


Name of Policy: College of Medicine & Life Sciences: Professionalism, Disciplinary Action and Due Process/Appeals for Postdoctoral Fellows			
Policy Number: 3364-81-31		Effective date:	
Approving Officer: Dean, College of Medicine & Life Sciences		Original effective date:	
Responsible Agent: Associate Dean for COMLS Graduate Programs			
Scope: College of Medicine and Life Sciences			
Keywords: Postdoctoral Fellow; Professionalism; Misconduct			
<input checked="" type="checkbox"/>	New policy proposal	<input type="checkbox"/>	Minor/technical revision of existing policy
<input type="checkbox"/>	Major revision of existing policy	<input type="checkbox"/>	Reaffirmation of existing policy

(A) Policy statement

Postdoctoral Fellows are individuals who completed a doctor of philosophy (Ph.D.), doctor of medicine (M.D.) or equivalent degree and whose goal is to acquire additional training and experience in order to enter a career in research and/or academia. These are temporary appointments and work under the supervision of a faculty mentor who is responsible for the fiscal and intellectual activities of the Postdoctoral Fellow. Appointments shall not exceed six years.

The University of Toledo's College of Medicine & Life Sciences ("COMLS") subscribes to the Association of American Medical College's guiding principles for promoting a positive learning environment and expects all Postdoctoral Fellows in the COMLS to always understand and comply with these principles. All Postdoctoral Fellows are responsible for understanding and complying with University of Toledo policies regarding professionalism and academic integrity. Applicable policies include, but are not limited to, 3364-70-02 Responsible Conduct of Scholarship and Research; 3364-25-01 Standards of Conduct; 3364-50-02 Nondiscrimination; and 3364-15-04 Nonretaliation. A failure to comply may result in disciplinary action, as described below. Postdoctoral Fellows subject to disciplinary actions are entitled to due process and appellate rights as outlined below.

(B) Purpose of policy

The purpose of this policy is to clarify expectations of professionalism for Postdoctoral Fellows and to provide a mechanism for reporting unprofessional behavior. The policy also clarifies that persons may report their concerns without any fear of retaliation and with the expectation that COMLS will thoroughly investigate and address their concerns. Further, this policy outlines standards of behavior, the procedures that COMLS will use to address conduct that violates the standards applicable to Postdoctoral Fellows, and procedures for appealing adverse decisions rendered by their Faculty Advisor, Department Chair, 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 (Title IX) and -02 or -03 (Title VI and VII). However, a final determination of discrimination or harassment under Policies 3364-50-01 and -02 or -03 may be deemed to constitute 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 on which the University is closed.

(C) Scope

This policy applies to all Postdoctoral Fellows within the University of Toledo College of Medicine and Life Sciences (COMLS).

(D) Research, Professional, and Academic Misconduct

(1) 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, University policies 3364-70-02 Research data and responsible conduct of scholarship and research and 3364-70-21 Integrity in research and procedures for investigating allegations of research misconduct shall apply. The following definitions are used as they relate 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. This can include but is not limited to: the intentional modification of data or results that does not aid in accurate analysis; presenting or displaying results in an intentionally misleading manner; or any other act that obfuscates collected data to alter or influence reasonable conclusions drawn from the results.
- (iii) Plagiarism 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 must be proven by a preponderance of the evidence.

(2) Scope of Professional Misconduct:

Postdoctoral Fellows are scientists-in-training and thus are held to the highest standards of professionalism. Postdoctoral Fellows must be thoughtful and professional in verbal, written, and electronic communications. Fatigue, stress, and/or personal problems do not justify unprofessional behavior. It is unethical and unprofessional for a Postdoctoral Fellow to disparage the professional competence, knowledge, qualifications, or services of a faculty member, staff member, other trainees or a colleague. 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.

- (a) Postdoctoral Fellows may be subject to disciplinary action for the following: if their conduct, as reported by faculty, staff, or other trainees, is inconsistent with the accepted standards of biomedical or clinical research profession; if they refuse to comply with directions of COMLS' officials, academic or administrative staff when acting in performance of duties; if they inflict intentional or negligent damage to property belonging

to the COMLS or to members of the college or campus visitors; and if their actions constitute violations of law on or off University of Toledo premises.

- (b) Postdoctoral Fellows must be cognizant of their professional identity as displayed on social media as well as the professional image of the COMLS. The following items also apply to the Postdoctoral Fellow's 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 portrayals of colleagues in an unprofessional manner.
 - (ii) Postings made by others (friends, followers, etc.) on the Postdoctoral Fellow's personal pages can reflect negatively on the COMLS research or clinical training programs. Individuals hold responsibility for monitoring their own social media.
 - (iii) The Postdoctoral Fellow's relationships online with research faculty, students, staff, and research colleagues are subject to policy 3364-25-65 Consensual romantic and/or sexual relationships.
 - (iv) As a scientist-in-training, it is inadvisable to utilize social media/blogs to convey your own scientific opinions of current scientific issues in the news, that may not reflect the views of the University of Toledo or COMLS, without providing a disclaimer to this effect. Not doing so may result in disciplinary proceedings under this policy.
 - (v) Use of the University of Toledo and/or COMLS logos without prior approval from the Office of University Marketing and Communications is strictly prohibited

3) Scope of Academic Misconduct

The standards of professional behavior in the academic setting are related to three domains: (1) Individual Performance, (2) Relationships with students, faculty, staff, and (3) Support of the ethical principles of the biomedical research profession, as expanded below for Postdoctoral Fellows in the COMLS:

- (a) Expected Standards of 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., lab meetings, research seminars, meetings with faculty advisor, visiting researchers, etc.).
- (b) Expected Standards of Relationships with students, faculty, and staff.
 - (i) Establishes effective rapport with faculty, staff and trainees.
 - (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.
- (c) Support of ethical principles of the biomedical research profession
 - (i) Maintains honesty.
 - (ii) Contributes to an atmosphere conducive to learning and is committed to advance scientific knowledge.
 - (iii) Demonstrates cultural competency by respecting differences in graduate, staff and faculty populations in COMLS, including but not limited to differences in gender, age, culture, race, religion, disabilities, national origin, socioeconomic status and sexual orientation.

(E) Procedures

- (1) The following procedure will apply in instances of professional misconduct as determined and/or reported by the research faculty, administrative staff, students, postdoctoral fellows, faculty advisor, or department chair:
 - (a) Any student, staff or faculty member who experiences or witnesses unprofessional behavior by a Postdoctoral Fellow is strongly encouraged to report the facts immediately to the Postdoctoral Fellow's Faculty

Advisor, Chair of the Department, or Associate Dean for Graduate Studies.

- (b) The University advises any COMLS student who experiences or witnesses discrimination or harassment by a Postdoctoral Fellow on the basis of race, color, religion, sex, age, national origin, ancestry, sexual orientation, gender identity and expression, military or veteran status, presence of a disability, genetic information, familial status, or political affiliation to report the facts immediately to the Title IX Coordinator. Any staff or faculty member who witnesses or learns of an allegation of discrimination or harassment based on the above by a Postdoctoral Fellow is obligated to report this to the Title IX Coordinator in accordance with Policy 3364-50-01 and Policy 3364-50-02.

- (c) Any person witnessing or receiving a report of unprofessional behavior by a Postdoctoral Fellow (other than a report 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, presence of a disability, genetic information, familial status, or political affiliation) may report as described below:

Complete the Professional Behavior Report (Appendix A) with a narrative summary of the event(s) attached to the form (known as the Report). The person (known as the complainant) should submit the completed Report to

- 1) the Postdoctoral Fellow's Faculty Advisor;
- 2) the Chair of the COMLS department; or
- 3) the Associate Dean for COMLS Graduate Programs

- (d) Retaliation against persons making a Report is strictly prohibited (Policy 3364-15-04 Nonretaliation). Acknowledgement of receipt of the Report and notice of final resolution, subject to limitations provided by law or University policy, will be conveyed to the person submitting the Report.
- (e) Upon receiving the Report, and depending on the severity of charges, Administrative Leave may be enacted. At the discretion of an Appointing Authority as defined in Board of Trustees Resolution 15-03-02, and in accordance with the policies and practices of the University, the Postdoctoral Fellow may be immediately placed on administrative leave, paid or unpaid, pending the outcome of the investigation and final determination findings and discipline if any, based on the severity of the allegation.

(f) The following actions shall be taken, regardless of a prior Administrative Leave determination:

- (i) The Postdoctoral faculty advisor, and/or department chair, shall schedule a meeting with the Postdoctoral Fellow within ten (10) business days (not counting holidays or school breaks) after receiving the report. The Postdoctoral Fellow's presence at this meeting is mandatory. The Postdoctoral Fellow may present a statement and evidence to contest the allegations.
- (ii) During the meeting, the Postdoctoral faculty advisor, and/or department chair, shall discuss the alleged unprofessional behavior with the Postdoctoral Fellow. If the Postdoctoral Fellow and the faculty advisor and/or Chair agree to a resolution of the charge, the matter will be closed.
- (iii) If the Postdoctoral Fellow does not agree to a resolution of the charge at this meeting, the Postdoctoral Fellow shall have the right to appeal the outcome of the above decision to the Associate Dean for COMLS Graduate Programs ("Associate Dean") within thirty (30) calendar days of the meeting with the faculty advisor and/or department chair. If the Postdoctoral Fellow requests an appointment with the Associate Dean to appeal the previous decision, it is the Postdoctoral Fellow's 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. Upon receipt of a written request for appeal, the Associate Dean has ten (10) business days with which to schedule and hold a meeting with the Postdoctoral Fellow to discuss the appeal. Within twenty-five (25) business days of this meeting, the Associate Dean will meet with all other individuals involved (to the extent that their testimony is necessary to render a decision) and will convey this decision to the individual writing the report, the Postdoctoral Fellow, Postdoctoral Faculty Advisor, and Department Chair.
- (iv) If the Postdoctoral Fellow does not agree with the Associate Dean's decision, the Postdoctoral Fellow shall have the right to appeal to the COMLS Student Conduct and Ethics Committee.

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

Postdoctoral Fellows may appeal the Associate Dean's decision to the COMLS Student Conduct and Ethics Committee. It is the Postdoctoral Fellow's responsibility to include a statement of the specific grounds for appeal and all previous correspondence and decisions must be forwarded to the current chair of the COMLS Student Conduct and Ethics Committee within thirty (30) calendar days of the meeting with the Associate Dean. Upon receipt of a written request for appeal, the committee chair will do the following:

- (a) Notify, in writing, the Postdoctoral Fellow 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 Postdoctoral Fellow of that possibility. Notice of the hearing must be delivered at least ten (10) business days before the hearing date. The Postdoctoral Fellow will be given the opportunity to appear before the committee to fully present their position on or defense to the allegations. The Postdoctoral Fellow may waive the right to such appearance.
- (b) The Postdoctoral Fellow 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 both the complainant and the Postdoctoral Fellow at least five (5) business days prior to the hearing.
- (c) Notify, in writing, the Postdoctoral Fellow of the specific protocols to be followed in the investigation/hearing and to provide a copy of this policy to the Postdoctoral Fellow.
- (d) Invite the complainant(s) to the hearing.
- (e) Preside over the hearing, for which minutes will be kept. At the committee chair's request, the hearing may be recorded and/or transcribed.
- (f) In any instance where the Postdoctoral Fellow 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 Postdoctoral Fellow, then the Postdoctoral Fellow may, upon five (5) business days written notice to the chair of the committee, have an attorney present to provide counsel to the Postdoctoral Fellow. If the Postdoctoral Fellow elects in such circumstances to have counsel appear at the hearing, COMLS may, at its discretion, similarly have counsel present at the hearing to assist the committee. In all other cases, the Postdoctoral Fellow may, in their discretion, have a faculty member or fellow Postdoctoral Fellow 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 Postdoctoral Fellow will be permitted to make any statement relevant to the issue(s) being addressed, with relevance being determined by the committee chair. The Postdoctoral Fellow, the complainant(s), and any other witness may be subject to questioning by any member of the committee. If counsel for the Postdoctoral Fellow is permitted to attend as set forth herein, counsel will, in the Postdoctoral Fellow's sole discretion, be permitted to make such statements to the committee as are deemed appropriate by the committee chair. Neither the complainant(s), the Postdoctoral Fellow, nor their counsel (if applicable) is permitted to ask questions of any witness; provided, however, if the

Postdoctoral Fellow calls a third-party witness to speak before the committee on their behalf, the Postdoctoral Fellow may ask questions of that witness.

- (h) The Postdoctoral Fellow will have a full opportunity to present (including by way of a statement made by them or, if applicable, by their counsel) any relevant information to the committee relating to the allegations before the committee. The Postdoctoral Fellow 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 Postdoctoral Fellow desires to distribute written materials to the committee members, they must present the materials at least three (3) business days prior to the meeting for copying or must prepare adequate numbers of copies themselves.
- (i) The Postdoctoral Fellow is expected to cooperate throughout the hearing process. The complainant is expected to cooperate in the investigation/hearing and cannot be guaranteed anonymity.
- (j) Any recommendation for Postdoctoral Fellow 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 will recommend disciplinary actions based thereon. The findings and recommendations shall be reduced to writing and signed by the chair of the committee and delivered to the Postdoctoral Fellow, Associate Dean of COMLS Graduate Programs, and Dean of the COMLS within ten (10) business days after the hearing.

(3) Pendency of Actions

Generally, implementation of disciplinary action will be suspended until all appeals made by the Postdoctoral Fellow have been exhausted. However, the Dean of the COMLS may, at their discretion, impose interim suspensions and/or restrictions on the Postdoctoral Fellow if the Dean believes that the alleged conduct in any way concerns COMLS personnel safety, or when dismissal from COMLS is a possible sanction.

<p>Approved by:</p> <p>_____</p> <p>Imran Ali, M.D. Dean, College of Medicine and Life Sciences Vice Provost for Health Education</p> <p>_____</p> <p>Date</p> <p><i>Review/Revision Completed by:</i> <i>Dean, College of Medicine and Life Sciences;</i> <i>Associate Dean for COMLS Graduate Programs;</i> <i>Legal</i> <i>Biomedical Graduate Executive Committee</i></p>	<p>Policies Superseded by This Policy: <i>None</i></p> <p>Original effective date: <i>Date</i></p> <p>Review/revision date:</p> <p>Next review date: (three years from most recent revision/review date)</p>
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Appendix A: Postdoctoral Fellow Professional Behavior Report

Name of Postdoctoral Fellow

Date

Name of person submitting report (Print)

(Sign)

The above Postdoctoral Fellow has demonstrated unprofessional behavior as described in Policy 3364-81-31 College of Medicine & Life Sciences: Professionalism, Disciplinary Action and Due Process/Appeals for COMLS Postdoctoral Fellows.

Please describe succinctly the professional misconduct of the Postdoctoral Fellow regarding one of the following areas according to Policy 3364-xx-xx.

1. Research Misconduct
2. Professional Misconduct
3. Academic Misconduct