

# Student Responsibilities, Rights and Disciplinary Procedures

## ROWAN UNIVERSITY SCHOOL OF OSTEOPATHIC MEDICINE

**Title:** *RowanSOM Student Responsibilities, Rights and Disciplinary Procedures*

**Subject:** *Student Affairs*

**Policy No:** SOM-SA:2021:01

**Applies:** *Rowan University School of Osteopathic Medicine*

**Issuing Authority:** *Dean, Rowan University School of Osteopathic Medicine*

**Responsible Officer:** *Dean, Rowan University School of Osteopathic Medicine*

**Adopted:** 08/01/2015

**Last Revision:** 03/19/2021

**Last Reviewed:** 03/19/2021

### I. PURPOSE

To establish policy and procedures for handling the rights, responsibilities and disciplinary procedures for medical students enrolled at the Rowan University School of Osteopathic Medicine ("RowanSOM").

### II. ACCOUNTABILITY

Under the direction of the Dean of RowanSOM, the Senior Associate Dean for Academic Affairs and the Assistant Dean for Student Affairs shall implement and ensure compliance with this policy.

### III. APPLICABILITY

This policy is applicable to all medical students enrolled at RowanSOM.

### IV. REFERENCES

1. [RowanSOM Student Code of Conduct \(incorporated into the RowanSOM Student Handbook\)](#)
2. [Rowan University Student Code of Conduct](#)

### V. POLICY

1. Student Responsibilities
  - a. RowanSOM students have the following responsibilities:
    - i. as U.S. citizens, residents or visitors: the responsibility to be aware of and to abide by all applicable Federal, state and local civil and criminal laws and regulations;
    - ii. as students at RowanSOM: the responsibility to be aware of and to abide by all applicable University and School policies, rules, procedures and standards, both general and academic; and the responsibility for personal and professional integrity and honesty;
    - iii. as future health care professionals and/or biomedical scientists holding a public trust: the responsibility to adhere to all generally recognized standards of professional and ethical conduct; and the responsibility to help ensure that high standards of professional and ethical conduct are upheld by fellow students, colleagues and peers by reporting incidents of academic and professional dishonesty observed in others;
    - iv. as members of the RowanSOM community: the responsibility to comply with the RowanSOM Student Code of Conduct.

- b. RowanSOM maintains a Student Code of Conduct which sets forth general principles of integrity and honesty as well as ethical and professional expectations for behavior. This Code shall be distributed to students upon enrollment, incorporated into student handbooks and/or other appropriate student materials, and discussed with students during their course of study. Violations of the Code may be considered a failure to adhere to the academic standards of the School.

## 2. Student Rights

- a. Students at RowanSOM have the following rights: the academic freedom to examine and discuss all questions of relevance and to express opinions publicly and privately; the right to be informed of and to participate, when invited, in the formulation and implementation of appropriate policies and procedures affecting student affairs, and to express views about policies and issues of student interest; the right to form associations to promote common interests; the right to be apprised of criteria for academic evaluation, advancement and graduation; all rights and protections mandated by applicable Federal and state constitutions, laws and regulations; and the right to seek redress of grievances and have complaints heard.
- b. RowanSOM shall have and shall publicize policies, procedures and standards ensuring that its students can exercise the above rights.

## 3. Academic Performance

- a. The faculty has the duty and authority to establish academic standards and rules, including standards for examinations, grading, academic standing, attendance, promotion, dismissal, and requirements for degrees and certificates. These academic standards and rules shall be set forth in the Student Handbook.
- b. All actions relating to student academic performance shall be governed by appropriate academic policies and procedures.
- c. Action may be taken to address a student's ability to fulfill the Essential Functions required for participation in the RowanSOM curriculum.

## 4. Disciplinary Infractions

- a. The following are actionable under this policy's student disciplinary procedures, and may also subject the student to action by the School concerning academic or research misconduct whether occurring on campus or off campus:
  - i. infractions of Federal, state or local civil or criminal laws and regulations; and
  - ii. infractions of University or School policies, procedures, rules and standards; and
  - iii. infractions of professional and academic codes of honor or standards of behavior; and
  - iv. "harassment, intimidation or bullying" means any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function or off school that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that:
    - 1. a reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his person or damage to his property; or
    - 2. has the effect of insulting or demeaning any student or group of students; or
    - 3. creates a hostile environment for the student by interfering with a student's education or by severely/pervasively causing physical or emotional harm to the student; or
    - 4. infringes on the rights of the student at the University (reprinted in part from: New Jersey Anti-Bullying Bill of Rights- 2010 (N.J.S.A. 18A:37-14); and
  - v. Acts of sexual harassment, including sexual violence or sexual coercion, whether or not the acts are the subject of civil or criminal action; physical sexual acts perpetrated against a person's will or when a person is incapable of giving consent (see Rowan University's Student Sexual Misconduct and Harassment Policy); and
  - vi. Stealing or other unethical means of acquiring materials and documents; and
  - vii. Forging of any material or document; and

- viii. Falsification or fabrication of any document or data; and
- ix. Plagiarism; and
- x. Preventing or interfering with other students in the fulfillment of their academic assignments; and
- xi. Cheating; and
- xii. Conduct that causes a material and substantial disruption to the educational mission of the School or an individual's work or study.

#### 5. Disciplinary Procedural Requirements

Due process refers to an individual's right to be adequately notified of charges or proceedings against the individual and the opportunity to respond to these actions. The RowanSOM disciplinary procedures set forth herein are the exclusive means of review of disciplinary actions within the Rowan University School of Osteopathic Medicine. There are four components to the disciplinary review process: (1) the accused is informed of the complaint; (2) the accused makes a presentation to the Hearing Board; (3) the Hearing Board, through a careful and deliberate decision-making process, provides recommendations to the Dean of the School of Osteopathic Medicine; and (4) the Dean of the School of Osteopathic Medicine, following review of the record and/or consultation as necessary with the accused, the complainant, or members of the Hearing Board, shall render a final decision on the disciplinary action to be taken

- a. A request for a disciplinary action against a student may be made in writing to the Dean of the School of Osteopathic Medicine, the Senior Associate Dean for Academic Affairs, or the Assistant Dean for Student Affairs by any student, faculty member or administrative officer within thirty (30) working days of an alleged infraction or the discovery of an infraction.
- b. The Dean of the School of Osteopathic Medicine or his/her designee may choose to informally resolve the matter with the accused student, except in cases involving allegations of sexual violence or sexual coercion, which are not permitted to be resolved informally but must be forwarded by the Dean of the School of Osteopathic Medicine to the Campus Hearing Board (herein referred to as the "Hearing Board"). A complainant alleging sexual harassment will not be required to meet in person with the accused at any time.
- c. If the Dean of the School of Osteopathic Medicine or his/her designee concludes that the matter cannot or should not be resolved informally, it shall be referred to the Hearing Board within ten (10) working days of the decision that the matter cannot or should not be resolved informally. At the Dean of the School of Osteopathic Medicine's discretion, the awarding of a degree or certificate may be delayed pending the outcome of the disciplinary procedure.
- d. The accused shall receive written notice of the complaint and of the time, date and place of the hearing, which shall commence within fifteen (15) working days of receipt of a request from the Dean of the School of Osteopathic Medicine or his/her designee.
- e. The Hearing Board shall convene to hear the complaint and make recommendations for action to the Dean of the School of Osteopathic Medicine.
- f. The Hearing Board shall be an established committee with members appointed by the Dean of the School of Osteopathic Medicine. The Hearing Board at each hearing must consist of at least three (3) members, who may be faculty, administrators or students, or any combination thereof, who are not directly involved in the matter to be considered. Students will not participate in any hearings involving Title IX complaints.
- g. Any participant may call witnesses who can provide testimony relevant to the complaint. Character witnesses are generally considered not relevant. The accused student's education records, as defined by the Family Educational Rights and Privacy Act, may be examined and considered by the Hearing Board. Relevant materials may be presented by any participant. The Chair of the Hearing Board has final determination on the relevance of any witness or submissions.
- h. The Chair of the Hearing Board may at any time request submission of documents or an appearance by anyone involved in the matter, and may conduct as many hearing sessions as necessary to complete its consideration of the complaint, within the time period designated in this procedure. The Chair of the Hearing Board may also request submission of information concerning other disciplinary actions taken by the School against any student, to assist the Hearing Board's deliberations.
- i. Students may consult private legal counsel at any time for advice. Students or legal counsel may submit to the Hearing Board any documents or other evidence relevant to the matter at any time

prior to the conclusion of the hearing. Legal counsel shall not be permitted to appear at the proceedings of the Hearing Board, but may be present outside the hearing room to consult with the student, at the student's request. Students may be accompanied by a non-attorney advocate during the hearing to consult privately with the student and, at the student's request, to present a final statement on the student's behalf. No other participation by the advocate is permitted.

- j. The burden of proof shall rest with the complainant. The standard of proof shall be the preponderance of the evidence standard (e., it is more likely than not that the offense occurred).
- k. The Chair of the Hearing Board shall rule on all procedural matters in accordance with this policy, with the procedural rules of the School, and with generally accepted terms of academic fairness. Whenever necessary, the Chair may seek the advice of the Assistant Dean for Student Affairs and/or the Office of General Counsel in procedural matters.
- l. Hearing Board procedures shall, at a minimum, ensure:
  - i. that all allegations be fully heard and considered by the Hearing Board, whether or not the accused student admits committing the offense;
  - ii. that witnesses designated by the complainant, the accused, the School administration or the Hearing Board be heard and that the accused be permitted to be present during testimony. The Hearing Board may request the presence of the complainant during the testimony of other witnesses, in whole or in part. In addition, administrative staff may be present during the Hearing Board proceedings to provide assistance to the Hearing Board;
  - iii. that, subject to protections provided by FERPA, both the complainant and the accused be afforded similar and timely access to any information that is considered by the Hearing Board;
  - iv. that testimony during the hearing shall be recorded, excluding all deliberations by the Hearing Board. An accused student may request in advance that the School employ a court stenographer during the hearing, at the student's own expense, and obtain a copy of the recording or a transcript at his/her own expense;
  - v. that the Hearing Board complete its hearing procedures within forty (40) working days of the commencement of the hearing, and submit to the Dean of the School of Osteopathic Medicine, with copies to the complainant and to the accused within ten (10) working days thereafter, a written summary including the Hearing Board's findings of fact, determinations and recommendations;
  - vi. that the recommendations of the Hearing Board may consist of any or no disciplinary action, based upon: the factual findings; the severity of the infraction; the accused student's education records at the School; any relevant mitigating circumstances; and any other relevant policies or codes of the School; and
  - vii. that the Hearing Board recommendations are supported by no less than a majority vote of the members hearing the matter.
- m. Examples of possible disciplinary actions include, but are not limited to:
  - i. Dismissal of charges: dismissal of the complaint and removal of the complaint from University records;
  - ii. Reprimand: an oral or written statement by the Dean or his/her designee to the student involved;
  - iii. Probation: a specific period of time during which conditions may be placed on the student's enrollment, and the student's academic achievement and/or conduct monitored by the School;
  - iv. Suspension: a specific period during which the student is barred from enrollment;
  - v. Dismissal: severing of the affiliation between the student and the School;
  - vi. Withholding of degree or certificate: temporary or permanent withholding of degree or certificate; and
  - vii. Degree or certificate revocation.
- n. All notices and correspondence to an accused student shall be sent certified mail, return receipt requested, or by another method providing confirmation of delivery, and such receipts or confirmations shall be retained by the School.
- o. The School shall retain all records, notices, correspondence, tapes and transcripts pertaining to any action taken pursuant to this policy for a period of seven (7) years following conclusion of the action.

- p. The Office of General Counsel may advise the Hearing Board and any administrative officer on interpretation of this policy and any other legal or procedural question at any time, except that no legal counsel shall be present during the taking of testimony by the Hearing Board.
- q. There shall be no action taken to suspend or dismiss a student prior to completion of these disciplinary hearing procedures, unless, in the judgment of the Dean of the School of Osteopathic Medicine or his/her designee, the continued presence of the student poses a substantial and immediate danger to the welfare or safety of any person or property. The Dean of the School of Osteopathic Medicine may in such cases take action to prevent harm prior to and during the conduct of a hearing; the Hearing Board shall convene as rapidly as possible to render recommendations. A student suspended in this manner shall be given an opportunity to appear personally before the Dean of the School of Osteopathic Medicine or his/her designee to discuss the alleged misconduct and whether the student's continued presence poses a substantial and immediate danger to himself/herself, to others and/or to property. Alternatively, action may be taken pursuant to the RowanSOM policy entitled "Student Involuntary Leave of Absence or Involuntary Withdrawal."
- r. If a complaint alleging a disciplinary infraction during a student's enrollment or other participation in University activities is submitted after the student has graduated or otherwise terminated the relationship with the University, the complaint may, at the Dean of the school of Osteopathic Medicine's discretion, be submitted to the Hearing Board in accordance with this policy and procedure. Revocation of a degree or certificate may be recommended by the Hearing Board to the Dean of the school of Osteopathic Medicine.

#### 6. Appeals

- a. Any party may submit an appeal of the Hearing Board's recommendations to the Dean of the School of Osteopathic Medicine.
- b. An appellant must submit any appeal to the Dean of the School of Osteopathic Medicine in writing within five (5) working days of receipt of the Hearing Board's recommendations.
- c. The Dean of the School of Osteopathic Medicine may review any education records of involved students, seek information and consult with any other party, including the student, complainant and members of the Hearing Board.
- d. Except in extraordinary circumstances, (notice of which shall be provided by the Dean of the School of Osteopathic Medicine to the accused student and the complainant) the Dean of the School of Osteopathic Medicine or his/her designee shall, within thirty (30) business days of the last submission by any party of an appeal, render a final decision on disciplinary action to be taken and shall provide written copies of the decision to the student, the complainant and Hearing Board members.
- e. Within five (5) working days of receipt of the Dean of the School of Osteopathic Medicine's decision, the accused student and, solely in matters alleging sexual harassment, violence or coercion, the complainant may submit a written appeal to the Provost.
- f. The Provost may, at his or her discretion, review any education records of involved students and seek information and consult with any other party, including the student, complainant, members of the Hearing Board and the Dean of the School of Osteopathic Medicine. Except in extraordinary circumstances, (notice of which shall be provided by the Dean of the School of Osteopathic Medicine to the accused student and the complainant) the Provost shall, within thirty (30) working days, render a non-appealable written decision and shall provide written copies of the decision to the student, the complainant, Hearing Board members and the Dean of the School of Osteopathic Medicine.

#### 7. Permitted Communications and Confidentiality

- a. To promote the safety and/or welfare of a student and/or of others, and to the extent permitted by FERPA and other applicable laws, the School or University officials may, when appropriate, report incidents of disruptive behavior, or other conduct of serious concern, to the student's next of kin and/or to other appropriate School or University officials or health care or counseling providers, or to law enforcement agencies.
- b. Except for such reports and communications made pursuant to this policy, and to the extent permitted by FERPA and other applicable laws, all proceedings and deliberations conducted pursuant to this policy and procedure will be considered confidential and may not be released or disclosed by any participant without permission from all of the involved parties or without valid subpoena or court order.

