

**WEST VIRGINIA UNIVERSITY SCHOOL OF MEDICINE  
POLICY ON  
ACADEMIC AND PROFESSIONAL STANDARDS  
GOVERNING THE M.D. DEGREE PROGRAM**

This policy originally applied to the regulations of the West Virginia Board of Regents Policy Bulletin No. 60, dated June 1, 1986, ("Policy Regarding Academic Rights and Responsibilities of Students") and West Virginia Board of Regents Policy Bulletin No. 57, dated April 3, 1985, ("Policies, Rules, and Regulations Regarding Student Rights, Responsibilities, and Conduct in West Virginia State Universities and Colleges"), as adopted by the University of West Virginia Board of Trustees, to the School of Medicine at West Virginia University.

It was adopted by the Faculty of the School of Medicine on April 27, 1987. Amended May 8, 1989. Amendments and revisions approved by the Faculty of the School of Medicine on February 15, 1990. Approved by the West Virginia University Faculty Senate on May 14, 1990. Minor amendments approved by the Faculty of the School of Medicine on April 23, 1991. Minor amendments approved by the Faculty of the School of Medicine on May 3, 2000. Revisions approved by the Faculty of the School of Medicine on May 1, 2001. Board of Regents Policy 60 was replaced by Board of Governors Policy 10 in September 2002 and Policy 15 in September 2003. Board of Regents Policy 57 was replaced by Board of Governors Policy 31 in August 2006.

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## **PREAMBLE**

The West Virginia University School of Medicine has an obligation to evaluate students pursuing the M.D. degree as thoroughly as possible for their cognitive and noncognitive abilities, their academic and professional knowledge and skills, their integrity, and their suitability for the practice of medicine. Accordingly, this policy incorporates the mandate of the West Virginia Supreme Court that "initial responsibility for determining the competency and suitability of persons to engage in professional careers lies with the professional schools themselves..." [North vs. West Virginia Board of Regents, 332 S.E. 2d (WV 1985)] This policy also reflects the recommendations of the Council on Medical Education as adopted by the American Medical Association on June 15, 1982.

This Policy on Academic and Professional Standards is limited to students pursuing the M.D. degree at West Virginia University School of Medicine. All other students, undergraduate and graduate, enrolled in other programs of the School of Medicine are governed by policies described in the appropriate sections of the Health Sciences Center Catalog. This policy (1) applies Board of Regents Policy Bulletin 60, as adopted by the University of West Virginia Board of Trustees, (see Appendix B) to the M.D. degree program of the School of Medicine in Chapter I; (2) applies Board of Regents Policy Bulletin 57, as adopted by the University of West Virginia Board of Trustees, (see Appendix C) to the M.D. degree program of the School of Medicine in Chapter II; (3) covers all behavior and conduct that demonstrates by clear and convincing evidence that a student lacks the professional qualities necessary for the practice of medicine; (4) gives exclusive authority to the School of Medicine in such matters, with exceptions stated in this policy; (5) replaces, for students in the M.D. degree program, Section 3 ("Academic Rights and Responsibilities") of the West Virginia University Code of Student Rights and Responsibilities with Chapter I of this policy, and (6) replaces, for students in the M.D. degree program, the appropriate parts of Section 1 ("Introduction") and all of Section 2 ("Disciplinary Rights and Responsibilities") of the West Virginia University Code of Student Rights and Responsibilities with Chapter II of this policy.

This policy is limited to conduct and behavior relating to and/or affecting the professional practice of medicine. Conduct and behavior not relating to and not affecting the professional practice of medicine are governed by the West Virginia University Code of Student Rights and Responsibilities. Definitions and examples of conduct and behavior relating to and/or affecting the professional practice of medicine are described in this document, in the West Virginia University School of Medicine Student Code of Academic and Professional Integrity for the M.D. Degree Program, course syllabi, course materials, and lectures.

The Student Disciplinary Committee (Chapter II, Section 4), with the advice of an Associate Dean for Student Services, determines if conduct and behavior in a particular case relate to and/or affect the professional practice of medicine. Such determinations may be appealed by a student in accordance with the provisions of this policy (Chapter II, Section 4.2.4).

**CHAPTER I: Academic and Professional Standards** and Regulations Governing Lectures, Examinations, Laboratories, Recitation Sessions, Clinical Rotations, and Other Academic Settings of the Medical Curriculum in Conformity With West Virginia Board of Regents Policy Bulletin No. 60 which was replaced by Board of Governors Policies 10 and 15 as referenced in the preamble and available in the appendices.

## **SECTION 1. Academic and Professional Performance**

### **1.1 Requirements and Professional Standards**

Requirements for admission to the School of Medicine are stated in the West Virginia University Health Sciences Center Catalog and the application materials.

The School of Medicine requires of all enrolled students that they:

(1) achieve an integrative mastery of the discipline of medicine, maintain the motivation to gain such mastery, develop the professional skills required for the M.D. degree, and demonstrate professional responsibility in the practice of medicine;

(2) be considerate towards patients, instructors, staff, and each other;

(3) fulfill the criteria and requirements for satisfactory academic progress and successful completion of the medical curriculum as stated in the West Virginia University Health Sciences Center Catalog and in the syllabus of each course;

(4) pass Steps 1 and 2 of the United States Medical Licensing Examination (USMLE) as a requirement for graduation with the M.D. Degree;

(5) comply with the rules of procedure, conduct, and appearance required by the Administration of the School of Medicine for all academic settings and by the faculty for any course, or clinical rotation;

(6) comply with all the rules of procedure, conduct, and appearance required by offices and institutions in which students work, fulfilling a requirement or elective of the medical curriculum;

(7) follow the standards set forth in the Student Code of Academic and Professional Integrity of the School of Medicine; and

(8) comply with the laws of the United States; the laws of the State of West Virginia; local city, county, and municipal ordinances; the policies, rules and regulations of the West Virginia Board of Trustees, West Virginia University, and the School of Medicine; the lawful direction and orders of the officers, faculty, and staff of the University and the School of Medicine who are charged with the administration of institutional affairs by enrolling in the School of Medicine, the student accepts these academic requirements, standards, and criteria for successful completion of the curriculum. It is the student's responsibility to know and meet these requirements, standards, and criteria, and promptly to inform the Office of Student Services of any serious impediment (such as illness, etc.) hindering satisfactory academic progress. Failure to meet the requirements listed above, as judged by the faculty of the School of Medicine, may lead to academic penalties and/or remedial changes in the student's curriculum as outlined in Sections 2, 3, and 4 of Chapter I below

## 1.2 Evaluations

Academic and professional performance is evaluated by written and oral examination and through observation in lectures, examinations, laboratories, recitation sessions, and all clinical and academic settings of the University.

Academic evaluations by the faculty and faculty committees are not limited to the assignment of examination scores and cognitive evaluations. Grades and narrative evaluations issued by the faculty and faculty committees (Sections 1.4, 3, and 4 of Chapter I of this policy) are based on all requirements for the M.D. degree (Section 1.1 of Chapter I of this policy). These evaluations and grades, therefore, reflect the faculty's judgment about the student's cognitive performance, motivation, clinical skills, and professional behavior.

Performance in courses and clinical rotations is described by (1) the grades Honors [H], Satisfactory [S], Unsatisfactory [U], or Incomplete [I]; and (2) written narrative evaluations of the student's work.

Written narrative evaluations accompanying grades may contain notations as to whether academic and professional performance is on the level of "honors" (H), "satisfactory" (S), "marginally satisfactory" (MS), "unsatisfactory" (U), or "incomplete" (I).

Grades and narrative evaluations are based on a complete evaluation of student performance in view of all requirements and standards of the School of Medicine and the course or clinical rotation.

Grades (H, S, U, or I) are entered on the official grade transcript. Grades and narrative evaluations are part of the student's permanent record kept in the Office of Student Services .

Courses may incorporate into their examination schedule special examinations such as those provided by the National Board of Medical Examiners (NBME). These examinations provide outside evaluation of the educational program and serve as a training tool for NBME licensing examinations. These single-subject examinations may account for a part of a course grade.

Students are required to take and pass Step 1 of the USMLE examination as candidates for medical licensing before they can continue in the clinical part of the curriculum. Students will take the examination after successful completion of the second curriculum year and before they start the third year of the curriculum unless a student's curriculum has been rearranged by the Committee on Academic and Professional Standards or the Associate Dean for Student Services and Academic Progress has modified the student's curriculum.

Students must pass Step 2 of the USMLE examination as a requirement for graduation with the M.D. degree. Students will take the examination after the conclusion of the regular third curriculum year unless a student's curriculum has been rearranged by the Committee on Academic and Professional Standards or the Associate Dean for Student Services and Academic Progress has modified the student's schedule. A first-attempt score must be posted at least 5 months before the anticipated date of graduation for review by the Committee on Academic and Professional Standards and the Associate Dean for Student Services and Academic Progress.

The grades, narrative evaluations, and USMLE scores of each student are reviewed by the Committee on Academic and Professional Standards in order to assess a student's academic progress as outlined in Section 3 of Chapter I of this policy.

Alleged violations of the Student Code of Academic and Professional Integrity of the School of Medicine are reported to an Associate Dean for Student Services . Depending on the allegation, the appropriate Associate Dean will (1) refer the matter to the Committee on Academic and Professional

Integrity if material facts of the case are in dispute and findings of fact need to be made and reported to the Committee on Academic and Professional Standards (see Section 4 of Chapter I of this policy), or (2) submit the case directly to the Committee on Academic and Professional Standards if no material facts are in dispute.

### **1.3 Rights and Obligations of the Student**

Students have the right to receive (1) the Policy on Academic and Professional Standards of West Virginia University School of Medicine [this document], (2) the Student Code of Academic and Professional Integrity of the School of Medicine (see Appendix A), and (3) Policy Bulletins of the governing body as provided in Appendix B and C.

Students shall have the right to receive a written description of content, requirements, and grading policy for each course or rotation in which they are enrolled.

The student shall be graded or have his/her performance evaluated solely according to performance in the course or clinical rotation as measured against academic and professional standards. The student shall not be evaluated prejudicially, capriciously, or arbitrarily. The student shall not be graded nor shall his/her performance be unlawfully evaluated on the basis of his/her race, color, religion, creed, disability, sex, sexual orientation, national origin, language, ancestry, veteran's status, or political affiliation.

No reprisals of any kind shall be taken by any member of the University community against any student asserting his/her rights.

Students must have met the requirements of Section 1.1 in order to be considered for graduation.

Students should immediately report to an Associate Dean for Student Services all violations of the Student Code of Academic and Professional Integrity that they witness.

Regarding any academic penalties imposed because of failure to meet academic requirements or provisions of the Student Code of Academic and Professional Integrity, the student has a right to:

#### **1.3.1 Written notice about failure to meet academic standards and requirements and about potential penalties**

The student shall be informed in writing by the instructor(s) or an Associate Dean for Student Services of (1) the student's failure to meet requirements or an alleged violation of standards, (2) the methods, if any, by which the student may correct academic and professional deficiencies, and (3) the penalty, if any, to be imposed.

#### **1.3.2 Discussion of the matter with those involved**

The student may meet with those who impose academic penalties and/or have determined that the student failed to meet academic standards and requirements or violated the Student Code of Academic and Professional Integrity.

#### **1.3.3 Appeal**

The student may formally appeal the imposition of any academic penalty, including those imposed as a consequence of violations of the Student Code of Academic and Professional Integrity, as stated in Section 6 of Chapter I of this policy.

## **1.4 Rights and Obligations of the Faculty**

It is the faculty's duty and prerogative to evaluate a student's academic and professional performance. This evaluation takes three forms, namely (1) assignment of grades and narrative evaluations by the teaching faculty, (2) review of academic and professional performance by the Committee on Academic and Professional Standards as stated in Section 3 of Chapter I of this policy, and (3) review of behavior, demeanor, and adherence to the Student Code of Academic and Professional Integrity.

Academic evaluations by the faculty and faculty committees are based on professional judgment and are not restricted to the assignment of grades and performance evaluations but include the assessment of non-academic abilities, professional demeanor, and conduct.

The faculty of the School of Medicine reserves the right to withhold the M.D. degree from a candidate who may have technically met formal curricular requirements but lacks the professional skills, behavior, and demeanor considered necessary for the M.D. degree or has demonstrated unwillingness to accept professional responsibility in the practice of medicine.

Grades and narrative evaluations issued by the course faculty, and decisions or recommendations of the Committee on Academic and Professional Standards are subject to the provisions of this policy which describe student rights (Section 1.3 of Chapter I) .

Students have the right to receive a written syllabus describing content, requirements, and grading policy for the course or rotation to all students enrolled in a course or rotation.

The assignment of a grade and narrative evaluation is the responsibility of the faculty teaching the course or rotation. Grades and narrative evaluations should be sent promptly to the Office of Student Services.

Concerning a student's performance in a course or rotation, the faculty teaching the course or rotation may impose the appropriate academic penalties described in Section 2.1 of Chapter I of this policy for failure to maintain academic and professional standards.

A written report of all such penalties must be sent to the Office for Student Services within five working days.

Each instructor must immediately report all alleged violations of the Student Code of Academic and Professional Integrity to the department or division chair and an Associate Dean for Student Services . Should the Associate Dean decide that the matter should be submitted to the Committee on Academic and Professional Integrity for findings of fact, then instructors must await the outcome of that investigation before implementing an academic penalty. (See Section 4 of Chapter I of this policy.)

## **SECTION 2. Consequences of Failure to Meet Academic and Professional Requirements and Standards**

Upon failing to meet academic and professional requirements and standards or provisions of the Student Code of Academic and Professional Integrity, a student may be subject to one or more of the following academic penalties:

### **2.1 A Lower Grade, an Unsatisfactory (U) Final Grade or Exclusion from Further Participation in the Course or Rotation**

These penalties are imposed only by the instructor(s) of a course or rotation. The imposition of penalties by the instructor does not preclude further penalties by the School of Medicine.

### **2.2 Academic Probation**

This penalty is imposed by the Dean, or the Dean's designee, after receipt of recommendations from the Committee on Academic and Professional Standards. It is accompanied by changes in the student's curriculum, such as remedial work and reexamination, repetition of all or part of the curriculum, rearrangement of the curriculum (especially in the fourth year), and/or supervision by an advisor from the Committee on Academic and Professional Standards.

### **2.3 Academic Suspension**

This penalty is imposed by the Dean, or the Dean's designee, after receipt of recommendations from the Committee on Academic and Professional Standards. Suspension may not exceed one year. Upon expiration of the period of suspension, the student must petition the Committee on Academic and Professional Standards for reinstatement by the Dean. The Committee on Academic and Professional Standards shall review the petition, make a determination as to whether the terms and conditions of the suspension have been met, make a determination that the student possesses the potential to pursue the M.D. degree successfully, and recommend whether the student should be reinstated.

### **2.4 Academic Dismissal from the School of Medicine**

This penalty is imposed by the Dean, or the Dean's designee, after receipt of recommendations by the Committee of Academic Standards as a result of academic deficiencies or of violations of the Student Code of Academic and Professional Integrity found serious enough by the Dean to merit dismissal.

Academic probation, suspension, and dismissal are described further in Section 3 of Chapter I of this policy.

A student may ask for an informal review of any academic penalty according to Section 5 or formally appeal according to Section 6 of Chapter I of this policy.

## **SECTION 3. The Committee on Academic and Professional Standards**

The Committee on Academic and Professional Standards is a standing faculty committee appointed by the Dean of the School of Medicine. The Subcommittee on Academic and Professional Standards at the Charleston or Eastern Division is a faculty committee appointed by the Associate Vice President of Health Sciences at the Charleston or Eastern Division, School of Medicine. The Associate Dean of Student Services at the Charleston and Eastern Division shall be an ex officio non-voting member of the Committee on Academic and Professional Standards.

**3.1 Review of Academic and Professional Performance by the Committee on Academic and Professional Standards** and the Subcommittees on Academic and Professional Standards at the Charleston and Eastern Divisions

The Committee on Academic and Professional Standards of the School of Medicine reviews the academic and professional performance of every student enrolled in the M.D. degree program. In this review, the Committee must be fair to the student and is obliged to uphold the integrity of the M.D. degree. The review takes place at least once every semester, usually at its end, and is based on the evaluations described in Section 1.2 of Chapter I of this policy.

For its review the Committee on Academic and Professional Standards has access to each student's file including, but not limited to, (1) qualitative grades [Honors-H, Satisfactory-S, Unsatisfactory-U, and Incomplete-I] as recorded on the grade transcript; (2) written narrative evaluations submitted by the faculty which include performance descriptions such as "honors" (H), "satisfactory" (S), "marginally satisfactory" (MS), "unsatisfactory" (U), and "incomplete" (I); (3) oral and written reports about academic performance and professional behavior; (4) findings and conclusions by the Committee on Academic and Professional Integrity; and (5) scores from United States Medical Licensing Examinations (USMLE); and (6) interim reports from course coordinators solicited by the Associate Dean for Student Services and Academic Progress.

Committee decisions about continued enrollment and promotion to the next academic term, graduation, and remedial changes in a student's curriculum, and Committee recommendations to the Dean for probation, suspension or dismissal from the School of Medicine are based on a comprehensive review of a student's academic performance and professional behavior.

Alleged violations of the Student Code of Academic and Professional Integrity of the School of Medicine are first reported to an Associate Dean for Student Services. Depending on the allegation, the appropriate Associate Dean will (1) refer the matter to the appropriate Committee on Academic and Professional Integrity if material facts of the case are in dispute and findings of fact need to be made and reported to the Committee on Academic and Professional Standards (see Section 4 of Chapter I of this policy), or (2) submit the case directly to the Committee on Academic and Professional Standards if no material facts are in dispute. Findings of fact and conclusions by the Committee on Academic and Professional Integrity are submitted in a written report to the Committee on Academic and Professional Standards. If there is a conclusion that a violation of the Code has occurred, the Committee on Academic and Professional Standards will recommend penalties to be imposed by the Dean of the School of Medicine regardless of penalties imposed by the instructor(s) according to Section 2.1 of Chapter I of this policy. This does not preclude the review and imposition of penalties for other failures to meet academic and professional standards while a case is pending.

Regarding recommendations for probation, suspension, or dismissal for any reason, the Dean may accept the recommendations or modify or reject them.

Academic performance of students at the Charleston or Eastern Division of the School of Medicine should first be assessed by the Subcommittee on Academic and Professional Standards at the Charleston or Eastern Division. The manner of this review parallels that of the Committee on Academic and Professional Standards. The results of this assessment are brought to the Committee on Academic and Professional Standards by the campus Associate Dean for further disposition.

### **3.2 Recommendations for Promotion and Graduation**

Recommendations by the Committee on Academic and Professional Standards for promotion to the next academic term or for graduation from the School of Medicine are contingent upon the successful completion of all requirements and upon adherence to all professional standards of behavior (Section 1.1 of Chapter I of this policy). Students may register for any part of the second or a subsequent curriculum year only after they have successfully completed all academic and non-academic requirements of the current year as determined by the Committee on Academic and Professional Standards.

### **3.3 Academic Dismissal**

The Committee may recommend to the Dean that a student be dismissed in the following cases: (1) an Unsatisfactory [U] grade in a course or rotation [see also Section 3.5 of Chapter I of this policy]; (2) marginally satisfactory narrative evaluations; (3) an accumulation of narrative evaluations indicating serious gaps in knowledge and clinical skills and/or inadequate integration of the content of the curriculum; (4) a specific academic deficiency, e.g., an important clinical skill has not been mastered; (5) a failing performance on either Step 1 or Step 2 of the USMLE examination; (6) failure to assume appropriate professional responsibility; (7) failure to meet professional standards, including those of demeanor and conduct; and (8) an infraction of the Student Code of Academic and Professional Integrity.

Failure to pass, after the third attempt, either Step 1 or Step 2 of the USMLE licensing examination leads to automatic dismissal from the M.D. degree program.

Regarding recommendations for dismissal the following should be noted:

A grade of U (Unsatisfactory) in a required course may lead to academic dismissal if the student's performance is generally poor. [If it has not led to dismissal, the unsatisfactory grade must be redeemed by successfully repeating the failed course or rotation. (Section 3.5 of Chapter I of this policy)]

The Committee expects every student to meet the requirements and standards stated in Section 1.1 of Chapter I of this policy. Therefore, even without an unsatisfactory grade, a poor student may incur a recommendation for dismissal for failure to meet these requirements and standards. Dismissal is probable if the student's performance fails to improve in spite of remedial opportunities arranged by course instructors or the Committee.

After academic dismissal, a student may apply for readmission to the School of Medicine. Readmission of a dismissed first year student is the prerogative of the Dean as advised by the Committee on Academic and Professional Standards, which will carefully review the previous academic performance and professional conduct of the applicant and take note of the reasons for dismissal. Readmission of students dismissed after the first year may be sought through the standard admissions process. |

### **3.4 Academic Suspension**

Suspension for up to one year may be recommended by the Committee on Academic and Professional Standards for any of the cases listed in Section 3.3 of Chapter I of this policy if the circumstances of the case warrant the lesser penalty.

Should the Committee on Academic and Professional Standards conclude that temporary, personal problems are the reason for deficiencies and/or violations, the Committee may recommend to the Dean that the student be suspended from the School of Medicine for not more than one year.

Reinstatement to the School of Medicine is contingent upon completion of all requirements stipulated with the imposition of suspension. The Associate Dean for Student Services will either determine that these requirements have been met or seek a recommendation from the Committee on Academic and Professional Standards on the matter.

Suspension is automatic for students who have failed to pass Step 1 of the USMLE licensing examination.

Students must use the period of suspension to prepare for the next offering of the examination.

### **3.5 Academic Probation**

Academic probation may be recommended in any of the cases listed in Sections 3.3 and 3.4 of Chapter I of this policy if the circumstances warrant the lesser penalty.

The imposition of probationary status is accompanied by remedial actions and performance requirements specified by the Committee. These actions are intended to remedy the academic or professional deficiency which initiated the probation. A successful conclusion of the remedial work normally ends the probationary status following the recommendation to do so by the Committee on Academic and Professional Standards.

Remedial interventions in a student's curriculum by the Committee are designed to fit particular academic deficiencies and may, among others, take one or more of these forms: a specific study or reading program, additional training in a set of clinical skills, assignment to clinical subinternships, repetition of all or part of the curriculum, reorganization of the student's curriculum (especially during the fourth year), and supervision by an advisor from the Committee on Academic and Professional Standards.

In the case of an Unsatisfactory (U) grade, the Committee will require, at the very least, that the student repeat and pass the course. Under circumstances defined by the Policy Regarding the Repetition of Courses in the M.D. Program of West Virginia University School of Medicine, the Committee on Academic and Professional Standards may allow a student to repeat a failed course at another accredited medical school in the United States, provided the course meets the approval of the appropriate department and the Associate Dean for Student Services. (See also Section 3.3 of Chapter I of this policy.)

## **SECTION 4. The Committees on Academic and Professional Integrity**

### **4.1 Charge of the Committees on Academic and Professional Integrity**

The Committees on Academic and Professional Integrity are standing committees charged with:

- (1) the investigation of alleged violations of the Student Code of Academic and Professional Integrity of the School of Medicine and the issuance of a written report on the results of the investigation according to the procedures of Section 4.4 of Chapter I of this policy, and
- (2) the hearing and disposition of appeals of grades, final grades, and exclusions from a course according to Section 6.2 of Chapter I of this policy.

### **4.2 Jurisdiction**

The jurisdiction is divided among three committees, such that (1) the Basic Science Committee on Academic and Professional Integrity handles all cases involving students in the first and second year of the medical curriculum; (2) the Clinical Committee on Academic and Professional Integrity handles all cases involving students in the third and fourth year of the curriculum except those enrolled at the Charleston or Eastern Division; and (3) the Clinical Committee on Academic and Professional Integrity at the Charleston or Eastern Division handles cases involving students enrolled at those Divisions.

### **4.3 Composition of the Committees on Academic and Professional Integrity**

The three standing Committees on Academic and Professional Integrity are composed as follows:

(a) The Basic Science Committee on Academic and Professional Integrity has five members chosen by the Dean from the course directors in the first two years of the curriculum.

(b) The Clinical Committee on Academic and Professional Integrity has five members chosen by the Dean from course directors in the last two years of the curriculum.

(c) The Clinical Committee on Academic and Professional Integrity at the Charleston or Eastern Division has five members chosen by the Dean from course directors of the Division.

The chairs of the Committees on Academic and Professional Integrity are selected by the Dean of the School of Medicine.

A Committee member of a department charging a student with an alleged violation of the Student Code of Academic and Professional Integrity, or a Committee member with a conflict of interest, shall be excused from the Committee for the duration of the investigation of a particular case. Should a Committee member be unavailable for a hearing or be excused because of a conflict of interest, then the Dean shall assign an alternate from the medical faculty.

#### **4.4 Investigation of Alleged Violations of the Student Code of Academic and Professional Integrity; Procedural Rule**

##### **4.4.1 Reporting of Alleged Violations of the Student Code of Academic and Professional Integrity**

Instructors report in writing all incidents in which they suspect or witness violations of the Student Code of Academic and Professional Integrity to (1) the department chair and (2) an Associate Dean for Student Services.

Students who witness violations of the Student Code of Academic and Professional Integrity should report in writing these incidents to the Associate Dean for Student Services.

The Associate Dean for Student Services at the Charleston or Eastern Division shall inform the Associate Deans Student Services on the Morgantown Campus of all such reports received at the satellite Division.

##### **4.4.2 Investigation of Alleged Violations of the Student Code of Academic and Professional Integrity**

The appropriate Associate Dean for Student Services shall screen all reports of violations of the Student Code of Academic and Professional Integrity to exclude frivolous accusations and to decide whether the matter should be submitted to the Committee on Academic and Professional Standards directly or whether the accusations include disputes of material facts and require independent findings of fact by the appropriate Committee of Academic and Professional Integrity.

If the case warrants findings of fact, the Associate Dean handling the case shall inform the accused student of the charges in writing within ten (10) working days and submit the case to the appropriate Committee on Academic and Professional Integrity.

The Committee on Academic and Professional Integrity shall conduct a hearing on the case within ten (10) working days after receipt of the charges in order to make a determination of the facts of the case.

The hearing by the Committee on Academic and Professional Integrity is closed to the public and the press.

The hearing is conducted according to these rules:

(a) The accuser(s) and the accused shall appear together before the Committee, but the proceedings are not adversarial.

(b) The formal rules of evidence do not apply.

(c) The Committee shall review the evidence and take statements from those making the charge, from the accused student, and from any witnesses produced by either side.

(d) The accused student and those making the charge may be accompanied by an advisor from either the faculty or the student body of the Institution. Such advisors may consult with their advisees, but may neither speak for them nor participate in the proceedings directly, unless the Committee permits it.

(e) Either party before the Committee may call witnesses.

(f) Summary minutes of the proceedings shall be kept and made available to the accused student on request.

(g) After the hearing, the Committee shall formulate its findings of fact and its conclusions as to the alleged occurrence of violations of the Student Code of Academic and Professional Integrity according to the standard of "clear and convincing evidence", adopt them by majority vote, and report them in writing to

(i) the student,

(ii) the faculty involved,

(iii) the Committee on Academic and Professional Standards, and

(iv) the Dean of the School of Medicine.

#### **4.5 Academic Penalties Imposed for Violations of the Student Code of Academic and Professional Integrity**

The Committee on Academic and Professional Integrity neither recommends nor imposes penalties; it only determines the facts of the case and its conclusions about it. Penalties are imposed by the instructor and/or Dean.

##### **4.5.1 Penalties Imposed by Instructors**

The instructor(s) of a course or rotation may impose penalties according to Section 2.1 of Chapter I of this policy and/or issue an appropriate narrative evaluation. If material facts are disputed, the instructor assigns a temporary "Incomplete" (I) grade until findings of fact are rendered by the appropriate Committee on Academic and Professional Integrity. The appropriate Associate Dean for

Student Services and the Committee on Academic and Professional Standards must be informed of any such penalties or removals of "Incomplete" (I) grades.

#### **4.5.2 Penalties Imposed by the Dean**

Penalties, set forth in Sections 2.2 (probation), 2.3 (suspension), and 2.4 (dismissal) of Chapter I of this policy, may be imposed by the Dean if a student is found to have violated the Student Code of Academic and Professional Integrity.

In its regularly scheduled review of a student's performance (Section 3.1 of Chapter I of this policy), the Committee on Academic and Professional Standards temporarily excludes from review those courses in which a charge of violating the Student Code of Academic and Professional Integrity has not yet been decided. This does not preclude the imposition or recommendation of penalties for other failures to meet academic standards.

The Dean of the School of Medicine may accept, modify or reject the recommendations of the Committee on Academic and Professional Standards.

#### **4.5.3 Appeals**

The penalties imposed by the instructor(s) and the Dean of the School of Medicine may be appealed according to Section 6 of Chapter I of this policy. An appeal may be preceded by a request for an informal reconsideration of the penalty according to Section 5 of Chapter I of this policy.

### **SECTION 5. Informal Reconsideration of Academic Penalties**

To ensure fairness and provide an early hearing, the School of Medicine offers an optional, informal reconsideration of academic penalties aside from the formal appeal procedure described in Section 6 of Chapter I of this policy. Such a review gives a student the opportunity to submit to those imposing or recommending the penalty any substantial reasons why the penalty would be inappropriate. Such reasons may be presented orally or in written form, with a request for reconsideration of the decision. In any meeting with an instructor or the Committee on Academic and Professional Standards for such a review, the student may choose to have a member of either the faculty or the student body of the Institution present as an advisor. The advisor may only consult with the student but not participate in the meeting directly. This review does not preclude the right to pursue a formal appeal according to Section 6 of Chapter I of this policy.

All requests for informal review of a grade, a final grade, a narrative evaluation, an exclusion from a course, or a decision or recommendation of the Committee on Academic and Professional Standards should be submitted within ten (10) working days after being informed of a grade, evaluation, decision, or recommendation.

#### **5.1 Request for Reconsideration of a Grade, a Final Grade, a Narrative Evaluation, or an Exclusion from the Course**

The request for the review of a grade or an exclusion from the course should be addressed to the instructor(s) who imposed the grade or penalty. In the case of narrative evaluations, the student may either (1) ask the instructor(s) for a review or (2) enter a written rebuttal in the student's file and submit a copy of the rebuttal to the instructor(s) and the Associate Dean for Student Services.

Appeals beyond this level of review should follow the procedure for appealing a grade in Section 6.2 of Chapter I of this policy.

## **5.2 Request for Reconsideration of Actions of the Committee on Academic and Professional Standards: Recommendations for Change of a Student's Curriculum, Probation, Suspension, and Dismissal**

The student has the right to appear before the Committee or inform it in writing of evidence or mitigating facts which might persuade the Committee to rescind or alter a recommendation for changing a student's curriculum, probation, suspension, or dismissal. Such a request for reconsideration, however, reopens the case and may lead to a new recommendation by the Committee.

An appeal beyond this level of review follows the procedure outlined in Section 6.3 of Chapter I of this policy.

## **SECTION 6. Appeal of Grades, Evaluations, and Academic Penalties**

The student may formally appeal all grades/evaluations and academic penalties by presenting the case in an appeal hearing which, however, may be preceded by informal steps as set forth in Section 5 of Chapter I of this policy.

### **6.1 Rules for the Appeal Hearing**

The primary purpose of the appeal hearing is to ascertain whether the penalty (Section 2 of Chapter I of this policy) under appeal was imposed in a manner consistent with the requirements and standards of the School of Medicine (Sections 1.1 and 1.2 of Chapter I of this policy), the rights and obligations of the student (Section 1.3 of Chapter I of this policy), and the rights and obligations of the faculty (Section 1.4 of Chapter I of this policy).

All hearings are closed to the public and the press.

The appeal hearing is not adversarial in nature, and the formal rules of evidence do not apply.

The student may choose to have a member of either the faculty or the student body of the Institution present as an advisor. The individual(s) who imposed the penalty may also be accompanied by advisors from the Institution. Such advisors may consult with their advisees, but may neither speak on their behalf nor directly participate in the hearing, unless they are given permission to do so by those conducting the hearing.

Either party to the appeal may call witnesses.

Summary minutes of the appeal and relevant attachments shall be provided to either party upon request.

### **6.2 Appeal of a Grade, a Final Grade/Evaluation, or Exclusion from a Course**

(1) The first step is to appeal such a penalty (Section 2.1 of Chapter I of this policy) to the course director or faculty member who has assigned the grade/evaluation or academic penalty. Within ten (10) working days after receipt of the grade/evaluation or penalty, the student must submit to the course director or appropriate faculty member a written appeal stating the reasons why the grade/evaluation or penalty was unwarranted.

(2) Should the appeal fail, or should the appropriate faculty members be unavailable, then the student may direct a written appeal (through the Associate Dean for Student Services) to the appropriate Committee on Academic and Professional Integrity (Section 4.2 of Chapter I of this

policy) within ten (10) working days after receipt of the decision from the course director/faculty member.

The Committee on Academic and Professional Integrity shall conduct a hearing (Section 6.1 of Chapter I of this policy) in order to determine whether the penalty was imposed in a manner consistent with the requirements and standards of the School of Medicine (Sections 1.1 and 1.2 of Chapter I of this policy), the rights and obligations of the student (Section 1.3 of Chapter I of this policy), and the rights and obligations of the faculty (Section 1.4 of Chapter I of this policy).

(3) Should the Committee find in favor of the student, then the Dean of the School of Medicine may request that the instructor(s) make the appropriate grade change. If the instructor does not change the grade within ten (10) working days, the Dean may administratively change the grade or let it stand.

(4) The student may appeal an unfavorable decision of the Dean to the Vice President for Health Sciences, as the President's designee, within thirty (30) days after receipt of the decision.

The decision of the Vice President for Health Sciences, as the President's designee, is final.

### **6.3 Appeal of Probation, Suspension, and Dismissal**

The student may appeal the Dean's decision to impose probation, suspension, or dismissal to the Vice President for Health Sciences, as the President's designee, within thirty (30) days after receipt of written notification of the Dean's final decision to impose the penalty.

The Vice President may hear the appeal directly, or act upon the recommendation of an appeals committee or hearing officer appointed by the Vice President.

The decision of the Vice President for Health Sciences, as the President's designee, is final.

## **CHAPTER II: Professional Standards Governing Student Conduct Outside the Medical Curriculum**

### **SECTION 1. Student Rights and Responsibilities**

By enrolling in the School of Medicine, a student accepts these professional standards and requirements as a prerequisite for continued enrollment in the medical curriculum and graduation. It is the student's responsibility to know and meet these standards and requirements. Failure to meet these standards and requirements may cause the School of Medicine to impose on the student the sanctions of expulsion, disciplinary dismissal, disciplinary suspension, disciplinary probation, or lesser sanctions.

As specified in Board of Regents Policy Bulletin No. 57 which was replaced in August 2006 by Board of Governors Policy 31 (see Appendix C), students enjoy the rights of (1) freedom of expression and assembly, (2) freedom of association, and (3) privacy.

Students are expected (1) to abide by federal, state, and local statutes and ordinances, both on and off campus; (2) to refrain from behavior incompatible with the responsibilities of the medical profession; and (3) to follow the specific rules of conduct established in Board of Regents Policy Bulletin No. 57, as adopted by the University of West Virginia Board of Trustees, and replaced by Board of Governors Policy 31 in August 2006 and in Section 2 ("Standards of Conduct") below.

In all disciplinary hearings, students are considered innocent until allegations with regard to violations of this policy have been proven by clear and convincing evidence.

### **SECTION 2. Standards of Conduct**

#### **2.1 Required Conduct**

Students are required to comply with:

- (a) the laws of the United States;
- (b) the laws of the State of West Virginia;
- (c) local city, county, and municipal ordinances;
- (d) the policies, rules, and regulations of the University of West Virginia Board of Trustees, West Virginia University, and the School of Medicine;
- (e) the lawful direction and orders of the officers, faculty, and staff of the University and the School of Medicine who are charged with the administration of institutional affairs.

#### **2.2 Prohibited Conduct**

Students must not engage in

- (a) disorderly conduct,
- (b) theft or damage of property,

- (c) disruption,
- (d) unlawful discrimination,
- (e) behavior or conduct that demonstrates a lack of personal qualities necessary for the practice of medicine,
- (f) behavior or conduct adversely reflecting upon the medical profession or the School of Medicine.

Students engaging in prohibited conduct are subject to disciplinary action by the School of Medicine.

Students involved in criminal matters before local, state, or federal courts may be found by the Student Disciplinary Committee to be unfit for the medical profession and be expelled by the School of Medicine or face lesser disciplinary sanctions.

Because of the serious responsibilities of the medical profession and the necessity to maintain public trust in the profession, students face disciplinary action by the School of Medicine if they abuse alcohol or drugs, consume illegal drugs, or possess, distribute or sell drugs illegally.

### **SECTION 3. Disciplinary Sanctions**

Disciplinary action by the School of Medicine will be commensurate with the severity of the infraction. Sanctions may include, but are not limited to, the following:

#### **3.1 Expulsion**

Expulsion means the termination of all student status, including the loss of any right to continue in the medical curriculum and the loss of all instructional credit toward the M.D. degree. An expelled student may not be considered for admission to another institution governed by the State of West Virginia until at least one year after the expulsion.

Expulsion may be imposed by the Dean, or the Dean's designee, for any violation of the standards expressed in Section 2 ("Standards of Conduct") above, including, but not limited to,

- (1) a conviction for felonious conduct;
- (2) alcohol or drug abuse; consumption of illegal drugs; illegal possession, distribution, or sale of drugs;
- (3) stealing, forgery, alteration, or falsification of documents or records;
- (4) misuse of or tampering with data processing and communication equipment;
- (5) misappropriation of funds;
- (6) illegal disruptive conduct in the form of disruptive picketing, protesting, or demonstrating;
- (7) illegal possession or use of firearms or dangerous weapons;
- (8) infliction or threat of bodily harm directed at any person;

- (9) theft, unauthorized use, misuse, or destruction of property owned by others;
- (10) unauthorized use of or tampering with University emergency or safety equipment;
- (11) false reporting of an emergency;
- (12) trespassing by unauthorized entering of or remaining on property controlled by others;
- (13) unlawful discrimination;
- (14) any activities posing a serious threat to the safety and health of patients in health care or teaching programs of the University or the School of Medicine; and
- (15) malicious interference with University approved or sponsored research programs.

### **3.2 Disciplinary Dismissal**

Disciplinary dismissal from West Virginia University may be imposed by the Dean, or the Dean's designee, for any violation of standards specified in Section 3.1 ("Expulsion") above if the circumstances of the infraction warrant, at the discretion of the Dean, the lesser sanction.

### **3.3 Disciplinary Suspension**

Disciplinary suspension from all institutional activities for up to one academic year may be imposed by the Dean or the Dean's designee for any violations of standards specified in Sections 3.1 ("Expulsion") and 3.2 ("Disciplinary Dismissal") above if the circumstances of the infraction warrant, at the discretion of the Dean, the lesser penalty.

Disciplinary suspension is also indicated for (1) misuse of University or School of Medicine documents and identification cards; and (2) negligent destruction of University property.

### **3.4 Disciplinary Probation**

Disciplinary probation for up to one academic year may be imposed by the Dean or the Dean's designee for any violation of standards specified in Sections 3.1 ("Expulsion") and 3.3 (Disciplinary Suspension") above if the circumstances of the infraction warrant, at the discretion of the Dean, the lesser penalty.

Disciplinary probation may carry with it the loss of privileges, such as the disqualification from scholarships and grants and the exclusion from special programs, and may be tied to close supervision for compliance with School of Medicine standards.

Disciplinary probation may also be imposed for (1) unauthorized consumption or distribution of alcoholic beverages on University controlled property or at University sponsored or supervised events; and (2) smoking where prohibited by the University.

### **3.5 Lesser Sanctions**

Sanctions less severe than those listed in Sections 3.1 ("Expulsion"), 3.2 ("Disciplinary Dismissal"), 3.3 ("Disciplinary Suspension"), and 3.4 ("Disciplinary Probation") above may be imposed by the Dean, or the Dean's designee, for any violation of standards if the circumstances warrant this.

Such sanctions may consist of, but are not limited to, restitution of damages, loss of privileges, etc.

## **SECTION 4. Disciplinary proceedings**

### **4.1 The Student Disciplinary Committee of the School of Medicine**

The Student Disciplinary Committee of the School of Medicine is a standing committee appointed by the Dean to conduct hearings, make findings of fact, and recommend penalties in disciplinary cases.

The Student Disciplinary Committee consists of (1) the chair who shall be a faculty member from the clinical sciences; (2) two additional members of the clinical faculty; (3) two members of the basic science faculty; and (4) one student each from the second, third, and fourth year classes. The majority of the faculty members shall have an M.D. degree.

Should a member of the Student Disciplinary Committee be unavailable for a hearing or be excused because of a conflict of interest, then the Dean shall appoint an alternate.

With regard to disciplinary actions against students, the Student Disciplinary Committee has the authority to

- (a) hear evidence;
- (b) make findings of fact and draw conclusions from the evidence presented;
- (c) report its findings and conclusions to the Committee on Academic and Professional Standards with recommendations as to the imposition of appropriate disciplinary sanctions.

### **4.2 Disciplinary Hearings, Imposition of Sanctions, Appeals**

#### **4.2.1 Procedural Standards for Disciplinary Proceedings**

All disciplinary hearings are closed to the public and the press.

Disciplinary proceedings are governed by the principles of fairness. Thus, the student accused of violating the standards of conduct delineated in Sections 2 and 3 of Chapter II of this policy shall

- (a) be informed in writing of the policy provisions that have been allegedly violated;
- (b) be informed in writing of facts and evidence sufficiently describing the action or behavior to be presented to the Student Disciplinary Committee in support of the charges;
- (c) receive written notice as to date, time, and place of any hearing before the Student Disciplinary Committee;
- (d) be advised of the right to have present at a hearing a parent, or a student or faculty member from the Institution as an advisor;
- (e) be advised of the right to have legal counsel present at any hearing involving cases potentially incurring the sanctions of expulsion, disciplinary dismissal, or disciplinary suspension;

(f) have the right to be present throughout the presentation of evidence, testimony of witnesses, and arguments of the parties at a hearing;

(g) have the right to examine evidence, cross-examine witnesses, and present evidence and witnesses on his/her own behalf at a hearing.

Advisors or legal counsel may speak on behalf of their advisees or otherwise directly participate in a disciplinary hearing at the discretion of the Chair.

There shall be a complete and accurate record of any disciplinary hearing in the form of an electronic recording of the proceedings. The student may request an electronic copy of the recording or a transcript at the student's expense.

#### **4.2.2 Procedures: Charges, Findings of Fact, Recommendations to the Dean**

All alleged violations of the standards of conduct in Sections 2 and 3 of Chapter II of this policy shall be reported to an Associate Dean for Student Services.

The Associate Dean for Student Services shall inform the student in writing of the charges, specifying which standard was allegedly violated and describing in sufficient clarity the actions and circumstances on which the charges are based as set forth in Section 4.2.1 of Chapter II of this policy. The student may admit or deny the allegations. A copy of the charges shall be submitted to the University Office of Judicial Programs.

##### **4.2.2.1 Submission of Allegations to the Student Disciplinary Committee**

Unless the student admits violating the policy as charged (see Section 4.2.2.2 below), the Associate Dean for Student Services will submit the case to the Student Disciplinary Committee for a hearing. The hearing by the Student Disciplinary Committee follows the standards listed in Section 4.2.1 of Chapter II of this policy. In conformity with those standards, the hearing shall be conducted as follows:

(a) The Associate Dean for Student Services, or that dean's designee, and the accused student shall together appear before the Student Disciplinary Committee.

(b) The Associate Dean for Student Services, or that dean's designee, shall present the charges to the Committee.

(c) The Committee shall review the evidence and take statements from those making the charge, from the accused student, and from any witnesses produced by either side. The formal rules of evidence do not apply.

(d) Any advisors or legal counsel present may neither directly participate in the proceedings nor speak on behalf of their advisees.

(e) Either party may call witnesses and question any witnesses.

(f) An accurate record of the proceedings shall be kept in the form of an electronic recording.

(g) After the hearing, the Committee shall

- (i) formulate its findings of fact based upon “clear and convincing evidence” and adopt them by majority vote;
  - (ii) arrive at conclusions based upon “clear and convincing evidence” as to whether the student violated the specific provisions of the policy as alleged and adopt them by majority vote;
  - (iii) make recommendations for appropriate sanctions, if any, and adopt them by majority vote; and
  - (iv) report in writing the findings of facts, the conclusions, and its recommendation for sanctions to the Committee on Academic and Professional Standards, the accused student, and the Dean.
- (h) The Committee on Academic and Professional Standards shall review the findings of facts, conclusions, and recommendations. The Committee on Academic and Professional Standards may adopt the findings of facts and conclusions of the Student Disciplinary Committee or remand the case back for further findings of facts and conclusions. The Committee on Academic and Professional Standards may accept, modify, or reject the recommendations of sanctions to be imposed. The Committee on Academic and Professional Standards shall submit a report of its actions and recommendations to the Dean.
- (i) The Dean shall review the findings of facts, conclusions and recommendations of the committees. The Dean may accept, modify, or reject the recommendations of the committees and impose sanctions as he/she deems fit under the circumstances.

#### **4.2.2.2 Submission of Allegations Directly to the Committee on Academic and Professional Standards**

The student may admit the allegations and elect to submit the case (i) directly to the Dean for disposition, or (ii) to the Committee on Academic and Professional Standards for a recommendation as to the level of sanctions to be imposed, or (iii) to the Student Disciplinary Committee for a recommendation as to the level of sanctions to be imposed. If the student elects to submit the case to the Student Disciplinary Committee, then the recommendations shall be reviewed by the Committee on Academic and Professional Standards in accordance with Section 4.2.2.1 (h) of Chapter II before submission to the Dean for disposition.

#### **4.2.3 Imposition of Disciplinary Sanctions**

The disciplinary sanctions described in Section 3 of Chapter II of this policy are imposed by the Dean for violations of the standards of conduct set forth in Section 2 of Chapter II of this policy.

The Dean reviews the facts of the case and imposes sanctions if either the accused student admits to a breach of the standards of conduct or if the findings of facts and conclusions submitted by the Student Disciplinary Committee hold that the student breached the standards of conduct. The Dean shall consider the recommendations of the Student Disciplinary Committee and the Committee on Academic and Professional Standards before imposing disciplinary sanctions; however, the Dean is not bound by the recommendations of either committee. The Dean shall act within ten (10) working days after receipt of the committees' findings, conclusions, and recommendations.

#### **4.2.4 Appeals**

The primary purpose of the appeal is to ascertain whether the sanctions under appeal were imposed in a manner consistent with the standards and regulations delineated in this policy.

An appeal may allege that (1) the School of Medicine does not have exclusive jurisdiction over the alleged violations; and/or (2) the findings of facts and conclusions were not properly based upon the evidence as a whole; and/or (3) the sanctions imposed are not appropriate under the circumstances or not within the Dean's discretion.

The student may appeal the Dean's decision to impose disciplinary expulsion, dismissal, suspension, probation, or lesser sanctions to the Vice President for Health Sciences, as the President's designee, within thirty (30) days after receipt of written notification of the Dean's final decision to impose the sanction.

The Vice President may hear the appeal directly, or act upon the recommendation of an appeals committee or hearing officer appointed by the Vice President.

If the Vice President decides that the behavior or conduct is not within the exclusive jurisdiction of the School of Medicine, he/she shall refer the matter to the University Committee on Student Rights and Responsibilities for disposition. Otherwise, the decision of the Vice President for Health Sciences, as the President's designee, is final. However, the decision of the Vice President for Health Sciences may be appealed to the University of West Virginia Board of Trustees if the student is expelled or dismissed.

The University Office of Judicial Programs will be notified of the disposition of the case.