

NYU School of Medicine Honor Code

Purpose

Medical students are physicians-in-training from the start of medical school. As such they are expected to uphold and manifest the highest standards of integrity and professionalism. New York University School of Medicine strives to foster integrity and professionalism, both in the behavior of individuals and in the interactions among members of the medical community as a whole. This Honor Code informs students who may encounter difficult moral and ethical issues when they arise throughout their medical career. In this capacity the standards of conduct promote expected behaviors, punish unprofessional behaviors, and educate students to confront these issues. It shall be the responsibility of the entire community to uphold the integrity and ethical standards set forth in the Honor Code. As such, the following guidelines are enforced:

Community Responsibilities

For Students:

1. The standards of conduct listed here set forth general expectations of students as integral members of an ethical community. The full range of responsible conduct cannot be set forth in any policy document. Accordingly, students should view the enumerated expectations listed below as an illustration and should strive to comply with both the letter and the spirit of the Honor Code. In instances where the expectations are unclear, the burden rests on the student to seek out clarity from the appropriate faculty member(s) or Dean(s).
2. Statement on Graded Assignment Conduct: The NYU School of Medicine defines cheating as any effort on the part of a student (or students) to willfully misrepresent her/himself (themselves) in an exam or other graded assignments of required academic activities. This includes, but is not limited to:
 - Copying or discussing answers during examinations, including take-home exercises;
 - Using non-permitted materials, such as notes, books, or electronic devices, during an exam or other graded exercise, including on-line or take-home exercises;
 - Collaborating on on-line or take-home exercises (except when expressly permitted).
 - Copying another person's written work and representing it as one's own.
 - Falsifying clinical reports, experimental results, patient write-ups or other written or presented material.
 - Providing assistance to another student on a graded exercise
 - Preventing equal access to educational materials
 - Engaging in behavior that can be construed as violating exam conduct principles (i.e. looking at another's answer sheet; talking during an examination, using non-permitted materials).
3. All members of the community must be active participants in the enforcement of this code. As such, students who witness or perceive a violation of the code are expected to take appropriate action.
4. Students will be provided with a copy of the Honor Code prior to the first day of medical school. The student will be expected to sign a statement affirming adherence to the principles while enrolled at the NYU School of Medicine.

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For Faculty:

As members of the medical community, faculty are expected to participate in and enforce the Honor Code to the fullest extent possible. This includes but is not limited to:

- Strive to clearly define the appropriate types of aid or collaborations acceptable on any academic exercise.
- Avoid situations in academic settings or with academic exercises that may increase the likelihood of Honor Code violations.
- Articulate the Honor Code to students whenever appropriate and uphold the integrity of the Code and its purpose.
- During Examinations, proctors are responsible for ensuring the enforcement of the academic policies. As such, proctors who observe violations of the *Statement on Exam Conduct* may move a student to another area of the room or take other appropriate action as deemed necessary. Students should not question or challenge proctors during the exam testing period, but may discuss the incident after the exam period or make a formal complaint to the Dean for Student Affairs.

Students alleged to be violating the *Statement on Graded Assignment Conduct* will be subject to the School of Medicine's *Code on Student Discipline*.

Implementation

In order for an Honor Code to function, members of the School of Medicine Community must hold themselves and others to strict adherence of it. Community members are expected to use any or all of the following options to address suspected Honor Code violations:

- A student or faculty member may speak directly to his/her fellow classmate about the perceived infraction to obtain an explanation and determine if an Honor Code violation did indeed occur. This approach is likely to result in the most significant changes in attitude and behavior among students. If a satisfactory explanation is not provided, the student or faculty member is encouraged to take further action as described below.
- In cases of academic misconduct, a student may choose to approach the professor or proctor of the class in which the alleged misconduct occurred, who will then proceed according to the nature of the incident and with the awareness of University policies.
- A student or faculty member may choose to make a formal report to the Dean for Student Affairs for determination of the appropriate administrative action as described below (*including informal resolution or resolution through the formal disciplinary process*).

Jurisdiction

New York University's "Rules for the Maintenance of Public Order" and "Statement of Policy on Student Conduct" apply to students of the School of Medicine as they do to students of other schools of the University. However, given the unique role of physicians-in-training, the potential impact to a student's future career as a physician, and various state guidelines regarding licensure, the School of Medicine augments the University's "Student Disciplinary Procedures" with its own disciplinary guidelines. Refer to the New York University's Policies and Procedures for details on the above. Also at NYU, the following guidelines have been established for the University: "Guidelines for the Use of University Facilities", "University Policy on Photocopying Copyrighted Materials", "Family Educational Rights and Privacy Act", and "University Policies on Substance Abuse and Alcoholic Beverages". In accordance with these policies, the following student disciplinary procedures are established specifically for the School of Medicine.

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1. Filing and Notice of Complaint

Any member of the University's faculty, administration, staff, or student body may file a complaint with the Dean for Student Affairs against any student of the School of Medicine for an alleged student offense or violation of the Honor Code. Complaints initiated by the Dean for Student Affairs shall be referred to the Vice Dean for Faculty and Academic Affairs or his/her designee. In those instances all references in this policy to the Dean of Students shall be read "Vice Dean for Faculty and Academic Affairs".

All such complaints should be in writing and be signed by the complainant. Complaints should be submitted as soon as possible after the alleged event takes place. In instances where there is no written complaint, or the complaint is unsigned, disciplinary action may still proceed. However, the Dean for Student Affairs or the Honor Council will take into consideration the absence of a written complaint, or an anonymous complaint, in their deliberations. Notice of the filing of the complaint shall be mailed to the student promptly after the Dean for Student Affairs receives the complaint. While offenses which may be subject to disciplinary proceedings are listed in the Student Disciplinary Procedures of New York University (<http://www.nyu.edu/about/policies-guidelines-compliance/policies-and-guidelines/student-disciplinary-procedures.html>), this list is intended to be representative, and not exclusive, in nature.

2. Informal Resolution of Complaints

Upon the filing of a complaint, or notification of alleged violation, the Dean for Student Affairs or his or her designee(s) shall meet with the student complained against (the respondent) and may attempt to resolve the complaint informally, with the consent of the respondent, by such means as the Dean for Student Affairs deems appropriate. If informal resolution by consent fails the matter may be referred to the School of Medicine Honor Council, which shall conduct a hearing on the complaint.

Informal Resolution by consent may be determined to have failed when there is a(n):

- Unwillingness of the respondent to accept the resolution.
- Determination by the Dean for Student Affairs that informal resolution is inappropriate or insufficient given the alleged violation or any other factor as determined by the Dean of Students.
- Written request made by the complainant to refer the matter for formal resolution.

The term "respondent" shall be read as "respondents" in cases where more than one student is accused in a complaint. Similarly, "complainant" shall be read as "complainants" in cases where more than one person joins the complaint.

3. Interim Suspension

The Dean may suspend a student (1) pending consideration of the complaint against him or her by the Honor Council, or (2) Upon recommendation by the Dean for Student Affairs. Such summary suspension may be made for reasons relating to the student's physical or emotional well-being, the safety and well-being of University students, faculty, or staff, or of University property, the maintenance of public order, or the effective continuation of the education process. When such a suspension occurs, the student shall be afforded the opportunity to request expedited disciplinary proceedings, which shall occur as soon as is reasonably possible (preferably within 48 hours) after the student's request for expedition.

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4. Honor Council

The Honor Council of the School of Medicine shall consist of seven persons: four faculty chosen annually by the Dean and three students selected by the Honor Council in consultation with the Student Council. Membership is typically permanent except in cases of natural attrition (i.e. graduation, withdrawal of membership) or by decision of the Dean.

The Dean shall name the chair of the Honor Council. Each complaint brought before the Honor Council shall be heard by a three member Hearing Panel, composed of two faculty and one student, chosen by the chair of the Council.

5. Proceedings of the Honor Council

A. Pre-Hearing: If a complaint is not resolved informally the Dean for Student Affairs may refer the case to the Honor Council for a hearing.

The Dean for Student Affairs will inform the Council of the basic nature of the alleged offense including any relevant School of Medicine or University policies related to the alleged offense, for purposes of charging the council and selecting the three-person Hearing Panel. The Charging of the Council will occur as soon as is reasonably possible after informal resolution by consent fails.

Promptly thereafter, the Council Chair shall send the respondent a written notice explaining that the case has been referred to the Honor Council and can, if possible, include the date and time of the hearing, which shall take place not less than seven days after the sending of such notice except upon the consent of the respondent. If a complaint involves more than one respondent, the Chair of the Hearing Panel may, at his or her discretion, permit a separate hearing to be conducted for any respondent.

The Hearing Panel may dismiss the complaint without a hearing if it determines that there would be no violation of University policy even if the events alleged by the complainant were true or if there is insufficient evidence to warrant further review.

B. Investigation: The Hearing Panel shall conduct a fact gathering process that includes interviews and the review of documents, including medical and academic records, as the Panel deems necessary or helpful in its conduct of the investigation. The Panel may also require a physical and/or mental evaluation of the respondent(s) in any case where the Panel has reason to consider the physical or mental competency of the respondent(s). Appropriate consultants shall carry out such evaluation, and a report of the evaluation shall be forwarded to the Hearing Panel. The chair of the hearing panel may designate any employee of the University to undertake any such investigatory actions on its behalf.

C. Quorum: All three members of the panel shall be present at the hearing. All actions shall be by majority vote. When the Council's Chair is not a Hearing Panel member, the participating members shall designate the Chair of the Hearing Panel.

D. Assistance: The respondent has the right to be accompanied at the hearing by counsel or an advisor. If the respondent wishes, the advisor may be a medical school student, staff member, or faculty member. The role of the advisor/counselor shall be limited to: (1) Providing advice or counsel to the respondent(s); and (2) addressing the members of the Hearing Panel. The role of the advisor or counsel shall not include the questioning of witnesses. The Hearing Panel may, in its discretion, further define, expand, or limit the role of any such advisor or counsel.

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E. Closed hearing: Hearings normally shall be conducted in private. Interviews by the hearing panel of the respondent(s), any witnesses, or the complainant(s) shall be conducted separately. Admission of any person to the hearing or combined interviews of respondents, witnesses, and/or complainants shall be at the sole discretion of the Hearing Panel.

F. Failure to appear: If the respondent(s) should fail to appear or refuse to testify, the hearing(s) may nonetheless proceed.

G. Evidence and testimony: The rules of evidence are not binding on the Hearing Panel. Written and oral evidence may be presented. The Hearing Panel will determine who may testify, the order of testimony, what documents and written statements to accept into evidence, and all other matters pertaining to the conduct of the hearing. Each member of the Hearing Panel may examine any witness or respondent.

The Hearing Panel will determine which documents or other information to accept into evidence as part of its official deliberations. This will be based on its determination of the relevance of such information to the current charge(s). Information not accepted into evidence will not become part of the official Disciplinary record.

Given that documents or evidence reviewed by the Hearing Panel may occur at any point during the investigation and that some information may, ultimately, not be part of the official deliberation, respondents will have access to such evidence only after the compilation of the official Disciplinary Record, and only upon request. The Hearing Panel may consider requests by the respondent to view specific evidence during its deliberations and fact gathering. However, these requests must be in writing and must specify what evidence is being requested (i.e. the initial complaint, etc). The Hearing Panel will determine the scope of access (i.e. whether an individual will be provided photocopies of documents) depending on the nature of the documentation.

H. Standard of proof: It is a rare occurrence where there is incontrovertible evidence of policy violations or admissions of guilt. As such, the standard of proof set for the Hearing Panel is a preponderance of the evidence. In other words, the Hearing Panel's determination shall be made on the basis of whether it is more likely than not that the respondent(s) committed the alleged offense.

I. Record of proceedings: The hearing(s) shall be recorded on audio tape or by such other method (including videotape or stenographic record) as the Hearing Panel may direct. After the report of the hearing has been prepared, the recording shall be forwarded to the Office of the Dean where it will be preserved until all appellate proceedings have been completed. The recording is the property of the University.

J. Report of the hearing panel: The Hearing Panel shall prepare a written final report as soon as is reasonably possible, after the completion of the hearing(s). Copies of this report, with all supporting documentation, shall be submitted to the Dean and the Dean for Student Affairs for review and approval. The Dean (or appellate officer or board, if appointed by the Dean), may affirm the Hearing Panel's action, modify it in any respect (including by imposing a more severe sanction), or reverse it, or may remand the case for further proceedings by the Honor Council.

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Once approved, the report, with all supporting documentation, shall be entered into an official Disciplinary Record. The Dean, or his/her designee, shall forward a copy of the Final Report to the respondent(s).

The final report shall include the following: Procedures of the Panel; Charge to the Hearing Panel (i.e. statements regarding the policies or ethical codes alleged to have been violated); brief summaries of documents entered into evidence and interviews conducted; the Hearing Panel's conclusions as to the facts of the case; any sanctions, if any are imposed; and a statement advising the respondent(s) of the right to appeal.

K. Sanctions: If the charge(s) are sustained in any respect, the Hearing Panel's report shall state what sanction, if any, shall be imposed on the respondent(s). Available sanctions include, but are not limited to:

1. Verbal warning
2. Written Warning
3. Censure
4. Educational or Performance sanctions
5. Restrictions on eligibility for awards or honors (including eligibility for AOA)
6. Suspension of Privileges
7. Disciplinary Probation
8. Restitution
9. Monetary fine
10. Suspension
11. Dismissal

More than one sanction may be imposed for a single offense. If a student is suspended, conditions for readmission may be specified. If the Hearing Panel imposes a sanction, its report shall also state what entry, if any, of that sanction shall be made in the respondent's official Academic File.

6. Appeals of Disciplinary Action

All appeals from the Hearing Panel's action after a hearing shall be to the Dean. The Dean may appoint an appellate officer or board to consider the appeal on his or her behalf. The respondent may appeal any adverse determination, but only on the grounds that (1) the proceedings at the hearing were flawed in a way that creates a significant risk that the outcome was erroneous, or (2) the evidence in the record taken as a whole does not substantially support the Hearing Panel's action. The appeal must be in writing, must state the basis for the appeal, and must be filed with the Dean within seven days of the date on which the final report of the Hearing Panel was submitted to the respondent. The appeal shall be limited to a review of the record of the hearing and of any materials accepted into evidence at the hearing.

The Dean shall have the power to stay the sanction imposed by the Hearing Panel pending the appeal. The Dean (or appellate officer or board, if appointed by the Dean), may affirm the Hearing Panel's action, modify it in any respect (including by imposing a more severe sanction), or reverse it, or may remand the case for further proceedings by the Honor Council. Any decision by the Dean (or appellate officer or board, if appointed by the Dean), other than a remand, shall be final and binding.

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7. Record-keeping

The NYU School of Medicine shall permanently retain a copy of the complaint, any amended complaint, any decision of the Hearing Panel, any documentation admitted as evidence by the Hearing Panel, and any decision of the Dean in an official Disciplinary File. Additionally, any documentation placed into a student's official academic record with the Office of Registration and Student Records cannot be removed.