DISCIPLINARY PROCEDURES OF THE SCHOOL OF NURSING

All School of Nursing students are governed by the School's policies and procedures and by a standard of conduct appropriate for a student of the health professions. These procedures will be used whenever there appears to have been a breach of the policies and/or standard of conduct, with the one exception of cases where there is an allegation that the student has committed academic fraud (including falsification or fabrication of data and plagiarism) in the course of proposing, conducting, or reporting research supported by the federal government. In cases of academic fraud, the allegation will instead be addressed under the “Policies and Procedures for Dealing with Allegations of Academic Fraud at Yale University.”

A student accused of a breach of the School's policies or the standard of conduct will be presumed innocent unless and until found, pursuant to these procedures, to have committed a breach of conduct.

REPORT

The process begins when the dean of the School of Nursing is informed of any conduct by a student that appears to be in breach of the School's policies or the standard of conduct expected of those in the health professions. This information shall come in the form of a written report, by a member of the faculty, administration, or staff, by another graduate or undergraduate student, or by a member of the public.

NOTICE TO THE STUDENT

Upon receipt of a formal complaint, the dean will promptly inform the student in writing that a complaint has been made, the nature of the charge, and ask for a response and/or explanation. This notification shall contain a statement of the conduct reported, the policy or standard of conduct it appears to contravene, all documents obtained by the dean that are relevant to the report, and a printed copy of these procedures and the possible penalties.

THE STUDENT’S INITIAL RESPONSE

The student will have one week after the notification to respond initially to the charge. The student may, for example, admit the violation; deny the violation entirely; admit part but not all of the violation; or assert extenuating circumstances. If the student admits the violation (with or without extenuating circumstances) and requests a disposition without a formal hearing, the dean will proceed as in 5 below. Otherwise the dean will consider the student’s initial response, if any, and either withdraw the charge or forward it to the Committee on Discipline for a formal hearing.

EVALUATION OF THE REPORT

The dean will ordinarily make a determination within two weeks of receiving the initial report. In making that determination, the dean may consult with other faculty within the School or officials of the University, provided that in the interest of confidentiality the dean will not consult more widely than deemed necessary. The dean may also obtain other information and/or documentation that the dean thinks may be useful. If it is determined that the conduct reported, if true, falls within the School’s policies and/or standards of conduct expected of health professionals and if the student denies the charges, admits only partial violation, or claims extenuating circumstances, then the dean shall refer the matter to the Committee on Discipline. If the dean decides that the charges do not fall within the purview of the Committee on Discipline, the dean will promptly notify in writing all individuals with whom the dean discussed the case that a preliminary investigation revealed that the charges did not warrant referral to the Committee on Discipline.

DISPOSITION WITHOUT A FORMAL HEARING

When a student admits a violation and requests a disposition without a formal hearing, the dean, usually in consultation with the relevant associate dean, will decide whether to grant the request, and if it is granted, will decide on the appropriate penalty for the violation and notify the student in writing. The dean will normally talk to the student before making such decisions. In any event, if the student desires, the student will have an opportunity to talk with the dean before the dean makes a decision about the appropriate penalty. If the student is dissatisfied with the penalty assigned by the dean, the student may, within seven days after receiving notice of the penalty, request a formal hearing before the Committee on Discipline, solely on the issue of the penalty. At such a hearing, the Committee on Discipline may uphold the dean's decision or assign a more severe or lesser penalty. In the absence of such a request for a formal hearing on the penalty, the dean's decision will be final.

Disciplinary decisions made by the Dean of the School of Nursing are final unless a change is recommended by the Committee on Discipline. Although students may request review of the decisions as described in these procedures, the decisions will remain in effect unless and until changed by the Dean.
PROcedures for Formal Hearings

Membership of the Committee

The Committee on Discipline is an ad hoc committee that will consist of two students (appointed by the chair of the Student Government Organization), two faculty, (appointed by the dean), and one associate dean (appointed by the dean). A chair will be selected from the faculty membership. The dean will appoint two alternates from the faculty. The Student Government Organization will be asked to appoint two alternates for the student members. A quorum will consist of three persons, including at least one student and one faculty member other than the associate dean. If a quorum is not available, the hearing will be delayed. If a quorum cannot reliably be achieved within two weeks, the Dean will appoint temporary members in either the student or faculty category.

Notice to the Student

Immediately after a case has been forwarded to the committee, the student shall be informed of its membership, and of the expected date of the hearing. The dean will encourage the student to seek advice, especially from the chair of the committee. If the student believes that any member of the committee might not be impartial in this case, the student may so inform the chair of the committee, giving specific reasons, at least one week before the hearing. The decision to excuse any committee member is made by a majority vote of the remaining members of the committee. If the charge of lack of impartiality be made against the chair, the decision (whether to excuse the chair from this hearing and temporarily place another faculty member of the committee in the chair) will be made by the dean of the School of Nursing.

Timing of the Hearing

Hearings will take place only during regular sessions of the University, not during intersessions, and must take place no later than the end of the term after the one in which the student is notified of the charge. Any additional documents or information that will be presented to the committee shall also be given to the student at least one week before the hearing. No new charges or categories of charge may be added during this week or at the hearing itself.

Conduct of the Hearing

All persons attending the hearing will address the group only after being recognized by the chair. Questions regarding points of order and procedure will be decided by the chair.

Counsel for the Student

1. Nonlegal advice and assistance: Any student who elects a hearing may be accompanied by an adviser, who may be any member of the University community without legal training. The role of the nonlegal adviser may include answering questions addressed to the adviser by the committee. The nonlegal adviser may also assist the student in making a presentation in those unusual circumstances where the student is unable to do so.

2. Legal advice: In a case where the student feels that the alleged conduct may have legal ramifications (for example, when a criminal charge is pending against the student for the alleged conduct that is the subject of the case), the student may have a legal adviser present at the hearing. In such cases, the student must notify the chair of the committee in advance so that a representative of the Office of the General Counsel may be present. The legal adviser and representative of the Office of the General Counsel may under no circumstances address the committee. The role of the legal adviser to the student may not go beyond quietly advising the student about the student’s legal situation.

Persons Present

The student has a right to be present at all times during the hearing. It is expected that the person who reported the facts (if disputed) and/or the person who brought the charge of irregular behavior will be present at the hearing, to answer questions put by the student and the committee.

Witnesses

The student, having given the chair of the committee prior notice, may bring witnesses. The committee can also call witnesses. The chair shall determine what is a reasonable number of witnesses, but the student shall be allowed at least two witnesses.

Determination

At the conclusion of the hearing the committee shall meet in executive session to decide whether the conduct reported in fact occurred and whether it was a breach of the standard of conduct cited in the charge. The committee’s decision shall be made by a vote of at least three of its five members, or by a simple majority if fewer than five members are present. This decision shall be made by a preponderance of the evidence, voted on by secret ballot, and shall be final. In the event that the committee decides that the conduct reported occurred, and that it was a breach of the policy or standard of conduct cited in the charge, based on the seriousness of the breach of conduct, the committee shall also recommend the penalty, if any, to the dean. The dean may either impose the recommended penalty or a lesser one at
the dean's discretion. The dean will inform the student, orally if possible, and also in writing, of the committee's decision and any penalty recommended.

Penalties

The range of penalties that may be imposed include, but are not limited to, reprimand, probation, suspension, or expulsion.\(^1\) In addition to imposing these penalties for offenses subject to disciplinary action, the School of Nursing may refer students for prosecution.

\(^1\) The penalties are defined as follows:

- **Reprimand:** this is a matter of internal record only.
- **Probation:** the student is in official jeopardy. The commission of a serious offense while on probation will normally result in suspension or expulsion.
- **Suspension:** separation from the University for a stated period of time. A suspended student forfeits all privileges of enrollment, including attendance at classes, use of University libraries as well as other facilities. Suspension may require petition for readmission.
- **Expulsion:** permanent separation from the University.

Record-Keeping

At the close of proceedings, the chair of the committee will prepare an abstract of the proceedings, including the decision and the recommended penalty, if any. The abstract should include no names. The abstract and any correspondence with the student shall be kept in the student's file; except that if the student is exonerated, the student may choose to have no record in the file. A copy of the abstract shall be kept in the committee's files for use in determining precedents in future cases. One copy of all documents in the case should be kept in the Office of the General Counsel.

RECONSIDERATION OF DISCIPLINARY DECISIONS

The Committee of Review

There shall be a Committee of Review, which may review and, when appropriate, request reconsideration of disciplinary decisions made by the dean after a formal hearing by the Committee on Discipline. The Committee of Review will be composed of three persons, two of them members of the School of Nursing faculty, appointed as needed by the provost, one of whom shall be designated as chair of the committee. As needed, the Student Government Organization will select a student member to serve on the Committee of Review.

Request for Review

A student who has been assigned a penalty by the dean after a hearing by the ad hoc Committee on Discipline and who believes that the decision, in matters of fact or the assignment of penalties, is inconsistent with precedent or otherwise in error may submit a written request for review to the chair of the Committee of Review. The request must be received by the Committee of Review no later than sixty days after the student receives the decision of the dean. In order to review such requests, the Committee of Review will have access to all the written records of the Committee on Discipline.

Possible Actions by the Committee of Review

In response to such a request, the Committee of Review will have the right (1) to decline to take action; (2) to request in writing a reconsideration by the Committee on Discipline; or (3) to publish commentary on the case that, while maintaining the confidentiality of the Committee on Discipline hearings, seeks to clarify the principles involved in the case and to offer useful counsel for future decisions.

Possible Reasons for Requesting Reconsideration of a Decision

It is anticipated that in the large majority of cases, the Committee of Review will decline to take action. It will request reconsideration by the Committee on Discipline only in cases where it believes that (1) some pertinent evidence was not taken into account; (2) long-standing precedents, in decisions of culpability and the assignment of penalties, were ignored; (3) errors in procedure may have substantially affected the decisions; or (4) certain key principles of the University were not sufficiently considered in the original decision.

Response by the Committee on Discipline

The Committee on Discipline will have the authority to grant or deny a request for reconsideration. It is anticipated, however, that such requests will be rare and that in most instances the Committee on Discipline will give them the most serious consideration. In the case where the Committee on Discipline has granted the request to reconsider, the chairs of the Committee of Review and the Committee on Discipline will discuss appropriate procedures for the Committee on Discipline's reconsideration. At a reconsideration of the case by the Committee on Discipline, the chair of the Committee of Review will appear before the Committee on Discipline in order to make clear what motivated the call for reconsideration. The accused student and the student's adviser will have the right to be present during the appearance of the chair of the Committee of Review and during any presentation of witnesses or other evidence. The Committee on Discipline will be free either to alter or confirm its original recommendations. In no case, however, may it make a finding of culpability where it had previously exonerated a student. In matters concerning culpability, the Committee on Discipline's decisions will be final.
committee shall recommend a penalty, if any, to the dean, but may not recommend a greater penalty than that assigned originally. The dean, at the dean's discretion, may either impose the newly recommended penalty or a lesser one.

**Reporting**

The Committee of Review will be empowered to issue ad hoc reports on individual cases, and may publish an Annual Report in which it makes clear the principles and circumstances that led it to request reconsideration of certain cases, if in fact it has done so during the course of the year. In the Annual Report, it may also reflect on general principles and precedents guiding the administration of discipline in the School of Nursing.