(A) Policy statement

All students are responsible for understanding and complying with University of Toledo policies regarding professionalism and academic integrity. Applicable policies include, but are not limited to 3364-77-01 Graduate Student Academic Dishonesty, 3364-30-04 Student Code of Conduct, 3364-70-02 Responsible Conduct of Scholarship and Research, and 3364-81-04-017-02 Professionalism and Related Standards of Conduct. As scientists-in-training or health care professionals-in-training, COMLS graduate 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.

(B) Purpose of Policy

The purpose of this policy is to outline the procedures that the COMLS and COGS will use to address conduct that violates the standards applicable to graduate students, as well as procedures for appealing adverse decisions by the Program Director, Associate Dean, Student Promotions Committee, or the Dean of COMLS.

This policy is not used to investigate allegations of discrimination or harassment on the basis of race, color, religion, sex, age, national origin, ancestry, sexual orientation, gender identity and expression, military or veteran status, the presence of a disability, genetic information, familial status, political affiliation, or participation in protected activities. Allegations involving such conduct are investigated pursuant to Policies 3364-50-01, -02 and -03. However, a final determination of discrimination or harassment under Policies 3364-50-01, -02 and -03 may be deemed to be unprofessional behavior and may be used as the basis for additional discipline under this policy.
Any reference to “days” in this policy shall mean any day other than a Saturday, Sunday, or holiday when the University is closed.

This policy applies to students enrolled in COMLS graduate programs. This policy does not apply to students enrolled in the Doctor of Medicine program.

(C) Procedure

1. Procedures for Unprofessional Behavior

   The following procedure will apply in instances of unprofessional behavior involving research, academic, or professional misconduct as determined by the research or clinical faculty, program/course/clerkship director, department chair and/or associate dean of COMLS graduate programs:

   a) Individual COMLS graduate programs will implement standards and procedures specific to that program for student unprofessional behavior in that program’s student handbook. In general, following the observation or receipt of a report of unprofessional behavior by any member of the research team, didactic or clinical faculty, program/course director, or staff, the person observing or in receipt of a report of student unprofessional behavior will forward a written report to the designated committee or individual stipulated in the program’s student handbook (for example; student formal advisory committee, program/track director, department chair, associate dean of COMLS graduate programs) and the student will be required to meet with this designated committee within 14 days of receiving the written report.

   b) The student’s presence at this meeting is mandatory. The student may present a statement and evidence in order to contest the allegations.

   c) During the above meeting, the designated committee shall discuss the unprofessional behavior with the student. If the student and the program agree to a resolution of the charge, the matter will be closed.

   d) If the student and the program do not agree on a resolution, the program and/or associate dean of COMLS graduate programs will refer the matter to a formal hearing according to procedures set forth in the program’s student handbook within 14 days. Unless otherwise stated in the student handbook for that program, the formal hearing will be the COMLS Student Conduct and Ethics Committee. The hearing process will provide the student with adequate notice and the right to make a statement and present evidence.

2. Due Process of COMLS Student Conduct and Ethics Committee

   Students may appeal from their program’s decision to the COMLS Student Conduct and Ethics Committee. The committee chair will do the following:
a) 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 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. 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 at his/her sole discretion;

b) 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 five (5) days prior to the hearing;

c) 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;

d) Invite the complainant(s) to the hearing;

e) Preside at the hearing, for which minutes will be kept, and at the committee chair’s request, which may be recorded or transcribed;

f) 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 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, COMLS 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.

g) 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.
h) The Student will have a full opportunity to present (including 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) days prior to the meeting for copying, or must prepare adequate numbers of copies him/herself.

i) The student shall cooperate in the hearing. The complainant is expected to cooperate in the investigation/hearing and cannot be guaranteed anonymity.

j) Any recommendation for student discipline up to and including dismissal from COMLS will be based exclusively on the evidence received at the hearing.

Upon completion of the hearing, the committee will, by majority vote, determine whether a violation of professionalism standards occurred, and recommend disciplinary actions for any violation. The findings and recommendations shall be reduced to writing and signed by the chair of the committee and delivered to the Student and to the Dean of the COMLS within ten (10) days after the hearing.

3. Appeal to Dean of COMLS

   The Student may appeal the committee’s decision to the Dean of the COMLS:

   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 COMLS will: Personally review all of the evidence presented in the hearings before the program and the COMLS Student Conduct and Ethics Committee (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 Committee.

   c) Upon review of the evidence presented and the concerns raised by the Student, the Dean of the COMLS may choose to uphold, reverse, or return the findings and recommendations to the COMLS Student Conduct and Ethics Committee for reconsideration of some or all of their findings or recommendations.

   d) The Dean of the COMLS will provide the decision regarding all findings to the Student within no later than 45 days from the date in which the appeal was first filed by the Student.

   e) A copy of the documents created during this process will be provided to the Associate Dean of COMLS Graduate Programs.
4. **Appeal to College of Graduate Studies (COGS)**
   A graduate student may appeal the decision of the Dean of the COMLS to the COGS. Refer to Policy 3364-77-01(E) Graduate Student Academic Dishonesty for further information.

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

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<th>Approved by:</th>
<th>Policies Superseded by This Policy:</th>
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<td>/s/ Christopher J. Cooper, M.D.</td>
<td>• None</td>
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<td>Executive VP for Clinical Affairs</td>
<td>Initial effective date: 06/18/19</td>
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<td>Dean, College of Medicine &amp; Life Sciences</td>
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