



Section: Office of Student Affairs

Policy Name: NJMS Code of Professional Conduct

Prepared and Approved by: Committee on Student Affairs **Date:** 08/03/2020

Approved by: Faculty Council **Date:** 08/21/2020

I. PURPOSE

To establish the NJMS companion policy to the RBHS policy entitled "Student Rights, Responsibilities and Disciplinary Procedures," hereinafter referred to as "the Policy." It was developed to comply with Section V. A. 2. of "the Policy" which calls for each school within the University to have such a code in place.

II. ACCOUNTABILITY

Under the Dean, the Committee on Academic Integrity (CAI) (hereinafter referred to as "the Committee") will be responsible for educating the students regarding ethical issues, monitoring the academic integrity policy and serving as the hearing body for all student disciplinary actions at NJMS. This committee will assess the nature and severity of the violation(s) and report its findings to the Dean.

III. APPLICABILITY

All Students who enroll at Rutgers New Jersey Medical School will be expected to abide by the Code throughout their course of study and will be informed that violations of the Code will be considered with the gravest concern and may be punishable with sanctions as severe as suspension or dismissal.

IV. BACKGROUND

RBHS Policy: Student Rights, Responsibilities and Disciplinary Procedures (refer to <https://policies.rutgers.edu/>)

V. POLICY

THE RUTGERS NEW JERSEY MEDICAL SCHOOL CODE OF PROFESSIONAL CONDUCT

The Rutgers New Jersey Medical School Code of Professional Conduct (hereinafter referred to as "the Code") sets forth general principles of integrity as well as expectations for behavior consistent with the ethical study and practice of medicine as described in the American Medical

Association (AMA) code of ethics and the American Board of Internal Medicine's Project Professionalism. The latter defines professionalism as aspiring to "altruism, accountability, excellence, duty, service, honor, integrity and respect for others," and identifies several issues that can have a negative impact on these elements ("Professionalism in Medicine: Issues and Opportunities in the Educational Environment," Project Professionalism, p. 4-10, American Board of Internal Medicine, 1995, Philadelphia, Pa).

*With permission from Tina Greco, adapted from the **Student Handbook for the New Jersey Graduate Program in Public Health 1992-1994***

Introduction

We, the students of Rutgers New Jersey Medical School, believe that the medical community holds a public trust. At the heart of our profession is the trust of the physician-patient relationship, which depends on individuals of the medical community living by standards worthy of that trust. Due to the sensitive and confidential nature of our work as physicians we must, as individuals, observe high standards of honesty and integrity. We must also make diligent efforts to ensure that high standards are upheld by our colleagues and peers. This is necessary to safeguard the public trust and ensure the integrity of our profession for future generations.

Furthermore, we believe that it is possible to attain these high standards in a professional school setting through both individual and group awareness and commitment. It is our hope that by adopting these principles into our personal and professional lives, we can promote a culture of professionalism and positively influence our present community here at New Jersey Medical School, and the many future communities we will serve as physicians.

This standard of integrity must apply to everyone alike, regardless of rank or seniority. Upon entry into medical school, students accept responsibility for honesty and integrity as part of a sacred tradition dating back to the Hippocratic Oath. The Code is a modern day affirmation of the Oath's values. The Code states that the individual is responsible for acting with honesty and integrity during all academic activities. The individual is also responsible for reporting incidents of academic dishonesty committed by or observed in other members of the community. Allegiance cannot be to individual advancement or personal considerations, but must be to the integrity of the medical profession and the good of the community. Violations of the Code will be handled as matters of the gravest concern, punishable where appropriate by suspension or expulsion from our academic community.

Section I - Definitions

Acknowledging the high professional and ethical standards that physicians are expected to exhibit, the students of the New Jersey Medical School (NJMS) have adopted the following as guidelines for professional conduct. Students are expected to exercise good judgment when questions of a professional or ethical nature arise.

NJMS student responsibilities include, but are not limited to, the following:

- to be aware of and to abide by all applicable federal, state and local civil and criminal laws and regulations;
- to be aware of and to abide by all applicable University, RBHS, and School policies, rules, procedures and standards, both general and academic; to be responsible for personal and professional integrity and honesty in all academic activities; to treat all

members of the community (faculty, staff, students, patients) with respect and understanding and to resolve conflicts with other members of the NJMS community in a respectful and constructive manner.

- to hold themselves to high standards of academic integrity. This includes the accurate and honest reporting of clinical and research data, as well as ensuring that the rules regarding all examinations and coursework are adhered to.
- to do their utmost to ensure a safe and friendly environment for patients. This includes maintaining accurate notes, following up promptly on results of diagnostic studies and serving as a patient advocate. Additionally, students will maintain strict confidentiality regarding patient information.
- to adhere to all generally recognized standards of professional and ethical conduct and to help ensure that high standards of professional and ethical conduct are upheld by fellow students, colleagues and peers by reporting incidents of academic and professional dishonesty observed in others.

SECTION II – Violations

It is expected that by this point in their education, medical students should already be aware of what constitutes a breach of academic integrity and inappropriate professional behavior. The following behaviors are examples of breaches in professional conduct.

- A. Cheating: the use of inappropriate or unacknowledged materials, information, or study aids for any written or clinical exam. Students must obey rules governing NJMS departmental examinations and NBME examinations and their administration. The use of books, notes, tape recorders, electronic devices, calculators, or conversation with others is prohibited, unless specifically noted otherwise. Students may not request others (including commercial term paper companies) to conduct research or prepare any work for them without crediting the source for the work that was used. Students may not submit identical work or portions thereof for credit without approval of the instructor.
- B. Stealing: to take something without right or permission, usually in a surreptitious way, e.g., to take another student's personal belongings, or to take equipment from the hospital for personal use.
- C. Forging: falsely making or altering a document, e.g., to sign an attending physician's name on a prescription or a written report.
- D. Fabrication: the invention of any information or citation in an academic exercise. "Invented" or changed information may not be used in any laboratory experiment or other academic exercise without authorization from the instructor, e.g., it is improper to analyze one sample in an experiment and then "invent" data for other required analyses based on that one sample. Similarly, it is improper to report laboratory values or chest radiographs as normal if the appropriate tests were never ordered or performed.
- E. Plagiarism: the representation of the works or ideas of another as one's own. To avoid plagiarism, every direct quotation must be identified by quotation marks or by

appropriate indentation and must be cited in the text or by a footnote or endnote. (Student Note Service is exempt for the purpose of this Code, provided it adds an appropriate disclaimer prior to distribution.) Plagiarism can often be a subtle issue. Any questions as to what constitutes plagiarism should be discussed with a faculty member.

- F. Denying Others Access to Information or Material: to deliberately impede the progress of another student or scholar or deny them access to scholarly resources intended for general consumption, e.g., intentionally giving other students false or misleading information; making library material unavailable to others by stealing, defacing, or hiding books or journals, or by deliberately misplacing or destroying reserve materials; or by intentionally altering computer files that belong to another.
- G. Unprofessional Conduct: Students must conduct themselves appropriately as befits a member of the medical community. Unprofessional conduct includes, but is not limited to, a pattern of: unmet professional responsibilities; a lack of effort towards self-improvement and adaptability; diminished relationships with faculty, staff, and peers; and diminished relationships with patients and families.
- H. Vandalism: The defacing of campus property or destruction of property of members of the community is considered unprofessional behavior and in violation of the Code.
- I. Unauthorized Use of Drugs and/or Alcohol are in violation of the Code. It is unprofessional to participate in patient care while impaired.
- J. Improper use of Information Technology resources/networking- Improper use includes using email to harass members of the Rutgers community, disrupting operation of networks through illegal acts, using unauthorized accounts, and inappropriately taking equipment/materials from computer laboratories.

Section III - Committee on Academic Integrity

The Committee on Academic Integrity (CAI) will be responsible for educating the students and faculty regarding ethical issues, monitoring the academic integrity policy and serving as the hearing body for all student disciplinary actions at NJMS. The committee shall meet at least once a semester on a schedule to be publicly announced, and as needed to deal with cases referred by the Dean.

- A. Composition: The committee will be composed of six medical students and five faculty members of whom at least two are administrators, one a clinical faculty member, and one a basic science faculty member, for a total of eleven members. The members will elect one student member and one faculty member to serve as co-chairs.
- B. Selection Process
 - 1. Students:

The Student Council Appointments Committee will select students who will serve until their graduation. Each appointed student must be in good academic standing at the time of appointment, and must maintain good academic standing in order to serve on the Committee. Alternates will be selected for each position in the event that a committee member becomes personally involved in a hearing, falls out of good academic standing, or chooses to withdraw from the Committee for personal or professional reasons.

2. Faculty: Faculty members of the committee will be chosen by the Dean. There will be no term limits for any of the faculty positions. Alternates will be selected for each position in the event that a committee member becomes personally involved in a hearing, is on a temporary leave of absence, or chooses to withdraw for personal or professional reasons.

Section IV – Committee Procedures

The primary procedural guidelines for the Committee are described in the RBHS Policy on Student Rights, Responsibilities and Disciplinary Procedures. Students should refer to this Policy for the procedures to be followed. In case of discrepancy, the Policy is to be considered the overriding document. An outline of the procedure is as follows:

- A. A request for disciplinary action against a student may be made in writing to the Dean by any student, faculty member, or administrative officer within thirty (30) working days of an alleged infraction or the discovery of an infraction.
- B. The Dean or his/her representative may attempt to resolve the matter informally through mediation by an administrative officer of the School or by some other means. If the Dean or his/her representative concludes that the matter cannot or should not be resolved in this manner, he/she shall refer it to the Hearing Body of the School (i.e., the Committee on Academic Integrity) within ten (10) working days of the Dean's decision.
- C. Following receipt of the request, the Committee will meet to review the case and schedule a hearing. If the Committee has questions concerning the Dean's request or the basis for the charges, it may seek clarification from the Dean prior to scheduling a hearing.
- D. The Committee shall forward to the Accused and to the Complainant written notice of the complaint and of the time, date and place of the hearing, which shall be held within fifteen (15) working days of receipt of a request from the Dean. This time may be extended at the request of the Accused if the Accused is unable to appear, but the accused must provide the Committee with a suitable date within a reasonable time frame.
- E. The Committee shall convene to hear the complaint and make recommendations for action to the Dean. A complete description of hearings procedures can be found in the University Policy section V.F.4, and are summarized below.

1. Quorum: At least 7 members (2 of whom must be faculty members) must be in attendance. In order to vote, a member must be present for the entire proceeding. Those members not present for the entire proceeding may offer their opinions during deliberations, but may not vote. Non-voting members do not count toward the above quorum requirements. The student co-chair will not vote, except in case of a tie.
2. Hearing Procedures: The hearing will be conducted according the guidelines set out in the Policy, as follows:
 - a. Witnesses may be called by any participant. Relevant materials may be presented if advance copies are provided to each participant. The Committee may at any time request submission of documents or an appearance by anyone involved in the matter, and may conduct as many hearing sessions as necessary to complete its consideration of the Complaint, within the time period designated in this procedure.
 - b. Students may consult private legal counsel at any time for advice. Students or legal counsel may submit to the Committee any documents or other evidence relevant to the matter at any time prior to the conclusion of the hearing. However, legal counsel shall not be permitted to appear at the proceedings of the Committee.
 - c. The burden of proof shall rest with the Complainant.
 - d. The Chair of the Committee shall rule on all procedural matters in accordance with this policy, with the procedural rules of the School, and with generally accepted terms of fundamental fairness. Whenever necessary, the Chair may seek the advice of the Office of General Counsel in procedural matters. Committee procedures shall, at a minimum, insure:
 - i. that witnesses be heard in the presence of the Accused, but outside the presence of other witnesses; the Hearing Body may request the presence of the Complainant during the testimony of other witnesses, in whole or in part.
 - ii. that tape recordings of the hearing, excluding all deliberations by the Committee, shall be made by the School; any participant may, at his/her own expense, obtain a copy of the recording or a transcript, or employ a court stenographer during the hearing.
3. Completion of the Hearing: The Committee will complete its hearing procedures within forty (40) working days of the commencement of the hearing, and submit to the Dean, with copies to the complainant and to the accused, within seven (7) working days thereafter, a written recommendation, including any findings of fact made by the Committee, and a reporting of the total vote tally of the Committee's

decision, without reference to individual votes.

4. Recommendations: The recommendations of the Committee may consist of any or no disciplinary action as outlined in Section V of the Code and should be based on the factual findings, the severity of the violation, and any procedures, policies or codes of the School or of the University.
5. All notices and correspondence to the Accused shall be sent by certified mail, return receipt requested or hand-delivered with a receipt to be signed; receipts shall be retained by the School.
6. Exceptions: After the Committee makes its recommendation, but before a final decision by the Dean, all parties may submit requests for exception in writing. As per the policy these must be submitted within five (5) working days of the Committee's recommendations.
7. Decision: The Dean or his/her designee shall render, within a reasonable period of time, a final decision on disciplinary action to be taken and shall provide written copies of the decision to the Accused, the Complainant and the Committee.
8. Appeals: Within five (5) working days of receipt of the Dean's decision, the student may submit a written appeal to the RBHS Chancellor. The RBHS Chancellor may, at his or her discretion, seek information and consult with any other party, including the Accused, Complainant, Committee and the Dean, and shall render, within a reasonable period of time, a written decision and shall provide written copies of the decision to the Accused, the Complainant, the Committee and the Dean. The decision by the RBHS Chancellor is not subject to appeal.
9. Confidentiality: All proceedings of the Committee are considered confidential, and all parties involved, including the Complainant and Accused are expected to maintain confidentiality. Failure to do so will be considered a breach of professional behavior and is itself a violation of the Code.

SECTION V - Recommended Sanctions

Academic dishonesty is a serious offense and is therefore subject to appropriate disciplinary action. Violations will be reviewed by the Committee in accordance with the procedure stated in the Policy. This body will assess the nature and severity of the violation(s) and report its findings to the Dean, including any recommendations for action. Depending on the severity of the offense as determined by the hearing body, one of the suggested levels of disciplinary action cited below may be recommended to the Dean. A majority vote will be required to recommend such sanctions with the exception of Level V Disciplinary Actions, which will require a two-thirds vote of the Committee. The description of these sanctions is not all-inclusive. The Dean will make the final decision on any violation.

The following list is a description of the levels of sanctions that the Committee may recommend to the Dean. Recommendations for sanctions will be made on an individual basis.

No Action

In the event that the student is found innocent of the allegations brought against him/her, the matter will be dropped with no further action taken. Furthermore, all information pertaining to the case will be destroyed and no record shall be kept of the incident or the proceedings. The hearing body (i.e., Committee on Academic Integrity) shall reserve the right to terminate the investigation or dismiss the proceedings at any time should they feel such action is warranted. In the event that the Committee finds a student guilty of an infraction for which no action is deemed necessary by the Committee, the Committee will recommend that finding to the Dean.

Level One

The student shall receive both a written and an oral reprimand from the Dean or his/her representative concerning the offense. A record of the incident will be kept in the Committee's files until the student graduates. The Committee's files may not be used to prepare any official written or oral communications about the student, including dean's letters. If the incident involves a course assignment or requirement, there may be a recommendation that either no credit be given for the assignment/requirement or a make-up assignment be given if appropriate.

Level Two

The student shall receive both a written and an oral reprimand from the Dean or his/her representative concerning the offense. A record of the incident will be kept in both the committee's files and the student's official file until the student graduates. As above, a recommendation may be made that either no credit be given for an assignment/requirement or a make-up assignment be given if appropriate. A failing grade may also be recommended for the assignment or relevant portion of the involved course.

Level Three

The student shall receive both a written and an oral reprimand from the Dean or his/her representative concerning the offense. A record of the incident will be kept in both the committee's files and the student's official file until the student graduates. A notice will be placed in the student's official file that s(he) is considered to be on "Academic Disciplinary Probation" until graduation. A recommendation will also be made that the student receive a failing grade for the assignment, examination or course involved if appropriate.

Level Four

The student shall receive both a written and an oral reprimand from the Dean or his/her representative concerning the offense. A record of the incident will be kept in both the committee's files and the student's official file until the student graduates. The student will be suspended for a minimum of one semester from the medical school. A notice of "Academic Disciplinary Suspension" will be placed in the student's official file and remain for the designated period. A permanent indication of the violation will be included in the student's file. If the recommended sanction involves failure of a course or suspension, an explanatory note will be included on the student's transcript. Readmission is automatic. The faculty determines the level at which academic level the student will re-enter.

Level Five

Violations at this level represent the most serious breaches of academic integrity and will result in the expulsion of the student from the School, defined as a severing of affiliation between the student and the New Jersey Medical School. A permanent indication of both the violation and the expulsion will be placed in the student's official file as well as the committee's files.

Section VI - Status of the NJMS Code of Professional Conduct

Amendments to the NJMS Code may be proposed by the Committee on Academic Integrity on its own motion at any time. All proposed amendments will be circulated to the Student Council for review/comments before being voted upon by the Committee. A proposed amendment must be approved by majority vote of the committee members, and then forwarded to the Committee on Student Affairs and Faculty Council for review and approval. To insure that all NJMS students are knowledgeable about the contents and provisions of the Code, it will be published in the NJMS Student Handbook and presented during orientation for first-year students.

By Direction of the Dean:

Associate Dean for Student Affairs