

# Honor Council Constitution

*Baylor College of Medicine*

*School of Medicine*

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## Article I: Duties and Scope of Practice

The goal of the Baylor College of Medicine (BCM or the College) Honor Council (HC or the Council) shall be to work to maintain the highest standards of honesty and integrity with regards to academic matters. The HC has jurisdiction to assist in the enforcement of the Honor Code for all medical students attending BCM. As such, the HC will investigate, review and present its findings to the MD Committee on Student Promotions and Academic Achievement regarding accusations of academic misconduct.

Examples of academic misconduct within the jurisdiction of the HC include, but are not limited

to:

- Dishonesty
- Cheating
- Plagiarism or utilizing the work or ideas of other individuals without proper acknowledgement or permission
- Sabotaging the work or performance of other students or trainees
- Falsification of academic records
- Tolerating breaches of the Honor Code or academic misconduct performed by other students or trainees

Importantly, the scope of practice of the HC does not include offenses or accusations that comprise

violations of federal, state or municipal law. These issues should be handled by the proper authorities. The HC has the discretion to notify the appropriate BCM administrators and/or the appropriate external agencies of any potential violations of the federal, state or municipal law that the Council encounters in response to a complaint or during the course of an investigation. For further information regarding confidentiality practices in the context of legal violations, see Article V, Section 4.

Additionally, the scope of practice of the HC does not include issues of professionalism that do not constitute violations of the Honor Code. Issues of professionalism are with the scope of Practice of the Student Professionalism Response and Intervention Team (SPRINT), the Director of Medical Student Professionalism, and the Office of Student Affairs.

## Article II: Structure and Organization

### Section 1: Composition

The HC will be composed of six second year medical students, six third year medical students, and six fourth year medical students—with each class having four representatives from the Houston campus and two representatives from the Temple Campus. Legacy classes which do not have a Temple campus contingent will remain at 4 members. In addition, the Council will include a Faculty Supervisor and an Administrative Scribe; both appointed by the Dean of Student Affairs.

### Section 2: Eligibility

To serve on the HC, students must be in good standing with the College, meaning that students are not eligible to serve on the Council if they are subject to any form of sanction or disciplinary action by the College, as confirmed by a Dean of Student Affairs. In addition, to be in good standing, students must be current on their financial obligations to the College. Lastly, candidates must not have any current conflicts of interest that may interfere with their abilities to provide unbiased opinions on the HC, such as an ongoing case.

Regardless of dual-degree status or time off for extracurricular research, students will serve for three consecutive years following their appointment so long as they remain within the vicinity of Houston, Texas (not including time utilized for clerkships at other institutions outside the Houston area) after which their term ends. Students will be elected to serve in the spring of their first year of BCM Medical School with terms beginning at the start of their second academic year. As long as student members of the HC remain within good standing and free of adverse actions, members will serve until graduation or until completion of the three-year term limit, whichever comes first.

### Section 3: Application and Election Process for Student Members

In March of each year, current HC members will send out a call for applicants via email to the entire first year BCM Medical School class. First year students will be given three weeks to submit an essay (maximum 500 words) in response to a standard prompt, outlining their qualifications and intentions for serving on the Council. They will also submit a brief candidate statement (100 words) that will appear on the ballot. These statements, including the names of the applicants, will be made available to the first year BCM Medical Student class prior to the election. In addition, the HC Faculty Advisor in consultation with the Associate Dean of Student Affairs, will ensure no applicant is on at-risk status.

If more than eight students from the first year BCM Medical School class at the Houston campus or 4 students from the first year BEM Medical School class at the Temple campus apply for the four positions on the HC for the Houston campus and 2 positions for the Temple campus, the current members of the Council will review the applications and select eight students from the Houston campus and/or 4 students from the Temple campus to run for the positions in a general election. If desired, the current members of the Council may conduct interviews with all of the candidates prior to narrowing down the applicant field to ten students.

In April four students will be elected by simple majority vote to serve on the HC. These elections may take place utilizing an online polling tool.

In the inaugural year of the Council, a special election will be held in March of the spring semester to select four students from the first year class and four students from the second year class. The four representatives from the third year class shall be composed of the four students from the third year class serving as the Student Representatives to the Professionalism Appraisal and Competency Evaluation (PACE) Committee.

### Section 4: Removal and Replacement of Student Members

An HC member will be removed from his or her position if reasonable evidence of academic or professional misconduct is presented and voted on as follows. Any student or employee of BCM may submit evidence of misconduct regarding Council members to the Chair of the HC or the Dean of Student Affairs. If a member is accused of misconduct and the accusation falls within the scope of the

HC, then the Chair must present the evidence to the accused, allowing him or her the opportunity to respond to the accusation and/or resign. An investigation will ensue per standard procedure, making sure to exclude the accused from the investigation. Removing a member from his or her position on the HC requires a two-thirds majority vote excluding the accused.

If a student member is either removed from or resigns from the Council, the HC Faculty Supervisor and the Dean of Student Affairs will select a replacement candidate from that student's class within four weeks. The replacement candidate must be approved by the current members of the HC by a two-thirds majority vote, but if no such vote is obtained, then a replacement candidate will be appointed by the Dean of the School of Medicine or equivalent representative.

#### Section 5: Leadership Roles within the Honor Council

The officers of the HC shall include Chair, Vice Chair, Communications Chair, Administrative Scribe, and Representative to Student Senate. Officers will be elected by HC members in a simple majority vote at the start of each academic year and will serve one year terms. Duties of each position are outlined as follows:

##### Chair

- The Chair must be a third or fourth year medical student.
- The Chair will officiate and conduct meetings in accordance with the HC Constitution, the BCM Code of Conduct, and Robert's Rules of Order.

##### Vice Chair

- The Vice Chair shall serve as the Chair in the event that the Chair is absent or recused from the proceedings due to a conflict of interest.

##### Communications Chair

- The Communications Chair will be responsible for setting hearing and meeting dates, reserving rooms, and communicating dates to attendees in advance.

##### Administrative Scribe

- The Administrative Scribe will be responsible for documenting hearings and meetings.

##### Representative to the Student Senate

- The Representative to the Student Senate will attend meetings of the Student Senate quarterly at a minimum to represent the needs of the HC to the Senate body.
- The Representative will present the Student Senate with the HC's Annual Report at the start of each academic year.
- A representative will be chosen from both the Temple and Houston campuses to represent their respective Student Senates.

## Article III: Incident Reporting

Incidents may be reported via Ethics Point or directly to an HC member.

- EthicsPoint incident reports within the competency of the HC will be sent directly to the HC Faculty Advisor.
- Any member of the BCM community may report an incident directly to a member of the HC. In such an instance, the HC member shall file an EthicsPoint report on behalf of the reporter. Additionally, the HC member shall direct the reporter to EthicsPoint to document the incident.

## Article IV: Process of Incident Investigation

### Section 1: Fact Finding

Upon receiving the initial report, the HC Faculty Advisor will verify that the subject of the complaint is within the competency of the HC to investigate, and thereafter, the Faculty Advisor will inform the HC Chair of the complaint. The timeline of investigation is as follows:

1. The HC Chair will appoint the Fact Finding Team from among the HC membership within five business days of receiving the complaint from the Faculty Advisor.
2. The Fact Finding Team will hold the Preliminary review within 21 calendar days of receiving its charge.
3. The HC will conduct the Final Review within 45 calendar days of the Preliminary Review. The Fact Finding Team is composed of at least three HC student members in a different class from the accused who have no conflict of interest with the accused.
4. An extension may be requested as necessary to conduct a thorough review of the case

The Fact Finding Team shall follow the following protocol:

- All fact finding interviews will be held in person at the BCM campus or via secure video conferencing (ie - Zoom) with confidentiality strictly maintained. Any member of the Fact Finding Team who violates confidentiality by disclosing any information regarding the

investigation outside of the HC is subject to disciplinary action as professionalism misconduct and removal from the HC.

- The Fact Finding Team will interview the incident reporter and obtain details about the incident.
- Next, the Fact Finding Team will interview all persons involved with the incident, such as witnesses and the accused.
- The student(s) under investigation will be encouraged not to discuss the investigation with other students.
- If the complaint does not involve an individual students' conduct, the Fact Finding Team will be responsible for collecting information from the relevant stakeholders.
- The Fact Finding Team will create a written report to be presented at the Preliminary Review.

## Section 2: Preliminary Review

Purpose: To determine if a report meets the criteria for a Formal Review.

A report will meet criteria for Formal Review under the following circumstances:

1. The evidence gathered by the Fact Finding Team does not overwhelmingly and obviously acquit the accused
2. The results of the Fact Finding Team are discussed and the consensus agrees to dismiss

A Preliminary Review Team appointed by the HC Chair and consisting of the HC Chair or Vice-Chair and two other voting students, will determine if the preliminary report meets criteria for Formal Review.

The Preliminary Review will also be attended by the Administrative Scribe, the HC Faculty Advisor, and the Fact Finding Team.

The Fact Finding Team will present their findings to the Preliminary Review Team. Majority vote by the Preliminary Review Team will determine one of the following courses of action: 1) proceed to Formal HC Review, 2) dismiss the allegations, or 3) refer to another institutional authority.

## Section 3: Formal Review

Participants in the Formal Review include the following individuals:

- Chair or Vice-Chair, who will serve as the moderator
- HC Faculty Advisor
- Administrative Scribe
- All available student HC members



- Quorum of HC student members
  - Quorum will be five voting members
  - HC committee members in the same medical school class as accused will not participate in the Fact Finding Team but may attend and vote during the Formal Review
  - Chair and/or Vice-Chair may be included in the quorum
- Incident Reporter is expected but not required to attend
  - Formal Review will be scheduled in such a way (or partially conducted by secure video conferencing) to prevent the reporter from encountering the accused
- The student(s) under investigation are expected to attend the Formal Review, but if such student elects not to attend the proceedings will continue.
  - No attorneys or formal legal representation shall be permitted
  - Student in question may choose a BCM faculty member who is not a dean or department chair to attend as an advocate; the faculty advocate must refrain from interfering with proceedings

Process of Formal Review will consist of the following:

- Call to order and reading of Honor Code sections related to alleged violations
- Statement of alleged violation
- Recusal by voting members due to conflict of interest with the student under investigation
- Presentation of report
- Statement by reporter
- Statement by accused
- Questioning of the accused student by HC
- Voting will occur in a private HC meeting. The Chair will introduce one of the following motions:
  - Insufficient evidence (more likely than not) that the student's actions violate the Honor Code
  - Sufficient evidence (more likely than not) that the student's actions violate the Honor Code
- If a motion for sufficient evidence is passed at the Formal Review, then the HC Faculty Advisor will present the decision to the Chair of the MDPC and the Associate Dean of Student Affairs no later than the following business day.

#### Section 4: Documentation

Documentation of proceedings will be the responsibility of the Administrative Scribe and will be

stored electronically on a BCM-approved secure server.

Any report that is brought to HC will be recorded in a de-identified standardized form, regardless of whether the report merits a Formal Review from the Fact Finding Team, and saved as reference.

#### Section 5: Recusal

Each HC member will have the opportunity to recuse him/herself at the beginning of the formal review hearing if the individual member determines s/he has a conflict of interest or cannot remain unbiased for any reason.

#### Section 6: Appeal

Students found to have violated the BCM Honor Code will face sanctions at the discretion of the MDPC. Students may appeal sanctions as per the BCM Student Grievance policy as outlined in (23.1.08).

#### Section 7: Resolution

If the Fact Finding Team dismisses a case, the decision must be reported to the student in question within 24 hours. The decision may be communicated via e-mail from the shared Honor Council account. This communication must specify that nothing about the proceedings of the case will appear on the students' permanent record and will not need to be self-reported for residency purposes.

If the case moves to Formal Review and is found to have insufficient evidence, the decision must be reported to the student in question within 24 hours. The decision may be communicated via e-mail from the shared Honor Council account. This communication must specify that nothing about the proceedings of the case will appear on the students' permanent record and will not need to be self-reported for residency purposes.

If the case moves to Formal Review and is found to have sufficient evidence, the decision must be reported to the student in question within 24 hours. The decision may be communicated via e-mail from the shared Honor Council account. The case will be referred to the MDPC through the HC faculty advisor. The Honor Council may provide context regarding the severity of the infraction in order to determine appropriate sanctions.

## Article V: Confidentiality and

# Accountability

## Section 1: Confidentiality of Investigation

All HC case reports, investigations, discussions, and rulings will remain strictly confidential, in compliance with FERPA and other institutional, state, and federal regulations.

## Section 2: Confidentiality of Reporter

Students have the right to submit either anonymous or non-anonymous incident reports to the HC. When an anonymous incident report has been submitted, the HC will not attempt to identify the reporting student. When a non-anonymous incident report has been submitted, the student will be scheduled to

appear in person before the HC in such a manner so as to prevent the reporting student from encountering the student under investigation. If the reporting student prefers not to appear in person before the HC, the student must choose one of the following alternatives:

- The reporting student will be scheduled to appear before the HC via BCM's secure video conferencing service
- A student member of the HC will present the incident report on the reporting student's behalf.

The reporting student may also identify himself or herself as a "witness" if he/she has witnessed the incident but does not wish to identify himself or herself as the reporter. Witnesses are protected from mandatory reporting, but may voluntarily choose to appear before the HC to present information related to the case.

## Section 3: Confidentiality of Other Witnesses

The identity of other individuals mentioned in the incident report shall remain confidential regardless of the level of anonymity chosen by the reporting student. The HC and its Faculty Advisor may correspond with individuals mentioned in the report to obtain additional information, but these persons must not be made aware about the identity of the reporting student or the identity of other individuals mentioned in the report. Correspondence through e-mail with the students under investigation or persons mentioned in the incident report may only be used to schedule formal meetings. Under no circumstances shall the content of the investigation be documented in e-mail. Formal discussion of the

investigation must be conducted on the premises of BCM or via secure video conferencing (ie - Zoom).

#### Section 4: Violations of Law

If the HC members or Faculty Advisor believe that an alleged action not only violates the BCM Honor Code but also violates federal, state, or municipal law (including, but not limited to, Title IX violations), then the HC Faculty Advisor will immediately inform the Associate Dean of Student Affairs, who will then refer the case to appropriate authorities. However, the HC retains the right to continue its investigation if it relates to violations of the BCM Honor Code.

#### Section 5: Written Records

The HC will maintain written records of all reports, investigations, hearings, and case outcomes in a confidential and secure location. Only HC members, the Faculty Advisor, and the Dean of Student Affairs will have access to the names of individuals. If an allegation submitted in an incident report is not substantiated after an investigation, then all records in which the student is identified or named must be destroyed after the accused student graduates or ceases his or her enrollment at BCM. Deidentified records will be maintained in a standard form for future reference by the Honor Council. If the accused student is found to be in violation of the BCM Honor Code, then the final report will become part of the MDPC records. This formal report will identify the name of the culpable student, but names of all other individuals involved in the case will be redacted.

## Article VI: Annual Report

The HC will issue an Annual Report for each academic year, covering all incidents adjudicated by the HC between July 1 and June 30. The Annual Report will be presented to the Office of Student Affairs and the Student Senate and will include the following information:

1. The total number of cases reported to the HC during the last academic year
2. A subjective description of the types of violations and incidents represented in the total number of cases
3. A broad summary of the committee recommendations made by the HC

The Office of Student Affairs, but not the Student Senate, may request additional information not included in the Annual Report with appropriate justification. Any request for additional information requires a simple majority approval by HC members.

The Annual Report for each academic year must be made available to the Deans by October 1 of the following academic year. The report will be compiled by a member of HC and sent to HC Faculty Advisor.

## Article VII: Constitutional Review

The initial HC Constitution of 2018 will require approval of the Student Senate by a simple majority vote. After implementation of the initial Constitution, automatic review of the BCM Honor Code and the HC Constitution will occur every four years and subsequent approval from current HC members via a simple majority vote.

## Article VIII: Constitutional Amendments

In addition to the automatic review of the HC Constitution every four years, additional amendments to the Constitution may be proposed at any time.

Proposal of a Constitutional Amendment can be made by either of the following methods:

1. An affirmative vote by a minimum of eight HC student members:
2. A petition signed by a minimum of 15 BCM medical students from each class (a total of 60 student signatures) and 5 teaching faculty. The petition containing all signatures must then be presented to an HC member.
3. Ratification of a proposed Constitutional Amendment requires a referendum that satisfies all of the following requirements:
4. The Dean of Student Affairs must approve the proposed Constitutional Amendment prior to any referendum
5. All currently enrolled BCM medical students will be eligible to vote in the referendum
6. A minimum referendum turnout of 50% is required for the vote to be validated
7. Ratification requires a simple majority vote in the validated referendum

## Sources:

University of Colorado School of Medicine Honor Council Constitution

University of Alabama School of Medicine Honor Council Constitution

University of Missouri-Kansas School of Medicine Honor Council Constitution

University of Virginia School of Medicine Medical Student Advisory Committee Constitution