

# Sierra College

## ADMINISTRATIVE PROCEDURE

AP 5521

### Nursing Student Discipline Procedures and Due Process

Date Adopted: 10/1/2010

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References: Education Code Sections 66017, 66300, 76030 - 76037, 76233 and 76234; CA Penal Code Sections 245, 626.2 and 626.4; California Nursing Practice Act; American Nurses Association Code of Ethics for Nurses; American Nurses Association Scope and Standards of Professional Practice; Nursing Student Conduct and Expected Student Behaviors; Safe Clinical Practices, and Student Nurse Handbook

This procedure applies to discipline involving students in the Sierra College Associate Degree Nursing Program. The purpose of this procedure is to provide a prompt and equitable means to address violations of the Nursing Student Code of Conduct and Expected Student Behaviors, Safe Clinical Practices Policy and policies set forth in the Student Nurse Handbook and to address and resolve issues/concerns raised as communicated through Student Occurrence Report(s). Each case is handled individually; while due process is always employed, some of the procedures may not be necessary in every case.

Depending on the behavior/issue, nursing students may also be subject to discipline under District Board Policy 5500, Standards of Conduct, and Administrative Procedure 5520, Student Discipline Procedures and Due Process. Student discipline administered under District policies and procedures may not necessarily be directly related to the Nursing Program but may still adversely affect the status of a student in the Nursing Program e.g.: short-term and long-term suspensions and permanent expulsion.

#### I. Definitions

- A. Deadlines: Failure of the District to meet any of the deadlines specified in this Procedure shall not be construed against the District or result in a finding in favor of the student.
- B. Fees: Students who are suspended or dismissed from the Nursing Program shall not be refunded or credited any fees paid by and/or for the student.

C. Notification: Whenever this Procedure calls for or permits notification to be given, current student contact information will be utilized and deemed sufficient for this provision. The District will use reasonable means to transmit notice and communications, using the information provided by the student. It is the student's responsibility to ensure that the District has updated and current addresses and telephone contact information at all times. Personal delivery shall also be deemed compliance with any mailing requirement. Any e-mail sent to the student's last known e-mail address shall be presumed to be received by the student. A student's failure or refusal to sign a receipt to indicate it was received shall not invalidate the contents of the notice. Notification is deemed given at the time an email is transmitted or a telephone call is placed. Student contact is not required.

#### I. Student Occurrence Report Process

A student who is alleged to have engaged in unacceptable behavior/action must meet with their faculty or designated administrator to complete a Student Occurrence Report regarding such behavior/action. The goal of the Student Occurrence Report is to secure resolution of the behavior/action. All Student Occurrence Reports may be considered when addressing any additional program violations.

The faculty member or administrator initiating the Student Occurrence Report will contact the student involved as soon as reasonably practical to allow the student input in the completion of the report. The student must cooperate in the completion of the report and may provide any additional information for consideration. Failure of the student to provide input to the Student Occurrence Report will not prevent its completion. Failure of the student to cooperate may also result in further disciplinary action, up to and including dismissal from the Nursing Program. The faculty member or administrator will determine whether to refer the Student Occurrence Report to the Nursing Review Committee.

#### II. Nursing Review Committee Disciplinary Process

When a referral is submitted to the Nursing Review Committee the purpose will be to review the issue and associated documentation and to determine the appropriate action as expeditiously as possible. The referral can be submitted by the faculty or designated administrator, or the student involved.

- A. The Appropriate Educational Administrator shall convene and facilitate the Nursing Review Committee on the next instructional day that falls on Monday through Friday, when the district is open to the public, following receipt of the Student Occurrence Report referral.
- B. The Nursing Review Committee shall consist of:
  1. The Appropriate Educational Administrator or designee

2. The Lead Faculty for the course in which the involved student is enrolled
3. Clinical faculty
4. Other nursing faculty not related to the course (if the lead faculty and clinical faculty are one and the same)

C. Procedures for Immediate Clinical Suspension:

1. The Nursing Review Committee shall review the issue documented on the Student Occurrence Report to determine whether the student will be placed on immediate suspension from clinical experience pending the outcome of the disciplinary process.
  - a. A student who is suspended from clinical experience may be given the right to attend other classes during the suspension from clinical experience at the discretion of the Nursing Review Committee.
  - b. If a student is placed on clinical suspension and later returned to the program, all missed days due to such suspension must be completed by the end of the semester in which the suspension occurred.
  - c. The student will not be returned to clinical experience unless it is determined that the student's participation in clinical experience will not put the program, patients, patients' family, students or facility relationship at risk.
  - d. If a student is returned to the program, every effort will be made to allow the student to make-up any hours missed due to the suspension if it is feasible.
2. The Appropriate Educational Administrator or designee shall notify the student of the clinical suspension via email and telephone.
3. A decision for immediate clinical suspension is within the sole discretion of the Nursing Review Committee and cannot be challenged on appeal.

D. Disciplinary Actions:

1. Actions that may be taken by the Nursing Review Committee may include but are not limited to:
  - a. Drop the issue without further action
  - b. Prescribe specific interventions to assist the student in achieving and sustaining expectations

- c. Mandate a Learning Contract
  - d. Mandate an Educational Agreement
  - e. Program dismissal
2. The Chair of the Nursing Review Committee shall notify the student of the Committee's action(s) on the next instructional day that falls on a Monday through Friday via email and telephone.
  3. Should the Nursing Review Committee mandate a Student Learning Contract or Educational Agreement, the student will be required to sign the document. All elements of such contracts or agreements must be successfully completed and/or complied with by the student within the timeframe designated by the Committee. Failure to successfully complete and/or comply with the requirements may result in immediate dismissal from the Program without the possibility of return.
  4. There are behaviors serious enough to result in dismissal from the Nursing Program as referenced in Nursing Student Code of Conduct and Expected Behaviors. Each student is also responsible to comply with the published rules, regulations and standards of conduct of the District as outlined in Board Policy 5500 and Administrative Procedure 5520, as well as all federal, state, and local laws.

### III. Student's Right to Appeal

The only disciplinary action taken by the Nursing Review Committee that can be appealed by a nursing student is a decision to dismiss the student from the Nursing Program.

- A. A nursing student, who wishes to appeal the dismissal, must submit a Nursing Disciplinary Appeal form to the Dean of Student Services on the next instructional day that falls on Monday through Friday following receipt of the disciplinary action notice.
- B. Once an appeal form is submitted, the Vice President of Instruction and the Dean of Nursing and Allied Health will be notified of the impending appeal.
- C. Nursing Disciplinary Appeal forms are located in the Student Nurse Handbook.
- D. Failure to submit an appeal form within the designated timeframe and in the manner specified will be presumed to be the student's acceptance of the Nursing Review Committee's decision to dismiss the student from the program and will waive the right of appeal.

#### IV. Nursing Disciplinary Appeal Process

The purpose of the Nursing Disciplinary Committee is to review and take action on a Nursing Student's appeal of a decision made to dismiss them from the Nursing Program.

- A. The Nursing Disciplinary Appeals Committee shall consist of three (3) voting members:
  - 1. District Conduct Officer or designee;
  - 2. Nursing Department Chair or designee and
  - 3. a student appointed by the Student Senate
- B. The Chair of the Committee shall be the District Conduct Officer or designee.
- C. The hearing will take place on the next instructional day that falls on Monday through Friday following receipt of the student's filing of the Nursing Disciplinary Appeal form.
- D. The hearing shall be limited to one meeting.
- E. The chair of the Nursing Disciplinary Appeals Committee will notify the student of the date, time, and location of the hearing via email and telephone.
- F. The hearings need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but shall not be sufficient in itself to support a finding. Unduly repetitious evidence may be excluded.
- G. The Appropriate Educational Administrator or designee shall present the findings of the Nursing Review Committee and be available to answer questions in support of the dismissal action.
- H. The student and the Appropriate Educational Administrator or designee have the right to present documents and written and/or oral statements including the testimony of witnesses. Written statements of individuals not present at the hearing must be made under penalty of perjury and must be submitted to the Chair prior to the start of the hearing. If the written statement is disputed by either side, the Chair may continue the hearing and allow the objecting party to secure the attendance of the witness, obtain contradictory evidence, or such other remedy as determined by the Chair.
- I. All proceedings of the Committee shall be closed to everyone other than the Committee members, the Appropriate Educational Administrator or designee, the

student involved, and an evidentiary witness while presenting evidence. The student shall not have the right to be represented by an attorney or other advisor during the appeal. All participants shall maintain the strictest confidentiality.

- J. The Committee will consider all available evidence relevant to the appeal. Final deliberations will be conducted with only the Committee members present. The decision shall be by majority vote. The student will be notified of the decision on the next instructional day following the hearing.
- K. The decision of the Nursing Disciplinary Appeals Committee is final without the ability to appeal to the Superintendent/President or the Board of Trustees.

See Board Policy 5500 and Administrative Procedure 5520