

## School of Pharmacy

### *He Rau Kawakawa*

#### Code of Conduct – Fitness to Practise

##### 1. Scope

Fitness to practise is concerned primarily with patient and public safety, at present or in the future. It also is concerned with upholding professional standards, including the relevant School of Pharmacy's Student Code of Conduct, and contributing to the maintenance of the profession and public confidence in the profession.

**Any student who becomes aware that they have any medical, health or personal condition which may threaten their fitness to practise pharmacy, and which may lead them to having to either discontinue or compromise their programme of study, should seek advice at the earliest opportunity.** There is an organisational responsibility, both ethical and legal, for staff who teach such students on the programme to minimise the risk of harm for all students and graduates of the School.

The School's Student Code of Conduct encompasses Fitness to Practise concerns in three separate areas:

##### a. Health and Personal Issues

Issues that may affect the student's future ability to practise pharmacy, including but not limited to:

- Mental impairment or disorders
- Physical impairment
- Infectious diseases including transmissible blood-borne viral infections
- Drug and alcohol issues.
- Theft of medicines or money

Such issues are likely to:

- Expose the student, patients or staff members to potential risk,
- Affect a student's studies, progression or career pathways,
- And/or expose the School or partner organisation to potential risk.

##### b. Professional Attitudes and Behaviours

Issues of concern regarding professional attitudes and behaviours during the programme including but not limited to:

- Failure to develop and maintain attitudes and behaviours which are expected of pharmacy professionals in their conduct towards patients and colleagues. These include but are not limited to honesty, reliability, responsibility, and accountability
- Dishonest practice, including academic misconduct
- Serious academic integrity breaches
- Poor attendance and failure to participate in internal assessments
- Inappropriate professional behaviour, where this is in breach of or judged to be below minimally acceptable standards, including:
  - Consistent unreliability in fulfilling assigned tasks or assignments

- Irresponsible behaviour likely to pose risk to patients, other students and/or other health care professionals
- Inability and/or unwillingness to reflect on and improve their own clinical practice
- Inability to receive and process constructive feedback and/or modify inappropriate behaviours and attitudes
- Lack of respect or rudeness towards patients and their families/whanau, other students, staff or other health care professionals or members of the public
  - Not maintaining appropriate professional boundaries, or breaching ethical codes or policies
  - Exceeding appropriate scope of practice for a particular level of experience and training.
- Contravention of significant aspects of professional ethical codes or policies, e.g. informed consent and safety.

### **c. Issues External to the Programme**

Students are required to bring any issues that may adversely affect their future ability to register as a Pharmacist with the Pharmacy Council to the attention of the School of Pharmacy. This includes any charges brought by the police in relation to a criminal offence.

Issues regarding the actions of students occurring outside the study programme, such as an offence which is potentially to be brought before the criminal courts (excluding minor traffic offences) e.g. alcohol or drug related convictions; pornography offences will come under this.

## **2. Classification of Concerns**

Concerns raised are classified into three groups as follows:

### **d. Category A (Non-critical)**

An issue that raises concerns about current functioning in the course and/or future fitness to practise that would best be dealt with through support and counselling, and that can be managed by the relevant Associate Dean, in consultation with the Pharmacy Student Support Coordinator. Examples include poor attendance, remediable poor professional behaviour, or health issues that may require a short time out of the course but are expected to resolve.

### **e. Category B (Critical)**

Issues that raise much more significant concerns about current functioning in the course and/or future fitness to practise and would, if the student had been a registered pharmacist, have likely resulted in a patient complaint, action by an employer or referral to the Pharmacy Council. Examples include dishonesty, serious health issues, significant contravention of a policy, court convictions and drug and/or alcohol abuse. Repeated Category A concerns may escalate to this category.

Any withdrawal on health grounds from the course will be deemed to be a Category B issue.

### **f. Category C (Highly critical)**

An event giving rise to the need for immediate action because of the likelihood of significant harm, either involving a student pharmacist, or resulting from the action of a student pharmacist.

It is the responsibility of the Dean of the School in consultation with the relevant Associate Dean to determine the category of the event or issue. The Dean of the School of Pharmacy shall be notified immediately of any Category C incident. If there are implications for the safety of patients, staff, or students, the Dean of the School of Pharmacy has the authority to temporarily suspend the student or place limits on the continuation of the student's study and/or clinical placement.

### 3. Fitness to Practise Committee

The Fitness to Practise committee is a sub-committee of the Board of Studies for Pharmacy. The scope of the Fitness to Practise Committee (FtPC) activities and responsibilities will be limited to dealing with students who may fail to reach, or demonstrate breaches of the minimally acceptable standards in professional attitudes and behaviour, or who for other reasons e.g. personal health issues may not be able to perform the functions required as a student, or as a Pharmacist once graduated.

#### Terms of Reference

- Ensure that in the conduct of their training, students in the School of Pharmacy at the University of Otago do not pose a risk to patients or others with whom they have, or will have, professional contact, for reasons of their personal health or because of identified serious deficiencies or lapses in personal attitudes, conduct or behaviour.
- Ensure that where serious impairments, deficiencies or lapses have been identified or have occurred, remedial steps have been undertaken and fulfilled such that the perceived risks are no longer present.
- To identify and review students who may have potential impediments to their successful transition into the pharmacy professions for reasons related to their personal attitudes, conduct, or behaviour, in accordance with the BPharm Regulations, the School of Pharmacy student Code of Conduct and our [Accreditation Standards](#).
- To consider and review the "Fitness to Practise" issues of students referred to the FtPC, and to make recommendations through Board of Studies, Associate Dean Undergraduate, Pharmacy Student Support group, for that student's help and support towards achieving improvements in personal health or attitudes, conduct and behaviour.
- To monitor the progress of students who have been referred to the FtPC, and to ensure that all recommendations designed to help and support students to achieve improvements in their attitudes, conduct and behaviour (where appropriate) are being followed and the desired outcomes are being achieved.
- To decide whether the student(s) should continue to be monitored or removed from the FtPC's monitoring.
- To refer individual cases where necessary to the Dean of the School of Pharmacy, Board of Studies for Pharmacy, other appropriate School of Pharmacy or Division of Health Sciences Committees or Boards, and to the University Disciplinary Authority (Proctor, Provost) as appropriate.
- To review the School of Pharmacy Student Code of Conduct with reference to Fitness to Practise and recommend any changes to the Undergraduate Committee and the Board of Studies.

#### Meets

As required by the Chair of the Fitness to Practise Committee.

## Membership

Appointments made by the Dean of Pharmacy in consultation with the Board of Studies for Pharmacy which include:

- Chair
- Senior academic staff member (Associate Professor or Professor)
- Senior academic practising staff member from the Division of Health Sciences (non-Pharmacy)
- Practising pharmacist external to the School
- Māori representative
- Pacific representative
- Academic staff member from the Faculty of Law
- Layperson

Representatives of the above membership constitutes a quorum. Co-opted members will attend as required (eg lawyer), but may not be present for decision-making unless appropriate to specific circumstance.

## Functional Relationships

- Board of Studies for Pharmacy
- Undergraduate Programmes Committee in Pharmacy
- Pharmacy Student Support group

## Associated policies, guidelines and legislation

- University of Otago [Regulations for the Degree of Bachelor of Pharmacy \(BPharm\)](#)
- University of Otago [Regulations for the Degree of Bachelor of Pharmacy with Honours \(BPharm\(Hons\)\)](#)
- University of Otago [Academic Integrity Policy](#)
- University of Otago [Student Academic Misconduct Procedures](#)
- University of Otago [Academic Statute 2011](#)
- University of Otago [Discipline Statute 2011](#)
- [COMPETENCE STANDARDS FOR THE PHARMACY PROFESSION, Pharmacy Council \(2015\)](#)
- Pharmacy Council [Code of Ethics 2018](#)
- [Health Practitioners Competence Assurance Act 2003](#)
- [A Guide to Disciplinary Proceedings, NEW ZEALAND HEALTH PRACTITIONERS DISCIPLINARY TRIBUNAL \(2009\).](#)

## 4. Process

### g. Identification of Students at Risk and Referral to Fitness to Practise Committee (FtPC)

It is anticipated that the identification of most students at risk will come through usual monitoring of attendance, compliance and engagement in the programme, or through one of the schools committees including but not limited to: the Board of Examinations, Undergraduate Committee, or through the Pharmacy Student Support group. Any School staff member may refer a student to the relevant Associate Dean for assessment of the issue and potential remediation in line with the process outlined below. In addition:

- Students may make referrals to the Dean, Associate Dean, or Experiential Learning Co-ordinator.
- Self-referrals are encouraged from students.

The Associate Dean in consultation as necessary with the Dean of the School and where appropriate,

the Experiential Learning Co-ordinator, will initially determine whether an issue is potentially non-critical, critical or highly critical. A Fitness to Practise Committee (FtPC) will convene where required.

	<b>Non-critical</b>	<b>Critical</b>	<b>Highly critical</b>
Refer to	Associate Dean of Undergraduate Studies or Postgraduate Studies and Research (depending on student), Experiential Learning Co-ordinator or Clinical Educator Lead, and/or Dean of the School as appropriate	Associate Dean of Undergraduate Studies or Postgraduate Studies and Research or Dean of the School	Associate Dean of Undergraduate Studies or Postgraduate Studies and Research, and Dean of the School
Referral to FtPC	No	Yes	Yes
Action	Devise an agreed action plan with student, which is monitored by the Associate Dean Undergraduate or Associate Dean Postgraduate Studies and Research	Devise an agreed action plan to be approved by FtPC and monitored by the Associate Dean Undergraduate or Associate Dean Postgraduate Studies and Research	Case by case action depending on circumstances
Anticipated outcomes	Student may continue with their study	Student may continue with their study if appropriate; action plan referred to and conditions confirmed by the FPC. No student should continue in clinical/learning placements if this would compromise their health or treatment or create health/safety concerns for patients and/or staff.	Suspension or voluntary withdrawal from classes and/or clinical placement, pending investigation. No student should continue in clinical/learning placements if this would compromise their health or treatment or create safety concerns for patients.
Report	Information documented on student database	Information documented on student database.  Action plan referred to Board of Studies for noting.	FtPC report given to Dean of Pharmacy, and Board of Studies.  Report distributed to BoS and Divisional; Academic Board as required.  Outcome of decision retained permanently on student file at the School.

## **h. Outcomes of the Process**

The outcomes of the process and/or recommendations from the FtPC will vary according to the mechanism of referral and the seriousness of the event.

### **i. Health or personal issues**

The primary goal of the process and/or committee's recommendations is to provide the student with a plan and support framework that will enable the student to remain within the School and to meet the requirements for the degree, provided that such an action does not potentially place the public at risk.

Such a plan may involve monitoring, mentoring and counselling and will be agreed between the student and either the relevant Associate Dean and the Dean of the School, or the FtPC (depending on whether it is a non-critical, critical or highly critical event). The plan is a condition of remaining enrolled in the programme.

### **ii. Professional attitudes and behaviours**

For a non-critical issue, an agreed action plan will be tracked to completion, and appropriate support will be put in place.

For a critical issue the student will be put on a formal reporting regime, with a clearly defined reporting period during which the issue must be resolved. This may involve a period of leave, after which the student may continue with the programme of study. A written caution will also be given to the student.

For a highly critical issue, the student will be suspended from the programme, until the investigation has been completed and a decision made by the FtPC. It is anticipated that this will most likely result in temporary suspension or withdrawal from the programme, but continuation with conditions may be an option. Such a situation may also apply to students who have either persistent non-critical or a single ongoing critical attitudinal issue. More than one critical attitudinal issue will most likely result in the student being asked to withdraw temporarily from the programme, until further consideration is undertaken and a recommendation is made by the FtPC to the Board of Studies.

If a decision is made to recommend exclusion from the programme, the Dean of Pharmacy or representative will be responsible for ensuring that the student is given appropriate advice about other options, such as:

- Transferring to an alternative programme; or
- Interrupting their studies at University while receiving appropriate therapy/counselling.

### **iii. Issues external to the programme**

The guidelines applied by the committee here would be in line with the processes that would be put in place for a practising pharmacist who is referred to the Pharmacy Council or the Health Practitioners Disciplinary Tribunal for similar reasons; the FtPC would consider the issue in line with the Council's own guidelines and the thresholds detailed in the Health Practitioners Competence Assurance Act 2003 required to act on such matters.

For students appearing as a result of a criminal conviction, the FtPC will not consider matters of guilt.

If the student has been convicted, then they will be considered to have committed the offence and decisions will be made in this regard.

If the FtPC considers that there are sufficient grounds for judging that the student is unfit for entry to the profession, its first step will be to ensure that the student is given appropriate advice and the opportunity to accept the advice and be excluded or voluntarily withdraw from the programme. The convenor of the FtPC will notify the Dean of the School, who may ask for further medical/other relevant advice.

## **i. Conduct of the FtPC towards students and natural justice**

The committee must adhere to due and fair process towards students and natural justice. Proceedings will occur as soon as reasonably practicable.

The School Dean or Associate Dean shall inform the student in writing that their case has been referred to the FtPC and shall inform the student of the reasons for referral.

The student will be advised that he/she/they has a right to make a written submission to the FtPC.

Face-to-face interaction with the student over health issues will normally be with the Dean or relevant Associate Dean (or both). These meetings will be conducted in the presence of at least one other academic staff member.

Students will be advised that they are able to bring a support person to any face-to-face meeting and will be encouraged to do so.

The FtPC will, in consultation with the Dean and relevant Associate Dean, recommend reasonable means whereby fitness to practise issues may be constructively remedied. The relevant Associate Dean will continue to monitor the individual student's progress in fulfilling these recommendations.

The student will be advised of all Fitness to Practise Committee recommendations in writing. These will include the conditions to be met in order for the monitoring processes to be discontinued, as well as the circumstances in which it is being recommended that Terms should be denied or where other actions are recommended.

## **5. Exclusion and Right of Appeal**

Exclusion from the Bachelor of Pharmacy is a University of Otago process distinct from any of the registration requirements of the Pharmacy Council. A student who is excluded from the BPharm degree can no longer enrol in the programme and this will be recorded on their academic transcript. Should the FtPC determine that the student should be excluded from further study towards the BPharm, then this recommendation will be reported to the Board of Studies for Pharmacy, who in turn will make this recommendation to the Academic Board of the Division of Health Sciences. At this point, the student may make a written submission to the Academic Board of the Division about their case, and the Board will make a final decision on the matter.

If the Academic Board of the Division of Health Sciences decides that the student is to be excluded then they may seek leave to appeal against this decision to the University Council. This is in accordance with the University's Regulations Relating to Student Appeals to the University Council regarding any decision of the Senate or any other University body, such as a decision to exclude a student from further study in the Bachelor of Pharmacy programme. The appeals process will follow the relevant Regulations set out in the University of Otago Calendar.

## **6. Advising Students of the Code of Conduct for Fitness to Practise**

On entry to the programme students will be provided with a copy of the Code and asked to declare their acceptance to study within its framework at the commencement of their studies within the pharmacy programme. This document and issues surrounding fitness to practise are discussed in professional papers in each year of the BPharm programme. Students will be required to re-sign the acceptance declaration relating to the Code at the beginning of each subsequent Academic Year.

If at any stage during the programme a paper coordinator, or the relevant Associate Dean becomes aware that the student may have breached general University Policy or Regulations, the staff member will take advice from the Dean of the School and the matter will be dealt with in accordance with the relevant University policy or regulation and where necessary investigated in accordance with the University Discipline Statute. This would not preclude such an issue being placed on the student's record held in the School in respect of fitness to practise; an example would be plagiarism.

Students have the responsibility to immediately (at any point during their proposed study) identify any change in their health status, any criminal convictions or other such matters which may influence their fitness to practise to the Associate Dean of Undergraduate Studies or Associate Postgraduate Studies and Research (depending on the student).



## School of Pharmacy He Rau Kawakawa

### Declaration- Code of Conduct for Fitness to Practise

Please enter any issues to declare under the Code of Conduct for Fitness to Practise. If you have no issues to declare, please confirm by selecting “no” for each question.

#### Academic Misconduct declaration

Have you been subject to an academic misconduct investigation where academic misconduct has been proven?  Yes  No

If ‘yes’, please give details, including any disciplinary sanction or the outcome of any adverse finding below:

#### Fitness to Practise health declaration

Do you have any health conditions and/or impairments (please see section 1.a.) that you have been diagnosed with or assessed as having over the past year, which may either limit your ability to undertake the requirements of the programme, and/or which may require adaptations to enable you to undertake the requirements of the programme in a manner which is safe for you and others?  Yes  No

If ‘yes’, please give details, including any accommodations that would be required to enable you to undertake the programme of study:

#### Criminal offence/investigation declaration

Over the past year, have you been convicted of a criminal offence and/or been subject to disciplinary proceedings (please include all criminal matters including traffic offences)?

Yes  No

If ‘yes’, please give details, including dates of any disciplinary proceedings, convictions and any sentence imposed.

I declare that, as a student enrolled on the Bachelor of Pharmacy programme, I agree to study within the framework of the Code of Conduct for Fitness to Practise.

I agree to familiarise myself with any subsequent revisions.

I understand that any breaches of the Code of Conduct for Fitness to Practise, may be reported to the New Zealand Pharmacy Council.

STUDENT ID:	SIGNED:
DATE:	NAME: