

**Constitution of the K-State CVM Board of Ethical Behavior** *(last revision and approval 8/31/2021)*

Mission: The Student Board of Ethical Behavior (“the Board”) is a student-governed body having responsibility for evaluating and adjudicating alleged cases of professional and/or academic misconduct within the Kansas State University College of Veterinary Medicine. The Board makes a recommendation to the Dean for a final decision.

**I. General Principles and Obligations of Students of Veterinary Medicine.**

Honesty and personal integrity are necessary foundations for human relationships and are fundamental characteristics in the success of individuals of a profession and in the education of its members. By virtue of enrollment in the veterinary curriculum, every student is responsible for upholding the standards and behaviors expected of a veterinarian. It is the responsibility of all students to demonstrate these behaviors by example, and to encourage other students to act according to the ethical standards of the profession. Each person is responsible for maintaining and promoting high standards and public trust. Individuals should be cognizant of the responsibility they bear in their daily actions, for these actions should reflect the profession’s standards of ethics. An important concept is the formation of a professional attitude, which allows perplexing situations to be handled in an honest and ethical manner. Veterinary students should conduct themselves in relation to the public, fellow students, graduate veterinarians, clients and patients so as to merit confidence and respect. The self-imposed discipline of the profession should prevent them from committing any act that may reflect unfavorably upon the profession or the individual.

The primary responsibility for knowledge of ethical boundaries and the maintenance of ethical conduct lies with the individual student, such that the individual student does not engage in academic or professional misconduct. The correction of unethical practices by a student is the responsibility of the individual, fellow students and others in the veterinary profession. The Board should not be used to avoid individual responsibility. The principles covered in this document are not intended to be inclusive of every example or situation involving ethical misconduct.

**II. Jurisdiction of the Board.**

The Board may evaluate and adjudicate alleged or admitted academic or professional misconduct by members of the student body of the College of Veterinary Medicine when the alleged misconduct occurs when a student is on University property, participating in a University-sponsored activity, or participating in any other activity in their capacity as a veterinary student.

- Cases of academic misconduct include, but are not limited to, plagiarism, cheating and receiving or giving an unfair advantage on assignments or examinations. Students are encouraged to consult the Kansas State University Undergraduate Honor Council web site for additional examples of academic dishonesty. (Note that the Board is not bound by the directives or limitations of the KSU Undergraduate Honor and Integrity System, and the Board’s process specifically replaces the Honor and Integrity System for these matters.)
- Cases of unethical professional conduct include, but are not limited to, animal abuse, case neglect, unprofessional conduct, and theft. Additional examples are included in, but are not limited to those found in, the Kansas Veterinary Practice Act (including K.S.A. 47-830 and 47-839).
- Alleged misconduct relating to the University’s Policy Prohibiting Discrimination, Harassment, Sexual Violence, Domestic and Dating Violence, and Stalking (PPM 3010) and/or Threat

Management Policy (PPM 3015) will be processed in accordance with those policies and not by the Board.

- Alleged misconduct relating to the University's Student Code of Conduct may be referred to the Office for Student Life for processing. Note: depending on the circumstances, a particular act of misconduct could be adjudicated by the Board and also adjudicated under the Student Code of Conduct.

For those cases of dismissal from the College of Veterinary Medicine for academic or professional misconduct violations in which the student reapplies for admission, the Board may, upon request of the Dean, provide a recommendation to the Dean regarding the readmission. The Board shall conduct a review of the case prior to issuing its recommendation. The Dean shall forward the Board's recommendation to the Academic Standards and Readmissions Committee, which shall consider the recommendation in making their recommendation to the Dean concerning readmission.

### III. Reporting Violations of the Constitution of the Student Board of Ethical Behavior

It is the responsibility of students and faculty of the College of Veterinary Medicine to report incidences of academic or professional misconduct. Before making a report of misconduct, individuals are encouraged (but not required) to try to communicate about the issue directly with the person(s) involved. If the issue is not misconduct as defined by this policy, then no report drafted by the Board is required. Cases of alleged or confirmed misconduct may come to the Board for action through a variety of routes:

- A student may turn themselves in to a class Justice to allow the Board to review the incident as per the protocol outlined in Section IV.
- In the event that another student observes alleged misconduct, that student shall report the incident to one of their class Justices within five business days when feasible. The Justice shall then bring the issue to the attention of the Chancellor.
- In the event that a faculty member observes an unproven incident of misconduct, the faculty member should approach the student in question regarding the allegation within five business days unless the situation dictates otherwise. If the student in question denies the accusation, the faculty member is required to report the potential misconduct to the Chancellor if it is not otherwise resolved.
- In the event that a faculty member observes an incident of misconduct and the student admits guilt, the faculty member may pursue one of two options.

1) Report the issue to the Chancellor as above within five business days when feasible;

or

2) Deal with the issue in an appropriate manner, such as failure on the exam or failure in the course. In the event this option is chosen, the faculty member must report the incident and its resolution to the Associate Dean of Academic Affairs, who will archive the report as detailed in the responsibilities of the Associate Dean. The faculty member must notify the student of such action and the right of appeal. The student in question has the right to appeal the decision of the faculty member to the Board who shall then consider the case as any other.

- Allegations of misconduct that are observed by staff, clients, or others should be brought to the attention of the Associate Dean for Academic Affairs or the Dean. That individual shall notify the Chancellor.
- For allegations that require a more rapid turnaround or may involve criminal offenses, the Board or Chancellor may decide to bring it to the attention of the Dean or Associate Dean of Academic Affairs, who will then address the situation appropriately.

#### IV. Procedure for Board Judicial Action

Investigation of allegations of academic and professional misconduct shall be conducted according to the following guidelines:

1. Upon notification of an alleged infraction, the Justices in the affected class shall notify the Chancellor. Similarly, in cases brought to the Chancellor's attention, the Chancellor shall notify the class Justices.
2. Upon notification of an alleged infraction, the Chancellor will assess whether, if true, the conduct would constitute academic and/or professional misconduct. If it would not, then the Chancellor will close the matter. If it would, then the Chancellor will refer the matter to the Justices in the accused's class ("the class Justices") for investigation.
3. The class Justices shall then investigate the allegation to determine if sufficient evidence is present to warrant a hearing. The Justices may consult with the Chancellor, Clerk, and/or Faculty Advisor during this process, to the extent the class Justices feel necessary. If the evidence is so insubstantial that a meeting with the accused student is unnecessary, then the class Justices will notify the Chancellor, who will close the matter. If a meeting with the accused student is necessary, then the class Justices will notify the accused student about the allegation, provide to the accused student all evidence regarding the alleged misconduct, and get their account. If, after having the accused student's response the class Justices deem that insufficient evidence exists to support academic and/or professional misconduct, then they shall notify the Chancellor, who will close the matter and notify the accuser and the accused student. If sufficient evidence exists to support the allegation such that a hearing is necessary, then the class Justices will so notify the Chancellor. If a hearing takes place, the class Justices who performed this investigation are not included on the hearing panel. The alternates (unless an alternate performed the investigation) will be included on the hearing panel.
4. The Chancellor shall then provide the accused student with notice of the nature of the alleged misconduct and the evidence regarding the alleged violations, and will notify the accused student of the hearing protocol. If the accused student admits to the misconduct, then the Chancellor may modify the hearing process as necessary. The Chancellor shall notify the Board and the parties of the date of the hearing. Where feasible, the hearing shall take place not sooner than five business days and not later than fourteen business days after notification has been made. The Chancellor shall also call witnesses as necessary, and the Chancellor may request students, staff, or faculty to appear and testify at a hearing. The Chancellor may also consult with the Office of General Counsel, if needed.
5. The hearing shall take place according to the procedures described below. The standard of proof necessary for a finding of academic or professional misconduct is preponderance of the evidence. This standard requires a finding that it is more likely than not that the misconduct occurred.

6. At the conclusion of the hearing, the Board shall forward a written report to the Dean within three business days of the hearing.
7. The Dean should then make a final decision within five business days of receiving the report, if possible. The Dean's decision is final within the University.

The Chancellor shall be responsible for notification of members of the Board, the accused student, and any witnesses of the time and place of the hearing at least five business days prior to the hearing. A valid meeting of the Board shall be attended by at least five Justices, the Clerk, and the Chancellor. The board members may be in person or via conference call if necessary. All other persons must have the permission of the Chancellor before attending a Board meeting. An accused student may be accompanied at the hearing by an attorney or other advisor who may advise the accused student, but the attorney or advisor may not otherwise participate in the hearing. The accused student may also present relevant documentary evidence and witnesses. The Chancellor shall be advised at least 48 hours prior to the hearing that the accused student will be accompanied by an advisor and whether the advisor is an attorney. To the extent the accused student would like additional, relevant witnesses to testify, the accused student must provide the names of any proposed witnesses and a general description of each witnesses' anticipated testimony at least 48 hours before the hearing. The Chancellor may exclude any repetitive or irrelevant witnesses in the Chancellor's discretion. Otherwise, the Chancellor will notify the witnesses and request them to attend.

Conduct of the meeting:

1. The meeting shall be called to order by the Chancellor. The Chancellor has the discretion to exclude irrelevant or repetitive evidence or questioning at the hearing.
2. The Clerk shall take attendance and announce that the required number of Justices and other required attendees are present. The Board will go into executive session when discussing matters affecting a student, in order to protect the privacy interests of the individuals to be discussed, unless the accused student requests that the hearing be open to the public. The accused student and the student's advisor may be present for all portions of the hearing, except for the closed executive session.
3. The Chancellor shall provide a brief review and any written materials regarding the case.
4. The Chancellor will have the accuser or other relevant witnesses address the Board regarding the accusation. Except for the accused student and the student's advisor, all witnesses shall be sequestered until their testimony is complete.
5. Members of the Board may ask questions of those presenting the allegations to clarify any issues regarding the case. The accused student may also ask relevant questions of the accuser and any witness called to substantiate the accusation.
6. The accused student shall be given the opportunity to respond to the allegations. The response should include:
  - a. A statement of innocence or guilt.
  - b. Presentation of the accused person's perspective on the allegations.
    - 1) Witnesses or other material may be presented by the accused.

7. Members of the Board may ask questions of the parties and any witnesses to clarify any issues regarding the case.
8. Members of the Board shall deliberate in closed executive session to determine whether the accused student did or did not commit academic and/or professional misconduct.
9. There will be a preliminary vote in closed executive session. A formal vote to determine the Board's conclusion will be held in open session with the Accused present, if they so desire.
10. A written recommendation (with accompanying reasons and dissentions) having the approval of a simple majority of the Board members attending the meeting shall be provided to the Dean and the accused student within three business days following the Board's announcement/vote in open session. Potential sanctions for academic and/or professional misconduct may include, but are not limited to:
  - i. Writing a letter to the faculty member in charge of the course apologizing and stating why the student's actions were wrong;
  - ii. Receiving a letter of reprimand in the student's academic file;
  - iii. Working with the faculty member to make new exam questions to replace the questions that can no longer be used by future classes;
  - iv. Reviewing the Kansas Veterinary Practice Act and writing a summary;
  - v. Placing the student on ethical probation for up to two years;
  - vi. Other recommendations provided by the faculty member involved that are deemed appropriate by the Board;
  - vii. Reducing a grade on a test/assignment, up to and including receiving a grade of zero;
  - viii. Failing one or more academic courses or clinical rotations;
  - ix. Suspension from the professional curriculum for up to two years; and
  - x. Expulsion from the professional curriculum.
11. The Dean shall make a decision after reviewing the written advice of the Board and that decision shall be final within the University. The Dean may, but is not required to, meet with the accused student before making a final decision.

Following the hearing, all Board materials relating to the investigation and hearing must be provided to the Associate Dean for Academic Affairs and Admissions, who will maintain all materials related to the hearing.

#### V. **Board Membership**

The Board shall consist of a Chancellor and a Clerk from the third year class, two Justices from each class and two Alternate Justices from each class. Each class shall hold elections at the beginning of the spring semester; the elections shall be conducted by the Class President. One Justice and one Alternate from each class shall be elected to serve a one-year term during the fall and spring semesters following their appointment. A second Justice and Alternate shall be elected to serve a one-year term during the spring and fall semesters beginning with the semester of their appointment. At the beginning of their fall semester, the first-year class shall elect one Justice to serve for the fall semester only, and one Justice to serve for the fall and spring semesters. During the summer, the Chancellor may draw from the incoming and outgoing Justices to provide coverage. Members of the Board may be re-elected.

Fourth year Justices are encouraged (but not required) to participate in hearings regarding first, second, or third year accused students.

If any member is unable or disqualified to serve his or her complete term, a replacement shall be elected by the appropriate class within one week to serve out the remainder of the term. If a member of the Board has an actual or potential conflict of interest in a hearing, then the Chancellor will determine whether to disqualify that member from participating in the hearing. If the Chancellor has an actual or potential conflict of interest in a hearing, then the Clerk will determine whether to disqualify the Chancellor from participating. If the Chancellor is disqualified, then for that hearing, the Clerk shall assume all duties of the Chancellor and the Clerk shall select a third year class Justice to perform the Clerk's duties. Any member of the Board who commits academic or professional misconduct shall be immediately removed from the Board.

The Chancellor and Clerk shall be elected by the third year class to serve during the fall and spring semesters of their third year and the summer of their fourth year. The Chancellor and Clerk must be elected from previous justices.

A member of the tenure-track faculty, appointed by the Dean, shall serve as Faculty Advisor. This Faculty Advisor shall be a non-voting member and shall not attend hearings unless requested to do so by the Board.

## VI. Responsibilities

### A. The Board will:

- Assist in the education of students in the College of Veterinary Medicine concerning the Constitution of the Student Board of Ethical Behavior.
- Deal justly with any alleged academic or professional misconduct.
- Make a recommendation to the Dean based on the outcome of any hearings conducted by the Board.

### B. The Chancellor, Clerk, and Justices

The Chancellor will:

- Serve as Chairman of the Board.
- Meet briefly with all new incoming students of the College of Veterinary Medicine during their orientation program.
- Call an orientation each semester to discuss the responsibilities and duties of the Board.
- Notify the presidents of each class during the spring semester to hold elections and notify the president of the first year class during the fall semester to hold elections.
- Receive and act upon allegations of academic or professional misconduct reported by any person.
- Call all regular and special meetings as required.

- Preside at all meetings.
- Invite to a hearing any non-members deemed necessary for complete and proper conduct of the hearing.
- Report all recommendations of the Board to the Dean.
- Not vote.

The Clerk will:

- Act as secretary including responsibility for correspondence and minutes (written and/or audio versions).
- Issue notices to appropriate persons to appear before the Board.
- Report to the Associate Dean of Academic Affairs any cases brought before the Board in order that the Associate Dean may inform the Board regarding relevant College or University regulations and note previous relevant instances of academic or professional misconduct on the part of the accused.
- Draft a report to the Dean at the conclusion of any hearing. This report shall include a summary of the incident, the recommendation of the Board, the reasons for the recommendation, and a summary of dissenting opinions, if indicated.
- Not vote.

The Justices and Alternate Justices will:

- Attend an orientation each semester to discuss the responsibilities and duties of the Board.
- Receive and act upon any allegations of misconduct reported by students of the College of Veterinary Medicine.
- Consider the evidence presented regarding alleged instances of academic or professional misconduct.
- Investigate allegations of misconduct concerning students in the Justice's class to determine if a hearing is warranted.
- Determine whether the accused student committed academic and/or professional based on evidence presented during hearings of the Board.
- The Alternate Justices will be called upon to attend and participate in a hearing should Justices of that class be unable to attend.

C. The Dean

The Dean will:

- Acquaint all faculty with the Board's function and responsibilities.

- Consider recommendations submitted by the Board.
- Report to the Chancellor and/or the Board with a final decision or inform them that actions have been taken regarding the issue.

D. The Associate Dean

The Associate Dean for Academic Affairs and Admissions shall:

- Archive all reports, minutes, and recommendations of the Board.
- Determine and inform the Board of relevant College or University regulations.
- Notify the Clerk and the Dean of previous relevant concerns involving a student accused of academic or professional misconduct.

E. The Faculty Advisor

The Faculty Advisor shall:

- Be available to advise the Chancellor and other members of the Board as to general procedural methods.
- Attend hearings if requested by the Board.

F. The Faculty

Each faculty member teaching in the College of Veterinary Medicine shall:

- Be acquainted with and abide by the procedures and provisions of this Constitution.
- Abide by decisions of the Dean pertaining to matters covered by this Constitution.

VII. **Amendments and Revision**

Proposed amendments or revisions of this Constitution shall be submitted to the student body of the College of Veterinary Medicine via the Board. A two-thirds majority vote of a quorum of the student body shall be necessary for the adoption of such amendments or revisions. A quorum of the student body is defined as sixty (60) percent of the total number of veterinary students enrolled in the doctorate of veterinary medicine degree program at Kansas State University.

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