

NEW YORK UNIVERSITY COLLEGE OF DENTISTRY
CODE OF ETHICS AND PROFESSIONAL CONDUCT
Approved EMC 080405

I. INTRODUCTION

The New York University College of Dentistry (“NYUCD” or the “College”) adheres to the principles of conduct set forth in the New York University and/or New York University College of Dentistry and New York University College of Nursing (NYUCN) Student/Faculty Guides/Handbooks [<http://www.nyu.edu/dental/studenthandbook/codeofethics.pdf>/<http://www.adha.org/aboutadha/codeofethics.htm>]. It is expected that these principles will guide the behavior of each member of the College community in his or her academic and professional life, patient care, and personal conduct. The College acknowledges the respect earned from the public and believes that all members of the College community should be exemplary in their compliance with local, state and federal standards, regulations, and policies that pertain to health and health care. This Code applies to all students, faculty, researchers, administrators, and professional staff of the College. By adopting and publishing this Code, the College declares its authority over all aspects of ethical and professional conduct within the College and establishes the process to be followed by the College for adjudicating instances of noncompliance with the Code. Responsibility for compliance with the Code and for review of alleged violations of the Code is delegated to a Council on Ethics and Professionalism (“the Council”).

II. STANDARDS OF CONDUCT

This section sets forth the expectations and standards for the conduct of all members of the College community. These standards are modeled on the current ADA Principles of Ethics and Code of Professional Conduct, [<http://www.ada.org/prof/prac/law/code/index.asp>], the American Dental Hygiene Association Code of Ethics, [<http://www.adha.org/aboutadha/codeofethics.htm>], the American Nurses’ Association Code, [<http://www.nursingworld.org/ethics/ecode.htm>], and the National Student Nurses’ Association Code of Academic and Clinical Conduct, [http://www.nсна.org/pubs/pdf/code_of_ac.pdf], among other published policies.

A. Academic and Professional Conduct.

The College believes that courtesy, respect and academic integrity create and maintain an atmosphere of effective learning and high quality patient care. Interactions based on courtesy, mutual respect, and integrity enhances the educational experience, and promotes understanding within the community. Actions that are dishonest, unethical, or in violation of University or NYUCD, including NYUCN, academic policies or procedures are violations of this Code. This may include, but are not limited to, the following examples of improper behavior:

1. any action that interferes with the teaching, research, administration, clinical or

other activities at the College;

2. treating others disrespectfully and/or unprofessional behaviors;
3. cheating or plagiarism during any examination, quiz, or assigned academic activity; misrepresentation of one's own academic or clinical work; using proprietary materials without the authorization or consent of the owner; and falsifying, tampering with, or destroying any academic or clinical record, document, or file;
4. furnishing false, incomplete or misleading information during admissions or financial aid applications processes or in documentation provided in relation to clinical privileges, such as required proof of health status and immunization records;
5. aiding another person in committing any of the acts described in this Section II.A; and
6. interfering with the reporting, investigating, or adjudication of an alleged violation of this Code or failing to report a violation of the Code.

B. Clinical Conduct.

The most recent guidelines for clinical conduct and patient care are set forth in the NYUCD Clinical Competency Assessment Manuals [<http://www.nyu.edu/dental/intranet/cerc/competency/index.html>], the NYUCD Clinic Manual [<http://www.nyu.edu/dental/intranet/clinicaffairs/clinicmanual/index.html>], and the College of Nursing Undergraduate and Graduate Handbooks, [<http://www.nyu.edu/nursing/intranet/handbooks/index.html>]. Any violation of the policies and/or procedures contained in these documents may be considered a violation of this Code.

C. Compliance with other University policies and other obligations, e.g.,

1. NYU Information Systems Terms of Service:
2. Licensing agreements:

III. RESPONSIBILITIES OF THE COLLEGE COMMUNITY

A. Community Standards.

Members of the College community have responsibilities to:

1. know and comply with the rules and regulations of the Colleges and New York University;
2. maintain high academic standards and standards of personal and professional integrity;
3. respect the rights, privileges and property of the other members of the College

community and guests of the College;

4. refrain from actions that would interfere with official University functions; endanger the physical or emotional health, safety or welfare of other persons; or expose the University to legal or financial risk; and

5. seek appropriate advice and guidance when faced with unresolved ethical dilemmas.

B. Commitment of the Colleges to Students.

The faculty, administration, and staff of the Colleges will work to clarify academic requirements and provide assistance and mentoring for students in meeting expectations. The Colleges are committed to building a collegial environment that reflects mutual respect, shares a dedication to inquiry, and values integrity.

IV. VIOLATIONS OF THE CODE OF CONDUCT

Matters involving alleged violations of this Code by a student will be brought before the Council on Ethics and Professionalism in accord with the following procedures. Matters involving alleged violations of this Code by a faculty will be referred to the Dean of the College and handled in accordance with the procedures set forth in the NYU Faculty Handbook (http://www.nyu.edu/academic.appointments/faculty_hbk.html). Matters involving alleged violations of this Code by an administrator or a staff member will be referred to the appropriate Office of Human Resources.

A. Council on Ethics and Professionalism.

The Council shall be comprised of nine (9) Faculty members, at least three (3) of which will be from the College of Nursing and nine student members as delineated in IV, A, 2, a and b, below.

1. Designation of faculty members to service on the Council.

a) Faculty members, who have volunteered will be nominated to serve by the appropriate Dean or designee from each College and shall be appointed to the Council by the Dean of the College of Dentistry.¹ Faculty members holding the administrative title of assistant dean or above are not eligible to serve on the Council.

b) No more than one department head may serve on the Council at a given time. Should a current member of the Council become a department head, he/she shall be permitted to complete her/his official term.

c) Faculty members appointed to the Council shall serve for a term of two years. A faculty member may serve no more than two consecutive terms on the Council.

¹ Throughout this document, the term “Dean” shall mean the Dean of the College of Dentistry or his/her designee.

d) The Dean of the College of Dentistry shall fill vacancies on the Council that may occur during the term of a faculty member's appointment.

2. Appointment of student members to the Council.

a) Students shall be nominated annually by the appropriate Dean or designee from each College from class rosters of pre-doctoral dental students, post-graduate/graduate dental students, dental hygiene students, and undergraduate and graduate nursing students who are in good academic standing, and shall be appointed to the Council by the Dean of the College of Dentistry.

b) The Dean of the College of Dentistry will appoint one student from each pre-doctoral class, one student from either the post-graduate or graduate dental classes one student from the dental hygiene class, and one student each from the undergraduate, Masters, and Doctoral NYUCN programs. The term of service will be for one year.

c) Any student may decline to serve on the Council for any reason.

d) Vacancies on the Council that may occur during the term of a student's appointment shall be filled by the Dean with another student from the same class.

3. The Chair of the Council ("the Chair") shall be a member of the faculty. The Chair shall be appointed by the Dean of the College of Dentistry following consultation with the Dean of the College of Nursing for a two-year term and may serve one additional term.

4. The Chair shall be the presiding officer at all meetings of the Council.

5. The terms of the Council shall be from September 1 through August 31 of the following year; the terms of the Council shall automatically extend beyond August 31 in order to complete any hearings already in progress. New cases that arise on or after August 31 will be referred to the succeeding Council.

B. Disciplinary Proceedings Involving Students.

1. All members of the College community (students, faculty, administrators, and staff) are obligated to uphold and enforce this Code. It is expected that any member of the College community who observes a violation of this Code will file a written complaint with the Dean of the College of Dentistry, setting forth the alleged act(s) of misconduct in specific terms. The complainant must sign the complaint.

2. As soon as reasonably possible, the Dean of the College of Dentistry shall forward the complaint to the Council via the Chair. As each complaint arises, the Chair shall appoint an Investigating Panel of one faculty member and one student member of the Council, to conduct an investigation to ascertain facts and recommend a disposition of the complaint.

3. Any student against whom a complaint has been filed shall be advised of the commencement of disciplinary proceedings by the Chair of the Council upon activation of the Investigating Panel and shall be informed that s/he may seek the counsel of an adviser from within or outside the University or an attorney from outside the University.

4. At the conclusion of its investigation, the Investigating Panel shall submit a written report to the Chair and to the Council, which shall consist of a summary of the Investigating Panel's findings and one of the following recommendations for disposition of the complaint:

a) Dismissal of the complaint.

b) Resolution of the complaint without initiating formal disciplinary proceedings wherein the student(s) charged admits to having violated this Code. In this case the Panel may recommend an appropriate sanction from the list of sanctions set forth in Section E, except the sanctions of extended suspension or dismissal from the College. The student at any time may request that the complaint be presented before the Council, except that when sanctions of extended suspension or dismissal from the College are under consideration, in which case a hearing before the Council is mandatory, or

c) Initiation of formal disciplinary proceedings by filing charges against the student(s) with the Council wherein the Investigating Panel determines that the conduct charged is serious enough to require or warrant consideration of either extended suspension or dismissal from the College.

5. After review and acceptance of the Investigating Panel's report, and, when indicated, completion of formal disciplinary proceedings, the Chair shall communicate the Council's recommendation(s) and their rationale, to the Dean of the College of Dentistry. Independently, or in consultation with appropriate individuals the Dean may accept and/or modify the recommendations of the Council or remand a case to the Council for further proceedings or to initiate formal disciplinary proceedings in cases adjudicated without a formal hearing. The Dean shall notify the student(s) involved in writing of the decision and any sanctions imposed.

6. The Dean may suspend a student against whom a complaint has been filed pending consideration of the case in unusual circumstances. As a general rule, a student should not be suspended except for reasons relating to his/her physical or emotional safety and well-being; the safety and well-being of students, faculty, staff, administration, and or patients; effective continuation of the educational process; or maintenance of public order

C. Hearings Involving Consideration of Extended Suspension or Dismissal

1. A student facing possible extended suspension or dismissal from the College shall have the right to be accompanied at the hearing by an adviser, who may be a member of the faculty or an individual outside the University, or legal counsel from outside the University. The student shall advise the Chair of the name of her/his adviser or attorney no later than four (4) days before the initial hearing. Should the student exercise the right to

have legal counsel, the Chair shall request legal representation from the University.

2. The hearings shall be conducted in a manner to achieve substantial justice and shall not be restricted by the rules of evidence used in a court of law. Members of the Council may address questions to any party to the proceedings or to any witness called by the parties or by the Panel. Each side shall have a fair opportunity to question the witnesses of the other. Questions shall be posed through the Chair, unless the Chair determines otherwise. The Council may in its discretion limit the number of witnesses and may accept affidavits. All matters of procedure not specified in this Code shall be decided by the Council in its discretion.

3. The hearing shall be confidential. In hearings involving more than one student, in which one or more students, but not all, requests a private hearing, severance shall be allowed at the discretion of the Council.

4. The charges and supporting evidence shall be presented by the Investigating Panel. The Panel may have the aid of counsel or an adviser.

5. The hearing may be recorded at the option of the Council.

6. No recommendation for the imposition of disciplinary penalties shall be based solely upon the failure of the student charged with misconduct to answer the charges or appear at the hearing. In such a case, all other evidence in regard to the charges shall be presented to and considered by the Council.

7. In all hearings, a quorum shall be considered as a minimum of nine members of the Council, plus the Chair, each of whom has a single vote. A majority vote of the Council members present shall be required in order to impose any sanction.

8. At the conclusion of the hearing the Council shall prepare a written summary to the Dean of the College of Dentistry consisting of the Council's determination of whether a violation of the Code occurred and, where appropriate, the Council's recommendation of a sanction.

D. Appeal of Decisions under Section C:

1. A student may appeal the Dean's decision to the Review Board within fifteen (15) calendar days from the date on which the final decision was sent to the student. The appeal shall be taken by the filing of a written notice requesting an appeal with the Dean of the College, which shall set forth the ground(s) upon which the appeal is based and the arguments in support of the appeal.

2. The Review Board shall consist of three faculty members appointed by the Dean of the College of Dentistry, provided none of the three faculty members appointed to the Review Board were members of the Council who heard the charges or were otherwise involved in the matter under appeal. The Chair of the Review Board shall be selected by the members of the Review Board.

3. Any appeal under this Section shall be limited to a review of the full report of the Council for the purpose of determining whether the Council acted fairly in light of the charges and evidence presented at the hearing. The Review Board may accept the report without modification; may accept the report subject to a specified reduction in the sanction imposed; dismiss one or more of the charges entirely; or remand the case for further proceeding. Where the Council report and the Dean's decision are accepted by the Review Board, the matter shall be deemed finally decided without further recourse.

E. Sanctions:

1. The recommendations of the Council in all circumstances shall be discretionary and may include any one or more of, but not limited to, the following sanctions:

a) Warning: Notice to the student in writing that continuation or repetition of the conduct found wrongful, or participation in similar conduct, within the period of time stated in the warning, shall be cause for disciplinary action.

b) Censure: Written reprimand for violation of specified regulation, including the possibility of more severe disciplinary sanction in the event of conviction for the violation within a period of time stated in the letter of reprimand.

c) Disciplinary probation: Exclusion from participation in privileges or extracurricular University activities as set forth in the notice of disciplinary probation for the specified period of time.

d) Restitution: Reimbursement for damage to or misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages.

e) Extended suspension: Exclusion for classes and other privileges or activities as set forth in the notice of suspension for a specified period of time.

f) Dismissal from the College: Permanent termination of student status without the possibility of readmission.

2. The standard of proof for deciding against the accused person shall be based upon the preponderance of the evidence. After deciding upon a sanction, the Council may officially notice any prior convictions for violation of the Code and may increase the severity of the sanction upon the majority decision of the Council.

3. Whether an entry shall be made on the official transcript of a student shall be determined by the nature of the sanction imposed by the Dean. Sanctions involving extended suspension or dismissal from the College shall be automatically entered on the student's official transcript.

4. If a student who has been suspended by the Dean is later acquitted by the

Council, s/he shall be allowed full opportunity for make-up whatever academic assignments and clinical contact s/he has missed due to the suspension.

V. PUBLICATION AND AMENDMENTS

A. Publications:

1. Annual Report: The Council will publish an annual report that provides the general outlines of the complaints reviewed by the Council. The Chair will oversee the preparation of the report. The report will protect the names of all parties involved, including the complainant and will not disclose details of the evidence. The general nature of the penalty will be described. The report, when approved by the Council will be submitted to the Deans of the Colleges.

2. Other reports: From time to time, the Council may make special reports about topics of interest to the College faculty, students, staff and administration. The Chair will oversee the preparation of the report. The report, when approved by the Council will be submitted to the Deans of the Colleges.

3. Publications: Upon receiving reports from the Council, the Dean of the College may, for the good and welfare of the College, publish the reports of the Council, or an executive summary of the report.

B. Amendments:

1. The Council shall review this Code annually.

a. Suggestions for changes may be made by any member of the Council, and/or any member of the College community including: faculty with voting privileges in the College, students in good academic standing, full-time administration and staff members.

b. Suggestions for changes shall be made in writing, reviewed by the full Council and adopted if appropriate.

2. Approved changes shall be sent to the Deans of the Colleges with supporting statements describing the rationale and impact of each change.

3. The Dean of the College of Dentistry shall present the proposed changes to the Executive Management Council for its consideration within one academic semester.