

UNIVERSITY OF MARYLAND DENTAL SCHOOL
STUDENT JUDICIAL POLICY
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STUDENT JUDICIAL POLICY

I. Overview

This Policy applies to students in the Dental School DDS program, Bachelor of Dental Hygiene program, and students in Advanced Dental Education certificate programs: Advanced Education in General Dentistry (AEGD), Endodontics, Orthodontics, Pediatric Dentistry, Periodontics, and Prosthodontics.

Students enrolled only in M.S. or Ph.D. programs are subject to the policies of the Graduate School. Students enrolled simultaneously in a graduate program and one of the programs listed above are subject to this Policy in addition to policies of the Graduate School. Oral & Maxillofacial Surgery residents are not included but rather are subject to policies of the University of Maryland Medical System.

II. Student Violations of the Professional Code of Conduct

- A.** The following behaviors, while not all inclusive, are student violations of the Professional Code of Conduct. Furthermore, a student's deliberate attempt to violate the Code of Conduct, even if unsuccessful, may be deemed a violation, as may be a student's allegation of misconduct if reported in bad faith.
- B.** Unprofessional Conduct. Including, but not limited to, all forms of conduct that fail to meet the standards of the dental profession as found in the ADA Code of Ethics, use of abusive language or behavior, sexual harassment, disruption of class or any other school activity, violations of patient confidentiality provisions of HIPAA, unethical treatment of patients, failure to report observed violations of the Code of Conduct, and/or violation of other University or Dental School policies.
- C.** Academic Misconduct. All forms of student academic misconduct including, but not limited to, plagiarism, cheating on examinations, violation of examination procedures, and submitting work for evaluation that is not one's own effort.
- D.** Dishonesty. Including knowingly furnishing false information through forgery, alteration, or misuse of documents or records with intent to deceive; presenting written or oral statements known to be false; loaning, transferring, altering or otherwise misusing University identification materials; signing the Judicial Policy Statement when violations were either committed or observed and unreported, as specified.
- E.** Theft or Destruction of Property. Including unauthorized appropriation, possession or receiving of property that does not belong to the individual, such as instruments and books, or destruction of property not belonging to the individual.
- F.** Forcible entry into University facilities.
- G.** Being present in the Dental School building without permission when the building is closed.
- H.** Intentional infliction or threat of bodily harm.
- I.** Possession of illegal drugs; being under the influence of alcohol or illegal drugs.
- J.** Carrying of firearms or ammunition on campus.
- K.** Aiding or Abetting. Including conspiring with, or knowingly aiding or abetting, another person to engage in any unacceptable activity.
- L.** Providing patient treatment without faculty supervision
- M.** Violation of any codes, rules, and regulations of the University or the Dental School, including clinical policies and protocols in the Student Clinic Manual.

N. Event-related misconduct on campus or off-campus, which is misconduct related to any University sponsored event that results in harm to persons or property or otherwise poses a threat to the stability of the campus or campus community.

O. Actions taken in a deliberate attempt to engage in an unacceptable activity.

III. Serious Offenses and Infractions

A. Serious Offenses

1. Serious offenses must always proceed directly to a Pre-Hearing conference and a formal Hearing.

2. Serious offenses include: theft, destruction of property, forcible entry into University facilities, intentional infliction or threat of bodily harm, possession of illegal drugs or weapons, event-related misconduct, aiding and abetting a serious offense.

B. Infractions

1. Infractions may proceed directly to a Pre-Hearing conference and a formal Hearing. However, the Faculty Co-Chair may recommend that a student accused of an infraction be offered the option of resolution through a Conference for Resolution or through Mediation when it appears the complainant and the accused can reach a satisfactory resolution of the dispute.

2. Infractions include: unprofessional conduct, academic misconduct, dishonesty, being present in a University building off-hours, patient treatment without supervision, violation of codes, rules or regulations, aiding or abetting an infraction.

IV. Student Judicial Board

A. Function. The Judicial Board ("the Board") is a function of the Professional Conduct Committee, a standing committee of the Faculty Council. The Board is responsible for conducting investigations and hearings to resolve allegations of violations by students of the Professional Code of Conduct. The Judicial Board shall consist of seven (7) students and six (6) faculty members. Members shall be appointed by the Dean with the approval of the Faculty Assembly but should not include the faculty advisor to the Student Dental Association nor faculty members on the Student Affairs Committee. Three faculty members should represent the clinical sciences and three faculty members should represent the basic sciences. The student members shall consist of one (1) second year Advanced Dental Education student, the four (4) Dental Class Vice Presidents, the Senior Class Dental Hygiene Secretary, and the Vice President of the Student Dental Association. The student Co-Chairs will be elected by the members of the board. The Faculty Co-Chair will be appointed by the Dean.

B. Judicial Panel. A Judicial Panel is an ad hoc Panel of the Judicial Board. The Judicial Panel is the official body to conduct a Hearing, reach findings, and make recommendations to the Dean with respect to sanctions for proven student violations of the Professional Code of Conduct. A Judicial Panel (also referred to herein as a "Full Panel") for a Hearing shall consist of three (3) students (one of whom will be the Student Co-Chair, if feasible) and two (2) faculty members. The Faculty Co-Chair of the Judicial Board (or designee) will be an additional, non-voting member of each Panel. Members of a Panel will be appointed by the Judicial Board Co-Chairs. One faculty member should represent the clinical sciences and one faculty member should represent the basic sciences. At least one student member should represent the program of the complainant, when feasible. A Panel may have additional non-voting members for complex cases, as deemed appropriate by the Judicial Board Co-Chairs.

C. Faculty Co-Chair. The Faculty Co-Chair of the Judicial Board is responsible for maintaining the integrity of the Judicial Board process and ensuring the proper application of Judicial Board policies and procedures. The Faculty Co-Chair does not sit as a voting member on any Panel. The office of the Faculty Co-Chair maintains Judicial Board records and obtains administrative support for the Judicial Board as needed. When necessary, a Faculty Co-Chair designee can be selected to perform responsibilities of the Faculty Co-Chair. The designee will be selected by the Dean from the faculty members of the Judicial Board.

D. Quorum. A Full Panel quorum to deliberate shall consist of least two (2) voting students and one (1) voting faculty member. A Panel member may not vote in deliberations if that person was not present for the entire Hearing.

E. **Conflict of Interest.** A faculty or student member who is directly involved in a particular case being heard or whose relationship with a party presents a conflict of interest which is likely to interfere with fair and impartial consideration of the matter will be excused at the discretion of the Faculty Co-Chair and replaced by an alternate selected by the Co-Chair.

V. Procedures for Making a Complaint

A. These procedures are intended to give reasonable assurance of fairness and due process and keep intact the responsibilities and prerogatives of the Dean of the Dental School (hereafter known as "the Dean") and the faculty. It is expected that Judicial Board matters will be conducted with a high degree of discretion and confidentiality and that every effort will be made to limit knowledge of pending proceedings to those who are directly involved in them.

B. Students and faculty must report a reasonable suspicion of a violation of the Code of Conduct in writing to the Judicial Board Faculty Co-Chair. Confidentiality will be observed to the extent possible, however, due process usually requires that the original complainant be identified to the accused.

C. This procedure for making a complaint does not prohibit an observer from confronting a student at the time alleged misconduct is observed and before a written complaint is prepared, to further ascertain if the complainant's suspicion of misconduct is reasonable. In some cases, it is possible the accused student will provide a convincing reason why his or her behavior has been misconstrued by the observer, or a convincing reason why the behavior is not a violation of the Code of Conduct. In such a case, a formal complaint may not be justified. However, if the accused student's response is not sufficient to resolve the complainant's reasonable suspicion of misconduct, a formal written complaint should be submitted. Because of the importance of impartial review of allegations and the need for consistent application of the Code of Conduct, when in doubt, an observer should err in favor of reporting the allegation.

D. When the commission of an alleged infraction is first observed, the student's activity need not be interfered with in a manner that presumes that the student is responsible for misconduct. However, common sense action should be taken if the safety of the student or others is in jeopardy, there is risk of upset to the good order or proper operations of academic, administrative, clinical or other school activity, if there is a risk to University property, or a further or continuing violation is reasonably likely.

E. If a student or faculty member is unclear about whether or how to proceed with a complaint, he or she should contact the Judicial Board Faculty Co-Chair.

F. Complaints must be reported in written form to the Faculty Co-Chair of the Judicial Board within five (5) school days of their discovery, if feasible. However, reasonable delays in reporting complaints do not invalidate the process and should not be the sole rationale for failing to report a complaint. A written complaint should include a plain language, first-hand description of what the complainant knows, including date, time, and place and a description of any exchange with the accused student, including any confrontation with the student before the formal complaint was submitted. Persons other than the complainant who may have additional relevant information should be named and their roles in the matter explained. Any supporting evidence should be identified and explained in the complaint and copies of the evidence attached to the complaint. The complaint should be signed and dated. It may be marked "Confidential."

G. The Faculty Co-Chair of the Judicial Board will inform the Dean in general terms, without identifying the accused, if feasible, that a case has been referred to the Board.

H. A pending action of the Board shall not prevent the student continuing in the academic program unless extraordinary circumstances exist. A student may be temporarily suspended from the School or from engaging in various school activities to protect his physical or emotional safety and well-being, or to protect the safety of others, if there is risk of upset to the good order or proper operations of academic, administrative, clinical or other school activity, if there is a risk to University property, or a further or continuing violation is reasonably likely. The authority to enforce these provisions shall be vested in the Dean.

I. The Dean shall be advised immediately if an alleged violation could be a violation of federal, state, or local laws. The Dean shall determine if the proper authorities need to be notified of the allegation.

VI. Pre-Hearing Procedure

A. Preliminary Review

1. Upon the receipt of a written complaint, the Faculty Co-chair will conduct a preliminary review of the complaint, within five (5) school days, if feasible, of receiving the complaint.
2. The purpose of the preliminary review is to determine if the matter comes under the jurisdiction of the Judicial Board and to assess if there is sufficient evidence or need to proceed.
3. The Faculty Co-Chair shall not attempt to reach conclusions about responsibility for alleged violations, make findings of fact, encourage a confession, or negotiate early resolution of the matter.
4. Appropriate actions of the Faculty Co-Chair during the preliminary review may include a conversation with the complainant to address essential information that is missing from the complaint, identifying persons who should be called to provide testimony, identifying records that should be obtained for evidence, and identifying issues that may need to be explored to better understand the nature of the complaint.

B. Dismissal

1. The Faculty Co-Chair may recommend that the matter be dismissed only for insufficient evidence or lack of jurisdiction. Evidence is insufficient when all of the evidence considered together is clearly inadequate to support a conclusion of wrongdoing, even when interpreted in a manner most likely to support the accuser's allegation.
2. When recommending dismissal, The Faculty Co-Chair will present the matter to a Small Panel selected by the Co-Chair from the Judicial Board of 1 faculty and 2 students (one of whom will be the student Co-Chair, if feasible) who will review the complaint and the evidence, hear the Faculty Co-Chair's reasons for recommending dismissal and then the Small Panel will vote to approve or disapprove the decision to dismiss. A 2/3 vote is required to dismiss, otherwise the matter will proceed.
3. If dismissed, the Small Panel must also vote to determine if the complaint was brought in bad-faith and if so, the rationale for that conclusion.
4. If the complaint is dismissed, the Faculty Co-Chair must summarize the reasons for dismissal and provide the explanation in writing to the complainant. Because of the importance of the right to have a complaint heard, the summary should provide an appropriate level of detail to demonstrate that the matter was given due consideration.

C. Further Action

If the matter is not dismissed for lack of jurisdiction or lack of evidence in accordance with Section **V.B.** the Faculty Co-Chair will take further action.

1. Serious offenses. Serious Offenses must always proceed directly to a Pre-Hearing conference and a formal Hearing.
2. Infractions. Infractions may proceed directly to a Pre-Hearing conference and a formal Hearing. However, the Faculty Co-Chair may recommend that a student accused of an infraction be offered the option of resolution through a Conference for Resolution or Mediation when it appears the complainant and the accused can reach a resolution satisfactory to the complainant, accused and the Faculty Co-Chair.

3. Conference for Resolution or Mediation. If the Faculty Co-Chair believes that the matter should be handled through a Conference for Resolution or Mediation, the Faculty Co-Chair will present the recommendation to a Small Panel selected by the Co-Chair from the Judicial Board of 1 faculty and 2 students (one of whom will be the student Co-Chair, if feasible) who will review the complaint, hear the Faculty Co-Chair's reasons for the recommendation, and then the Small Panel will vote to approve or disapprove the recommendation. A 2/3 vote is required to approve the recommendation, otherwise the matter will proceed to a Pre-Hearing conference and a formal Hearing.

D. Student Notification

Once a decision is made on the best option for proceeding, the Faculty Co-Chair will notify the accused student in writing, within five (5) school days if feasible, of the complaint. The notice will briefly summarize the allegation(s), will include a copy of the complaint, the relevant evidence submitted with the complaint, other relevant evidence obtained during the Preliminary Review, a copy of this Policy, and a list of the members of the Panel that will further consider the matter. If a Conference for Resolution or Mediation is proposed, the student shall be given three (3) school days to accept. If the student does not accept or does not respond by the deadline, the matter will proceed to a Pre-hearing Conference and a full Hearing.

VII. Conference for Resolution

A Conference for Resolution may provide a concise means of reaching consensus and resolving simple complaints in one session. A Conference for Resolution is recommended only for simple complaints such as minor discourtesies and misunderstandings. A simple complaint involves a matter where the complainant and the accused can reach a consensus that is satisfactory to the complainant, accused and the Co-Chairs, in one session. If there are matters that cannot be satisfactorily resolved in one session, the matter then proceeds to a formal Hearing.

A. The Faculty and Student co-Chairs will meet with the complainant and the accused, together or separately, at the discretion of the Co-Chairs. The Co-Chairs should not attempt to encourage an admission of wrongdoing or confession.

B. A complete review of the evidence will generally not be conducted but allusions to evidence are permitted if they are needed to facilitate discussion.

C. If the accused student accepts full responsibility for misconduct, the Faculty Co-Chair shall advise the accused student of the sanction, if any, that will be recommended to the Dean and of the fact that the Dean may choose not to accept the recommendation, which may result in a sanction when none has been recommended, or a different sanction which may be more serious. The accused student may request a full Hearing either before or after being notified of the recommended sanction and the Faculty Co-Chair shall terminate the Conference for Resolution and grant the request for a Hearing. If the accused student accepts full responsibility and the proposed sanction, the Faculty Co-Chair will prepare a summary of findings and recommendation in consultation with the student Co-Chair. If the accused student does not fully agree with the conclusions of the Co-Chairs or does not accept the recommended sanctions, the Co-Chairs should conclude the Conference for Resolution and the matter proceeds to a Hearing.

D. If the Co-Chairs, the complainant and the accused agree with the conclusions and proposed sanctions, the complainant and accused will sign the summary prepared by the Faculty Co-Chair. The summary will describe the resolution, include a recommendation for sanction, if appropriate when the student has accepted responsibility for misconduct, or include a statement that the student is not responsible for misconduct. A copy of this document will be provided to the complainant and the accused and to the Dean who will take action, if required, in accordance with Section **XII**. However, if the student is not responsible for misconduct, no notice will be provided to the Dean.

E. If both Co-chairs are convinced on the basis of the Conference for Resolution that the evidence is insufficient to support a conclusion of wrongdoing, even when interpreted in a manner most likely to support the accuser's allegation, the Co-Chairs may recommend dismissal of the matter following the procedures under Section **V.B**.

F. If, at any time during the Conference for Resolution, the Faculty Co-Chair determines that a formal Hearing will enhance fact-finding or due process or that a consensus cannot timely be reached, the

Faculty Co-Chair may terminate the Conference for Resolution and the matter will proceed to a full Hearing.

VIII **Mediation**

The Faculty Co-Chair may recommend that a complainant and the student accused of an infraction be offered the option of resolution through Mediation. Mediation may be appropriate when it appears the complainant and the accused can reach agreement about the facts of the situation and about responsibility for the alleged violations in one session.

When Mediation is approved by all parties, the matter will be referred to The Center for Dispute Resolution at the University of Maryland's School of Law ("C-DRUM"). C-DRUM policies and procedures will govern the Mediation. Any participant, including the mediator, may choose to end the mediation at any time.

The role of the mediator is to encourage discussion and help the parties explore possible resolutions. The mediator will not provide legal advice, take sides, or resolve the dispute. The mediator is not responsible for protecting the legal rights of the participants. Mediation does not relieve the participants of their responsibility to comply with University and School policies and codes.

In the event the Mediation does not successfully resolve the situation within a timeframe deemed appropriate by the Faculty Co-Chair of the Judicial Board, the mediation may be terminated and the matter will proceed to a Pre-Hearing conference and a formal Hearing.

IX **Hearing**

A. Conference. A conference will be held in advance of the Hearing to address procedural and other issues. The Pre-Hearing Conference is a brief meeting between the complainant, accused student, the Student Co-Chair and the Faculty Co-Chair of the Judicial Board. The Co-Chairs may decide to meet with the complainant and accused together or may have a separate meeting with the complainant and the accused. Discussion will generally be limited to: 1) confirmation that the accused has a full and current copy of the complaint, the attachments, all relevant evidence, and this policy, 2) review of key points about the next step in the process (e.g., timeline for accused to identify witnesses and submit evidence, conduct of the Hearing, etc.), 3) discussion to enable the Co-Chairs to identifying persons who the Judicial Board may wish to call to a Hearing to provide testimony, 4) discussion to enable the Co-Chairs to identify records and other evidence that should be obtained, 5) discussion to enable the Co-Chairs to identify issues that may need to be explored by the Judicial Board to better understand the nature of the complaint, and 6) discussion to identify any questions or new issues raised by the complainant or the accused. The accused student may not be compelled to attend or participate in the Pre-Hearing Conference.

B. Schedule. Depending upon the academic calendar, as well as the particular class year in which the student is enrolled, the Judicial Panel shall meet within fifteen (15) school days following the receipt of the complaint to hold a Hearing, when feasible.

C. Notice. The accused student shall receive a minimum of four (4) school days notice of the Hearing date. The written notice will reiterate the allegations to be considered, give the time, place, and date of the Hearing and the names of the Panel members. At the same time, the student will be given a copy of all documentary evidence in the possession of the Panel that may be considered by it, if such evidence has not previously been provided to the student.

D. Objections. If the accused student objects to any member of the Panel because the member has a conflict of interest which is likely to interfere with fair and impartial consideration of the matter, the student will make such objections in writing to the Faculty Co-Chair within two (2) days of receiving the hearing notice. Objections will be considered by the Faculty Co-Chair, whose decision in the matter of the objection will be communicated in writing to the accused student. The decision of the Faculty Co-Chair in the matter of the objection will be final.

E. Written Response. The student will be advised he or she may submit a written response to the allegation in addition to, or instead of appearing at the Hearing. This written response must be received by the Faculty Co-Chair at least two (2) full school days prior to the Hearing.

F. Witnesses. Any witnesses to be called by the student must be made known to the Faculty Co-Chair no less than two (2) full school days in advance of the Hearing. Similarly, the Faculty Co-Chair will

notify the student in writing of any witnesses the Panel intends to call at the Hearing no less than three (3) full days in advance of the Hearing. The Faculty Co-Chair and the Panel Chair may limit or refuse to consider irrelevant and repetitive evidence, including irrelevant or repetitive witness testimony.

G. Right to Be Present. While the student has the right to be present at the Hearing, he or she may elect not to appear and the Hearing will be held in his/her absence. Also the student has the right to remain silent.

H. Closed to the Public. The Hearing will be closed to the public. All proceedings and decisions will be considered confidential.

I. Student Advisor. The student may be advised by a non-legal advisor of his or her choice. In instances where criminal charges may be pending or under investigation, the student may have an attorney present. The student's non-legal or attorney advisor may only act in an advisory capacity to the student and may not address the Board or examine or cross-examine witnesses. The Judicial Panel may, at its option, have University Counsel or an Assistant Attorney General present or available to provide procedural guidance.

J. Student Participation. The student shall be permitted to be present during the presentation of all testimony and evidence. The student will be permitted to speak and to question any witnesses during the Hearing.

K. Evidence. Evidence may be in any form, including oral or written, but must be limited to issues raised in the written allegation. The Faculty Co-Chair will exclude any irrelevant or unduly repetitive evidence.

L. Discrimination or Sexual Harassment. If the alleged infraction involves allegations of discrimination or sexual harassment, the panel may hear testimony or receive documents from the University of Maryland, Baltimore, Office of Human Resource Services.

M. Procedural Sequence. The Faculty Co-Chair, in consultation with the Student Co-Chair shall determine a procedural sequence appropriate to each case. The Faculty Co-Chair, in consultation with the Student Co-Chair, conducts the Hearing.

N. Summons. The Panel may summon any witnesses it deems necessary or relevant to the case but the Panel is not empowered to compel the attendance of any person who is not a current, student, faculty or staff member of the School.

O. Opening and Closing Statements. The student will be permitted to provide the Panel with supporting oral and/or written information, and to make opening and closing statements.

P. Recording. The Panel Hearing, exclusive of deliberations, shall be recorded and made available to the student upon request, within a reasonable period of time, at the student's expense. Accidental erasures or poor quality of the recording or failure of recording equipment will not invalidate Panel determinations.

X. Deliberations

A. Deliberations are confidential, attended only by the Panel, and are not recorded. Neither the complainant nor the accused student has the right to be present during deliberations of the Panel.

B. All Panel decisions will be based on the evidence presented before the Panel.

C. A 4/5 majority of the Judicial Panel present at the Hearing must find that the accused student is responsible for the alleged violation. If the deliberating Panel is less than 5 members, the finding of responsibility must be unanimous. The standard of proof is based upon a preponderance of the evidence, i.e., whether it is more probable than not that the accused student committed the alleged infraction.

D. Within one school day after the conclusion of deliberations, the Faculty Co-Chair will be advised of the outcome by the Panel and the accused student and the complainant will be informed by the Co-Chair of the Panel's general conclusion. This information may be conveyed orally but it must be followed by written notice as described below.

E. Within five (5) school days after deliberations are concluded, when feasible, the Judicial Panel, with support from the Faculty Co-Chair, shall send a detailed report to the Dean. The Dean may not substitute his or her judgment as to the findings and may not change the findings of the Panel, but the Dean is not bound by the recommendations as to sanction(s). The report will summarize the allegations, list the members of the Panel, describe the date of the Pre-Hearing Conference and the Hearing, list the witnesses, list the documentary evidence considered, mention if the accused student spoke and if the student had an advisor, report the disputed facts, report the findings of fact including a discussion of evidence that was persuasive and that was not persuasive, report the decision(s) as to misconduct or absence of misconduct for each allegation, and provide an explanation of the reasoning behind the decisions. If the Panel has found that the student committed one or more acts of misconduct, the report must recommend a sanction or state why no sanction is appropriate. If there are mitigating circumstances, these should be discussed.

If no misconduct is found for one or more of the allegations, based on the standard of a preponderance of the evidence, the report will include this information.

A dissenting opinion may be submitted by any Panel member, in which case the dissent will be attached as an exhibit to the report.

F. Within five (5) school days after deliberations are concluded, when feasible, the Judicial Panel, with support from the Faculty Co-Chair, shall send notice to the accused student. The notice shall include a summary of the evidence considered (documentary and witnesses), the majority opinion as to findings of fact including a discussion of evidence that was persuasive and that was not persuasive, a decision as to misconduct or no misconduct for each allegation, and an explanation of the reasoning behind the decisions, and, if having found that the student committed one or more acts of misconduct, the sanction recommended by the Panel to the Dean if a sanction is deemed appropriate. If no misconduct is found based on the standard of a preponderance of the evidence, the notice will include this information.

G. The Judicial Panel's finding is final, subject to the student's right of appeal. However, the Judicial Panel's recommendation for sanction, if any, is subject to the Dean's Review (Section **XII.** below.)

XI. Guidelines for Sanctions

A. The Panel may choose one or more of the penalties described in this section. In exceptional cases it may elect to modify or individualize a sanction, if such modification seems clearly indicated by the particulars of a case. The Panel may formulate and propose other penalties or rehabilitative or remedial measures at its discretion.

B. Sanctions should reflect the nature of the misconduct, and may include recommendations for one or more of the following: Counseling (e.g., stress management, sensitivity training, decision-making training), repeat of examination, temporary letter of reprimand, permanent letter of reprimand, repetition of course, repetition of year, extension of year, suspension, disciplinary probation, dismissal with possibility of re-admission, final dismissal (expulsion), additional assignments or coursework (e.g., ethics training), restriction of privileges, monitoring, formal apology, financial restitution, community service.

C. A student found to have committed any second violation of this policy or to have failed to conform to sanctions imposed by prior Judicial Panel proceedings may be immediately expelled from the Dental School. Each case should be considered individually, and sanctions for specific infractions should be based upon the circumstances involved. Students dismissed for violations of the Professional Code of Conduct are ineligible for readmission unless substantial evidence of rehabilitation is provided. Substantial evidence is within the School's sole discretion.

D. A student found guilty of Event-related Misconduct shall be subject to presumptive dismissal. Presumptive dismissal may be either suspension for a fixed period of time or expulsion. A finding of "event related misconduct" shall be noted on the student's transcript. To avoid dismissal, a student must demonstrate specific mitigating or extenuating circumstances that persuade the final decision-maker that a lesser penalty is appropriate. If dismissal is not the recommended penalty, the mitigating or extenuating circumstances must be enumerated in the written recommendation to the Dean and in the Dean's sanction decision.

XII. Dean's Review and Decision

- A.** In the Dean's review phase, the Dean will review the Judicial Panel's report and may also review the student's complete academic and disciplinary record.
- B.** The Dean may not substitute his or her judgment for that of the Panel as to the findings or change the findings, but the Dean is not bound by the recommendations as to sanction(s).
- C.** After the time has passed for the student to provide notice of intent to submit appeal, and after any timely appeal of the Judicial Panel's report is considered, the Dean will notify the accused student, the Judicial Board Co-Chairs and the Judicial Panel members in writing and without undue delay of the final sanction(s), if any.
- D.** If the Dean alters the Panel's recommended sanction(s), he/she shall include a brief explanation of the rationale for the change.

XIII. Appeals

- A.** Students found responsible for misconduct shall have the right to appeal to the Dean for modification of the sanction, or, for a new Hearing. An appeal for a new hearing may only be made on the basis of: (1) failure of the accused to receive due process and/or (2) newly available evidence.
- B.** The student must provide a brief notice of intent to submit appeal, in writing, and the notice must be received by the Dean's office no later than three (3) school days after the student has received written notification of the Judicial Panel's findings, decision and recommendations for sanctions. A full written appeal shall be submitted ten (10) calendar days after the student has received notification of the Judicial Panel's findings, decision and recommendation for sanctions. The basis for appeal should be stated and all facts, new evidence and other information to be considered should be included.
- C.** The Dean will not enforce a decision on final sanction while a student's appeal is pending. However, the Dean may take temporary action, such as temporary dismissal or temporary suspension from school activities pending the results of the appeal.
- D.** In making the determination as to whether to modify the Panel's recommendation for sanction or order a new Hearing, the Dean may seek advice from any individuals of his/her choosing and shall provide a copy of the student's appeal to the Judicial Panel whose members shall be given an opportunity to comment.
- E.** New Hearing Based on Failure of Due Process
- 1.** If the Dean determines that there was, in fact, significant failure of due process, the Dean shall order a new Hearing and stipulate whether the same Panel members or a different group shall preside.
 - 2.** If a different group is stipulated, the Dean shall direct the Faculty Co-Chair of the Judicial Board to appoint an ad hoc panel which will then conduct a Hearing according to the rules set out in this Policy.
 - 3.** The Faculty Co-Chair or designee will preside.
- F.** New Hearing Based on New Evidence
- 1.** If the Dean determines that newly available evidence could, in principle, lead to a different finding or different sanctions, the Dean shall order a new Hearing.
 - 2.** Unless the Dean decides otherwise, the same Panel that reached the earlier conclusion shall preside at the new Hearing. The composition of the group can be varied if unavailability of particular members would compromise an early resolution of the case.

3. The Faculty Co-Chair or designee will preside.

F. The Dean may grant reasonable extensions of the time limits specified at the Dean's discretion.

XIV. Final Action

After all appeals have been reviewed and acted upon by the Dean (or, if an Appeal is not requested, not received within the time period specified or is denied), the Dean will issue and implement the Dean's final decision as to sanction. The Dean may direct the Registrar to enter appropriate notations in the student's educational record.

XV. Additional Procedure

A. The Faculty Co-Chair of the Board may grant reasonable extensions of the time limits specified for this procedure. Time limits are established in order to ensure orderly operations of the student judicial process. Good faith departures will not invalidate Judicial Board determinations.

B. The Faculty Co-Chair of the Judicial Board will make regular reports of the Judicial Panel's activities to the full Judicial Board, the Faculty Council, Faculty Assembly and the student body, but no student names or classes will be disclosed. This summary is for the sole purpose of reporting Judicial Panel activity.

XVI. Implementation of the Student Judicial Policy

A. For the purpose of implementing the Professional Code of Conduct and the Student Judicial Policy, a copy of this policy will be sent to each student along with the letter of admission to the Dental School. Students will be advised that enrollment in Dental School is contingent upon the understanding and acceptance of the tenets contained in this Student Judicial Policy and Professional Code of Conduct. All incoming dental and dental hygiene students and students in Advanced Dental Education programs included in this policy will be examined on this policy as part of their orientation activities and will sign the Judicial Policy statement (Appendix 1). It will be the responsibility of the Judicial Board Co-Chairs to design, proctor, and evaluate the results of this examination as well as to remediate any deficiencies. Until the examination is successfully completed, a student will not be allowed to attend class or clinic. At the beginning of each academic year, each dental and dental hygiene class and Advanced Dental Education students covered by this policy will be addressed by the Co-Chairs of the Judicial Board in order to reinforce adherence to the Professional Code of Conduct and Student Judicial Policy.

B. Department chairs or directors of instructional divisions will review the Judicial Policy with the members of their department at the beginning of each academic year. Upon request the Faculty Co-Chair will be available to assist in this regard.

C. All examinations should include examination instructions (Appendix 2) and the Code of Conduct Statement (Appendix 3).

Approved for further review by Dental School Faculty Assembly: March 10, 2008

Approved by University Counsel: June 27, 2008

Approved by Office of the Attorney General: June 27, 2008

Approved by Dental School Faculty Assembly: July 25, 2008

Appendix 1. Code of Conduct to be signed by all incoming students.

Professional Code of Conduct

The Dental School's Professional Code of Conduct is based on the highest standards of integrity and self-discipline, rather than on imposed regulations. I have read the code and understand it. I will not violate any policies of this Code. I accept my duty to report any violations of the Code to the Judicial Board of the Dental School.

Signed

Date

Print Name

Appendix 2. Examination instructions that can be attached to examinations.

In keeping with the dental profession's responsibility for self-regulation and self-discipline, the following guidelines should be followed during examinations.

- A. Upon distribution of the examination, all conversation among students should cease until the end of the examination period.
- B. Notes, textbooks, cell phones, and electronic devices are prohibited unless explicitly allowed in the examination area.
- C. Examinations must represent the student's own efforts.
- E. If a student must leave the room, examination papers MUST remain turned down and in the examination room.
- F. Examinations must be completed and turned in by the end of the specified examination period.

Appendix 3. Code of Conduct to be put on examination forms and students will sign after each examination.

Professional Code of Conduct

The Dental School's Professional Code of Conduct is based on the highest standards of integrity and self-discipline, rather than on imposed regulations. I have read the code and understand it. I have not violated any policies of this Code and I have not observed violations by others. I accept my duty to report any violations of the Code to the Judicial Board of the Dental School.

Signed

Date

Print Name