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| **Name of Policy**: **College of Medicine & Life Sciences: Professionalism, Disciplinary Action and Due Process/Appeals for COMLS Graduate Programs**<br><br>**Policy Number**: 3364-81-22<br><br>**Approving Officer**: Dean, COMLS & Life Sciences<br><br>**Responsible Agent**: Associate Dean of COMLS Graduate Programs<br><br>**Scope**: All University of Toledo Campuses | **Effective date:** 4/23/24<br><br>**Original effective date**: 06/18/19 |

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| ☐ | New policy proposal | ☒ | Minor/technical revision of existing policy |
| ☐ | Major revision of existing policy | ☐ | Reaffirmation of existing policy |

(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. As scientists-in-training or health care professionals-in-training, College of Medicine and Life Sciences (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 standards of behavior and the procedures that COMLS and COGS will use to address conduct that violates the standards applicable to graduate students, including MD/PhD students enrolled in the PhD program, as well as procedures for appealing adverse decisions by the Program Director, Associate Dean, or COMLS Student Conduct and Ethics Committee.

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 and -02 or -03. However, a final determination of discrimination or harassment under Policies 3364-50-01 and -02 or -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.

(C) Scope

This policy applies to students enrolled in all COMLS graduate programs, including MD/PhD students enrolled in the PhD program. This policy does not apply to students enrolled in the Doctor of Medicine program.

(D) Research, Academic, and Professional Behavior for biomedical research and clinical graduate students

(1) Definition of Research:

Research means "a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge." Scholarship is defined as the practice of advancing, preserving and disseminating knowledge and thought through study, reflection, and engagement that extends beyond traditional instructional activities. Research and scholarship are used interchangeably in this document.

(2) Scope of Research Misconduct:

(a) Research misconduct is fabrication, falsification, or plagiarism in proposing, performing, or reviewing research or scholarship or in reporting research or scholarship results. In cases where the charge is research misconduct the University policy 3363-70-21 shall apply. The following definitions are used as it relates to research misconduct:

(i) Fabrication is making up data or results and recording or reporting them.

(ii) Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.

(iii) Plagiarism, which is representing the words, ideas, or information of another person as one's own and not offering proper documentation. Plagiarism falls under the scope of both research and academic misconduct.

(iv) Deliberate violation of regulations is research misconduct and includes flagrant failure to adhere to or receive the required approvals for work under regulations of federal, state or local agencies, or University policies. Examples include, but are not limited to: guidelines for protection of human and animal subjects, use of hazardous chemicals, biologicals radioactive materials, and export-controlled research.

(b) Research misconduct does not include honest error or differences of opinion.

(c) A finding of misconduct requires that there be a significant departure from accepted practices of the relevant research community. The misconduct must be

committed intentionally, knowingly, or recklessly; and the allegation be proven by a preponderance of the evidence.

(3) Scope of Academic Misconduct:

Graduate students are responsible for knowing what constitutes academic dishonesty; if students are uncertain, for example, of what constitutes plagiarism or cheating, they should seek the instructor's or advisor's advice.

Examples of academic misconduct include, but are not limited to:

(a) Plagiarism, which is representing the words, ideas, or information of another person as one's own and not offering proper documentation. Plagiarism falls under the scope of both research and academic misconduct.

(b) Giving or receiving, prior to an examination, any unauthorized information concerning the content of that examination.

(c) Referring to or displaying any unauthorized materials inside or outside of the examination room during the course of an examination.

(d) Communicating during an examination in any manner with any unauthorized materials inside or outside of the examination room during the course of an examination.

(e) Giving or receiving substantive aid during the course of an examination.

(f) Commencing an examination before the stipulated time or continuing to work on an examination after the announced conclusion of the examination period.

(g) Talking, converting, concealing, defacing, damaging or destroying any property related to the preparation or completion of assignments, research or examination.

(h) Submitting the same written work to fulfill the requirements for more than one course.

(4) Scope of Professional Misconduct:

Graduate students are scientists-in-training or health care professionals-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 health or research team colleagues, the graduate student must deal with all members in a cooperative and considerate manner. Fatigue, stress, and personal problems do not justify unprofessional behavior.

(a) It is unethical and unprofessional for a student to disparage 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.

(b) Professional relations among all members of the clinical and research 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.

(c) 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 clinical or biomedical research 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.

(d) Students must be cognizant of their professional identity as displayed on social media as well as the professional image of the COMLS. In addition to the aforementioned points, the following also applies to student presence on social media:

(i) Postings on social media are treated as if the statement was made in a public space and can have legal ramifications. This includes posts regarding patient care or portrayals of colleagues in a professional manner.

(ii) Postings made by others (friends, followers, etc.) on student's page can reflect negatively on the COMLS graduate programs. Students hold responsibility for monitoring their own page.

(iii) Relationships online with attending physicians, fellows, supervising residents, interns, students and research colleagues are subject to this policy, as well as 3364-50-01, *The University of Toledo Title IX Policy (Sexual Misconduct),* and 3364-25-65 *Consensual romantic and/or sexual relationships* .

(iv) As a scientist- or clinician-in-training, it is inadvisable to utilize social media/blogs to convey clinical or scientific opinions. Doing so may result in disciplinary proceedings under this policy.

(v) UT-COMLS graduate students are not permitted to use UT and/or COMLS logos without approval from administration.

(vi) In order to comply with privacy laws, posting patient related information on social media is prohibited

(5) Research, Academic and Professionally Misconduct are hereby, collectively referred to as "Unprofessional Behavior."

(6) Standards for Professional Behavior in the Educational Environment

The following standards for professional behavior are in alignment with the Educational Program Objectives for the COMLS. 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 clinical and biomedical profession, as expanded below for students in the COMLS:

(a) Individual performance

(i) Demonstrates independent and self-directed learning.

(ii) Recognizes personal limitations and seeks appropriate help.

(iii) Accepts constructive feedback and makes changes accordingly.

(iv) Fulfills all educational assignments and responsibilities on time

(v) Is punctual for all educational experiences (i.e., exams, clinics, rounds, small group sessions, appointments at the clinical skills center, research lab training).

(vi) Adheres to dress code consistent with institutional standards.

(b) Relationships with students, faculty, staff, patients and community

(i) Establishes effective rapport.

(ii) Establishes and maintains appropriate boundaries in all learning situations.

(iii) Respectful at all times of all parties involved.

(iv) Demonstrates humanism in all interactions.

(v) Respects the diversity of race, gender, religion, sexual orientation, age, disability and socioeconomic status.

(vi) Resolves conflict in a manner that respects the dignity of every person involved.

(vii) Uses professional language being mindful of the environment.

(viii) Maintains awareness and adapts to differences in individual patients including those related to culture and medical literacy.

(c) Support of ethical principles of the medical and biomedical research profession

(i) Maintains honesty.

(ii) Contributes to an atmosphere conducive to learning and is committed to advance scientific knowledge.

(iii) Protects patient confidentiality.

(7) Professional Dress

Students should always 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 clinical graduate 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. Clinical graduate students shall comply with the dress code found in Policy No. 3364-25-06, *Dress Code*. In addition, clinical graduate students must comply with the dress codes of clinical sites to which they are assigned. 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.

(8) Accurate Representation

A graduate student enrolled in a clinical or research training program in COMLS should accurately represent themselves to patients and others on the medical team. Students should never introduce themselves as “Doctor” or “Professor” as this is clearly a misrepresentation of the student’s position, knowledge and authority in their current training program, regardless of degrees earned elsewhere.

(9) Evaluation

Students should seek feedback and actively participate in the process of evaluating their peers and teachers (faculty as well as 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 must be completed by stated deadlines and may not include disparaging remarks, offensive language, or personal attacks, and should maintain a considerate, professional tone. Faculty are also expected to adhere to professional standards at all times while mentoring students (see COMLS Policy 3364-81-04-018-00 COMLS learning environment and faculty professionalism).

(10) Teaching

It is incumbent upon those entering the clinical or biomedical research profession to teach what they know of the science, art, and ethics of medicine or biomedical research. 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. Graduate research and clinical students also have a responsibility to share knowledge and information with colleagues.

(11) Equipment Usage

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

(E) 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, course director, or staff, the student's behavior will be brought to the attention of the program/track director and/or department chair by written documentation of the incident.

(b) The program/track director, and/or department chair, shall schedule a meeting with the student within fourteen (14) days of learning of the behavior or incident. 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 meeting, the program/track director, and/or department chair, 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 will refer the matter to a formal hearing according to procedures set forth in the program's student handbook. The hearing process will provide the student with adequate notice and the right to make a statement and present evidence. The program will take reasonable steps to ensure that panel members have no conflicts of interest or biases that may adversely affect students.

(e) If the student does not agree with the committee's decision, the student shall have the right to appeal the outcome of the program's formal hearing to the Associate Dean of COMLS Graduate Programs ("Associate Dean"). If the student requests an appointment with the Associate Dean to appeal previous decisions, it is the students responsibility to include a statement of the specific grounds for appeal

and all previous correspondence and decisions must be forwarded to the Associate Dean prior to this meeting. The Associate Dean has 10 working days (not counting holidays or school breaks) to agree to an appointment time with the student to discuss the student's appeal after receiving the student's written information. Within 10 working days (not counting holidays or school breaks) of this meeting, the Associate Dean will form a decision, and will convey this decision to the student, course director, program director, and chair of the Program student hearing committee of the students graduate program.

(f) If the student does not agree with the Associate Dean's decision, the student shall have the right to appeal to the COMLS Student Conduct and Ethics Committee.

(2) Due Process of COMLS Student Conduct and Ethics Committee

Students may appeal the Associate Dean'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 their ~~his/her~~ position on the allegations. The student may waive the right to such appearance at 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 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/or where dismissal from COMLS 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, 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 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 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.

(h) The student will have a full opportunity to present (including by way of a statement made by them or, if applicable, by ~~his/her~~ their counsel) any relevant information to the committee relating to the allegations before the committee. 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 the materials at least three (3) days prior to the meeting for copying, or must prepare adequate numbers of copies.

(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, Associate Dean of COMLS Graduate Programs, and Dean of the COMLS within ten (10) days after the hearing.

(3) Appeal to Dean of College of Graduate Studies (COGS)

A graduate student who has been charged with Unprofessional Behavior may appeal the decision of COMLS to College Of Graduate Studies.

Refer to Policy 3364-77-01 Graduate student academic dishonesty for further information.

(4) 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 may, in their discretion, impose interim suspensions and/or restrictions on the student if the 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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| Approved by:<br><br>**/s/**_____<br>Imran Ali, M.D.<br>Dean, College of Medicine and Life Sciences<br><br>_____<br>Date<br><br>*Review/Revision Completed by:*<br>*Dean, College of Medicine and Life Sciences* | Policies Superseded by This Policy:<br>None<br><br>Initial effective date: 06/18/2019<br><br>Review/Revision Date:<br>• *02/21/24*<br>•<br><br>**Next review date: 4/23/27** (three years from most recent revision/review date) |