

Honor Code

Effective Date: 2018

Responsible Party: University of Alabama at Birmingham Marnix E. Heersink School of Medicine's Associate Dean for Students

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SCOPE

The honor code applies to all medical students who attend the University of Alabama at Birmingham Marnix E. Heersink School of Medicine.

HONOR CODE

Introduction

The role of the physician in our society transcends almost all conventional personal boundaries. The physician asks what no one else may ask and views what no one else may view. With this privilege comes great responsibility. As medical students, we must respond to this call with personal and professional lives lived honorably, honestly and respectfully. Our behavior and decisions must continually affirm the four foundational principles of medical ethics: respect for autonomy, pursuit of justice, and duties to beneficence and non-maleficence.

Recognizing that unethical behavior, including but not limited to dishonesty, academic misconduct, or negligence may pose a serious threat to the welfare of our future patients, the Students of the University of Alabama at Birmingham Marnix E. Heersink School of Medicine have devised this Honor Code so that we may meet the responsibilities of the medical profession and protect the integrity of medical education.

By this Honor Code we purpose to maintain the highest standards of ethical and professional conduct in all academic matters.

Article I - Basis for the Honor System

A. Scope

This Honor Code applies to all Students enrolled at the University of Alabama at Birmingham Marnix E. Heersink School of Medicine. It proscribes all acts of academic misconduct and tolerating such actions by another. Offenses that constitute violations of state or federal law, violations of University of Alabama at Birmingham ("University") policies and regulations, or violations of professional conduct, may be best handled by other appropriate authorities, and the Honor Council has the discretion to refer a case to University and/or School of Medicine administrators for review and potential referral to external agencies.

B. Definitions

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Academic Misconduct: any act or failure to act that could impact an academic record, or is intended to impact an academic record to give an impression that is not an accurate reflection of the academic effort or accomplishment of any student. Examples include, but are not limited to:

- Using unauthorized materials on an examination (including all tests, quizzes, and team based learning activities)
- Looking at another student's answers or work during an examination
- Knowingly allowing another student to look at your answers or work during an examination
- Retaining examination materials (unless specifically permitted by the course /module director)
- Consciously receiving or giving information to another Student about the subject matter of an examination before its administration with knowledge that use of the materials may constitute academic misconduct
- Violating any other policy of examination as set forth by examination proctors, module directors, or any other School of Medicine faculty or staff
- Altering documents related to one's academic records, such as transcripts or letters of recommendation
- Collaborating on an academic assignment without proper authorization or acknowledgment
- Using another's words or ideas without proper acknowledgment and permission

Tolerance: includes willfully ignoring, withholding evidence of, or otherwise failing to take action after witnessing or learning of a possible breach of the Honor Code.

C. Pledge

At the time of accepting an offer of admission and prior to enrollment at UAB Heersink School of Medicine, each student will attest that they have read and agree to abide by the Honor Code and will not tolerate or engage in academic misconduct.

Article II - Organization and Selection of Honor Council

A. Composition

The Honor Council will consist of twenty-two (22) elected members, including five (5) members each from the first and second year classes, and six (6) members each from the third and fourth year classes. Third and fourth year members will typically include three (3) from the Birmingham campus and one (1) from each of the regional campuses (Tuscaloosa, Huntsville, and Montgomery).

First year members will be elected in the fall for terms that conclude in the spring of the following calendar year. Second and third year members will be elected in the spring. Third year members for each campus will serve a term concluding upon graduation. Students electing to take time off from pre-clinical courses or clinical rotations, such as for completion of doctoral programs, extramural research, or dual-degree programs, will not be eligible to serve on the Honor Council during those time periods.

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Faculty members will be nominated by the Honor Council student members and approved by simple majority vote of the Honor Council student members. Faculty members will serve two (2) year terms and may not serve more than two (2) consecutive terms. Two (2) alternate faculty members shall be selected by the Honor Council student members and approved by simple majority vote of the student members. No more than one faculty member may be replaced each academic year, even if they have served more than two consecutive terms.

An Administrative Advisor from Medical Student Services will be appointed by the Associated Dean for Students to assist the Honor Council. The Advisor's duties include, but are not limited to: remaining impartial as to the outcome of any incident; advising the parties involved in Honor Council proceedings as to procedure and precedents; keeping the Honor Council records in a place that is safe and inaccessible to students and faculty (other than those given permission by the Chair of the Honor Council or the Associate Dean for Students). The Administrative Advisor has no vote in any Honor Council proceedings. If the Administrative Advisor must be absent or recuses themselves from a case, they may select an alternate administrative advisor. The Administrative Advisor may consult with the Associate Dean for Students as needed.

B. Election of Members

Students interested in becoming a student Honor Council Member must submit to the existing council a Statement of Interest outlining their intentions and qualifications to be a member. The statements, including the names of applicants, will be made available to their respective classmates. Student members from each class will be elected by a simple majority vote of their class with those receiving the most votes in each class elected to serve as student Honor Council Members. The candidate receiving the next highest vote total shall be designated as the Alternate Member.

C. Officers

The Honor Council shall elect a Chair and two (2) Vice-Chairs from among the student members of the Honor Council, by a simple majority vote of all members for a term of one year beginning in the spring. The Chair will be responsible for ensuring the timely performance of all Honor Council responsibilities and for carrying out the duties stated within the Honor Code.

In each incident, one Vice-Chair shall be designated as scribe at the Preliminary Review and if needed, at the Honor Council Review. The other Vice-Chair shall serve as the Moderator at any Honor Council Review required. The Vice-Chairs shall fulfill the duties of the Chair, if needed. A student Honor Council member may be designated to fulfill the duties of a Vice-Chair in the event that the Chair or a Vice-Chair must be absent or recuse himself or herself from the Preliminary Review and/or Honor Council Review.

D. Recusal, Removal and Replacement of Members

Members of the Honor Council and the Student(s) in question may inform the Chair or Administrative Advisor if they believe there is a potential conflict of interest in any case

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that is being discussed by the Honor Council. When the Fact-Finder initially discusses a reported violation with the Student(s) in question, the Fact-Finder will review the names of the current Honor Council members with the student(s) so that the Student(s) in question may notify the Chair or Administrative Advisor of a potential conflict of interest in anticipation of the preliminary review. The Chair, in consultation with the Administrative Advisor, will determine whether or not a potential conflict of interest necessitates that an Honor Council member not participate in meetings for the case(s) in which there is a conflict of interest.

A member shall be removed from the Honor Council upon a reasonable showing based on evidence of improper conduct. The request to remove a member must be submitted to the Chair in writing outlining the alleged misconduct with specificity. The Chair shall share the request for removal with the subject Honor Council member, who will be granted the opportunity to respond to the request in writing or allowed to resign their position on the Honor Council. A vote of two-thirds (2/3) majority of the existing Honor Council is needed to remove a member. In the event an Honor Council member resigns, is removed, or withdraws from School, the alternate member from the same class shall replace the member until such time as the member returns or a new, regularly scheduled election is held.

E. Meetings

One regular meeting shall be held after the Spring election. Officers will be elected at this meeting. A second meeting will be held following fall elections. At this meeting, members will nominate and vote on faculty members. At both meetings, the Chair and Administrative Advisor will explain the duties and procedures of the Honor Council to the newly elected members.

Article III – Confidentiality

All persons aware of, or involved with, in any capacity, an Honor Code incident shall not discuss any information pertaining to the incident with any persons not directly involved with the incident, except under the provisions set forth in this code, or if directed to do so by the Chair, the Administrative Advisor, or the Associate Dean for Students. Matters of alleged academic misconduct are to be treated with the utmost discretion. Breaches of confidentiality may be considered a violation of the Honor Code (since such violations could unfairly impact the academic appraisal of the Students involved) as well as a violation of the Family Educational Rights and Privacy Act of 1974 (FERPA). Anyone involved at any stage of any incident will be reminded of this confidentiality policy upon initiation and completion of their participation. Prior to participating in any Honor Council meetings where a potential Honor Code violation is being discussed, all student and faculty Honor Council members must acknowledge by signature that they have read the Honor Code and agree to abide by this confidentiality agreement. In consultation with the Administrative Advisor, the Chair may require all student and faculty Honor Council members to achieve a passing score of 80% or better on an open-book quiz relating to the contents of this Honor Code prior to being able to participate in case meetings.

Article IV - Incident Report and Fact Finding**A. Reporting of a Violation**

Students are responsible for reporting all violations of the Honor System to an Honor Council member or online through UAB ReportIt. Faculty are encouraged to report allegations of academic misconduct to the Honor Council for resolution, but are not under an affirmative obligation to report academic misconduct to the Honor Council. Faculty may address academic dishonesty and misconduct occurring in their classes through their own classroom policies. The individual reporting a possible Honor Code violation shall be referred to as the Reporter. The initial report should include only the name of the Reporter, and the class(es) of the Student(s) in question. No other details are required at this stage. An Honor Council member receiving a report must notify the Chair of the Honor Council as soon as possible.

B. Preliminary Fact-Finding

Once notified of a possible Honor Code violation, known herein as an Honor Code incident, the Chair shall appoint a preliminary Fact-Finder. The Fact-Finder shall be a student member of the Honor Council and shall not be of the same class year as the Student(s) in question. Neither the Chair nor a Vice-Chair may serve as the Fact-Finder. Once appointed, the Fact-Finder shall retain that role throughout the entire process (unless they must recuse themselves due to a conflict of interest).

The Fact-Finder shall be given the names of and contact information for the Reporter(s) and Student(s) in question. The Fact-Finder will contact the Reporter and the Student(s) in question for separate interviews. At these interviews, the Fact-Finder may discuss the details of the incident and any other pertinent information. The Fact-Finder should gather tangible evidence that is pertinent to the allegations. The Fact-Finder should also ask the Reporter(s) and Student(s) in question for the name(s) of any witnesses so that the Fact-Finder may contact them to discuss the incident. The Fact-Finder will review the names of the members of the Honor Council with the Student(s) in question to give the Student(s) in question the opportunity to identify any potential conflicts of interest. The Fact-Finder will notify the Chair of any potential conflicts of interest that have been identified during his or her discussion with the Student(s) in question. As the Fact-Finder fulfills these important duties, they will inform all persons interviewed of their duty to maintain absolute confidentiality regarding the incident. During these interviews, the Fact-Finder will also ensure that they do not reveal the identities of any party involved.

The Fact-Finder shall inquire if another authoritative body is investigating the Student(s) in question for the same alleged conduct by discussing the general allegations with the Administrative Advisor. The Administrative Advisor may also investigate whether or not the Student(s) in question has a history of prior Honor Code violations within or outside of the UAB Heersink School of Medicine, and what sanctions were given, if any.

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The Fact-Finder will compile a written report to be presented at the Preliminary Review. This report shall include all statements, facts, and information obtained. The report may include the names of the individuals interviewed but the Administrative Advisor will redact the names from the Fact-Finding Report that will be given to the preliminary review committee.

Should the incident proceed to an Honor Council Review (See Article VI A), the Fact-Finder shall make himself/herself available before and during the Honor Council Review.

Article V - Preliminary Review

A. Preliminary Review Committee

The Honor Council Chair will coordinate the Preliminary Review. Their duties include:

- appointing four (4) members of the Honor Council to comprise the voting members
- appointing one of the Vice-Chairs to serve as Scribe
- scheduling the Preliminary Hearing
- overseeing the Preliminary Hearing

Once appointed, the Preliminary Review will consist of:

- One (1) Vice-Chair who will serve as the Scribe and does NOT have a vote in the outcome
- The Administrative Advisor who does NOT have a vote in the outcome
- The Fact-Finder who does NOT have a vote in the outcome
- The Chair, who does have a vote in the outcome
- Three (3) student Honor Council members who do have a vote in the outcome
- One (1) faculty Honor Council member who does have a vote in the outcome

If possible, the Preliminary Review Committee should include at least one voting member from the campus where the incident occurred, and voting student members from different classes.

The Preliminary Review will be a closed proceeding attended only by the eight (8) persons identified above and up to two (2) alternate Honor Council members who may be called upon to vote in case a voting Honor Council member is asked to recuse himself or herself.

B. Procedures of the Preliminary Review

The Fact-Finder shall give a full, written presentation to the Preliminary Review Committee. Those in attendance shall discuss the facts and issues of the incident. If requested, the Administrative Advisor shall advise regarding past Honor Council actions

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and correct procedure. After discussion, by a simple majority (3 of 5 voting members), the Preliminary Review Committee may choose to:

- Request a more thorough investigation to be presented at a later date
- Dismiss the allegations
- Proceed to a full Honor Council Review
- Refer to another University authority

In the event the Preliminary Review Committee votes to proceed to an Honor Council Review based on the evidence presented, the Preliminary Review Committee may offer the Student(s) in question an appropriate sanction, determined in consultation with the Administrative Advisor, that the Student(s) in Question may accept in lieu of proceeding to an Honor Council Review. The recommended sanction is at the discretion of the Preliminary Review Committee, to be implemented only with the approval of the Associate Dean for Undergraduate Medical Education. As the Committee members counsel together to determine the most appropriate sanction(s) to recommend, in addition to considering the severity of the Honor Code violation, the context in which it occurred, and any prior offenses, Committee members should seek to protect patients and the integrity of medical education by holding students to the highest standards of ethical behavior, establishing and following appropriate precedent, and facilitating the student(s)' development of and commitment to ethical behavior. The following is only a guide as to the type of sanction(s) that may be recommended, alone or in combination:

- Recommendation to seek assistance from appropriate professionals for any underlying issues that the Student may have
- Requirement to perform a determined number of community service hours
- The placement of a note of professional concern in the file of the Student (such note may or may not be included in the content of the Medical Student Performance Evaluation)
- Recommendation to the module/clerkship/course director to fail the Student
- Recommendation to the Associate Dean for Students to make mention of the offense in the MSPE of the Student
- Recommendation that the student meet with the Associate Dean for Students (or other faculty as deemed appropriate by the council). The topic or purpose of this meeting can be determined by the council. For example, it may be recommended that the student(s) prepare an essay on a topic relating to professionalism or ethical behavior and to discuss this essay with the faculty member.
- Recommendation of suspension from the SOM for a determined time period
- Recommendation of expulsion from the SOM

If the Preliminary Review Committee chooses to proceed to an Honor Council Review and does not wish to provide a recommended sanction(s), the case will automatically proceed to an Honor Council Review without providing the Student in Question with the option to forgo his or her right to an Honor Council Review.

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In the event multiple reports result from a single incident, or multiple Students are implicated in a single incident; such cases will preferably be handled by a single Fact-Finder and Preliminary Review Committee, with separate decisions for each of the Student(s) in Question. The Chair reserves the right, however, to appoint separate Fact Finders and hold separate Preliminary Reviews for multiple students involved in the same or same type incident.

C. New Information Presented After the Conclusion of the Preliminary Review

If after the Preliminary Review has concluded, the Reporter or any other witness discovers or discloses new evidence they feel may change the outcome of the original Preliminary Review, they should contact the original Fact-Finder, or, if the original Fact-Finder is no longer a member of the Honor Council, the current Chair. If the Chair agrees that such new evidence may lead to a change in the findings of the Preliminary Review, a new Fact-Finder may be appointed and a new Preliminary Hearing Committee may be convened to review the new evidence. All evidence that is eventually presented during a review should be brought to the knowledge of the Fact-Finder, Chair or Administrative Advisor in a timely manner. The Chair, in consultation with the Administrative Advisor, may use discretion when determining whether or not to allow evidence that was not brought forth in a timely manner to be discussed in a review.

D. Notice of Preliminary Review Findings

The Honor Council Chair shall report the decision of the Preliminary Review Committee in letter format to the Student(s) accused of violating the Honor Code.

1. If the Preliminary Review Committee votes to proceed to an Honor Council Review, the Honor Council Chair shall give reasonable and timely notification to the Student(s) in Question, to include:

- A summary of the allegations of the incident in question

- A Notice of Findings of the Preliminary Review Committee

- The name and contact information of the Honor Council Chair to whom response must be made

- A copy of the Honor Code

Once the Honor Council Review is scheduled, the Chair will notify the Student(s) in question of the date, time and location of the Review.

2. If the Preliminary Hearing Committee votes to proceed to an Honor Council Review, but chooses to offer the Student(s) in Question a recommended sanction as described in Section V.B. above, the Notice of Findings shall give reasonable and timely notification to the Student(s) in Question, to include:

- A summary of the allegations of the incident in question

- A Notice of Findings of the Preliminary Review Committee

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- The proposed date and time of the Honor Council Review, which may be subject to change based on the availability of the Student(s) in Question, Reporter, potential witnesses and Honor Council members
- The name and contact information of the Honor Council Chair to whom response must be made
- A copy of the Honor Code

If the Student(s) in Question fails to respond within the ten (10) day deadline to the offer of recommended sanction, the Chair will assume the Student wishes to proceed to the Honor Council Review. During the 10 day period, the Student(s) in Question may request information and assistance from an Honor Council member, the Administrative Advisor, or the Associate Dean for Students regarding the proposed recommended sanction.

3. If the allegations are dismissed by the Preliminary Review Committee, the Honor Council Chair shall issue a Notice of Findings of the Preliminary Review Committee to the Student(s) in Question with a copy to the Reporter(s). All documentation is to be secured by the Administrative Advisor to be kept for future reference. Documentation from past cases can only be released at the request of the Chair or the Associate Dean for Students

Article VI - Honor Council Review

A. Participants in the Honor Council Review

All student Honor Council members, including those who participated in the Preliminary Review, are invited to attend the Honor Council Review. A minimum of seven (7) students must be in attendance, which should include at least one (1) from each class. All student Honor Council members who participate will vote, with the exception of the Fact-Finder, Vice-Chair(s) and Chair. In addition, two (2) faculty Honor Council members who did not participate in the Preliminary Review must attend and will vote. The Vice-Chair of the Honor Council who did not participate in the Preliminary Review as Scribe shall act as Moderator. The Vice Chair Moderator is a non-voting member of the Honor Council Review panel and the duties of the Moderator include advising the Honor Council on procedural questions, and directing the Honor Council Review in an unbiased fashion.

The Scribe is the Vice-Chair of the Honor Council who served in that position during the Preliminary Review. They are responsible for ensuring that the Honor Council Review is recorded.

The Reporter is expected to be available for the Honor Council Review as a witness.

The Student(s) in Question is expected, but not required, to be available during the entire Honor Council Review. The Student(s) in Question may appear before the Honor Council and speak on their own behalf, but is not required to testify before the Honor Council Review. The Student(s) in Question may only be questioned by Honor Council

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members if they have given their permission to be questioned. The Student(s) in question is only allowed to be present in the room when testifying, unless the Moderator, in consultation with the Chair and Academic Advisor, determine that the Student(s) in question should be invited to be present at the same time as another party.

The Chair and the Administrative Advisor shall attend the Honor Council Review and serve as advisors to any party or witness, if requested.

If the Student(s) in Question, Reporter, or any witness chooses to hire or consult legal counsel, all questions, inquiries or statements by said legal counsel concerning the Honor Council Review must be directed to the UAB Office of Counsel. The Honor Council Review is not a legal proceeding and legal counsel is not allowed to attend any Honor Council Review.

B. Convening the Honor Council Review

The Honor Council Review will convene at the date and time assigned by the Chair, subject to change with reasonable notice, based on the availability of all participants.

C. Procedures of the Honor Council Review

After it has been determined that an Honor Council Review will be convened, the Administrative Advisor will schedule a meeting with the Student(s) in question to be held prior to the Review. At this meeting, the Student(s) in question may review the Review agenda, fact-finding report, the Notice of Findings from the preliminary review, and any supplemental documents. The Chair may be invited to attend this meeting. The Student(s) in question may also request to meet with the Chair rather than with the Administrative Advisor.

The format of the Honor Council Review shall be determined by the Moderator. The order of proceeding may include:

Call to order

Reading of Pertinent sections of the Honor Code, including obligation of confidentiality

Opportunity for Honor Council members to recuse themselves from the proceedings based on a conflict of interest or relationship with a Student in Question, Reporter, or witness which causes the member to believe they cannot be objective in ruling on the incident

1. Statement of alleged Honor Code violation
2. Presentation of Fact-Finder's Written Report
3. Statements by the Student(s) in Question and Reporter
4. Presentation of evidence

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Witness questioning: Honor Council members may ask questions to the Student(s) in Question, Reporter, witnesses, and Fact Finder, subject to the Moderator's discretion to screen the questions.

The Honor Council Review is a peer and educational review, not a legal proceeding. Therefore, no formal evidentiary rules apply. The Moderator has the right to preview any and all proposed witnesses and documentary evidence prior to their presentation. The Moderator will determine whether the evidence or testimony may be presented in the Honor Council Review. Since the good character of all participants, including the Student(s) in Question is presumed, witnesses offered for the primary purpose of testifying to a participant's character as opposed to facts related to the incident at issue will generally not be allowed to testify.

D. Honor Council Review - Private Discussion by Honor Council

When the Honor Council is ready to retire for discussion, the Moderator shall instruct the Honor Council voting members that they should discuss the case amongst themselves and review for them the potential outcomes. The private discussions of the Honor Council Review voting members are not recorded by the Scribe. During the Honor Council's private discussion, all participants are expected to remain available to the Honor Council, unless notified otherwise by the Moderator, in case the Honor Council determines it would like more information.

The Student(s) in Question is presumed not to have violated the Honor Code. In order to find a Student in Question in violation of the Honor Code, the Honor Council must determine based on a preponderance of the evidence presented, i.e. whether it is more likely than not that the Student(s) in Question violated the Honor Code. To find a Student in Question in violation of the Honor Code, a majority vote is required.

The voting members of the Honor Council Review may also decide to make a statement on the record regarding the allegations and/or outcome of the review.

E. The Decision

A spokesperson for the Honor Council shall notify the Moderator when a decision(s) is made. The Moderator will notify the Scribe, the Reporter, and the Student(s) in Question and reconvene the Honor Council. The decision of the council and the vote totals supporting that decision will be recorded in the record.

F. Sanctions

If the Student(s) is found to be in violation of the Honor Code, the Honor Council shall be given access to any sanctions previously recommended by the Preliminary Review Committee. They shall have 48 hours to determine sanctions for recommendation, via majority vote, and with the supervision of the Moderator. Once agreed upon, the penalty will be recorded by the scribe. The sanctions will follow the same guidelines used during the Preliminary Review Committee, but need not be the same as the suggested penalty from the Preliminary Review. The Chair will communicate the sanction recommendations to the Senior Associate Dean for Medical Education who then has the

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final decision on the sanctions to be enacted. Once approved by the Senior Associate Dean for Medical Education, the Chair will communicate the approved sanctions to the Student(s) in question.

G. Appeal

The Student(s) in question is the only party who has the right to appeal a decision of the Honor Council to the Administrative Appeals Committee. Appeals will only be considered if there is clear evidence of a substantial procedural error, bias, or new evidence that would have significantly altered the outcome of the Review. Members of the Administrative Appeals Committee include the Associate Dean for Undergraduate Medical Education, the Associate Dean for Students, and a senior faculty member from the campus at which the Student(s) is based.

The Administrative Appeals Committee shall have full access to the written findings of the Preliminary Review and the complete recording of the Honor Council Review.

Article VII – Miscellaneous

A. Amendments

1. Proposal

An amendment to or substantive revision of the Honor Code may be proposed by either a two-thirds (2/3) affirmative vote of the Honor Council, or a petition signed by fifty (50) members of the UAB Heersink School of Medicine Student body, which shall be presented to the Honor Council. If either of these requirements is met, a referendum election will be held.

Prior to the referendum election, any proposed amendment shall be made public by distribution to the Student Body at least four (4) weeks in advance.

2. Adoption

- Proposed amendment(s) to the Honor Code must receive a simple majority affirmative vote from at least fifty (50%) percent of the Student body by ballot and are subject to approval by the Dean.

B. Honor Code Review Committee

A meeting by the Honor Council to re-evaluate and review the Honor Code may be convened at a minimum of once every four years.

C. Emergency Procedure

If an emergency situation occurs, the Honor Council may agree by a majority vote to modify procedural rules and guidelines without compromising the intent of the Honor System. One-half of the actively enrolled members of the Honor Council must be present for such a vote. Any such modifications shall be considered temporary on a case-by-case basis.

D. Education

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An annual education period shall be given once a year to all four classes at the UAB Heersink School of Medicine. It shall convey the importance of academic integrity, the purpose of the Student Honor Code, as well as procedures and responsibilities of the Students. All education pertaining to the Student Honor Code shall be the responsibility of the Honor Council. This education may take place during orientation as well as during one Learning Community meeting per year.

HISTORY

Created: 2014

Approved: 2018 by Heersink School of Medicine Students

Revised: 2018

University of Alabama at Birmingham Marnix E. Heersink School of Medicine policies, statements, guidelines, and codes shall be reviewed periodically to determine whether revisions are appropriate to address the needs of the medical school community.