

School of Pharmacy · Memorial University

Procedures for Resolution of Alleged Conduct Unsuitable for the Profession

1.0 Preamble

There is an individual and collective responsibility to maintain a high level of scholarly integrity within the University community. In addition, all students enrolled in professional programs are expected to adhere to profession specific codes of conduct and/or codes of ethics, which guide their profession. Within the School of Pharmacy (SoP), these programs include the Entry to Practice PharmD and PharmD for Working Professionals.

Consequently, it is necessary that the SoP ensures that students admitted to, registering for, and undertaking pharmacy programs are professionally suited to do so, in accordance with the standards that guide professional conduct within the pharmacy profession. In the event that professional suitability concerns arise, students registered in any of the SoP's programs will be subject to a **Professional Suitability Process** as per Memorial University's General Academic Regulation 6.13 Professional Suitability.

Students enrolled in any of the programs offered by the SoP will be required, at all times, to:

- Demonstrate relevant and appropriate values and attitudes, in the spirit of open and inclusive community service
- Demonstrate acceptable standards of conduct, and
- Satisfy relevant health requirements for the specific program concerned

The **Professional Suitability Process** details the mechanism by which the SoP will respond if a concern is raised regarding a student's professional suitability.

This **Professional Suitability Process** applies to students throughout their period of registration in the program, both on and off campus, at all times. It is not limited to on-campus activity, the school term, or to work-based learning (e.g., job shadowing, practice experience, applied learning activities).

1.1 Examples of conduct unsuitable for the profession are found in Memorial University's General Academic Regulation 6.13.2 Conduct Unsuitable for the Profession. Additional examples include:

- Evidence of a violation of the Newfoundland and Labrador Pharmacy Board's Code of Ethics;
- Evidence of a violation of the SoP's Code of Professional Conduct for Pharmacy Students;

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- Evidence of a violation of the SoP's Guidelines and Best Practices for On-Line Communications;
- Evidence of a violation of the SoP's Pledge of Professionalism;
- Evidence of a violation of the Memorial University Code of Student Conduct;
- Evidence of a violation of the Memorial University General Regulations concerning Academic Misconduct;
- Evidence of a violation of the Memorial University Sexual Harassment and Sexual Assault Policy;
- Breach of confidentiality;
- Practicing incompetently in any pharmacy practice setting(s);
- Harassment, or any threat, intimidation, or attempt to harm another person;
- Failure to treat others with dignity or respect, or to practice in a non-discriminatory way;
- Persistent illicit substance use or misuse or abuse of any prescription medication;
- A physical or mental disorder/condition/diagnosis which prevents the individual from fulfilling the required essential skills, duties, and responsibilities of the profession, despite reasonable accommodation for the special needs of individuals as required by the Newfoundland and Labrador [Human Rights Act \(2010\)](#);
- Other behaviors which indicate unsuitability for the profession.

2.0 Professional Suitability Committee (PSC) and Panel

2.1 There shall be established within the SoP a standing committee known as the Professional Suitability Committee (PSC) to hear and determine matters of professional suitability. Such matters will be referred to the PSC by the Associate Dean (Undergraduate).

Membership in the PSC shall be as follows:

Committee Members:

- At least three members of the faculty or staff of the SoP who are registered healthcare professionals, appointed by the Faculty/School Council, for a three-year term, which may be renewable;
- At least one member chosen from academic staff of a cognate professional discipline (i.e., Medicine, Nursing) who is a registered health care professional;
- At least one representative from the Newfoundland and Labrador Pharmacy Board
- Two or more current undergraduate student(s) from each of the professional pharmacy programs, who have completed at least their sixth semester of study (EPPD) or second semester of study (WPP);
- University Registrar or delegate

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Chair:

- The PSC chair shall be appointed from among the Committee members who are faculty or staff members of the SoP.

2.2 Hearings shall be undertaken by a Panel of the PSC that shall consist of six members, including the Chair of the PSC, a student member, the University Registrar or delegate, the NLPB representative or delegate, a cognate discipline member and a SoP faculty or staff member. The Chair of the committee shall not vote.

Individuals will not be chosen to sit on the Panel whose presence may create bias or reasonable apprehension of bias, or whose other commitments would not permit a timely scheduling of the Hearing.

3.0 Procedure

The SoP recognizes that concerns regarding students' professional suitability may arise in a variety of ways. The SoP may consider and address concerns howsoever they arise and will endeavor to take action to deal with these promptly and fairly. The SoP recognizes that dealing with such matters in a consistent and timely fashion will help to ensure professional standards are maintained, support student learning and professional development and further a positive student experience.

While the SoP anticipates that most matters involving professional suitability concerns will be dealt with under this **Procedure**, matters may arise where it is appropriate for the SoP to engage other University processes, as an alternative to this **Procedure**. These processes may include, and are not limited to, filing a sexual assault complaint with the Sexual Harassment Office, an investigation of an alleged Code of Conduct violation, or the referral of an allegation of Academic Misconduct to the Senate Committee on Undergraduate Studies.

The SoP may at its discretion suspend or delay any action under this **Procedure** pending the outcome of any criminal investigation or prosecution under the Criminal Code, a complaint to the Human Rights Commission, and/or any other simultaneous University investigation or proceeding.

The SoP may take action in respect of a student under this **Procedure** notwithstanding his/her conviction or acquittal in legal or University proceedings. The SoP is not bound by the outcome of any investigation or prosecution although the SoP may at its discretion take any penalty imposed by a court, tribunal or the University into consideration in determining any outcome to be imposed under this **Procedure**.

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Once a referral has been made to the PSC Chair, the proceedings may continue, at the discretion of the Chair, notwithstanding that the student has refused or failed, without acceptable cause duly authenticated in writing, to participate in the proceedings. Where extenuating circumstances acceptable to the Chair exist, the Chair may defer the Hearing and set new timelines.

3.1 The Associate Dean (Undergraduate) or delegate shall:

- review matters concerning professional suitability brought to their attention, and meet with the student to assess whether the allegations warrant referral to the PSC Chair or if informal resolution is appropriate, and report their decision to the Dean.
- where informal resolution is appropriate and successful:
 - » retain a record of the encounter in the event of future related concerns in addition to any other consequences as agreed to by the student and complainant.
- where informal resolution is determined to be inappropriate or fails:
 - » refer matters, which in their determination, involve conduct or circumstances described in 1.1 above or General Academic Regulation 6.13.2, to the PSC Chair in a written report, setting out the name of the student involved, the alleged facts and the alleged ground(s) warranting a Hearing;
 - » notify the student in writing using their official MUN email address that the matter has been referred to the PSC;
- where a matter is referred to the PSC Chair:
 - » decide whether the alleged facts warrant a temporary suspension of the student's participation in the programme or limited participation in all or part of the programme, including work terms and placements, pending the disposition of the matter by the PSC Panel. Interim suspension or limited participation normally will be invoked only to:
 - prevent risk to the physical or emotional safety and well-being of patients/clients with whom the student has had or may have contact;
 - prevent risk to the physical or emotional safety and well-being of members of the University community;
 - prevent risk to the student's own physical or emotional safety and well-being;
 - prevent a threat of disruption or of interference with the operations of the SoP and/or its programmes; or
 - prevent a situation that will bring disrepute to the University, the SoP or the profession.

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3.2 The Chair, in consultation with the University Registrar or delegate, shall assemble a PSC Panel to address concerns of professional suitability that are referred from the Associate Dean. The PSC Panel shall hear the matter and provide a decision, together with reasons for the decision, no later than four weeks after the initial referral, or two weeks in the event that a student has been temporarily suspended pending the outcome of the hearing. The decision will consist of:

- A determination as to whether or not the student's conduct constitutes a professional suitability concern;
- A determination of what further action, including disciplinary action, is required.

4.0 Notice to Students

4.1 The PSC Chair shall inform the student in writing, within two daysⁱ of receipt of the referral, and this notice will include:

- the nature of the concerns,
- all documentation received with and in support of the referral,
- the process to be followed,
- possible outcomes of the Hearing.

4.2 The PSC Chair shall confirm with the student the date, time and place for the Hearing by the PSC Panel, and provide to the student the names of the PSC Panel members.

4.3 The PSC Chair shall inform the student that they shall be allowed to present their case in person and have the right to be accompanied by a registered student or a member of the faculty or staff of the University. The student may also request to be accompanied by a support person who is not a student, faculty or staff, at the discretion of the review panel. Such requests shall not be unreasonably denied. The name and contact information of this person shall be provided to the Chair prior to the date of the Hearing.

The student may provide a written response to the allegations of professional unsuitability, which should include all documentation upon which the student wishes to rely, prior to the Hearing. Such written response must be provided to the PSC Chair at least two working daysⁱ prior to the date of the Hearing.

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5.0 Hearing Procedures

5.1 The PSC Panel shall not proceed with the Hearing in the absence of any of the Panel members.

5.2 The Associate Dean or delegate will present the professional suitability concern to the Panel on behalf of the SoP.

5.3 The student shall have the following options for participation in the Hearing:

- The student may choose to not be present at the Hearing and in such a case shall be informed that the merits of their case will be considered based on the documentation provided;
- The student may choose to be present but not offer evidence or argument, and in such a case will not be subject to questioning;
- The student may choose to attend and offer evidence and in such a case the student may be questioned by members of the PSC Panel;
- The student may choose to attend and call witnesses and in such a case the proceedings will follow 5.7 below.

5.4 If the student opts not to, or fails to appear for the Hearing, the PSC Panel shall proceed with the Hearing on the basis of the material that has been filed, in addition to any representations from the Associate Dean or Delegate.

5.5 The Associate Dean (Undergraduate) or delegate and student may each call witnesses. The names and contact information of all witnesses must be provided in writing to the Chair at least two working daysⁱ in advance of the Hearing, together with a written summary of the evidence they are expected to provide at the Hearing. The Chair shall provide a written copy of each party's witness names and statement summaries to the other party.

5.6 Hearings should be conducted and decisions provided as soon as is reasonably possible but no later than four weeks after the initial referral, or two weeks in the case of a temporary suspension.

5.7 While the order and procedure to be followed at a Hearing will be at the discretion of the Chair and will comply with the principles of natural justice, the following will normally occur:

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- The Associate Dean (Undergraduate) or delegate will outline the professional suitability concern and the evidence in support of the concern.
- The PSC Panel may question the Associate Dean.
- The Associate Dean (Undergraduate) or delegate may call and examine witnesses, if any.
- The student may cross examine the Associate Dean's witnesses.
- The student will present their case.
- The PSC Panel may question the student.
- The student may call and examine witnesses, if any.
- The Associate Dean (Undergraduate) or delegate may cross examine the student's witnesses.
- Any member of the PSC Panel may question any witness at any time during the Hearing and may recall the Associate Dean (Undergraduate) or delegate, the student or witnesses at any time, should they require to hear further from them.
- The Associate Dean (Undergraduate) or delegate may provide a summary, or closing statement.
- The student may provide a summary or closing statement.

5.8 At any time during the course of the Hearing, the Chair may adjourn or postpone the Hearing if it is reasonable to do so. If the PSC Panel determines that additional evidence is required for a fair determination of the concern, the Chair may adjourn the Hearing for the purpose of accepting the additional evidence.

- Any additional evidence sought to be introduced by either party shall be provided to the Chair and the Chair will ensure that such evidence is made available to both parties at least two days in advance of the resumption of the Hearing.
- Each party will be given the opportunity to respond to the new evidence within the time allotted by the Chair.

5.9 The Hearing shall be closed to all persons except the members of the PSC Panel, the Associate Dean (Undergraduate) or delegate, the student, the person accompanying the student, and any witnesses. Witnesses will attend only for the period they are being examined or cross examined.

5.10 Members of the PSC Panel shall be bound by confidentiality in respect of information received regarding the matter. Information will only be disclosed as is reasonably necessary to implement the investigation, the resolution or the terms of any disposition imposed, or as required by law.

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5.11 A Hearing under this **Procedure** shall not be considered invalid because of a technical irregularity.

6.0 Decisions Respecting the Matter

6.1 The PSC Panel, after hearing all the evidence and the submissions of the parties, shall meet in closed session to:

- consider the evidence;
- consider its decision using a balance of probabilities standardⁱⁱ.

A majority vote of the PSC Panel members is required for any decision regarding the matter.

6.2 The result of the Hearing and the reasons therefor shall be conveyed to the student in writing within one working dayⁱ of the final meeting of the PSC Panel. Written copies will also be distributed to the Dean and the Associate Dean (Undergraduate) of the SoP. A copy of the decision of the PSC Panel (omitting any assigned consequences) will be sent to the complainant.

6.3 If the PSC Panel makes a finding of professional unsuitability, the PSC Panel may take action it deems appropriate in the circumstances, including but not limited to, the options presented in General Academic Regulation 6.13.5, alone or in combination.

7.0 Appeals

7.1 Any appeal from the PSC Panel decision shall be heard by the Senate Committee on Academic Appeals.

7.2 In the event of an appeal, any interim suspension or limited participation applied under section 3.1.iv shall remain in effect until a decision is reached by the Senate Committee on Academic Appeals.

8.0 Records

8.1 Disposition of documentation shall be in accordance with General Academic Regulation 6.13.6.

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