Professionalism Policy (MD)

I. Purpose

This Policy sets standards and procedures for professionalism and actions for incidents of misconduct at Albert Einstein College of Medicine (“Einstein” or “College”).

II. Scope

This Policy applies to all Einstein faculty and students.

III. Policy

1. In general, allegations of misconduct are handled through the usual procedures and channels of Committee operations; with the proviso that the investigation phase would typically be more extensive than is warranted for purely academic difficulties. The available Committee responses range from dismissal of the student to dismissal of the allegations, again with the CSPPS appeal machinery available to the student.

2. Professional misconduct and/or breaches of ethical behavior includes but is not limited to cheating, plagiarism, fabrication, falsification of documents or academic work, intentionally damaging or interfering in the academic or clinical work of others or assisting others in any of these acts. Professional misconduct also includes but is not limited to failure to fulfill responsibilities on clinical rotations or any behavior on the part of the student that is potentially detrimental to the welfare of patients. Failure to meet generally accepted standards of personal integrity, professional conduct or emotional stability, or inappropriate or disruptive behavior toward colleagues, faculty, or other medical staff, also constitutes misconduct. Any student who at any time before or during medical school has been convicted of a crime is required to immediately inform the Associate Dean for Students with full details of same; and the CSPPS is to be informed and will consider an appropriate response. Any student arrested or who is under investigation for a crime involving moral turpitude shall immediately inform the Associate Dean for Students. Failure to do so is grounds for dismissal.

3. The College stands in support of a diversity of views and to the principles of free inquiry and expression. All members of our academic community have the right to hold and vigorously defend and promote their opinions. Respect for this right requires that community members tolerate even expressions of opinions that they may find repugnant or offensive. There are, however, obligations of civility and respect for others that underlie rational discourse. Racial, sexual, and intense personal harassment not only show grave disrespect for the dignity of others, but also prevent rational discourse. Behavior evidently intended to dishonor such characteristics and race, gender, national origin or ethnic group, religious belief, sexual orientation, or disability is contrary to the pursuit of inquiry and education and may be discriminatory harassment violative of law and other applicable regulations. Such grave disrespect for the dignity of others may be addressed and sanctioned under these or other existing procedures where it violates the balance of rights upon which an academic medical education program is based. It is expected that when there is a need to weigh the right of freedom of expression against other rights, the balance will be struck after a careful review of all
relevant facts and will strive to be consistent with established First Amendment standards. This policy recognizes that the law of the land prevails in all matters and does not abridge nor augment the rights of our students or other members of the College community as those rights, privileges, and duties are established by the pertinent governing legal authorities.

4. Allegations of student misconduct may come to the Committee, to its Subcommittees, to individual members, or to staff. These allegations must be provided in writing and sufficiently specific to provide a factual basis for investigation. Anonymous allegations are not acceptable. All allegations, regardless of whomever the first approach may choose, must be promptly reported to the Associate Dean for Students and the Chair of the CSPPS. Professional misconduct that is reported, or encompassed in course or rotation grades or evaluations, may be considered by the Committee as such; not necessarily invoking the provisions specific to misconduct allegations.

5. The Associate Dean for Students should receive Einstein Security (and similar) reports that involve all students. He/she is required to share these promptly with the Committee Chair and subsequently with the assembled Committee, as follows. This applies generally in circumstances where a student is involved in an altercation or otherwise has the probable appearance of acting inappropriately. The names of students who may appear to be "victims" or otherwise appear to be innocently involved in security incidents will not be revealed to the Committee, at the discretion of the Associate Dean with the advice and consent of the Committee Chair.

6. The College’s policy and procedures provide for a student who is alleged to have engaged in unlawful harassment (which includes sexual harassment) to be referred to the CSPPS for disciplinary process via the Affirmative Action or Legal Officers. In such cases, this referral must come in writing, summarizing the rationale for the referral and what proceedings have taken place under the auspices of the AAO and/or Legal staff. From that point forward, the CSPPS by-laws guide continued proceedings.

7. It is specifically considered professional misconduct to put patients or others at risk by failing to obtain adequate preventive or other medical or psychiatric care. Herein, we refer primarily to obtaining proper vaccinations and other measures taken to protect patients from communicable diseases in caregivers. This includes but is not limited to tuberculosis-related measures, hepatitis-related measures, and so on.

8. Preliminary evaluation of each allegation will be made by the Associate Dean in consultation with the Chair of the Committee, to determine whether the allegation falls within the purview of this policy and is sufficiently substantive and credible to warrant an investigation. If it is determined to proceed to the Committee and an investigation, the student will be notified in writing by the Associate Dean. The Chair may appoint, in consultation with the Associate Dean, an ad hoc subcommittee of the CSPPS to evaluate and investigate the evaluation for purposes of subsequent presentation to the full Committee. Alternatively, the matter may be brought to the full Committee for initial discussion and deliberation, i.e., an ad hoc is not always formed. The Chair will seek to avoid ad hoc participation for CSPPS members who are more appropriately recused, at the Chair’s discretion.

9. The CSPPS and/or an ad hoc subcommittee are not bound by the formal rules of evidence and will seek written and oral information from all sources it deems to be appropriate. The accused student will be afforded an opportunity, at some point in the process, to respond in detail to all substantiated allegations. The student may choose to be advised by a member of the Einstein academic community (of his/her choosing) and may request for consideration that others with relevant information also appear before the CSPPS and/or subcommittees. The student may not have any attorney present at any point in these proceedings.
10. The CSPPS will deliberate the allegations of misconduct; either directly or after hearing from an ad
hoc subcommittee and/or other appropriate sources. As with all Committee business, minutes are
recorded and official correspondence with the affected student are the responsibility of the Associate
Dean for Students.

11. Professional misconduct and similar concerns may arise during Committee deliberations of academic
performance or grades; and may not require invoking this separate section of the Committee by-laws.

12. If in the judgment of the Associate Dean for Students, the conduct of a student is such that it may
harm a patient, a fellow student, a member of the staff/faculty, or may do harm to the reputation of
the school, then the student may be suspended immediately pending completion of the deliberations
as set forth in this policy.

13. Faculty, house staff, and others involved in the supervision and training of medical students are
cautioned that consensual romantic relationships with medical students may prove problematic and
are expressly discouraged. The former are expected to recuse themselves from academic or
professional decisions -- grading and evaluation processes in particular -- aecting students with
whom they are romantically involved. Amorous relationships that might be appropriate under other
circumstances have inherent dangers when they occur between faculty, house staff, staff, and others
in authority and any medical student over whom he/she has a professional responsibility, e.g., as a
teacher, advisor, preceptor, house officer, supervisor, or similar. Such relationships are fundamentally
asymmetric and are widely interpreted to be an abuse of one’s authority. In addition, such
relationships are best avoided because they may create an impression on the part of colleagues of
inappropriate or inequitable academic or professional advantage or favoritism that is not conducive to
the development and maintenance of a productive, collegial academic learning or working
environment.

14. Records maintained in support of the CSPPS and its subcommittees shall be considered confidential
and shall be maintained as such by the College. The College shall provide such records or copies
thereof as required by applicable law, rules, or regulations.

IV. Definitions
None.

V. Effective Date
Effective as of: 27 June 2018

VI. Policy Management and Responsibilities
The Responsible Office under this Policy is the Office of the Student Affairs. The Responsible Executive
for this Policy is Einstein’s Executive Dean. The Responsible Officer under this Policy is Einstein’s
Associate Dean for Student Affairs.

VII. Approved (or Revised)