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| <p>Name of Policy: College of Medicine Disciplinary Action, Due Process, and Appeals</p> <p>Policy Number: 3364-81-04-017-01</p> <p>Approving Officer: Dean, College of Medicine & Life Sciences</p> <p>Responsible Agent: Chair of Student Conduct and Ethics Committee</p> <p>Scope: M. D. Program, College of Medicine and Life Sciences</p> |  <p>Revised date: 10/27/22</p> <p>Original Effective date: 08/25/85</p> | | | | |
| <table> <tr> <td><input type="checkbox"/> New policy proposal</td> <td><input type="checkbox"/> Minor/technical revision of existing policy</td> </tr> <tr> <td><input checked="" type="checkbox"/> Major revision of existing policy</td> <td><input type="checkbox"/> Reaffirmation of existing policy</td> </tr> </table> | | <input type="checkbox"/> New policy proposal | <input type="checkbox"/> Minor/technical revision of existing policy | <input checked="" type="checkbox"/> Major revision of existing policy | <input type="checkbox"/> Reaffirmation of existing policy |
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(A) Policy statement

All students are responsible for understanding and complying with University policies and standards of professionalism and conduct. A failure to comply may result in disciplinary action, as described below. Students subject to adverse action are entitled to due process and appellate rights as outlined below.

(B) Purpose of policy: define the process for addressing issues of professionalism noncompliance.

(C) Definitions

- (1) Professionalism Behavior Report (PBR): reporting document for professionalism breaches.
- (2) Reporter: staff/faculty, system director, thread director, clerkship director, associate dean. A student may report unprofessional behavior to any of the above-listed reporters including the learning environment assessment and event report. That reporter will then be responsible for generating the reporting document on the student’s behalf.
- (3) Serious/Egregious Unprofessional Behavior: includes any of the following: behavior involving criminal actions, egregious behavior as determined by the thread/clerkship director, Associate Dean or behaviors that result in a FAIL grade for the Professionalism competency on the clinical competency assessment form.
- (4) Unprofessional Behavior (non-egregious): unprofessional behavior encompasses all other behaviors that do not qualify as “serious.”

(D) Reporting process

- (1) Serious/Egregious Unprofessional Behavior (defined above):
 - (a) Behaviors in this category will be reported to the appropriate system/thread/clerkship director and Associate Dean.

- (b) The system/thread/clerkship director or Associate Dean shall complete the PBR, attach a narrative summary of the event(s) to the form, and send the PBR to the Chair of the Student Conduct and Ethics Committee (SCE) for review and disciplinary action under the Due Process requirements outlined in Section F, below. The SCE may impose any of the disciplinary actions under Section F, below.
 - (c) If a student receives a FAIL grade for the professionalism competency on the clinical competency assessment form, the clerkship director will complete a PBR that will be submitted to the SCE. The SCE will review the PBR and provide recommendations for a remediation plan for the student as described in Section F.
 - (d) The SCE will meet and communicate their recommendations to the student, Dean, Senior Associate Dean for UME, and Senior Associate Dean for Student Affairs.
 - (e) After receipt of Professionalism remediation recommendations from the SCE, the student will report his/her progress on an iterative basis as designated by the SCE. When the student has satisfactorily completed the remediation recommended by the SCE, the clerkship director will be informed by the Chair of the SCE and the DEFERRED grade will be changed to a PASS.
- (2) Unprofessional Behavior (non-egregious). Following the observation or receipt of a report of unprofessional behavior by any member of the faculty or staff, the individual who has observed the behavior will notify the appropriate system/thread/clerkship director AND Associate Dean in the College of Medicine. There are two options:
- (a) The individual who has been made aware of the behavior can have a conversation with the student regarding the incident in question and decide not to submit a PBR. This conversation must occur within fourteen (14) calendar days of learning of the behavior/incident. A summary of the conversation should be sent to the Senior Associate Dean for Student Affairs.
 - (b) If the system/thread/clerkship director or Associate Dean submits a PBR, the student will be notified by the individual submitting the PBR. The PBR is then submitted to the Chair of the SCE. The Chair of the SCE will contact the student and have a meeting with the student and the SCE. A written remediation plan will be provided to the student by the Chair of the SCE. A copy of the remediation plan will be sent to the Senior Associate Dean for Student Affairs and Senior Associate Dean for UME.
- (3) For students who accumulate more than one PBR:
- (a) Upon accumulation of the second PBR in the student's professionalism file, the Chair of the SCE will inform the Senior Associate Dean for Student Affairs. The Senior Associate Dean, or his designee, will meet with the student and issue a formal verbal warning.
 - (b) On the filing of a third PBR, a student will receive a written warning from the SCE who will inform the Senior Associate Dean for Student Affairs. The receipt of a written warning will be mentioned on the MSPE.

- (c) On the filling of a fourth PBR, the student's file will be reviewed by the SCE. The SCE may impose any of the sanctions provided in section (E), below.
- (4) PBRs are tracked by the SCE. A copy of all PBRs is sent to the Senior Associate Dean for Student Affairs.

(E) **Disciplinary action**

Students are subject to disciplinary action for violation of the institutional standards of professionalism and conduct as outlined in [Professionalism and related standards of conduct for M.D. students \(utoledo.edu\)](#) The types of disciplinary action are:

- (1) **Verbal warning.** The violation is brought to the student's attention. A warning is verbally given which clearly defines the formal disciplinary measures possible if further, similar actions occur.
- (2) **Written warning.** The student is informed, in writing, of the violation. A copy of this warning is placed in the student's file in Student Affairs. The warning must state that any future incidents of misconduct may result in suspension or dismissal.
- (3) **Suspension.** The student is notified in writing that they cannot attend classes/clerkships for a prescribed time. The suspension may carry requirements for specific activities (i.e., counseling, therapy, professional evaluations) before being allowed to resume student status.
- (4) **Dismissal.** The student is notified in writing that they are no longer affiliated with the COMLS.
- (5) Other corrective actions as specified by the Student Conduct and Ethics Committee, the Dean, or the President: These may include counseling, psychological or psychiatric evaluation, writing a paper on a related topic, sensitivity training, required mentoring, etc.

(F) **Due process**

- (1) **PBR Review.** If the first and second PBR was generated during foundational sciences, the appeal is handled by the Associate Dean for Clinical Undergraduate Medical Education. If the PBR was generated in the clinical curriculum, the appeal is handled by the Associate Dean for Foundational Sciences.
- (2) **Due Process Hearing.** Students (i) alleged to have engaged in Serious/Egregious Unprofessional Behavior, (ii) that have received more than three PBRs, or (iii) subject to suspension or dismissal are afforded a hearing before the SCE.
 - (a) Once a hearing is triggered, the chair of the SCE will do the following:
 - (i) Notify the student in writing of the allegation(s), the date, time, and location of the due process hearing, as well as the composition of the hearing committee. If the charge(s) could result in a recommendation of dismissal from the COMLS, then the notice will inform the student of that possibility. Notice of the hearing must be delivered at least ten (10) days before the

hearing date.

- (ii) The student will be informed of relevant information that a complainant plans to provide relating to the allegations before the committee. The complainant may present affidavits of persons unavailable to come before the SCE, exhibits, witnesses, and any other similar information for the SCE to consider. All written materials must be provided to the student at least three (3) business days before the hearing.
 - (iii) Notify the student in writing of the specific protocols to be followed in the hearing and provide a copy of this policy to the student;
 - (iv) Invite the complainant(s) to the hearing; the complainant is not required to appear.
 - (v) Preside at the hearing, for which minutes will be kept. At the SCE chair's request, minutes may be recorded or transcribed;
- (b) In the circumstances where the student is facing criminal charges arising out of the same or related conduct that is the subject of the hearing, the student may, upon five (5) business days written notice to the chair of the SCE, have an attorney present to provide counsel to the Student. If the student elects in such circumstances to have counsel appear at the hearing, COMLS may, in that instance, similarly have counsel present at the hearing to assist the SCE. In all other cases, the Student may have a faculty member or fellow student attend the hearing as their advisor.
- (c) The hearing is not and should not be construed to be a legal trial and the rules of evidence do not apply. Both the complainant(s) and the student will be permitted to make any statement relevant to the issue being addressed.
- (d) The student, the complainant, as well as any other witness, will be permitted to answer any questions posed by any member of the SCE. If counsel for the student is permitted to attend as set forth herein, they may advise the student, but will not address the SCE. Neither the complainant(s), the student, nor their counsel (if applicable) is permitted to ask questions of any witness; however, if the student calls a third party witness to speak before the SCE on their behalf, they may ask questions of that witness(es).
- (e) The student will have a full opportunity to present any relevant information to the SCE relating to the allegations under consideration. The student, or their counsel (if applicable), may present affidavits of persons unavailable to come before the SCE, exhibits, witnesses, and any other similar information for the SCE to consider in issuing its findings and recommendations. If the student desires to distribute written materials to the SCE members, they must present the material at least three (3) calendar days before the meeting for copying or must prepare adequate numbers of copies for him/herself.
- (f) Any recommendation for student discipline up to and including dismissal from COMLS will be based exclusively on the evidence presented at the hearing.

- (3) Upon completion of the hearing, the SCE will, by majority vote, determine whether a violation of professionalism standards occurred, and determine disciplinary actions for any violation. The findings and conclusions shall be reduced to a written statement of findings and recommendations signed by the chair of the SCE and delivered to the student and the Dean of the College of Medicine within ten (10) calendar days after the hearing.

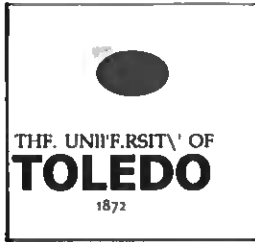
(G) Appeal

- (1) The student may appeal the SCE's decision to the Dean of the College of Medicine and Life Sciences.
- (2) A written request for appeal must be received within fifteen (15) calendar days following the issuance of the written recommendation, or any further right to appeal is waived.
- (3) The Dean will personally review all of the evidence presented at the hearing (including minutes and any available transcripts and exhibits), which may include a meeting with the student, the applicable process matters raised by the Student (if any), and any new information that was not available to the student at the time of the hearing before the SCE.
- (4) After the review described in (3) above, the Dean will appoint an ad hoc committee of any number, which may include individuals from outside the COMLS, to hear the student's appeal and make a recommendation to the Dean. The ad hoc committee can meet with the student.
- (5) Upon receipt of the ad hoc committee's written recommendation, and in conjunction with the review described in (3) above, the Dean may consider the recommendations of the ad hoc committee and may choose to uphold, reverse, or return the findings and recommendations to the SCE for reconsideration of some or all of their findings or recommendations.
- (6) The Dean will provide the decision regarding all findings to the student within 45 calendar days from the date on which the appeal was first filed by the student. The decision of the Dean is final.
- (7) A copy of the documents created during this process will be provided to the Senior Associate Dean for Undergraduate Medical Education and the Senior Associate Dean for Student Affairs. The Senior Associate Dean for Undergraduate Medical Education may also provide a copy of the documents to other university committees with an interest in the student's professional behavior. These may include but are not limited to scholarship committees and honor committees.

(H) Pendency of Action

Generally, the implementation of disciplinary action will be suspended until all appeals made by the student have been exhausted. However, the Dean of the College of Medicine and Life Sciences may, at his/her sole discretion, impose interim suspensions and/or restrictions on the student if the Dean of the College of Medicine and Life Sciences believes that the alleged conduct in any way concerns patient and/or public (including faculty and other students) safety, or when dismissal from COMLS is a possible sanction.

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| <p>Approved by _____</p> <p>/s/ _____</p> <p>Christopher Cooper, M.D.</p> <p>Executive VP for Clinical Affairs, Dean, College of Medicine & Life Sciences</p> <p>Title _____</p> <p>10/10/2022</p> <p>Date _____</p> <p><i>Review/Revision Completed by: Executive Curriculum Committee Office of Legal Affairs – HSC SLT</i></p> | <p>Policies Superseded by This Policy: None</p> <p>Initial effective date: 08/25/85</p> <p>Review/Revision Date:</p> <ul style="list-style-type: none">• 08/25/85• 08/25/86• 08/13/87• 08/22/89• 08/15/90• 10/01/91• 07/01/95• 08/01/96• 04/01/98• 08/21/00• 08/20/01• 08/18/03• 09/17/04• 03/28/05• 11/18/05• 08/15/06• 01/02/07• 10/16/08• 11/14/11• 4/29/13• 10/10/18• 01/03/20• 2/24/20• 10/27/22 <p>Next review date: 10/27/25 (three years from most recent revision/review date)</p> |
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PROFESSIONAL BEHAVIOR REPORT

Student name (*type or print legibly*)

Block/Clerkship (*Name & Block No.*)

Faculty submitting report (*print and sign*)

Date

The above student has demonstrated professional behavior that is inconsistent with the following professional standards. (Circle a/1 that apply)

Individual

1. Demonstrates independent and self-directed learning.
2. Recognizes personal limitations and seeks appropriate help.
3. Accepts constructive feedback and makes changes accordingly.
4. Fulfills all educational assignments and responsibilities on time.
5. Is punctual for all educational experiences (i.e. exams, clinics, rounds, small group sessions, appointments at the clinical skills center).
6. Adheres to dress code consistent with institutional standards.

Relationships with students, faculty, staff, patients and community

1. Establishes effective rapport.
2. Establishes and maintains appropriate boundaries in all learning situations.
3. Respectful at all times of all parties involved.
4. Demonstrates humanism in all interactions.
5. Respects the diversity of race, gender, religion, sexual orientation, age, disability and socioeconomic status.
6. Resolves conflict in a manner that respects the dignity of every person involved.
7. Uses professional language being mindful of the environment.
8. Maintains awareness and adapts to differences in individual patients including those related to culture and medical literacy.

Support of ethical principles of the Medical Profession

1. Maintains honesty.
2. Contributes to an atmosphere conducive to learning and is committed to advance scientific knowledge.
3. Protects patient confidentiality.

A signed narrative of a description of the observed behavior must be attached.

Check this box if you feel that the unprofessional behavior requires immediate action by the Associate Dean of Undergraduate Medical Education

I have met with the student and discussed the following suggestions for change:

Block/Clerkship Director/Faculty

(Signature)

Associate Dean/Senior Associate Dean

Signature

Date