

Process for Addressing Alleged Violations of Recognized Nursing Standards 3.5

Original Implementation: February 2, 1994

Last Revision: December 2023

Students have the responsibility to be physically and mentally prepared, present, and punctual for all classes, clinical assignments, and appointments.

Additionally, students enrolled in the School of Nursing will at all times comply with School of Nursing (“SON”) policies and professional nursing standards including the Texas Board of Nursing Nurse Practice Act, Texas Administrative Code Rule § 217.11, the American Nursing Association’s (“ANA”) Standards of Nursing Practice, and the ANA Code of Ethics. Students who violate these policies and/or nursing standards will be subject to disciplinary action and may be dismissed from the nursing program.

This policy does not preclude any processes under the Code of Student Conduct and Academic Integrity, when applicable.

PROCEDURE

Investigation:

Allegations of misconduct will be investigated by the School of Nursing Director or their designee.

Upon receipt of an allegation, the Director will collect all relevant evidence, which may include but is not limited to: requesting written statements, gathering incident reports, and interviewing witnesses.

The student will receive notice of the allegations via email sent to the student’s official SFA email address. At a minimum, the notice will include a detailed description of the allegation(s), a copy of all evidence against the student, and will clearly state the deadline for which a voluntary written response from the student must be received. Notice is accomplished when the email is sent; a student’s failure to check their official SFA email account will not result in insufficient notice.

In some circumstances, the notice may include a meeting request for the purposes of additional fact finding and/or to discuss the allegations. The student is not required to attend this meeting and no negative inference will be drawn if the student declines to attend the investigation meeting.

The student may, but is not required, to submit a written response, including raising any defenses to the allegations, no later than five (5) business days after the date Notice is accomplished.

If the student fails to submit a written response and/or declines to attend the investigation meeting, the director will make a finding based on the available information.

Reviewing the Evidence and Making Findings:

The director will weigh all relevant evidence and make a determination as to whether the alleged violation has occurred.

The preponderance of the evidence standard (“more likely than not”) will be used to make findings. The Director will notify the student of the findings and sanctions, if applicable, in writing via email to the student’s official SFA email address.

Sanctions:

If a violation is found to have occurred, the Director may assign one or more sanctions, including but not limited to:

1. Clinical Demerit- This means the student will be given a clinical demerit in accordance with SON Policy 1.3. The demerit will be issued directly from the Director and placed in the student’s file. If the misconduct is specific to a course within the nursing program, the clinical demerit will count as one for that course. The form the student signs will specify which course, if any, for which the student will receive the demerit.
2. Probation- This means the student is not in good conduct standing with the School of Nursing. Further violation of policies or professional standards may result in program dismissal.
3. Program Dismissal- This means the student is no longer eligible to remain in School of Nursing. Students will be given the opportunity to drop current nursing courses if it is before the University approved drop date. Otherwise, students will receive an F for the courses in which they are currently enrolled.

Appeals:

A student may appeal a disciplinary sanction to the Dean of the College of Sciences and Mathematics, or their designee. An appeal must be made in writing within ten (10) business days from the date a sanction is issued.

If the student is appealing a dismissal from the program, the student will not be allowed to be present in the clinical setting until the appeal is resolved. It is the student’s responsibility to continue to attend all lectures and take all didactic tests while the appeal is pending. If the appeal is resolved in favor of the student, it is the responsibility of the faculty member to arrange clinical makeup opportunities.

An appeal shall be in accordance with the following procedures:

Basis for Appeal:

1. A Student may appeal a sanction on any of the following grounds:
 - a. The sanctions imposed are inappropriate and/or not commensurate with the circumstances.
 - b. A procedural irregularity affected the outcome of the matter.
 - c. There is new evidence that was not reasonably available at the time of the determination regarding responsibility that could affect the outcome of the matter.
 - d. The director had a conflict of interest or bias for or against a party (generally, or specifically in this matter) that affected the outcome of the matter.

Appeal Procedures:

1. The student must submit the appeal in writing via email to the Dean of the College of Sciences and Mathematics. The appeal should state the basis for which the student seeks to overturn the sanction, and provide any relevant information the student wishes the Dean to consider.

2. The Dean will acknowledge receipt of the student's appeal, and notify the SON Director of the pending appeal.
3. The SON Director will forward all documentation involved in the dispute to the Dean.
4. The Dean may elect, but is not required, to refer the appeal to representatives from relevant college council. If consulted, three (3) representatives from the college council will review all documentation and submit a recommendation to the Dean.
5. The Dean will review all evidence, consider the recommendation from the college council (if applicable), and will render a written decision.
6. The Dean will notify the student of the decision in writing via email to the student's official SFA email address no later than twenty (20) business days of the date the appeal was received, with copy to the SON Director.