

 University College of the North Policies & Procedures Manual	# Pages: 1 of 6	Policy Number: AC-03-06
	Approved by: Learning Council	
Section: ACADEMIC - Programs	Effective Date: February 22, 2022	
Title: Professional Unsuitability Policy (Diploma in Practical Nursing)	Replaces: October 16, 2018	

POLICY STATEMENT

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

PURPOSE OF POLICY:

Where concerns of student suitability for the profession of nursing arise, the Diploma in Practical Nursing (DPN) program requires a professional unsuitability policy which aligns with mandated professional practice and standards.

PROCEDURE

1. Jurisdiction

1.1. General

The purpose of the Professional Unsuitability Committee is to review and make recommendations regarding the suitability of a student for the profession of nursing. The Nursing program at University College of the North may require a student to withdraw from the 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. 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 program Rules or Regulations. The College of Licensed Practical Nurses of Manitoba (CLPNM) Code of Ethics will be considered in every situation in which an inquiry is being held into the conduct of a student in the practice of practical nursing.

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 program when the student has:

- i. been found guilty of such conduct which, if participated in by a Licensed Practical Nurse, would result in suspension or expulsion of the practitioner from the practice of nursing, or such other disciplinary actions available against a practitioner by the governing body of the profession;
- ii. practiced incompetently in any clinical 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 practice of the nursing profession, 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 College of Licensed Practical Nurses of Manitoba Code of Ethics.

2. Professional Unsuitability Committee

There shall be established within the program a standing committee known as the Professional Unsuitability Committee (PUC) to hear and determine matters of competence and/or professional fitness for the practice of nursing. Appeals from the PUC shall be heard by the Learning Council Appeals Committee.

Membership in the PUC shall be as follows:

Chair:

- i. non-voting, except in the case of a tie, must be a permanent full-time program member appointed by the Dean, Faculty of Health for a five (5) year term, which may be renewable.

Committee Members:

- i. three (3) full-time nursing instructors, appointed by the Dean, Faculty of Health, for a five (5) year term, which may be renewable;
- ii. two (2) Diploma in Practical Nursing students from the Nursing program, appointed by the Dean, Faculty of Health, for a one (1) year term;

- iii. one (1) representative of the Faculty of Education, appointed by the Dean, Faculty of Education, for a five (5) year term, which may be renewable;
- iv. one (1) representative of the Council of Elders, appointed by the Council of Elders, for a five (5) year term, which may be renewable; and
- v. one (1) representative of the Nursing Profession to be appointed by CLPNM, preferably with experience in dealing with CLPNM disciplinary matters, for a five (5) year term, which may be renewable.

3. Procedure

3.1. The Dean (or appropriate designate) shall:

- i. refer matters which, in their opinion, involve conduct or circumstances described in Articles 1.01 or 1.02, to the PUC Chair in a written report, setting out the name of the student involved, the alleged facts, and ground(s) warranting discipline pursuant to Articles 1.01 or 1.02. Under no circumstances will a referral be based on anonymous allegations, being allegations advanced by someone whose identity is not disclosed;
- ii. provide the PUC Chair with all information provided to the Dean which supports the request to assess the student's suitability for the profession of nursing. This information must be provided in writing (use of email is acceptable) to the PUC Chair at the time the referral is made.

3.2. The PUC shall:

- i. send a Notice of Hearing to the named student pursuant to Article 4.01 by email and registered mail to the last known address of the student as recorded in the student records;
- ii. consider whether valid reason exists to suspend the student while the matter is being finally determined and if so, to issue an interim non-disciplinary suspension to the student;
- iii. 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;
- iv. at all times act expeditiously to complete the hearing;
- v. determine whether any of the grounds requiring discipline under Articles 1.01 or 1.02 exist upon hearing of the matter pursuant to this policy; and
- vi. make a disposition in accordance with Article 6.0.

3.3. Once a referral has been made to the PUC, at the discretion of the PUC, 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 PUC 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 PUC,

the membership of the PUC, and a Notice of Hearing setting forth the proposed date, time, and place for the PUC hearing. The proposed PUC 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 regular 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 PUC (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 PUC no later than ten (10) calendar days before the hearing, seeking to have disqualified any member of the PUC, 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 Article 2.0 and reschedule the hearing as need be. 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 PUC 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 PUC within the time frames in this policy, the student will be deemed to have waived any such objection and accepted the jurisdiction of the PUC;
- 4.6 The student will have access to copies of all documents submitted to the PUC 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 PUC no later than seven (7) calendar days before the hearing. The Chair of the PUC will provide any such written response forthwith to the PUC.

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 Dean supporting the request to assess the student's suitability for the profession of nursing, 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 PUC;
- 5.3 The hearing shall be closed to all persons except the members of the PUC, program representative(s), the student, the designated representative of the student, and any witnesses (who shall be excluded until they testify);
- 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 PUC.
- 5.5 A quorum for the PUC shall be four (4) members and the Chair as referred to in Article 2.0;

- 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 PUC shall vote only to break a tie;
- 5.8 Subject to this policy, members of the PUC, the person who initially provided information to the Dean supporting the request to assess the student's suitability for the profession of nursing, and the Dean, 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 results of the hearing (with reasons) shall be conveyed in writing to the student, with copies to the student's designated representative where applicable, the Dean of the Faculty, the Coordinator of the Nursing Program, the Registrar, the College of Licensed Practical Nurses and the student's funding agency if applicable;
- 5.10 The PUC 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 PUC 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;
 - iv. if the allegations are not proven, dismiss the matter and/or make any other recommendation the PUC deems appropriate.
- 6.2 The PUC may make any disposition 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 PUC deems appropriate;
 - iii. reprimand the student in writing;
 - iv. suspend the student from the program for a specified period of time;
 - v. require the student to withdraw from the program indefinitely;
 - 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.
- 6.3 In cases in which the disposition of the hearing is one of iv, v, vi, or vii, as set out in Article 6.02, the results shall be conveyed in writing to the Registrar, in order for the notation to be added to the student's transcript.
- 6.4 The student may request the PUC to consider removal of the notation from the transcript.

7. Appeals

- 7.1 Any decision of the PUC is final and binding and shall not be challenged in court or otherwise, provided that if the student wishes to appeal a decision of the PUC 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 PUC may, at its discretion, decide to suspend the implementation of its 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 is satisfied that it is in the best interest of the University College of the North, the President and Vice-Chancellor may at any time make an order to suspend the student from participating in any program offered at University College of the North, pending final determination of the matter as per this policy.

8. Records

- 8.1 A record of any finding of professional unsuitability 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 PUC shall be kept in the office of the Coordinator of the Nursing Program.

9. Amendments

- 9.1 This Policy may be amended by Learning Council alone, or by Learning Council after approval of such amendment(s) by the Nursing program.

Approval:

Approved by UCN Nursing program on: August 29, 2018

Approved by UCN Learning Council on: October 25, 2016

PRIMARY CONTACT:

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