

New York University College of Dentistry

Code of Ethics and Professional Conduct

Peer Review Board

Approved 4/1/2020

As the College establishes an environment that fosters excellence and values mentorship, the idea of students taking responsibility for their own ethical behavior has come of age. Given the current trend of unethical behaviors demonstrated in society, today's students face the task of learning how to best deal with their own ethical dilemmas in their unsupervised private practices. The establishment of a student-led Peer Review Board (PRB) gives our students the opportunity to function under their own review panel, learn to identify unethical behaviors within their class, and take responsibility for handling these infractions. At the same time, the PRB fosters an environment that values working relationships and promotes the idea that unethical behavior hurts not only the guilty party but also everyone in a shared profession.

I. Introduction

New York University College of Dentistry (“NYU Dentistry”) adheres to the principles of conduct set forth within this document.

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.

The responsibility for compliance with the Code of Ethics and Professionalism (known as the “Code” throughout this document) and for review of alleged violations by DDS students is delegated to the Peer Review Board on Ethics and Professionalism (“the PRB”).

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>

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 NYU Dentistry academic policies or procedures are violations of this Code. This may include, but are not limited to, the following examples of improper behavior:

Throughout this document, “Dean” refers to the Dean of NYU College of Dentistry or his/her designee, and “Associate Dean of Student Affairs & Academic Support Services” refers to this person or his/her designee.

1. Any action that interferes with the teaching, research, administration, clinical or other activities at the College;
2. Treating others disrespectfully and/or engaging in 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 NYU Dentistry Clinical Competency Assessment Manual:

<https://www.nyu.edu/dental/intranet/competency/pdfs/01.pdf>

And the NYU Dentistry Clinic Manual:

<http://www.nyu.edu/dental/intranet/clinicaffairs/clinicmanual/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 College 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 College to Students

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

IV. Violations of The Code of Ethics

Matters involving alleged violations of this Code **by a DDS student** will be brought before the **Peer Review Board** in accord with the following procedures.

(The process for alleged violations of this code by persons who are not DDS students can be found at the end of this document.*)

A. The Peer Review Board (known throughout this document as the PRB or the Board)

The Board shall be comprised of twelve (12) student members, with seven (7) members necessary to reach a quorum. Members of the PRB will be known as student adjudicators. Appointment as a student adjudicator will be recognized and promoted as a high honor and responsibility.

1. Designation and Appointment of members to service on the Board.
 - a) Each of the four pre-doctoral DDS classes (D1, D2, D3, and D4) will be represented by three (3) members from each of their respective classes to serve on the Board. Student candidates for these positions will make their interest known to the Office for Student Affairs based on a petition or formal application.
 - b) The Office of Student Affairs & Academic Support Services will choose these student adjudicators and will make every effort to select individuals known for their high standards and personal integrity.
 - c) The Chair of the Board, also a student adjudicator, shall be the President of the Student Council, assuming he/she meets the qualifications stated below. If the President cannot serve, then the Vice –president will be appointed as the Chair. The Chair will serve on the Board for as long as she/he remains President (or Vice- president) of the Student Council. If for any reason the Chair cannot attend a session of the Board, the Associate Dean for Student Affairs & Academic Support Services (or his/her designee) will appoint an Interim Chair from among the other members of the Board.
 - d) Students must apply to the Office for Student Affairs & Academic Support Services for initial appointment. Appointment as a student adjudicator is subject to final confirmation by the Associate Dean for Student Affairs & Academic Support Services. Appointment to this assignment will be

viewed as one of the most respected positions for any student within the College.

- e) Selected students to the Board must be in good academic standing when chosen. “Good academic standing” is to be known by the definition found in the NYU Dentistry Academic Standards and Policies: <http://dental.nyu.edu/aboutus/policies-and-guidelines.html>
 - f) Other than the Chair of the Board, student adjudicators cannot be **elected** class officers or elected officers of the Student Council.
 - g) Student adjudicators cannot have a history of ethical violations.
 - h) Other than the Chair of the Board, student adjudicators appointed to the Board shall serve for a term of one year with a maximum of two consecutive terms allowed.
 - i) Class officers of each respective class shall nominate candidates to fill any vacancies on the Board that may occur during the term of a student member’s appointment. The procedures for filling such vacancies will be the same as those for an initial appointment and will be subject to an identical process of confirmation.
 - j) Each member of the PRB will participate in an orientation program coordinated by the Associate Dean for Student Affairs & Academic Support Services that emphasizes the importance and responsibilities of the student adjudicators. The orientation program will, at a minimum, include presentations by the Associate Dean for Student Affairs and Academic Support Services and/or his/her designee and a representative from the New York University Office of Student Conduct & Community Standards. The orientation program will include relevant information on the College’s policies and procedures. At the conclusion of the orientation program, each member will sign a written pledge in furtherance of the deep and abiding principles of integrity and ethics of the dental profession and the New York University College of Dentistry. They will also certify that they will faithfully execute their responsibilities as a member of the Board.
2. The Chair shall be the presiding officer at all meetings of the Board.
 3. The Associate Dean for Student Affairs & Academic Support Services or his/her designee will assist with facilitation of the Board meetings and will be privy to all correspondence and materials seen by the Board and will attend all meetings of the Board. In the case that the Associate Dean for Student Affairs cannot attend a meeting, he/she will assign a designee to serve in this capacity.

B. Disciplinary Proceedings Involving Students

1. All members of the College community 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 by a DDS student will file a written complaint with the Associate Dean for Student Affairs & Academic Support Services of the College of Dentistry, setting forth the alleged act(s) of misconduct in specific terms. The complainant must sign the complaint. An online form (Appendix A) will also be available for printing to encourage efficient reporting.
2. In unusual circumstance, the Dean may suspend a student against whom a complaint has been filed pending consideration of the case. As a general rule, a

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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.

3. As soon as reasonably possible, the Associate Dean for Student Affairs & Academic Support Services of the College of Dentistry or his/her designee shall appoint an Investigating Panel of two (2) student members of the Board, to conduct an investigation to ascertain facts and recommend a disposition of the complaint.
4. Any student against whom a complaint has been filed shall be advised of the commencement of disciplinary proceedings by the Associate Dean for Student Affairs & Academic Support Services and/or his/her designee upon activation of the Investigating Panel and shall be informed that s/he may seek the counsel of an adviser from within the University.
5. At the conclusion of its investigation, the Investigating Panel shall submit a written report to the Chair and to the Board 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, and the Investigating Panel has determined that the conduct charged is not serious enough to consider either extended suspension or dismissal from the College. 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 Board. When sanctions of extended suspension or dismissal from the College are under consideration, a hearing before the Board is mandatory.
 - c) **Initiation of formal disciplinary proceedings** by filing charges against the student(s) with the Board 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 or if the accused student denies guilt (**see Section IV.B**)
6. After review, discussion, and acceptance of the Investigating Panel's report by the PRB, and, when indicated, completion of formal disciplinary proceedings, the Chair shall communicate the Board's recommendation(s) and their rationale, to the Associate Dean for Student Affairs & Academic Support Services, who will transmit the report to the College Review Board to determine whether the process used by the PRB followed the procedures as outlined in this policy and whether the conclusions and recommendations reached by the PRB were reasonable in light of the charges and evidence presented at the hearing. The College Review Board may accept the conclusions of the PRB, modify recommendations, or refer the matter back to the PRB for further deliberations/actions.
7. When completed, the College Review Board will submit its conclusions to the Associate Dean for Student Affairs & Academic Support Services of the College of Dentistry who shall notify the student(s) involved in writing of the decision and any sanctions imposed.

8. The College Review Board will consist of three (3) members of the faculty and three (3) additional alternate faculty members, all appointed by the Dean.

C. Hearings of the Peer Review Board Involving Consideration of Extended Suspension or Dismissal (or if accused student denies guilt).

1. A DDS 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 any member of the College community. The student shall advise the Chair of the name of her/his adviser no later than four (4) days before the initial hearing.

D. Hearings of the Peer Review Board Involving Consideration of Extended Suspension or Dismissal (or if accused student denies guilt).

1. A DDS 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 any member of the College community. The student shall advise the Chair of the name of her/his adviser no later than four (4) days before the initial hearing.
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 Board 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 Board may in its discretion limit the number of witnesses and may accept affidavits. All matters of procedure not specified shall be decided by the Board at its discretion.
3. The hearing shall be confidential. In hearings involving more than one student, in which one or more students, but not all, request a private hearing, severance shall be allowed at the discretion of the Board.
4. The charges and supporting evidence shall be presented by the Investigating Panel.
5. The hearing may be recorded at the option of the Board.
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 Board.
7. In all hearings, a quorum shall be considered as a minimum of seven (7) members of the Board, including the Chair or Interim Chair, each of who has a single vote. A majority vote of the Board members present shall be required in order to impose any sanction.
8. At the conclusion of the hearing the Board shall prepare a written summary to the Associate Dean for Student Affairs & Academic Support Services of the College of Dentistry consisting of the Board's determination of whether a violation of the Code occurred and, where appropriate, the Board's recommendation of a sanction.

E. Appeal of Decisions

1. A DDS student may appeal the decisions of the Peer Review Board, as accepted or modified by the College Review Board, to the Dean of the College 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 to the Dean, which shall set forth the ground(s) upon which the appeal is based and the arguments in support of the appeal.
2. The Dean may accept the conclusions and sanction(s) without modification; may accept the conclusions subject to a specified reduction in the sanction(s) imposed; dismiss one or more of the charges entirely; or remand the case for further proceeding. The Dean's decision will be final and without further recourse.

F. Sanctions

1. The recommendations of the Board 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 Board 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 Board.
3. Whether an entry shall be made on the official transcript of a student shall be determined by the nature of the sanction imposed. 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 Board, 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:

Annual Report: The Vice Dean for Academic Affairs and Research will publish an annual report that provides the general outlines of the complaints reviewed by the Board. 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 Board will be submitted to the Dean of the College.

1. Other reports: From time to time, the Board may make special reports about topics of interest to the College faculty, students, staff and administration. The Board will oversee the preparation of the report. The report, when approved by the Board will be submitted to the Dean of the College.
2. Publications: Upon receiving reports, the Dean of the College may, for the good and welfare of the College, publish the reports of the Board, or an executive summary of the report.

B. Amendments:

1. The Board shall review this Code annually.
 - a) Suggestions for changes may be made by any member of the Board, 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 Board and adopted if appropriate.
2. Approved changes shall be sent to the Dean of the College 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.

***Matter involving alleged ethical violation by non-DDS students enrolled at NYU Dentistry:**

Matters involving alleged violations of this Code by **a student other than a DDS** student will be referred to the Dean of the College and handled in accordance with the procedures set forth by the Committee on Ethics and Professionalism.

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.