


<p><b>Name of Policy:</b> Professionalism and related standards of conduct/ disciplinary action and due process/appeals</p> <p><b>Policy Number:</b> 3364-81-04-017-02</p> <p><b>Approving Officer:</b> Dean, College of Medicine</p> <p><b>Responsible Agent:</b></p> <p><b>Scope:</b> All University of Toledo Campuses</p>	 <p><b>Effective date:</b> 10/16/08</p>
<p><input type="checkbox"/> New policy proposal</p> <p><input type="checkbox"/> Major revision of existing policy</p>	<p><input checked="" type="checkbox"/> Minor/technical revision of existing policy</p> <p><input type="checkbox"/> Reaffirmation of existing policy</p>

(A) Policy statement

All students are responsible for understanding and complying with the Standards of Conduct defined by University of Toledo Health Science Campus (UT HSC) Policy No. 3364-25-01 and University of Toledo College of Medicine (UT COM) Policy No. 3364-81-04-007-01. In addition, as physicians-in-training, medical students are held to the highest standards of professionalism, and have a number of professional responsibilities that they are obligated to uphold. A failure to comply may result in disciplinary action, as described below. Students subject to adverse disciplinary actions are entitled to due process and appellate rights as outlined below.

Professional Behavior

Medical students are physicians-in-training, and thus are held to the highest standards of professionalism. Students must be thoughtful and professional in verbal, written, and electronic communications. When interacting with patients and their families, faculty, staff, and colleagues, the medical student must deal with professional, staff and peer members of the health team in a cooperative and considerate manner. Fatigue, stress, and personal problems do not justify unprofessional behavior.

It is unethical and unprofessional for a student to disparage without good evidence the professional competence, knowledge, qualifications, or services of a faculty member, resident, staff member, or colleague. It is also unethical to imply by word, gesture, or deed that a patient has been poorly managed or mistreated by a faculty member, resident, or colleague without tangible evidence.

Professional relations among all members of the medical community should be marked with civility. Thus, scholarly contributions should be acknowledged, slanderous comments and acts should be avoided, and each person should recognize and facilitate the contributions of others to the community.

Students may be subject to disciplinary action if their conduct, in the opinion of faculty, staff, or other students, is inconsistent with the accepted standards of the medical profession, if they refuse

to comply with directions of College officials, academic or administrative, acting in performance of duties, if they inflict intentional or negligent damage to property belonging to the College or to members of the college or campus visitors, and if their actions constitute violations of law on or off college premises, especially if such adversely affect the College's pursuit of its educational activities.

### ***Standards for Professional Behavior in the Educational Environment***

The following standards for professional behavior are in alignment with the Educational Program Objectives for the College of Medicine and are meant to supplement the Standards of Conduct, detailed in Policy No. 3364-25-01 and 3364-81-04-017-01.

The standards of professional behavior in the educational setting are related to three domains: 1) Individual Performance; 2) Relationships with students, faculty, staff, patients and community others; and 3) Support of the ethical principles of the medical profession, as expanded below for students in the College of Medicine:

#### Individual performance

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.

### ***Professional Dress***

Students should at all times maintain a neat and clean appearance, and dress in attire that is appropriate. When students are functioning as medical professionals, either with clinical patients or simulated patients, dress must be appropriate and professional. A professional image increases credibility, patient trust, respect, and confidence. In addition, because medical students utilize facilities on campus where patients and the public are present, professional dress and appearance are also expected even when students are not engaged in patient care. The medical student Dress Code Policy is addressed in full in Policy No. HSC-COM-04-023-00. In addition, most of our clinical facilities have specific dress code policies that must also be followed. Furthermore, Photo I.D. badges are to be worn at all times.

Violation of the dress code can have detrimental consequences for patient care and could damage the reputation of the institution. Flagrant and repeated violations of the dress code may be deemed to signify a lack of insight or maturity on the part of the individual student and call for counseling and discipline. The immediate supervisor may choose to discuss initial violations of the dress code directly with the student. Serious or repeated violations may be subject to disciplinary action.

### **Accurate Representation**

A student should accurately represent herself or himself to patients and others on the medical team. Students should never introduce themselves as “Doctor” as this is clearly a misrepresentation of the student’s position, knowledge and authority.

### **Evaluation**

Students should seek feedback and actively participate in the process of evaluating their teachers (faculty as well as house staff). Students are expected to respond to constructive criticism by appropriate modification of their behavior. When evaluating faculty performance, students are obliged to provide prompt, constructive comments. Evaluations may not include disparaging remarks, offensive language, or personal attacks, and should maintain the same considerate, professional tone expected of faculty when they evaluate student performance.

### **Teaching**

It is incumbent upon those entering the medical profession to teach what they know of the science, art, and ethics of medicine. This responsibility includes communicating clearly with and sharing knowledge with patients so that they are properly prepared to participate in their own care and in the maintenance of their health. Medical students also have a responsibility to share knowledge and information with colleagues.

### **Equipment Usage**

Students assume full responsibility at all times for the loss of or damage to MUO equipment. Such loss or damage shall result in the assessment of the replacement cost as established by the Treasurer of the institution.

(B) Purpose of policy

To codify the standards for professional behavior and related standards of conduct for students in the College of Medicine, as well as the policy and procedures for due process and appeals in the event of breaches of the aforementioned standards.

(D) Procedure

Professional Behavior Report

- 1) Following the observation of unprofessional behavior by any member of the faculty or staff, the behavior or incident will be brought to the attention of the block/clerkship director and/or an Associate Dean in the College of Medicine, as appropriate.
- 2) The Professional Behavior Form should be completed and a narrative summary of the event(s) attached to the form.
- 3) A date and time is established for a meeting with the student regarding the matter.
- 4) During the meeting, the block/clerkship director should discuss the issues related to the unprofessional behavior observed with the student and a plan for remediation.
- 5) At the completion of the meeting, the form is signed by both the student and the block/clerkship director.
- 6) A copy of the form is returned to the Associate Dean of Undergraduate Medical Education in the Medical Education Office and placed in the student's "professionalism" file.
- 7) On the accumulation of the third form in the student's "professionalism" file, the student will meet with the appropriate Associate Dean of UME and receive a formal VERBAL warning.
- 8) On the filing of the fourth unprofessional behavior form the student will receive a WRITTEN warning.
- 9) On the filling of the fifth unprofessional behavior form the student's file will be forwarded to the Student Promotions Committee for review. Possible actions of this committee include suspension or dismissal from the College of Medicine.

Disciplinary Action and Due Process

Students are subject to disciplinary action for violation of the institutional standards of conduct, including breach of their responsibilities, as detailed above. The types of disciplinary action are:

- 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.

- 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.
- Suspension. The student is notified in writing that he/she cannot attend classes/clerkships for a prescribed period of time. The suspension may carry requirements for specific activities (i.e., counseling, therapy, professional evaluations) prior to being allowed to resume student status. (In this case, an extension of the prescribed period for completing all academic requirements may be considered.)
- Dismissal. The student is notified in writing that he/she is no longer affiliated with the College of Medicine.
- Other requirements as specified by the Medical 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.

#### Due Process

Due process will be provided to a student accused of violating institutional standards of conduct that is beyond a verbal warning or where the action is punitive in nature, or for violations of professionalism or ethics. The committee chair will do the following:

- 1) Notify in writing the Student of the charge(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 UT COM, 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. The Student will be given the opportunity and is urged to appear before the committee to fully present his/her position on the allegations. The Student may waive the right to such appearance in his/her sole discretion.
- 2) The Student will be provided (by way of a statement or other summary) any relevant information or evidence that a complainant plans to bring or that will be considered by the committee relating to the allegations before the committee. The complainant may present affidavits of persons unavailable to come before the committee, exhibits, witnesses and any other similar information for the committee. All written materials must be provided to the student least three (3) business days prior to the hearing.
- 3) Notify in writing the Student of the specific protocols to be followed in the investigation/hearing and to provide a copy of this policy to the Student
- 4) Invite the complainant(s) to the hearing.
- 5) Preside at the hearing, for which minutes will be kept, and at the committee chair's request, which may be recorded or transcribed.

- 6) The chair will notify the Student in writing of the date, time and location of the committee meeting, as well as the composition of the committee. Notice of the hearing must be delivered at least ten (10) days before the hearing date. The chair will also preside over the hearing for which minutes will be kept.
- 7) In any instance where the Student is facing criminal charges arising out of the same or related conduct that is the subject of the hearing and/or where dismissal from UT COM is a possibility and after notice of that fact has been provided to the Student, then the Student may, upon five (5) days written notice to the chair of the committee, have an attorney present to provide counsel to the Student. If the Student elects in such circumstances to have counsel appear at the hearing, UT COM may, in that instance, similarly have counsel present at the hearing to assist the committee. In all other cases, the Student may, in his/her discretion, have a faculty member or fellow student attend the hearing as his/her advisor.
- 8) The hearing is not, and should not be construed to be a legal trial. Both the complainant(s) and the Student will be permitted to make any statement relevant to the issue(s) being addressed. The Student, the complainant as well as any other witness will be permitted to answer any questions posed by any member of the committee. If counsel for the Student is permitted to attend as set forth herein, he/she will, in the Student's sole discretion, be permitted to make such statements to the committee as are deemed appropriate. Neither the complainant(s), the Student, nor his/her counsel (if applicable) is permitted to ask questions of any witness; provided, however, if the Student calls a third party witness to speak before the committee on his/her behalf, he/she may ask questions of that witness(es).
- 9) The Student will have a full opportunity to present (by way of a statement made by him/herself or, if applicable, by his/her counsel) any relevant information to the committee relating to the allegations before the committee. The Student or his/her counsel (if applicable) may present affidavits of persons unavailable to come before the committee, exhibits, witnesses and any other similar information for the committee to consider in issuing its findings and recommendations. If the Student desires to distribute written materials to the committee members, he/she must present them at least three (3) business days prior to the meeting for copying, or must prepare adequate numbers of copies him/herself.
- 10) The student is expected to cooperate in the investigation/hearing. The complainant is expected to cooperate in the investigation/hearing and cannot be guaranteed anonymity.
- 11) Any recommendation for student discipline up to and including dismissal from UT COM will be based exclusively on the information (evidence) received at the hearing.

Upon completion of the hearing, the committee will, by majority vote, agree to findings and determinations concerning disciplinary actions for violation of institutional standards of conduct, if any. The findings and conclusions shall be reduced to a written statement of findings and actions signed by the chair of the committee and delivered to the Student and to the Dean of the College of Medicine within ten (10) business days after the hearing.

Appeal

- 1) The Student may appeal the committee's decision to the Dean of the College of Medicine in a writing requesting a review relating to the following that apply: (1) the failure of process or for an additional review of the evidence presented at the hearing; or (2) a review of the evidence concerning the charges for disciplinary action.
  - a. A written request for appeal must be received within fifteen (15) days following the issuance of the written recommendation, or any further right to appeal is waived.
  - b. The Dean of the College of Medicine may review all of the evidence presented in the hearing (including minutes and any available transcripts and exhibits), the applicable process matters raised by the student (if any), the specific concerns concerning the charges and evidence in considering the grounds for appeal raised by the student.
  - c. After completing such review, the Dean of the College of Medicine may ask for a meeting with the Student called for that purpose.
  - d. Upon completion of the review of the appeal, the Dean of the College of Medicine may choose to uphold, reverse, or return the findings and decisions to the
- 2) The Dean of the College of Medicine may also appoint an *ad hoc* committee to hear the Student's appeal.
  - a. The members of any *ad hoc* committee appointed to review any appeal will consist of individuals from inside and/or outside of the college or institution who have had no involvement in any way with the initial committee or its issuance of any findings and decisions.
  - b. The *ad hoc* committee will meet to consider the appeal within fourteen (14) days after they are appointed, and only after the Student is provided with at least five (5) days notice of the date, time and place of the hearing, as well as the identities of the *ad hoc* committee members.
  - c. The *ad hoc* committee, if appointed, will render its decision and submit its recommendation in a writing signed by all of the members of the committee to the Dean of the College of Medicine within ten (10) days following the meeting of the *ad hoc* committee.
  - d. Upon receipt of the *ad hoc* committee's written recommendation, the Dean of the College of Medicine may consider the recommendations of that panel, and may choose to uphold, reverse, or return the findings and recommendations to the original due process committee for reconsideration of some or all of their findings or recommendations.

- 3) The Dean of the College of Medicine will provide any decision to uphold findings and recommendations of discipline to the Student within no later than 45 days from the date in which the appeal was first filed by the student.

#### Final Appeal

- 1) The Student may appeal the decision of the Dean of the College of Medicine to the UT HSC Council of Deans
  - a. A written request for appeal must be received by the Office of the Provost for Health Affairs, within thirty (30) days following the issuance of the written recommendation, or any further right to appeal is waived.
  - b. The written request must state the basis for the Student's relating to any of the following that apply: (1) the failure of process or for an additional review of the evidence presented at the hearing; or (2) a review of the evidence concerning the charges for disciplinary action.
  - c. The Provost for Health Affairs will forward the Student's request for appeal to the UT HSC Council of Deans, who will review all findings and decisions of the committee, any *ad hoc* committee appointed by the Dean, or by the Dean. The Council of Deans may choose to interview the Student or any applicable witnesses or evidence. After considering the evidence presented, the Council of Deans may uphold the findings and resulting discipline, reverse all or part of the recommended findings and discipline and impose less or no discipline, or return the findings and recommendations to the Dean or the committee for reconsideration of some or all of their findings and/or recommendations.
- 2) The UT HSC Council of Deans decision is final. The UT HSC Council of Deans will notify the Student in writing of the final decision within no later than 30 days from the date in which the appeal was submitted to the Provost's office.

#### Pendency of Action

Generally, 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 may, in his/her discretion, impose interim suspensions and/or restrictions on the Student if the Dean of the College of Medicine believes that the alleged conduct in any way concerns patient and/or public (including faculty and other student) safety, or when dismissal from UT COM is a possible sanction.

<p>Approved by:</p> <p>Jeffrey Gold, M.D.</p> <hr/> <p>Name Dean, College of Medicine</p> <hr/> <p>Title</p> <hr/> <p>Date</p> <p><i>Review/Revision Completed by:</i></p>	<p><b>Policies Superseded by This Policy:</b> <b>None</b></p> <p><b>Initial effective date:</b> 11/18/05</p> <p><b>Review/Revision Date:</b></p> <ul style="list-style-type: none"><li>• 11/18/05</li><li>• 08/08/06</li><li>• 01/02/07</li><li>• 10/16/08</li></ul> <p><b>Next review date: 10/16/2011</b> (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 unprofessional behavior that is inconsistent with the following professionalism standards. (Circle all 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 and circumstances is attached.***

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

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

\_\_\_\_\_  
Block/Clerkship Director (*Signature*)

\_\_\_\_\_  
Date

**This section is to be completed by the student.**

**I have read this evaluation and discussed it with the Block/Clerkship Director.**

\_\_\_\_\_  
Student signature

\_\_\_\_\_  
Date

*Comments: (optional, please use back for additional comments)*