

 Policies & Procedures Manual	# Pages: 8	Policy Number: AC-03-06
	Approved by: Learning Council	
Section: Academic - Programs	Effective Date: June 11, 2024	
Title: Professional Suitability Policy (Faculty of Health)	Replaces: February 20, 2024	

POLICY STATEMENT

Students must meet standards of competence or professional fitness for the practice of any health profession. Where there are questions of student suitability for the profession of nursing, paramedicine or health care aide, a Professional Suitability Committee (PSC) will convene to resolve the issue(s).

PURPOSE OF POLICY

Where concerns of student suitability arise in the Diploma in Practical Nursing (DPN), Primary Care Paramedic (PCP) and Health Care Aide programs, the Faculty of Health requires a professional suitability policy which aligns with mandated professional practice and standards.

PROCEDURE

1. Jurisdiction

1.1. General

The purpose of the Professional Suitability Committee is to review and make recommendations regarding the suitability of a student for the profession of nursing, paramedicine or health care aide. The Faculty of Health may require a student to withdraw from the applicable program pursuant to the procedures set out in this Policy when the student has been found to be unsuited, on consideration of competence or professional fitness, for the practice of nursing, paramedicine or health care aide. A student may be required to withdraw at any time throughout the academic year or following the results of examinations at the end of any academic term. This right to require withdrawal prevails notwithstanding any other provision in the institutional rules or regulations.

The College of Licensed Practical Nurses of Manitoba (CLPNM) or the College of Paramedics of Manitoba (CPMB) Code of Ethics will be considered in every situation in which an inquiry is being held into the conduct of a student in the applicable Diploma in Practical Nursing (DPN) or Primary Care Paramedic (PCP) program.

Furthermore, in accordance with provisions of the Manitoba Human Rights Code, the program's duty to reasonably accommodate the special needs of its students to the point of undue hardship will apply.

1.2. Grounds for Required Withdrawal

A student may be required to withdraw from the Faculty of Health program when the student has:

- i. been found guilty of such conduct which, if participated in by a Licensed Practical Nurse or Primary Care Paramedic, would result in suspension or expulsion of the practitioner from the professional practice, or such other disciplinary actions available against a practitioner by the governing body of the profession,
- ii. practiced incompetently in any practice setting in spite of efforts to support the student's development,
- iii. compromised professional judgment through self-interest or a conflict of interest,
- iv. demonstrated behaviour with respect to other students, colleagues, instructors, or the public, which is exploitive, irresponsible, or destructive,
- v. acquired a criminal conviction which is of such a nature as to bring disrepute to the profession or (other) unsuitability for the profession,
- vi. any health condition, the occurrence of which impairs essential performance required for the health profession, subject to reasonable accommodation for the special needs of individuals to the point of undue hardship,
- vii. been under the influence of alcohol or drugs while participating in client care, any other professional activity, or any activity related to the applicable professional practice, subject to reasonable accommodation for the special needs of individuals to the point of undue hardship, and/or
- viii. demonstrated unethical behaviour as specified by the CLPNM or CPMB Code of Ethics.

2. Professional Suitability Committee

The Professional Suitability Committee (PSC) is an ad hoc committee, to be established on an as needed basis to hear and determine matters of competence and/or professional fitness for the practice of nursing, paramedicine or health care aide. The role of the PSC is to provide an independent review of student conduct, and to recommend a course of action to the Dean, Faculty of Health. Appeals from the PSC shall be heard by the Learning Council Appeals Committee.

Membership in the PSC shall be as follows:

Chair:

- i. appointed by the Associate Dean, Faculty of Health,
- ii. must be a permanent full-time faculty member from a different health program than that of the student,
- iii. non-voting, except in the case of a tie.

Committee Members:

- i. two (2) full-time DPN, PCP, or HCA instructors, appointed by the PSC Chair (where reasonably possible, instructors who had dealings with the student will not sit on the PSC),
- ii. two (2) DPN, PCP or HCA students from the applicable program, appointed by the PSC Chair,
- iii. one (1) representative of the Faculty of Education, appointed by the Dean, Faculty of Education,
- iv. one (1) representative of the Council of Elders, appointed by the Council of Elders,
- v. one (1) representative of the applicable regulatory body to be appointed by the CLPNM, or CPMB, preferably with experience in dealing with disciplinary matters, and
- vi. one (1) representative from the employment setting.

3. Procedure

3.1. All professional suitability matters shall be reported to the Associate Dean, Faculty of Health.

3.2. The Associate Dean, Faculty of Health (or appropriate designate) shall:

- i. refer matters which, in their opinion, involve conduct or circumstances described in Section 1.1 or 1.2, to the PSC Chair in a written report, setting out the name of the student involved, the alleged facts, and ground(s) warranting discipline pursuant to Section 1.1 or 1.2. Under no circumstances will a referral be based on anonymous allegations, being allegations advanced by someone whose identity is not disclosed,
- ii. provide the PSC Chair with all information provided to the Associate Dean, Faculty of Health which supports the request to assess the student's suitability for the profession of nursing, paramedicine or health care aide. Reports of conduct identified in Section 1.1 or 1.2, can be submitted to Associate Dean, Faculty of Health by: members of the public, UCN students, UCN staff, or individuals from a student's work placement or practicum. This information must be provided in writing (use of email is acceptable) to the PSC Chair at the time the referral is made.

3.3. The PSC Chair shall:

- i. select the ad hoc members pursuant to Section 2,
- ii. convene a meeting of the PSC to share the allegations and determine the hearing date no sooner than fourteen (14) calendar days after notification to the student, and
- iii. send communication to the named student pursuant to Section 4.1 by email and registered mail to the last known address of the student as recorded in the student records.

3.4. The PSC shall:

- i. consider whether valid reason exists to suspend the student while the matter is being determined and if so, recommend to the Associate Dean, Faculty of Health, an interim non-disciplinary suspension to the student,
- ii. determine its own practice and procedure, and subject to this policy, allow all parties

- due process and a reasonable opportunity to present evidence and make representations,
- iii. at all times act expeditiously to complete the hearing,
 - iv. determine whether any of the grounds requiring discipline under Section 1.1 or 1.2 exist upon hearing of the matter pursuant to this policy, and
 - v. make a disposition in accordance with Section 6.
- 3.5. Once a referral has been made to the PSC, at the discretion of the PSC, the proceedings may continue, notwithstanding that the student has voluntarily withdrawn from the program or has refused to participate in the proceedings.

4. Notice to Student

- 4.1 The Chair of the PSC shall inform the student in writing (by email and registered mail to the last known address of the student as recorded in the student records) within seven (7) calendar days of receipt of the referral, the grounds for referral to the PSC, the membership of the PSC, and a Notice of Hearing setting forth the proposed date, time, and place for the PSC hearing. The proposed PSC hearing will be scheduled no sooner than fourteen (14) calendar days from the date the student is notified of the referral. All future correspondence between the parties will be by both email and registered mail, unless otherwise agreed.
- 4.2 The notice from the Chair shall include a statement stipulating that if the allegations contained in the reference are established to the satisfaction of the PSC (on the balance of probabilities) the student may be required to withdraw from the program.
- 4.3 The student may provide a written challenge to the Chair of the PSC no later than ten (10) calendar days before the hearing, seeking to have disqualified any member of the PSC, providing the grounds for such challenge. In such a case, the Chair will forthwith consider the grounds for the challenge and may replace the disqualified member(s) pursuant to Section 2 and reschedule the hearing as needed. Any replacement may likewise be subject to challenge and possible replacement, forthwith and no later than ten (10) calendar days before the rescheduled hearing.
- 4.4 An instructor shall not be disqualified from sitting as a member of the PSC hearing the matter by reason only that such instructor has had previous contact with the student or has prior personal knowledge of the matter.
- 4.5 If the student does not challenge and seek to have disqualified any member of the PSC within the time frames in this policy, the student will be deemed to have waived any such objection and accepted the jurisdiction of the PSC.
- 4.6 The student will have access to copies of all documents submitted to the PSC for consideration at least fourteen (14) calendar days prior to the hearing.
- 4.7 The student may provide a written response to the allegations to the Chair of the PSC no later than seven (7) calendar days before the hearing. The Chair of the PSC will provide any such written response forthwith to the PSC.

5. Hearing Procedures

- 5.1 The student may appear in person and may choose to be represented by a Student Counselor, Student Advisor, or legal counsel. A student may request an additional

support person who may accompany them to the hearing.

- 5.2 The person who initially provided information to the Associate Dean, Faculty of Health supporting the request to assess the student's suitability for the profession of nursing, paramedicine or health care aide, and the student, may make representations and call such witnesses as they determine necessary. Each shall provide a witness list to the other at least three (3) calendar days prior to the hearing and may only call a witness not named on the witness list at the discretion of the PSC.
- 5.3 The hearing shall be closed to all persons except the members of the PSC, program representative(s), the student, the designated representative of the student, and any witnesses (who shall be excluded until they testify). Once witnesses testify, they are required to leave the proceedings.
- 5.4 The student shall not be required to give evidence; but, if the student elects to do so, then the student may be questioned by members of the PSC.
- 5.5 Quorum for PSC shall be four (4) members and the Chair as referred to in Section 2.
- 5.6 A simple majority of the members hearing the matter is required for any finding or for the determination of the appropriate disposition of the matter.
- 5.7 The Chair of the PSC shall vote only to break a tie.
- 5.8 Subject to this policy, members of the PSC, the person who initially provided information to the Associate Dean, Faculty of Health, supporting the request to assess the student's suitability for the profession of nursing, paramedicine or health care aide, and the Associate Dean, Faculty of Health, shall treat all matters as confidential, provided that information will only be disclosed as deemed reasonably necessary to implement anything resulting from the request, or as required by law.
- 5.9 The PSC has, in respect of any matter, the power:
 - i. to determine procedures to be followed,
 - ii. to summon and enforce the attendance of witnesses and compel them to give oral or written evidence on oath or affirmation and to produce such documents and things as are deemed requisite to the full investigation and consideration of the matter,
 - iii. to administer oaths and affirmations,
 - iv. to receive and accept such evidence and information on oath, by affidavit, or otherwise as it deems fit, whether the evidence or information is admissible in a court of law or not,
 - v. to require any party, during or prior to any hearing held or to be held in respect of the matter, to produce documents which are or may be relevant to the matter and to furnish particulars of any allegation, statement or position made or taken by the party,
 - vi. to determine any question as to whether the matter is properly before it,
 - vii. to grant an adjournment of any hearing into the matter on such terms as appear just and equitable to it, and
 - viii. to set fixed dates for hearings, for which an adjournment may not be granted.

6. Disposition of the Matter

- 6.1 The PSC shall, after hearing all the evidence, meet in closed session with its members only, to:

- i. consider the evidence and representations,
 - ii. make its findings using a balance of probabilities standard,
 - iii. if the allegations are proven, determine the appropriate disposition of the matter and make such recommendation to the Dean, Faculty of Health,
 - iv. if the allegations are not proven, dismiss the matter and make such recommendation to the Dean, Faculty of Health.
- 6.2 The PSC may make any disposition and recommendation to the Dean, Faculty of Health, it deems appropriate in the circumstances, including (by example) one or more of the following:
 - i. determine that no further action be taken,
 - ii. allow the student to remain in the program and attach conditions prescribing future conduct by the student, with such conditions to remain in effect for any period of time the PSC deems appropriate,
 - iii. reprimand the student in writing,
 - iv. suspend the student from the program for a specified period of time, with a professional unsuitability transcript notation,
 - v. require the student to withdraw from the program indefinitely, with a professional unsuitability transcript notation,
 - vi. attach conditions which must be fulfilled before any application for re-admission to the program can be considered,
 - vii. expel the student from the program with no right to apply for re-admission to the program, with a professional unsuitability transcript notation.
- 6.3 The results of the hearing (with reasons and recommendations) shall be conveyed in writing to the Dean, Faculty of Health.
- 6.4 The Dean, Faculty of Health, will review the recommendations of the PSC and render a final decision.
- 6.5 The student will be informed of the final decision of the Dean, Faculty of Health, in writing, within fifteen (15) working day of the PSC hearing. The final decision will include reasons for the decision.
- 6.6 Copies of the final decision will be sent to the student's designated representative where applicable, the Associate Dean, Faculty of Health, the Program/Site Coordinator, the CLPNM or CPMB and the student's funding agency if applicable.
- 6.7 In cases in which the disposition of the hearing is one of iv, v, vi, or vii, as set out in Section 6.2, the results shall be conveyed in writing to the Registrar, in order for the notation to be added to the student's transcript.
- 6.8 The student may request the PSC to consider removal of the notation from the transcript.

7. Appeals

- 7.1. Any professional suitability decision is final and binding and shall not be challenged in court or otherwise, provided that if the student wishes to appeal the decision, such appeal shall be made in writing to the Learning Council Appeals Committee in accordance with the procedures of that body.
- 7.2. In the event of an appeal, the Dean, Faculty of Health, at their discretion, may decide

to suspend the implementation of the decision pending the disposition of that appeal by the Learning Council Appeals Committee.

- 7.3. Notwithstanding anything in this policy, if the President and Vice-Chancellor of University College of the North (UCN) is satisfied that it is in the best interest of UCN, the President and Vice-Chancellor may at any time make an order to suspend the student from participating in any program offered at UCN, pending final determination of the matter as per this policy.

8. Records

- 8.1 A record of any finding of professional suitability and/or disposition related to that shall be kept on the student's academic file within the program and with the Registrar's office. All information relating to the hearing before the PSC shall be kept in the office of the Dean, Faculty of Health.

Related Policies:

PSC Process Map, attached

APPENDIX A

PROFESSIONAL SUITABILITY PROCESS

To Accompany Policy # AC-03-06

