


<p>Name of Policy: <u>College of Medicine and Life Sciences: Disciplinary Action, Due Process, and Appeals for MD Students</u></p> <p>Policy Number: 3364-81-04-017-01</p> <p>Approving Officer: Dean, College of Medicine & Life Sciences</p> <p>Responsible Agent: Associate Dean, Student Affairs</p> <p>Scope: M. D. Program, College of Medicine and Life Sciences</p>	 <p>Revision date: February 24, 2020</p> <p>Original Effective date: 08/25/85</p>
<p><input type="checkbox"/> New policy proposal <input type="checkbox"/> Minor/technical revision of existing policy</p> <p><input checked="" type="checkbox"/> Major revision of existing policy <input type="checkbox"/> Reaffirmation of existing policy</p>	

(A) Policy statement

All students are responsible for understanding and complying with University policies and standards of 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) Due Process

(1) Serious Unprofessional Behavior

The following procedure will apply in instances of Serious Unprofessional Behavior. “Serious Unprofessional Behavior” means unprofessional behavior involving criminal actions or other egregious behavior as determined by the thread/clerkship director and/or Associate Dean:

- (a) Following the observation or receipt of a report of serious unprofessional behavior the student will be brought to the attention of the block/clerkship director and/or an Associate Dean in the College of Medicine, as appropriate.
- (b) The thread/clerkship director or Associate Dean shall complete the Professional Behavior Form and attach a narrative summary of the event(s) to the form and include it in the student’s professionalism file. The student’s file will be forwarded to the Medical Student Conduct and Ethics Committee for review and disciplinary action pursuant to the Due Process requirements set forth in subsection 4 below. The committee may impose any of the disciplinary actions under subsection (3) of this Section (B).

(2) Unprofessional Behavior

The following procedure will apply to instances of unprofessional behavior other than those involving criminal actions or egregious behavior:

- (a) Following the observation or receipt of a report of a single unprofessional behavior by any member of the faculty or staff, the behavior or incident will be brought to the attention of the thread/clerkship director and/or an Associate Dean in the College of Medicine, as appropriate.
- (b) The thread/clerkship director or Associate Dean shall complete the Professional Behavior Form and attach a narrative summary of the event(s) to the form.
- (c) The thread/clerkship director shall schedule a meeting with the student and an Associate Dean in the College of Medicine within fourteen (14) days of learning of the behavior or incident. The student's presence at the meeting is mandatory.
- (d) During the meeting, the thread/clerkship director shall discuss the unprofessional behavior with the student and provide the student with a written plan for remediation. The thread/clerkship director may also issue a verbal or written warning as provided herein.
- (e) A copy of the Form will be provided to the Associate Dean for Student Affairs and placed in the student's professionalism file.
- (f) On the accumulation of the second form in the student's professionalism file, the student will meet with an Associate Dean in the College of Medicine and Life Sciences (Associate Dean for Student Affairs, Associate Dean for Foundational Sciences, Associate Dean for Clinical Education) and receive a formal verbal warning.
- (g) On the filing of the third Form the student will meet with the Associate Dean for Student Affairs and receive a written warning. (Note: written warnings will be reflected in the Medical Student Performance Evaluation)
- (h) On the filling of the fourth unprofessional behavior form the student's file will be forwarded to the Medical Student Conduct and Ethics Committee for review. The committee may impose any of the sanctions provided in section (3) below.

(3) Disciplinary Action

Students are subject to disciplinary action for violation of the institutional standards of conduct. The types of disciplinary action are:

- (a) 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.
 - (b) Written warning. The student is informed, in writing, of the violation. A copy of this warning is placed in the student's file in the Office of Student Affairs. The warning must state that any future incidents of misconduct may result in suspension or dismissal. (Note: written warnings will be reflected in the Medical Student Performance Evaluation).
 - (c) Suspension. The student is notified in writing that they 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. If a suspension is imposed, the Associate Dean for Student Affairs may extend the prescribed period for completing all academic requirements.
 - (d) Dismissal. The student is notified in writing that they are no longer affiliated with the COMLS.
 - (e) 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.
- (4) Due Process
- Due process will be provided. If a student feels a professional behavior report was filed in error, upon receiving the third professional behavior report, the student can appeal to an Associate Dean in the COMLS. If the reports were generated in foundational sciences curriculum, the appeal will be handled by the Associate Dean for Clinical Education. If reports were generated in clinical curriculum, the appeal will be handled by the Associate Dean for Foundational Sciences. Students alleged to have engaged in Serious Unprofessional Behavior, has received more than three professional behavior reports, or is subject to suspension or dismissal will be afforded a hearing before the Medical Student Conduct and Ethics Committee. The chair of the committee 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 their position on the allegations. The Student may waive the right to such appearance in their 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 three (3) days prior to the hearing;
- (c) Notify the student, in writing, 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, 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 their discretion, have a faculty member or fellow student attend the hearing as their 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, they may advise the student, but will not address the committee. Neither the complainant(s), the Student, nor their 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 their behalf, they may ask questions of that witness(es).
- (h) The Student will have a full opportunity to present any relevant information to the committee relating to the allegations under consideration. The Student or their 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, they 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 investigation/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 presented at the hearing.

Upon completion of the hearing, the committee 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 committee and delivered to the Student and to the Dean of the College of Medicine within ten (10) days after the hearing.

- (5) Appeal
 - (a) The Student may appeal the committee's decision to the Dean of the College of Medicine;
 - (b) 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.
 - (c) The Dean of the College of Medicine will:
 - (i) Personally review all of the evidence presented in 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 Committee, and;
 - (ii) 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, and which may also include a meeting with the Student.
 - (d) Upon review of the evidence presented and the concerns raised by the Student, and 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 committee for reconsideration of some or all of their findings or recommendations.
 - (e) The Dean of the College of Medicine 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. The decision of the Dean of the College of Medicine will be final.

- (f) A copy of the documents created during this process will be provided to the Associate Dean for Student Affairs. The Associate Dean for Student Affairs 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.

(6) 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 their 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 COMLS is a possible sanction.

<p>Approved by:</p> <p><u>/s/</u> Christopher Cooper, M.D., Executive Vice President for Clinical Affairs, Dean, College of Medicine & Life Sciences</p> <p><u>February 24, 2020</u> Date</p> <p><i>Review/Revision Completed by: Executive Curriculum Committee, Office of Legal Affairs, 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 review • 2/24/20 revision <p>Next review date: 02/24/2023 (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 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 /Vice Dean Signature

Date