of the emergency and for its duration.

The School of Medicine is not designed or equipped to rehabilitate students who do not abide by this Code. It may be necessary to remove those students from the campus and to sever the institution's relationship with them as provided in this Code.

The Senior Vice President and Dean for Campus Life is delegated responsibility pertaining to all student organizations and student government and, in conjunction with the Executive Associate Dean for Medical Education and Student Affairs, has the responsibility and authority to discipline such organizations whose members are students within the School of Medicine.

## **Confidentiality**

The details of Conduct or Progress and Promotions meetings are confidential and will not be released outside the University without the student's specific written permission except as provided by applicable law. If a student is found to have violated the Conduct Code, the resulting sanctions can be included in any performance assessment or letter of recommendation requested by the student or an outside entity. Conduct Code violations and sanctions may also be reported to other agencies, such as the military, the federal government, licensing boards, and others if requested by the agency and accompanied by a signed release from the student.

## **Violations of the Law and This Code**

Students may be accountable both to civil authorities and to the University for acts that constitute violations of law and of this Code. Those accused of violations of this Code are subject to the disciplinary proceedings outlined in this Code while criminal, civil, or other internal proceedings regarding the same conduct are pending. Accused students may not challenge the disciplinary proceedings outlined in this Code on the grounds that criminal charges, civil actions, or other internal proceedings regarding the same incident are pending, may be initiated, or have been terminated, dismissed, reduced, or not yet adjudicated. The University will refer matters to federal, state, and local authorities for prosecution when appropriate.

## **Prohibited Conduct**

Each student may be subject to this Code whether misconduct occurs on University premises, at University or School of Medicine sponsored activities, or at any location off-campus when such conduct is brought to the attention of the University or the School of Medicine.

It is neither possible nor necessary to specify every instance of misconduct that could result in disciplinary action against a student. Violations of the Standards of Professional Conduct as described in Section I of this Student Handbook may also constitute "Prohibited Conduct" that is subject to this Code of Conduct. The following list includes, but is not limited to, conduct that may subject a student to disciplinary action:

1. Attempting, assisting, or encouraging any conduct as described below.
2. Causing physical harm to any person or causing reasonable apprehension of such harm.
3. Disorderly or indecent behavior including, but not limited to, destroying or damaging University property or the property of others.

4. Engaging in conduct directed at a specific person or persons that seriously alarms or intimidates such person or persons and that serves no legitimate purpose. Such conduct may include: explicit or implicit threats, including gestures that place a person in reasonable fear of unwelcome physical contact, harm, or death; following a person about in a public place or to or from his or her residence; making remarks in a public place to a specific person that are by common usage lewd, obscene, expose a person to public hatred, or that can reasonably be expected to have a tendency to cause acts of violence by the person to whom the remark is addressed; or communicating anonymously by voice or graphic means or making a telephone call anonymously whether or not a conversation ensues.
5. Violating the University's Policy on Sexual Misconduct.
6. Violating the University's Policy on Equal Opportunity and Discriminatory Harassment.
7. Initiating or causing any false report, warning, or threat of fire, explosion, or other emergency.
8. Misrepresenting information or furnishing false information to the University or its representatives.
9. Forgery, alteration, misrepresentation, counterfeiting, or misuse of any University or other document, instrument of identification, or access device.
10. Providing alcoholic beverages to an individual under 21 years of age or to one who is noticeably intoxicated, or possession or use of alcoholic beverages by an individual less than 21 years of age.
11. Unauthorized possession of an open container of an alcoholic beverage.
12. Appearing in a public place manifestly under the influence of alcohol or a controlled or other intoxicating substance, particularly when there is danger to self, others, or property or there is unreasonable annoyance to person(s) in the vicinity.
13. Unauthorized distribution, possession, or use of any controlled substance or distribution, possession, or use of any illegal drug.
14. Unauthorized use, possession, or storage of any weapon.
15. Unauthorized use or possession of fireworks or incendiary, dangerous, or noxious devices or materials.
16. Intentionally or recklessly misusing or damaging fire or other safety equipment.
17. Theft or misuse of property or services.
18. Substantially interfering with the freedom of expression of others.
19. Interfering with normal University or School of Medicine functions, University-sponsored activities, or any function or activity on University premises including but not limited to studying, teaching, public speaking, research, University or School of Medicine administration, or fire, police, or emergency services.
20. Disregarding or failing to comply with the directive of a hearing body or University official including a campus police officer acting in the performance of his or her duties.
21. Disregarding or failing to comply with the directive of an officer of the law acting in the performance of his or her duties.
22. Disrupting University or other computer systems; unauthorized alteration, disclosure, gaining or providing unauthorized access; or destruction of University or other computer system or material; improper access to

- University or other computer files and systems; or violation of copyright or proprietary material restrictions connected with University or other computer systems, programs, or materials.
23. The display or distribution of lewd, offensive, threatening or inappropriate material via paper or electronic means. Such material includes pictures, videos, or written content that portray oneself or others in a manner that brings dishonor to the profession of medicine.
  24. Violating any government laws or ordinances, or of any University or School of Medicine rules, regulations, or policies including but not limited to the "Standards of Professionalism" set forth above. Such rules, regulations, or policies shall include but are not limited to the regulations and policies contained in the Campus Life Undergraduate Code of Conduct, Information Technology Division (ITD) materials, Policy Statement on Discriminatory Harassment, Sexual Assault Policy Statement, School of Medicine Medical Student Handbook; regulations relating to entry (opening and closing hours) and use of University facilities; traffic and parking regulations; regulations and policies on the sale, consumption or misuse of alcoholic beverages; and on the misuse of identification cards.
  25. Failure to report any arrests, criminal charges, positive results of drug tests or Criminal Background Checks (CBCs) that occur from the time of acceptance until graduation.
  26. Recording any other person without the consent of the person(is) being recorded.
  27. Inappropriate use of social media.

## **Conduct Procedures**

Anyone wishing to report an alleged incident of misconduct under this Code may make such a report to the Executive Associate Dean for Medical Education and Student Affairs or to any Assistant or Associate Dean for Medical Education and Student Affairs. Reports generated by the Emory Police will be forwarded to the Dean for Campus Life or his/her designee and to the Executive Associate Dean for Medical Education and Student Affairs. The Executive Associate Dean for Medical Education and Student Affairs will make a determination as to whether or not an action should be taken in response to a report. If it is determined that further action should be taken, the Executive Associate Dean for Medical Education and Student Affairs will notify the student in writing that he or she must make an appointment for a preliminary meeting within five days of the date on the notice for the purpose of reviewing the report. Failure of the student to schedule or attend this preliminary meeting will automatically result in formal charges as described below.

Following this preliminary meeting, an investigator (faculty member) will be appointed by the Executive Associate Dean for Medical Education and Student Affairs to conduct an investigation to determine if the report has merit. The investigator may recommend the matter should proceed to formal charges or be disposed of administratively by agreement of the parties involved on a basis acceptable to the Executive Associate Dean for Medical Education and Student Affairs.

If the matter is not so resolved, the Executive Associate Dean for Medical Education and Student Affairs will then meet again with the student and present the student with a letter stating the formal charges and a copy of all documents relevant to the case.

If a student admits to having violated the Code of Conduct as charged, the student shall have the following options as to how sanctions will be determined:

1. The student may waive his or her right to a hearing and have the Executive Associate Dean for Medical Education and Student Affairs determine the appropriate sanction.
2. The student may choose a hearing with an ad hoc conduct committee appointed by the Executive Associate Dean for Medical Education and Student Affairs to determine the appropriate sanctions.

This selection shall be made in writing within five days of the student's request for a hearing and be recorded by the Executive Associate Dean for Medical Education and Student Affairs.

If the student does not admit to having violated the Code of Conduct as charged, the charges will be referred for a hearing and a copy of all documents relevant to the case will be forwarded to the appropriate hearing body and the student involved.

If an accused student fails to respond to any notification in writing concerning the conduct process, his or her case will be automatically referred to a hearing with an ad hoc conduct committee.

The School of Medicine reserves the right to place a "hold" on the diploma, degree certification, or official transcripts of a student who has been charged with a conduct violation under the Code even though he or she may have completed all academic requirements. The diploma, degree certification, or official transcripts may be withheld until the conduct charges have been resolved and/or sanctions completed.

## **School of Medicine Conduct Committee**

The School of Medicine Conduct Committee is an ad hoc committee appointed by the Executive Associate Dean for Medical Education and Student Affairs to hear non-academic medical or health professions programs student conduct cases. The Conduct Committee is composed of:

1. A Chair appointed by the Executive Associate Dean for Medical Education and Student Affairs, who shall be a faculty member but not a voting member of the Council and an alternate;
2. Two voting faculty members and one alternate;
3. One voting School of Medicine administrator (Dean, Director, Associate or Assistant Dean) and one alternate;
4. Three voting student members (medical students or academic health students, determined by the school enrollment status of the student accused of misconduct) and one alternate.

The ad hoc Conduct Committee must have a minimum of five members present in order to convene, two of who must be faculty.

## **Hearing Procedures**

The Executive Associate Dean for Medical Education and Student Affairs may require any student, faculty, or staff member of the School of Medicine to attend and/or testify at any hearing or meeting regarding a conduct matter that is covered under this Code.

Whenever a hearing is to be held regarding an alleged incident of misconduct under this Code, the accused student and the complainant, if any, shall be given at least seven (7) calendar days' written notice of the charges alleged against the accused student and of the date, time, and place of the hearing.

The ad hoc Conduct Committee shall conduct the hearing. The Committee may require witnesses to testify at the hearing who are students, faculty, or staff of the School of Medicine and who are available to attend. Rules of evidence that apply in courts of law shall not apply in such hearings. The hearing shall be closed to everyone except the hearing body, appropriate staff, the accused student, and the complainant, advisors to the accused student and the complainant.

Witnesses will be present at the hearing only during the actual time of their testimony.

An advisor of his or her choice may assist the accused student and the complainant. The advisor must be a member of the Emory University School of Medicine faculty or staff or a student currently enrolled in the School of Medicine. The Chair of the ad hoc Conduct Committee will consider exceptions. The advisor may not be an attorney.

Both parties and/or their advisors are allowed to:

1. Be present at the hearing until such time as the hearing body retires to deliberate the decision. However, if either the student or the advisor or the complainant fails to appear at the hearing, the hearing may be held in their absence.
2. Present tangible and documentary evidence and evidence by witness or by signed witness statements of witnesses who do not attend the hearing including the signed written statements of the complainant or the accused. If witnesses fail to appear, the hearing shall be held in their absence.
3. It is the responsibility of the accused student and of the complainant to notify any additional witnesses not called by the hearing body. Additional witnesses must have the prior approval of the Chair of the hearing body. All witnesses should be notified of the date, time, and place of the hearing.
4. Question all witnesses who give evidence at the hearing directly or through written questions presented through the Chair.

The Chair of the ad hoc Conduct Committee shall have final decision on what evidence may be presented and the tone of questioning. The Chair may decide to stop questions at any time.

## **Hearing Decisions**

The decisions of the ad hoc Conduct Committee as to both violation and sanctions are in all cases advisory to the Executive Associate Dean for Medical Education and Student Affairs. The ad hoc Conduct Committee shall deliberate and decide whether the accused student has violated this Code. The hearing body may decide that the student is in violation of a less serious offense than that originally charged. A determination that a student has violated the School of Medicine Conduct Code requires a simple majority vote. In the case of a tie, the Chair shall cast the deciding vote.

If the finding of a violation is determined, the hearing body shall be provided with the record of previous disciplinary proceedings in which the student was found in violation. On the basis of the hearing and the student's previous record, a decision will be made

regarding sanctions by a simple majority vote. In the case of a tie, the Chair shall cast the deciding vote.

A written decision will be issued from the hearing committee to the student within seven (7) days of the date of the hearing. The accused shall receive written notice of the outcome of the hearing which includes: (1) a statement of charges; (2) a summary of the facts in the case; (3) the decision; (4) a brief statement of the hearing body's reasoning; and, if a violation is found, (5) sanction(s). The accused student will also receive information on the rights of appeal. The Executive Associate Dean for Medical Education and Student Affairs shall review all decisions of the Conduct Committee. The Dean of the School of Medicine shall also review any decision resulting in a sanction of suspension or expulsion. The Executive Associate Dean for Medical Education and Student Affairs and the Dean shall make a final decision regarding the recommendations of the Hearing Committee.

## **Sanctions**

The following sanctions, singularly or in combination, may be imposed upon any student found to have violated the School of Medicine Conduct Code:

1. **Warning:** A notice in writing to the student that the student has violated institutional regulations and must cease and not repeat the inappropriate action.
2. **Probation:** A written reprimand for violation of specific regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any institutional regulation(s) during the probationary period.
3. **Restitution:** Compensation for loss, damage, or injury. This may take the form of service, monetary compensation, or material replacement.
4. **Discretionary Sanctions:** Work assignments or service to the School of Medicine, the University or the community.
5. **Suspension:** Separation of the student from the School of Medicine for a definite period of time, after which the student may be eligible to return. Conditions for readmission may be specified.
6. **Expulsion:** Permanent separation of the student from the School of Medicine.

Conduct sanctions (5) Suspension and (6) Expulsion shall be entered permanently on a student's record. Sanction (2) Probation shall be entered on a student's record for the term of the probation. Any sanction may include mandatory referral to university-based resources for medical or mental health evaluation and treatment if necessary. An evaluation supporting the student's reentry to medical school may be needed before reentry into any course work or clinical rotations.

## **Appeal**

The accused student may appeal decisions rendered by the ad hoc Conduct Committee to the Dean of the School of Medicine. To initiate an appeal, the accused student must submit a signed, written statement of the specific reason(s) to the Dean within seven (7) days of receipt of the hearing decision.

The Dean will review the process and the decision to determine:

1. Whether or not the hearing was conducted in accordance with the procedures outlined in the Conduct Code;
2. Whether or not the interpretation of the code was appropriate;
3. Whether or not the sanction(s) imposed were appropriate.
4. After reviewing the documents pertaining to the case, the Dean will issue a written review of the hearing decision with a reasonable period of time from the receipt of the request for review.

The Dean will either:

1. Affirm the hearing decision;
2. Affirm the findings of the hearing decision but recommend a different sanction;  
OR
3. Remand the case to the Executive Associate Dean for Medical Education and Student Affairs to assign a new ad hoc School of Medicine Conduct Appeal Board to conduct a new hearing.

## **School of Medicine Conduct Appeal Board**

The Appeal Board will be established at the time the Dean remands a case to the Executive Associate Dean for Medical Education and Student Affairs for conducting a new hearing.

The Board shall be composed of:

1. One voting administrator appointed by the Executive Associate Dean for Medical Education and Student Affairs;
2. Up to three voting faculty members appointed by the Dean.
3. One voting medical or academic health student, depending on the status of the accused, appointed by the Dean.

The Appeal Board shall follow the same guidelines as the initial hearing, reviewing the case independently, and make a final recommendation to the Dean. The Executive Associate Dean for Medical Education and Student Affairs shall provide the recommendation of the School of Medicine

Conduct Appeal Board to the Dean whose decision shall be final.

## **Notification and Retention of Records**

The Executive Associate Dean for Medical Education and Student Affairs shall forward notification of all final action to the Dean. The Executive Associate Dean for Medical Education and Student Affairs shall maintain files on all medical and academic health students' conduct reports, records, and hearing proceedings according to procedures established by that office.

## **Professional Conduct Evaluation Form**

The [Professional Conduct Evaluation Form](#) can be completed by any course or clerkship director, or a small group advisor. The form is a tool that can be used to document concerns regarding student professional behavior. The form is completed,



reviewed with the student, and then forwarded to the Progress and Promotions Committee for review.

**Last modified:** 10/15/2020