East Carolina University School of Dental Medicine

Code of Ethical Conduct and Professional Behavior for Students and Residents

I. Preamble

The purpose of the East Carolina University (“ECU”) School of Dental Medicine’s Code of Ethical Conduct and Professional Behavior for Students and Resident (“the Code”) is to articulate guidelines for expected personal, academic and professional behavior of students (“Students”) in the pre-doctoral program and residents in the Advanced Education in General Dentistry and Pediatric Dentistry programs (“Residents”). The Chancellor of ECU has designated the Dean of the School of Dental Medicine as the person responsible for the administration of the Code. The Code fully complies with the University of North Carolina (“UNC”) Code and Policies.

In keeping with a key facet of the mission of the School of Dental Medicine – to prepare leaders with outstanding clinical skills, an ethical bearing, sound judgment and a passion to serve – the Code provides a framework for personal honor and integrity. The profession is responsible for monitoring its own ethical standards, and this practice must begin in dental school. The Code incorporates the principles and spirit of the American Dental Association’s Principles of Ethics and Code of Professional Conduct and the American Student Dental Association’s Code of Ethics. Promoting an environment of professionalism in which ethical standards define day-to-day activities requires full cooperation and support of all members of the School of Dental Medicine community, including students, residents, staff and faculty. Each Student/Resident is expected to show an appreciation of the trust placed in her/himself, and is expected to insist upon the same standards among fellow Students and Residents.

II. Ethical Conduct and Professional Behavior

All Students and Residents are expected to maintain high standards of moral and ethical behavior and to conduct themselves in a professional manner at all times, both on and off campus. This includes, but is not limited to, such settings as: the learning halls, laboratories, clinical care areas and other ECU facilities; at the Community Service Learning Centers; at community-based clinical activities; at meetings of community service or professional organizations; at social events or in personal encounters with other individuals; and when using social media.

Ethical conduct and professional behavior are characterized by honesty, integrity, and fairness in all circumstances; respect for the rights, differences, and property of others; concern for the welfare of others, including patients, always striving to do one’s best in providing care, and preserving patient confidentiality.

Examples of misconduct include, but are not limited to:
- Acts of academic dishonesty, including, but not limited to, cheating on examinations, violation of examination procedures, plagiarism, submitting work for evaluation that is not one’s own effort; or,
- Patient mismanagement, including, but not limited to, failure to provide a diligent and appropriate continuation of treatment, violation of patient confidentiality, provision of unsupervised treatment, patient abandonment; or,
- Alteration of patient records, entering false information into patient records, using faculty “swipe” cards to authorize treatment in axiUm; or,
- Posting of confidential faculty, student, resident, staff or patient information on personal websites or blogs; or,
- Actions prohibited by ECU Students, as delineated in section 2 of the ECU Student Conduct Process [http://www.ecu.edu/PRR/11/30/01]; or,
- Violation of ECU or School of Dental Medicine policies, or federal, state or local laws.

All Students and Residents will endorse and pledge to abide by the principles included in this Code at the beginning of their education at the ECU School of Dental Medicine, during orientation, and at the beginning of each subsequent academic year. The affirmation will be in writing, and will express the individual’s commitment to ethical conduct and professional behavior.

The School of Dental Medicine reserves the right to investigate instances of unacceptable behavior, even after a Student or Resident has graduated, if such acts contributed to the fulfillment of graduation requirements and were not evident prior to graduation. In such instances, sanctions could potentially include rescinding the degree or certificate.

### III. Reporting and Initial Review of Perceived Violations

A student, resident, faculty or staff member (the “Complainant”) who has reason to believe that a violation of the Code has occurred has a duty to report the violation. The report must be in writing, and submitted to the Associate Dean for Student Affairs as soon as possible after the event occurs, preferably within five working days of the violation, and no longer than 30 working days after the violation.

The report of perceived violation must be in the form of a dated, signed letter, and should include:

- The name(s) of the Student(s) and/or Resident(s) (the “Respondent”) involved; and,
- Names of additional individuals who may have witnessed what occurred, if applicable; and,
- Names of individuals who may be able to provide information that may be pertinent to the complaint.
The Associate Dean, in consultation with the Program Director as appropriate in allegations related to residents, will conduct an investigation to determine whether the alleged infraction has merit and/or whether it can be addressed administratively by mutual consent of the parties involved, in a manner acceptable to the Associate Dean for Student Affairs. Such disposition shall be final and there shall be no subsequent proceedings. If the matter cannot be addressed by mutual consent, the Professional Conduct Committee (the “Committee”) will be convened to review the alleged infraction.

IV. Interim Suspension

In the following instances and in the Dean’s sole discretion, the Dean, or a designee, may impose an interim suspension prior to the Hearing:

- To ensure the safety and well-being of members of the School of Dental Medicine or the ECU community, or the preservation of School of Dental Medicine or ECU property; or,
- To ensure the Student’s or Resident’s own physical or emotional safety and well-being; or,
- If the Student or Resident poses a threat of disruption of or interference with the normal operations of the School of Dental Medicine.

During the interim suspension the Respondent shall be denied access to School of Dental Medicine classes or other activities and privileges for which the Respondent would otherwise be eligible. Respondents who are placed on an interim suspension will be granted a Hearing within five to fifteen working days after notice of the interim suspension at which time they will be given an opportunity to show cause as to why the interim suspension should not continue. In the event that the Hearing finds that the Respondent charged did not violate the Code, all information related to the interim suspension will be expunged from the Student’s/Resident’s confidential record.

V. Professional Conduct Committee

The charge to the Professional Conduct Committee is:

- To uphold the standards of personal, academic and professional behavior expected of School of Dental Medicine Students and Residents, and to sustain the School of Dental Medicine’s core values of excellence, service, leadership, diversity and professionalism.
- To review reported violations of the Code and determine whether a violation has occurred.
- To recommend appropriate disciplinary and educational sanctions in instances where a violation has occurred.
- To be a standard-bearer for professional conduct for the School of Dental Medicine community by educating all members and by modeling principles
and practices that reflects the autonomous (or self-governing) nature of dentistry.

The Committee will be comprised of seven voting members: three Students, one Resident and three faculty members, appointed by the Dean. Students and Residents will be appointed for one-year terms and faculty will be appointed for two-year terms. The Dean will appoint a fourth faculty member to serve as the Faculty Co-Chair. The Faculty Co-Chair will be a non-voting member of the Committee. The Committee will elect the Student Co-Chair from the Student/Resident members; the Student Co-Chair will be a voting member of the Committee. Committee members will receive training annually, coordinated by the Associate Dean for Student Affairs in collaboration with the ECU Office of Student Rights and Responsibilities (“OSSR”) and the ECU Office of University Counsel (“OUC”).

A quorum is at least five Committee members, including at least three Student/Resident members and two voting faculty members, in addition to the Faculty Co-Chair. In each instance where the Respondent is a resident then the resident member of the Committee shall serve on the Committee that holds the Hearing. No member of the Committee may hold a law degree. The Associate Dean for Student Affairs will be an ex-officio, non-voting member and shall provide administrative assistance to ensure that the Hearing is conducted in accordance with the procedural rules defined in the Code. The Associate Dean and Co-Chairs will consult with the OUC and the OSSR, and, at the request of the hearing Chair, a member of the OUC and the OSSR may attend the Hearing, in the event that questions arise during the process.

**Respondent Notification:** The Faculty Co-Chair of the Committee shall notify the Respondent and Complainant in writing of the following: the alleged infraction; the date and the time set for the Hearing; the right to a fair Hearing; the right to have a non-legal advisor present during the process, unless the Student/Resident is facing pending criminal charges stemming from the incident in question; the right to review all evidence; the right to provide a written response to the allegations(s); and the right to appeal any decision to the Dean. The scheduling of the Hearing should be no less than five days and no more than 15 days from the date of the Respondent notification. For good cause shown by either party the Chair of the Committee may extend the date for the Hearing beyond 15 days.

The Faculty Co-Chair will also provide the Complainant with copies of documents that will be reviewed at the hearing.

**Hearing Procedures:** The Faculty Co-Chair will conduct the Hearing, consulting with the Associate Dean for Student Affairs as needed. Confidentiality of the proceedings and transcripts will be maintained at all times, and in compliance with Family Education Rights Privacy Act (“FERPA”). The Complainant and the Respondent each have the right to be assisted by an advisor, at their own expense. The advisor may not be an attorney unless criminal charges are pending or anticipated. If the
Student’s advisor is an attorney, the attorney may only advise his or her client. The attorney is not permitted to ask questions or present information. In all cases, the advisor may be present and provide consultation, but may not speak on behalf of the individual represented or address the Committee.

Committee members will be impartial, and any member who lacks impartiality must remove her/himself from the proceedings. The Dean may replace such an individual(s) as necessary to allow the process to proceed.

The Committee may accept pertinent records, exhibits and written statements, provided by the Complainant or the Respondent. These materials must be provided to the Faculty Co-Chair at least three business days in advance of the hearing, so that information provided by the Respondent may be shared with the Complainant, and any additional information provided by the Complainant may be shared with the Respondent.

The Respondent has the right to appear at the hearing, to make formal statements on her/his own behalf, to present witnesses and to examine evidence. Neither the Respondent nor the Complainant is permitted to confront or cross-examine witnesses directly but may filter their questions through the Committee. The Committee shall have the right to question witnesses. All procedural questions are subject to the final decision of the Co-Chairs of the Committee, in consultation with the Associate Dean for Student Affairs.

There will be a single verbatim record (e.g., an audio recording) of the Committee hearing. Committee deliberations will not be audio-recorded. The recording and all written materials presented shall be the property of the School of Dental Medicine, and are governed by the same confidentiality and file retention policies applicable to other educational records. In cases where a finding of violation has occurred, the Respondent may, upon request, receive a copy of the recording of the hearing proceedings. Recording quality problems and/or malfunctions will not invalidate or nullify the decision of the Committee.

Committee Deliberations and Report to the Dean: After the hearing, the Committee will deliberate to determine whether a violation of the Code has occurred. The Student Co-Chair will chair the deliberations. Neither the Respondent, nor the Complainant, nor any witnesses may be present during Committee deliberations. The Committee’s determination shall be on the basis that the preponderance of evidence (which is the same as the “greater weight of the evidence”) presented supports the conclusion that the Respondent violated the Code. In order to make a determination that the Respondent has violated the Code, a simple majority vote is required.

In the event that the Committee determines that a violation of the Code has occurred, the Committee will present its findings, conclusions and recommendations for disciplinary action in writing to the Dean, in a letter composed
by the Student Co-Chair, with assistance by the Faculty Co-Chair. The Dean will consider this information in the ultimate disposition of the case.

The Committee may recommend one or more sanctions to the Dean, and may formulate individualized penalties or rehabilitative or remedial measures at its discretion. Sanctions should reflect the nature of the misconduct, and may include, but are not limited to, warning, counseling, restitution, formal apology, community service, additional coursework, letter of reprimand, repeat of examination, repeat of course, disciplinary probation, loss of privileges, suspension, repeat of academic year, or expulsion from the School of Dental Medicine.

A student or Resident found to have committed a second violation of the Code, or to have failed to comply with imposed sanctions, may be subject to expulsion.

VI. The Dean’s Review

The Dean will review the letter from the Committee, and at the Dean’s discretion, may meet with members of the Committee, the Complainant and/or the Respondent. The Dean may not change the finding of the Professional Conduct Committee, but may modify the sanction(s).

The Dean will notify the Respondent, the Complainant, the Committee, the Associate Dean for Student Affairs, and the OSSR of the findings in the case, and the sanctions to be imposed.

VII. Due Process Protections for Students

The Respondent may elect to participate, or not to participate, in the hearing. No student may be found to have violated the Code of Conduct simply because the student failed to appear before the Committee considering the student’s case. In all cases, the evidence in support of the charges shall be presented and considered.

All Students and Residents shall have the right to a fair hearing, the presumption of innocence until found responsible guilty, the right to know the information in support of a violation and to face witnesses testifying against him or her and the right to such advice and assistance in his or her own defense as may be allowable as noted above.

Disciplinary sanctions will remain part of the Student’s/Resident’s confidential academic record during the time of enrollment at the School of Dental Medicine. At the time of the Student’s/Resident’s graduation or program completion, upon written application by the student to, and approval by the Associate Dean for Student Affairs, the School of Dental Medicine may expunge the Student’s/Resident’s confidential record of disciplinary actions other than suspension or expulsion.
VIII. Appeal Process

The Respondent may appeal an adverse decision and action, provided that he/she can demonstrate that there was a violation of due process, or that there is additional, compelling information not originally considered by the Committee and the Dean. The appeal must be submitted to the Dean, in writing, within five days of receiving the written decision, and must clearly delineate the specific basis for the appeal.

In the event of an appeal, the Dean will appoint an ad hoc committee, comprised of two faculty members and three Students or Resident, who were not part of the original process, to hear the case. The Dean has the discretion to determine whether sanctions or other interim restrictions should be imposed while an appeal is in process. The ad hoc committee will follow the same hearing guidelines and following due deliberations, will make a written recommendation to the Dean who may accept or reject the recommendation. The Dean will inform the Respondent, both orally and in writing, of the Dean’s decision.

The Respondent may appeal an adverse decision and action, provided that the Respondent can demonstrate a violation of due process or that there is additional compelling information not considered by the Dean, to the Vice Chancellor for Health Sciences, whose decision shall be final. The appeal must be submitted to the Dean, in writing, within five days of receiving the Dean’s written decision, and must clearly delineate the specific basis for the appeal. The Vice Chancellor for Health Sciences shall consider the appeal on the record.

Approved by Dean’s Executive Council: February 14, 2013