

 <b>DALHOUSIE UNIVERSITY</b> FACULTY OF HEALTH  <b>Allegation of Professional Unsuitability: Procedural Guidelines</b>	<i>Policy Sponsor:</i> Dean	<i>Approval Date:</i> Faculty Council, Feb 21, 2002
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## **Introduction**

Dalhousie University Regulations<sup>1</sup> clearly outline responsible student conduct. Students are expected to conform to University Regulations and relevant codes of conduct governing all students.

The purpose of this document is to provide information on the procedures to follow regarding an allegation of professional unsuitability where consideration is being given to suspending or terminating a student from a program if the student is judged to be unsuitable for the profession in which s/he is studying.

Any member of the University community can bring to the attention of the Director of a School/College or her or his designate, behaviours that are considered professionally unsuitable. These behaviours will be investigated, and allegations heard, and these deliberations will determine whether suspension, dismissal or no action is recommended.

## **Definitions**

In these procedural guidelines,

- the 'Respondent' refers to the student against whom there is a complaint;
- the 'Complainant' refers to the member of the University community who made the original complaint;
- the 'Director' refers to either a School or College Director; and
- the 'Presenter' represents the School/College in the Hearing, presenting the case, evidence, witnesses and argument.

## **Procedures**

### *The Complaint*

1. A complaint about alleged professional unsuitability of a student can be made by any member of the University community.
2. The complaint will be in written form, signed, delivered to and received by the Director or, in the absence of the Director, by the Director's designate. The complaint will include a detailed description of the student behaviour which has given rise to the complaint and with specific reference to the "University Regulation on Suspension or Dismissal from a Program on the Grounds of Professional Unsuitability"<sup>2</sup>.
3. Within **two (2)** working days of receiving the complaint of professional unsuitability, the Director will provide:
  - a. a copy of the complaint to the student who is the subject of the complaint (hereinafter called the Respondent),
  - b. a copy of the University Regulation on Suspension or Dismissal from a Program on the Grounds of Professional Unsuitability;

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<sup>1</sup> See current Dalhousie University calendar, University Regulations

<sup>2</sup> [https://cdn.dal.ca/content/dam/dalhousie/pdf/healthprofessions/Current%20Students%20-%20Policies%20and%20Procedures/Professional\\_Unsuitability\\_-\\_University\\_Regulations\\_-\\_Senate.pdf](https://cdn.dal.ca/content/dam/dalhousie/pdf/healthprofessions/Current%20Students%20-%20Policies%20and%20Procedures/Professional_Unsuitability_-_University_Regulations_-_Senate.pdf)

- c. details of any specific process and availability of support for the student, and
- d. a copy of these procedural guidelines.

### *Interim Suspension*

1. Shortly after the receipt of a complaint, or at any time subsequent to the receipt of the complaint where circumstances warrant, the Director and two other faculty members will meet to decide if a recommendation of interim suspension of the Respondent's participation in all or part of the Program should be made, pending delivery of the results of the complaint process.
2. A recommendation of interim suspension will be made in writing and normally only to:
  - a. ensure the safety and well-being of patients/clients/consumers with whom the student has had or may have contact;
  - b. ensure the safety and well-being of members of the University community;
  - c. ensure the preservation of University property;
  - d. ensure the student's own physical or emotional safety and well-being; or
  - e. prevent a real threat of disruption or of interference with the operations of the School/College and/or its Programs.
3. The recommendation, which will include reasons, will be sent to the Dean of the Faculty of Health or designate for consideration who in turn forwards his/her recommendation to the President of Dalhousie University or designate for consideration.
4. In the event that an interim suspension is approved by the President, the Respondent and the Complainant will be advised in writing by the Dean or designate, of the suspension.

### *The Investigation Committee*

1. Within **seven (7)** working days of receipt of the complaint, the Director will convene an Investigation Committee, consisting of three members:
  - a. one faculty member appointed by the School/College Committee on Studies (or equivalent);
  - b. one faculty member appointed by the Director;
  - c. one student member selected by the School/College student society.
2. The Director will provide the Investigation Committee with the complaint and a recommended timeline.
3. In addition to reviewing the complaint, the Investigation Committee will gather evidence. They may conduct separate interviews with:
  - a. the Respondent;
  - b. the Complainant; and
  - c. other persons with knowledge of the relevant circumstances.
4. Upon completion of the investigation, the Investigation Committee will file a written report with the Director, which will include:
  - a. a recommendation to either dismiss the complaint or to proceed to a hearing;
  - b. reasons for the recommendation;

- c. a summary of the evidence in support of the recommendation;
- d. a list of all individuals interviewed and those who agree to be interviewed at the hearing; and
- e. a list of additional individuals who might be invited to be interviewed at the hearing.

#### *Decision to have a Hearing or Dismiss the Complaint*

1. Within **five (5)** working days of receipt of the Investigation Committee's recommendation, the Director will examine the recommendation and will make the decision as to how to proceed.
2. If the Director finds that the matter should not proceed to a hearing, the Complaint will be dismissed, and no further action will be taken against the student.
3. If the Director finds that the matter should proceed to a hearing, the Director will convene a Hearing Panel of the School/College's Committee on Studies/Graduate Studies (see below for composition and role). The Director will forward only a copy of the complaint, the policy and a copy of these procedural guidelines to the Hearing Panel. No other evidence will otherwise be transmitted to the Hearing Panel except as set out in these procedures.
4. The Director will appoint a person (the 'Presenter') other than the Complainant to present the complaint and evidence to the Hearing Panel.
5. The Director will provide the Presenter with a copy of the Investigation Committee report (which will include the complaint) and any other information to support their role.
6. The Director will notify the Respondent and the Complainant in writing of his/her decision to either dismiss the complaint or to proceed to a hearing and will include a brief written statement outlining the reasons for the decision.

#### *The Hearing Panel*

1. The Hearing Panel will be comprised of three members from the Committee on Studies/Graduate Studies: two faculty and one student member. The following individuals will not be permitted to serve on the Hearing Panel:
  - a. members of the Investigation Committee;
  - b. any members whose presence on the Hearing Panel may create a reasonable apprehension of bias; and,
  - c. any member whose other commitments would not permit a timely scheduling of the hearing.
2. In the event that the required number of members is not available, the Chair of the Committee on Studies/Graduate Studies, in consultation with the Director of the School/College will find a suitable replacement member.
3. The Panel will choose a Chair from among its faculty members. The Chair will:
  - a. communicate with the Panel, the Respondent and the Presenter;
  - b. make arrangements for the hearing; and

- c. address any concerns about apprehension of bias.
4. The Chair of the Hearing Panel will determine procedures for the hearing in a manner that is consistent with these procedures and with the principles of natural justice.
5. The Chair will provide written notice to the Respondent and Presenter that a hearing will be held, including:
  - a. the date, time, place and anticipated duration of the hearing. Normally, the hearing will be held within **twenty (20) working days** of the Director's decision to submit the complaint to a hearing;
  - b. deadlines for pre-hearing written submissions.
6. The Presenter will provide the Hearing Panel with a brief summary of relevant evidence to be presented to the Hearing Panel within **ten (10) working days** of the hearing in support of the complaint including a list of witnesses who agree to be interviewed at the hearing.
7. The Respondent, who will receive a copy of the complaint from the Chair, may make written submissions to the Chair of the Hearing Panel within **five (5) working days** prior to the hearing.
8. Immediately upon receipt of each submission pursuant to 5. & 6. above, the Chair will forward copies to the Respondent and Presenter respectively.
9. The Respondent may attend any portion of the hearing where the evidence is being presented or submissions are being made to the Hearing Panel.
10. Witnesses may attend only the portion of the hearing where their evidence is being presented.
11. The Respondent is entitled to be accompanied and/or represented at the hearing.
12. If called, the Complainant's role during the hearing is limited to that of a witness.
13. The Respondent will be permitted the opportunity to present evidence, conduct examinations and make submissions, in the order and the manner set out by the Chair of the Hearing Panel.
14. If at any time during the course of the hearing, the Hearing Panel determines that additional evidence is required for a fair determination of the complaint, the Hearing Panel may adjourn the hearing for the purpose of accepting the additional evidence:
  - a. any additional evidence provided to the Hearing Panel will be made available to the Respondent and Presenter; and
  - b. each party will be given the opportunity to respond within the time allotted by the Hearing Panel.
15. After all the evidence has been presented to the Hearing Panel and within a timeframe set by the Chair, the Respondent will be permitted to provide written summary statements of his/her position.
16. Deliberations of the Hearing Panel will be conducted *in camera*. A decision will be made by a majority of the Hearing Panel.

### *The Decision*

1. Within **ten (10)** working days of receipt of the last written submission (or the expiry date of the deadlines for submissions), the Hearing Panel will determine if the allegation of professional unsuitability is proven.
2. If the Hearing Panel determines that the student has not acted in a manner that demonstrates professional unsuitability, then the Hearing Panel will dismiss the complaint.
3. If the Hearing Panel determines that the student has acted in a manner that demonstrates professional unsuitability is upheld, then the Hearing Panel will impose one of the following sanctions:
  - a. suspension of the Respondent from the Program for a prescribed period of time with conditions, if any, to be met by the Respondent before an application for readmission by the Respondent will be considered, or
  - b. dismissal of the Respondent from the Program.
4. The Hearing Panel will prepare a report that will include:
  - a. the decision;
  - b. any sanction imposed;
  - c. any procedural issues that arose during the course of the hearing; and
  - d. reasons for each of the foregoing.
5. The Hearing Panel will submit the report to:
  - a. the Chair of the Committee on Studies/Graduate Studies at the School/College level,
  - b. the Dean of the Faculty of Health
  - c. the Director and
  - d. the Respondent
6. This report constitutes a final report of the Hearing Panel.
7. The Director may discuss the final report and the reasons for the decision with the Respondent.
8. All documentation in possession of Committee members will be returned to the Chairperson and the official records will be kept in the School/College office.

### *Appeal of the Decision*

Within **fifteen (15)** days of receipt by the Respondent of the report of the Hearing Panel, the Respondent may appeal the decision of the Hearing Panel by giving written notice to the Secretary of Senate and the Director. The appeal would be heard by an *ad hoc* Senate committee.

### *Confidentiality*

1. All aspects of this procedure, including the final report, will remain confidential except to the extent that disclosure is reasonably necessary to implement the terms of any

- sanction imposed or as required by law.
2. The final report will be considered a permanent record.
  3. Upon delivery of the final report of the Hearing Panel, all documents relating to the complaint at any level will be forwarded to the office of the Director where they will be kept for a period of **two years** or longer if circumstances warrant.
    - a. Such documents include, but are not limited to:
      - i. the written complaint
      - ii. all reports of all committees involved in this procedure
      - iii. all evidence
      - iv. all written submissions and
      - v. all correspondence

**Appendix: Process for the Investigation of an Allegation of Professional Unsuitability**

