

## **RULES OF PROCEDURE**

### **1. Composition of the Council on Student Professional Conduct:**

Initial review of an allegation of unethical professional conduct is the responsibility of the Council on Student Professional Conduct (CSPC). This Council consists of thirty-four Representatives. The Student Body is represented by sixteen Council Representatives; each class elects four Representatives from its general membership. The faculty is represented by sixteen Basic Science and Clinical Faculty Representatives and an ex officio member from the Chancellor's Office. Chairmanship of the Council is shared by one elected student and one faculty. The student co-chair is elected for a 1 year term, usually in senior year, but may be re-elected for subsequent terms. The faculty Co-chair is appointed for a term of 3 years. If a Co-Chair is unable to serve, the vacancy will be filled by a member of the CSPC appointed by the student or faculty co-chair depending on which co-chair is unable to serve. The student vice-co chair may fill in for the student co-chair should the co-chair be unavailable.

Student Representatives are elected from the L1 class any time after their regular class officer elections. Faculty Representatives are appointed on an annual basis. Student elections shall be facilitated by the student co-chair.

### **2. Scope of responsibility**

The CSPC is responsible for investigating and hearing complaints of Academic misconduct defined as any action, omission, or failure to act by a student that relates to the academic task for which a student will be evaluated by the LSUSOM-NO faculty and/or an affiliate, or relates to the professional conduct standards of the school, department, profession, and or field in which the student is studying, including but not limited to improper or inappropriate use of social media in a professional setting.

Concerns of possible Title XI violations, power based violence, non academic misconduct, or discrimination, bias or legal infractions are to be referred to the appropriate health sciences center official or committee and are not the purview of the CSPC.

### **2. Filing a Complaint:**

#### **a. Initiation of Complaint**

A student, resident, faculty or staff member may initiate a complaint of unethical professional conduct against a student, by submitting an allegation in writing to the faculty or student Co-Chair within twenty working days of the alleged unethical academic or professional conduct

The faculty and student Co-Chair can be contacted at [\*\*conduct@lsuhsc.edu\*\*](mailto:conduct@lsuhsc.edu)

The written statement must include a description of the circumstances that gave rise to the charges and must be signed by the author(s). The Co-Chairs of the Council arrange for investigation of the facts and circumstances of the cases within 5 working days of receiving the complaint

## **b. Confidentiality of Person Initiating Complaint**

Because of the gravity of any allegation of unethical professional conduct, the identity of the author of a complaint shall be held in confidence throughout the investigation; however, the identity of the author of the complaint and the witnesses will become known during the formal CSPC hearing following completion of the investigation.

## **c. Interim Grade**

If the complaint involves academic dishonesty or cheating, further exposure to course material or subsequent examinations during the period of investigation will be left to the discretion of the affiliated Course Director in consultation with the Office of Student Affairs and of Undergraduate Medical Education. That student will be assigned a grade of "incomplete" for the work in question during the investigation of the complaint. A student subsequently found innocent of the complaint will be evaluated for a final grade on the basis of his/her performance.

## **3. Investigation of Complaint:**

A written allegation of unethical professional conduct is submitted to a Council member, or to one of the Co-Chairs. The faculty Co-Chair will inform the student of the allegation of unprofessional conduct. The Co-Chairs shall arrange for a preliminary investigation. One Representative to the Council is selected by the Co-Chairs of the Council as a Faculty Fact Finder and one as Student Fact Finder within 5 days of receiving the complaint.

Investigation of an allegation of unethical professional conduct is conducted in confidence. Any individual interviewed by the fact finders will state their preference to remain completely anonymous, discoverable, or named. The purpose of the investigation is to determine all possible evidence, both tangible and testimonial, that bears on the allegation of unethical professional conduct. Inquiries by the Fact Finders will be subject to the utmost discretion and confidentiality; however, strict confidentiality cannot be guaranteed as the identity of involved parties may be revealed during the hearing due to the testimony of other involved parties.

The period of investigation is limited to ten working days beginning the day the fact finders are designated by the co-chairs. During the period allotted for the investigation, the Co-Chairs of the Council will select four faculty members and four student members of the CSPC to convene a formal hearing within 15 working days (i.e. excluding school holidays), beginning the day after the complaint is received by the Council. All student and faculty participants will be asked to verify that there are no conflicts of interest that prevent impartial participation in a hearing with the accused student and issue. In some cases, a request for extension for up to five more days may be necessary and requested by the accused, the Fact Finders or the CSPC. The request can be done so in writing to the Co-Chairs of the CSPC and the accused and the Fact Finders will be notified of the extension decision. If either Co-Chair approved the extension, then it shall be granted.

## **4. Formal Hearing: Council on Professional Conduct:**

### **a. Notification to Council and Parties**

The Co-Chairs of the Council shall give written notification to the Council members who will hear the case, the accused, the Fact Finders, and the witness(es) of the designated date, time and location of the formal hearing. The Fact Finders will notify the Co-Chairs of the number, identity and contact information of the witness(es). Depending upon the number of witnesses, a schedule of timed appearances will be given to the witnesses. The author of the complaint must appear in person, but witnesses may be allowed to call into the formal hearing if unable to attend in person.

### **b. Hearing Procedure**

The Fact Finders will present the case before the formal Council hearing. Presentation of the case includes introducing tangible evidence and calling witnesses against or for the accused.

Persons who must be present for the formal Council hearing include: the accused, eight participating members of the Council (four faculty members and four student members of the CSPC, excluding student members from the same class as the accused.), the designated witnesses against the accused, Associate Dean of Student Affairs or designee (as non voting advisor), the student co-chair or an appointed designee, the faculty co-chair or appointed designee, and the Fact Finders. The Associate Dean or designee is allowed to answer questions from the council regarding the student's academic record/performance, but otherwise is not to participate in the hearing. He/She is not to be present for deliberations following the hearing..

The accused may present additional witnesses or other evidence in his or her behalf. Furthermore, since the results of these proceedings only result in recommendations to the Dean and are not legally binding, legal counsel of any form is not permitted. The Accused may be accompanied by an advisor, at his/her own expense. The advisor must be a member of the School of Medicine community and may not be an attorney. The advisor is not permitted to speak or to participate directly in any matter before the CSPC. Each witness will be present only during the time devoted to his or her own testimony. Delays or continuances will generally not be granted due to the scheduling conflicts of an advisor. Thereafter, the accused presents his or her own defense and offers testimony of persons who support his or her defense.

During the presentation of evidence and personal testimony, members of the Council and the accused may ask questions at any time. Following the presentation of evidence and personal testimony, the accused will present a personal statement to the CSPC and answer questions from the CSPC.

The Co-Chairs shall control the proceedings and are charged with conducting a hearing that is both thorough and fair for all parties. The Co-Chairs may limit duplicative testimony. Pertinent records, exhibits, and written statements may be considered as irrelevant and unduly repetitious testimony may be excluded. The hearing is intended to allow complete presentation of all relevant information.

The proceedings of the Council are confidential. The student Co-Chair or an appointed secretary shall take general written notes of the proceedings, which are maintained in confidence by the Co-Chairs. These are not transcripts of the hearing. No tape recorders are permitted at any hearing of the Council.

### **c. Recommendation of the Council**

Following the presentation of all evidence and testimony, the Council will deliberate privately and determine, within four working days, whether the case should be dismissed for insufficient evidence, or if recommendations to the Dean should be made. The co-chairs are tasked with briefing the council prior to deliberations on the content of the recommendation which may include:

a recommendation for expulsion

a recommendation for MSPE statement with the specific content/details of the statement proposed.

a recommendation for no further disciplinary action

a recommendation for other disciplinary action (repeat coursework, referral to CAP etc..)

The committee's final written recommendation should include the number of votes in favor of each recommendation and any dissenting opinions.

The Co-Chairs of the Council shall submit the written recommendation of the Council, the basis for its recommendation (ex. Fact Finding report, tangible evidence, etc.), and minutes of the proceedings, to the Dean of the School of Medicine within two working days of the Council's decision. The accused will only receive the Dean's decision, not the initial CSPC recommendations to the Dean.

Any member of the Council who dissents from the recommendation of the Council may submit the reasons for his or her dissent in writing at the time that the recommendation of the Council is submitted to the Dean.

### **5. Initial Decision: Dean, School of Medicine**

The Dean must act upon the recommendation of the Council within five working days of receiving the recommendation. The Dean may accept, reject or modify the recommendation of the Council, in whole or in part, or may remand the matter to the Council for further Fact Finding, including additional testimony if appropriate. If additional Fact Finding is requested by the Dean, such Fact Finding, including additional testimony, shall be taken and a recommendation issued in accordance with procedures and time limits previously set forth.

The decision of the Dean must be communicated promptly to the accused and the Co-Chairs of the Council.

### **6. Appeal: Appeals Committee**

#### **a. Notification of Appeal**

The accused may appeal the decision of the Dean of the School of Medicine as a matter of right. If the accused wishes to appeal, he or she must notify the Dean of his or her request for appellate review within five working days of receiving the decision of the Dean of the School of Medicine. The notification of appeal must be in writing and include a copy of the complaint, a copy of the decision, and a statement of the grounds on which the appeal is based.

The Dean must notify the co-chairs within 2 working days of receiving the request. The co-chairs have 3 working days to gather members of the appeals committee. The appeals committee shall meet within 10 working days from the time all members are identified.

#### **b. Composition of Appeals Committee**

Appellate review of the Dean's initial decision is the responsibility of the Appeals Committee. The appeals committee will be composed of three faculty and three students. The faculty is represented by one representative chosen by the party requesting the appeal, one representative chosen by the Dean of the School of Medicine, and one representative chosen by the co-chairs from the faculty CSPC members not present at the initial hearing, and who will Chair the Appeals Committee

The student members may be chosen from the student members from the CSPC not present as a member or alternate at the initial hearing and excluding any members from the accused's class. If additional students are needed, the presidents of the freshman, sophomore, junior, and senior classes, with the president of the accused's class being excluded, may participate or may designate a representative from within their class officers.

#### **c. Appeal Procedure**

The task of the Appeals Committee is to review the decision of the Dean based upon the proceedings and recommendations of the CSPC. The Appeals Committee will hear the Fact Finders' report, review the notes and evidence from the Council proceedings, hear further arguments by the parties if requested, or make a request for certain witnesses to appear before the Appeals Committee. The Appeals Committee is prohibited from soliciting or considering any new evidence. Any new evidence would be referred to the Council on Student Professional Conduct. At least one co-chair must be present and is responsible for presiding over the appeals hearing ensuring the same information is presented and may reference notes from the original CSPC hearing to ensure evidence is presented in its entirety. The co-chairs may also identify and denote any testimonial that represents "new evidence" or diverges from evidence presented at the original hearing.

The proceedings of the appeals Committee are confidential. Written notes of the proceedings are taken by the student Co-Chair or by an appointed secretary, and are maintained in confidence by the Chairs. The student co chair will not be present during Appeals Committee deliberations. No tape recorders are permitted at any hearing of the Appeals Committee.

#### **d. Recommendation of the Appeals Committee**

After reviewing the information, Appeals Committee deliberates privately and determines, within four working days, the recommendation to be submitted to the Dean of the School of Medicine. The Chair of the Committee shall submit the written recommendation of the Committee, the basis for its recommendation and notes of the proceedings, to the Dean within four working days of the Committee's decision.

A member of the Appeals Committee who dissents from the recommendation of the Committee may submit the reasons for his or her dissent in writing at the time the recommendation of the Committee is submitted to the Dean.

#### **7. Final Disposition: Dean, School of Medicine**

The Dean must render a decision within ten working days of receiving the recommendation of the Appeals Committee. This decision must be communicated promptly to the accused, the Chair of the Appeals Committee, and the Co-Chairs of the Council on Student Professional Conduct.

The disposition of the case by the Dean of the School of Medicine after appeal is final.