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	Procedures for Dealing with Issues of Faculty Professional Misconduct		

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I. INTRODUCTION


The School of Medicine (School) is an institution dedicated to truth in pursuit of knowledge through biomedical research, the transmission of knowledge through teaching, and the application of medical knowledge to patient care and human health. A spirit of mutual respect and a broad trust that all faculty members share this dedication are essential to fulfilling the missions of the School. On occasion, however, it is necessary for the School to respond to evidence or complaints of unsatisfactory performance of professional duties or unacceptable behavior.

1. Definitions and Standards

- a. Faculty professional misconduct includes the following:
 - i. dishonesty or other wrongdoing in the conduct of teaching, clinical care, research (other than research misconduct), or other professional activities;
 - ii. neglect or otherwise unsatisfactory performance of professional responsibilities;
 - iii. behavior generally unacceptable to the academic community;
 - iv. failure to comply with published institutional policies or procedures, or state or federal laws or regulations; or
 - v. failure to otherwise comply with the School of Medicine Code of Professional Conduct for Faculty.
- b. Allegations of research misconduct are addressed under a separate policy entitled “Procedures for Dealing with Issues of Research Misconduct.” If a committee investigating an allegation of research misconduct uncovers evidence that faculty professional misconduct might have occurred, the committee conducting the research misconduct investigation may also be charged with investigating the allegations of faculty professional misconduct.

2. Administration of Procedures

- a. The Office of Policy Coordination (OPC) of the Dean’s Office is responsible for overseeing these Procedures and providing administrative support for the process. Except as provided below in Section II in cases involving sexual misconduct, OPC oversees investigations into allegations of misconduct and staffs the committees involved. OPC is available to answer questions concerning these Procedures.
- b. The likelihood that a criminal act may have occurred must be reported immediately to the University’s Office of the Vice President and General Counsel. Depending on the nature of the alleged criminal conduct, that office will

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promptly involve Security, the Office of Hopkins Internal Audits, or other appropriate Johns Hopkins office(s), as well as federal, state, or local authorities, as appropriate.

- c. Except as otherwise outlined in Section II.A., no legal counsel may participate in meetings or hearings pursuant to these procedures.
- d. Any reference to the “Dean” made herein shall mean the Dean and/or the Dean’s designated Vice Dean.

II. SEXUAL MISCONDUCT; DISCRIMINATION; HARASSMENT

Allegations of sexual misconduct, discrimination, and harassment must be reported to the Johns Hopkins University Office of Institutional Equity (OIE). The procedures followed by OIE are designed to comply with federal regulation and other legal standards governing complaints of sexual misconduct, discrimination, and harassment.¹


1. Sexual Misconduct

- a. Under the Johns Hopkins University Sexual Misconduct Policy and Procedures (Sexual Misconduct Policy), available at <http://sexualassault.jhu.edu/policies-laws/>, all “responsible employees,” defined to include faculty, are required to promptly report allegations of sexual harassment, sexual assault, relationship violence, and stalking (collectively, “sexual misconduct”) to the Title IX Coordinator, who is in the Office of Institutional Equity. The Title IX Coordinator may be contacted at titleixcoordinator@jhu.edu or 410-516-8075 and the Title IX Office is located in Suite 515, Wyman Park Building, on the Homewood Campus.
- b. The Title IX Coordinator will determine whether or not to initiate an investigation and the Title IX Coordinator and/or one or more designees will conduct any resulting investigation of such complaints. The OIE will follow the procedures in the Sexual Misconduct Policy in reviewing and investigating any allegations.
- c. In cases of i) sexual assault, relationship violence, and stalking, regardless of whether the complainant is a student, and ii) sexual harassment in which the complainant is a student, complainants and respondents may be assisted and advised by a supporter of their choice, including legal counsel, throughout the investigative and resolution process as set forth and subject to the limitations in the Sexual Misconduct Policy. This supporter may accompany the party to any meeting or hearing held pursuant to these Procedures, but may not speak on the party’s behalf or otherwise participate.
- d. At the close of any investigation, the investigator(s) will prepare a report summarizing the interviews conducted and evidence reviewed. The report will include the investigators’ findings of fact, an assessment of the credibility of the parties and witnesses where appropriate, and a recommended determination as to whether the respondent is responsible for the alleged violation. The OIE report will be referred to the Dean of the School of Medicine (“Dean”) for adjudication in accordance with Section IV.A.1 below.

2. Discrimination and Harassment Other than Sexual Misconduct

- a. For allegations of discrimination and harassment, as defined in the Johns Hopkins University Procedures on Discrimination and Harassment (Discrimination and Harassment Policy), available at http://web.jhu.edu/administration/jhuoie/equity_compliance/procedures.html, other than sexual misconduct, the OIE will follow the procedures set forth therein. The OIE will prepare a report at the close of any resulting investigation. This report will be referred to the Dean for adjudication in accordance with Section IV.A.1 below.

¹ The Sexual Misconduct Policy governs the investigation and resolution of allegations of sexual misconduct and the University’s Procedures on Discrimination and Harassment governs the investigation and resolution of allegations of discrimination and harassment (other than sexual misconduct). Certain special procedural rights apply to these types of cases as set forth in the respective University policies. To the extent there is a conflict between these Procedures and one of the foregoing University policies, the University policy shall prevail.

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III. ALLEGATIONS OF PROFESSIONAL MISCONDUCT (OTHER THAN SEXUAL MISCONDUCT; DISCRIMINATION; HARASSMENT)

The investigative process for complaints of sexual misconduct, discrimination, and harassment is discussed in Section II above.

1. Process for Raising Allegations

- a. Concerns about conduct on the part of a School of Medicine faculty member that may be professional misconduct should be reported (a) to the relevant department or institute director (unless the concern involves a department or institute director, in which case, the report should be made to the Dean's Office) or, (b) to the chair of the cognizant committee or director of the appropriate administrative office if the potential professional misconduct involves subject matter that is covered by institutional policies or procedures.¹ If the department director, committee chair, or office director is unable to resolve the matter or believes further review is required, the allegation should be formally submitted in writing to the Dean.
- b. If the allegation involves a suspected violation of laws or regulations or repeated or serious violations of institutional policies or procedures, it must be referred to the Dean's Office.
- c. If the respondent is no longer a member of the Johns Hopkins academic community, the requirements of written notice and an opportunity to respond will be observed as far as is practical, but the failure of the respondent to respond or appear will not deter the process.


2. Inquiry

- a. Upon receipt of an allegation of professional misconduct, the Dean and/or the designated vice dean will inquire into the matter as follows:
 - i. notify the respondent;
 - ii. provide the respondent an opportunity to respond in writing within seven (7) days of the Dean's or designated vice dean's notice;
 - iii. collect additional information, including conducting interviews with the respondent and other individuals as needed; and
 - iv. prepare a report.

3. Advisory Group on Professional Misconduct and Dean's Process (for Allegations other than Sexual Misconduct; Discrimination; Harassment)

- a. The Dean will consult with the Advisory Group on Professional Misconduct (see Appendix A) regarding the disposition of the matter. After consulting with the Advisory Group, the Dean may proceed in one of the following ways:
 - i. If the Dean concludes that the allegation is unfounded, the Dean may close the matter.
 - ii. The Dean may impose sanctions pursuant to Section V.A.
 - iii. If the Dean believes that additional fact-finding is warranted, the Dean will appoint two or more faculty members to conduct a formal investigation pursuant to the procedures outlined in Appendix B.
 - iv. If the Dean concludes the respondent's conduct may warrant termination, demotion, suspension without pay, or a reduction in pay, the Dean will refer the matter to the Standing Committee on Discipline (SCD) pursuant to Section IV.B.

¹ Examples of the latter are: the IRB chair or Director of the Office of Human Subject Research (OHSR) if the concern involves human subject research; the Safe at Hopkins program administrator if the concern involves disruptive behavior; the chair of the Committee on Outside Interests or the Associate Dean for Policy Coordination if the conduct involves conflict of interest issues.

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IV. ADJUDICATION

Adjudication of matters of professional misconduct by faculty is carried out by the Dean or the Standing Committee on Discipline.

1. Adjudication by the Dean

a. Adjudication by the Dean takes place in one of the following ways:

i. OIE Report (Sexual Misconduct; Discrimination; Harassment)


- Upon receipt of an OIE report as provided in Section II above, the Dean and/or the designated vice dean will take the following steps:
 - notify the respondent (and the complainant in a case of sexual misconduct) that the report has been received;
 - provide the respondent (and the complainant in a case of sexual misconduct) an opportunity to respond in writing and/or in person within seven (7) days of such notice; and
 - collect additional information regarding aggravating or mitigating circumstances as needed.
- The Dean will review the OIE report, information provided by the respondent (and the complainant in a case of sexual misconduct), and any additional information that is collected. The Dean will consult with the Dean's Advisory Group on Professional Misconduct regarding the disposition of the matter. The Dean will determine whether a violation of University policies on sexual misconduct, discrimination, or harassment occurred.
- If the Dean determines that a faculty member did not violate University policies on sexual misconduct, discrimination, or harassment, the Dean may close the matter. However, if the Dean determines that the faculty member otherwise engaged in professional misconduct, the Dean may take appropriate disciplinary action pursuant to Section III.C.
- If the Dean determines that a faculty member violated University policies on sexual misconduct, discrimination or harassment, the Dean may take one of the following steps:
 - The Dean may impose sanctions including, but not limited to, one or more of the sanctions listed in Section V.
 - If the Dean concludes the respondent's conduct may warrant termination, demotion, suspension without pay, or a reduction in pay, the Dean will refer the matter to the SCD (see Section IV.B).

ii. Investigation Report

- Upon receipt of an Investigation Report as provided in Appendix B, the Dean will consult with the Dean's Advisory Group on Professional Misconduct. The Dean may take one of the following steps:
 - If the report concludes that the allegation is unfounded and the Dean concurs, the Dean may close the matter.
 - The Dean may impose sanctions including, but not limited to, one or more of the sanctions listed in Section V.A.
 - If the Dean concludes the respondent's conduct may warrant termination, demotion, suspension without pay, or a reduction in pay, the Dean will refer the matter to the SCD pursuant to Section IV.B.

2. Adjudication by the Standing Committee on Discipline

a. If in the Dean's judgment, one or more of the sanctions listed in Section IV.C.2 may be warranted, the matter will be referred to the Standing Committee on Discipline, which will recommend sanctions and/or corrective action to the Dean. The recommended sanctions and/or corrective actions may include but are not limited to any of the sanctions listed in Sections V.A. or V.B.

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- b. If the director of the respondent's department, division, institute, or functional unit is a member of the SCD, he or she will be recused from deliberations. Other SCD members who may have a bias or other conflict of interest will disclose those conflicts to the Chair of the SCD. The Chair will make a determination concerning recusal.
- c. If the SCD believes the Committee needs additional information in order to carry out its responsibilities, the Committee may request such information from the Dean or the designated vice dean
- d. The respondent (and the complainant in a case of sexual misconduct) will be given an opportunity to appear before the SCD and submit written comments on mitigating or aggravating circumstances for consideration by the SCD.
- e. The SCD will consult with the respondent's department director (or, at the discretion of the department director, both the department and division directors) and, if applicable, institute director as to the impact of the proposed disciplinary action on the department, division, and/or institute.
- f. The SCD will report its recommendations in writing to the Dean.


V. SANCTIONS

- A. Sanctions that may be imposed by the Dean¹ without review by SCD or if recommended by SCD include but are not limited to one or more of the following:
 1. a letter of reprimand (with stipulations as appropriate) from the Dean to be placed in the respondent's personnel file;
 2. a formal apology from the respondent;
 3. remedial training or counseling;
 4. suspension for a specified period of time with pay;
 5. supervision or oversight of professional activity for a specified period of time;
 6. limitations on professional responsibilities for a specified period of time;
 7. restitution of misappropriated funds;
 8. withholding increases in compensation;
 9. warning; and
 10. prohibition of re-hire in cases where the respondent resigns or retires.
- B. Sanctions that may be imposed by the Dean only following review by SCD include one or more of the following:
 1. demotion;
 2. reduction in pay;
 3. suspension without pay; and
 4. termination of faculty appointment.
- C. If the Dean recommends termination of an appointment of a faculty member with a contract to retirement, the Dean will forward this recommendation to the Advisory Board of the Medical Faculty (ABMF) as provided in Section VII below.

¹ The Dean retains the discretion to impose the sanctions listed in Section V.A. separate and apart from these Procedures if, for example, immediate action is required in response to a complaint regarding a faculty member's conduct.

VI. TERMINATION FOR CAUSE OF CONTRACT TO RETIREMENT

- A. The Dean will forward a recommendation to terminate the appointment of a faculty member with a contract to retirement to the ABMF, along with the OIE report, the report of noncompliance with policies, or the investigation report, as applicable, and the SCD report. The ABMF will consider the case in executive session and decide whether termination of the appointment is warranted.
- B. The respondent (and the complainant in a case of sexual misconduct) may appear before the ABMF and may provide a written statement and other material relevant to the disposition of the case. In addition, the respondent (and the

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complainant in a case of sexual misconduct) may request that other persons (including faculty, staff, or department, division, or institute directors) be allowed to appear before the ABMF or to submit written statements and other material relevant to the disposition of the case; provided, however, that the ABMF reserves the right to decline such requests.

- C. Interested parties who wish to address the ABMF must direct their requests in writing to the Dean at least seven (7) days in advance of the Agenda Committee meeting preceding the ABMF meeting. The Dean or the designated vice dean will forward the request to the Agenda Committee as an addendum to the SCD materials. The Agenda Committee will consider the case and all relevant materials and decide whether to permit a personal presentation by the interested party at the ABMF meeting. Any material to be presented to the ABMF by or on behalf of the respondent (and the complainant in a case of sexual misconduct), whether in person or not, will be provided to the Chair of the SCD and the Dean at least seven (7) days in advance of the ABMF meeting.
- D. The ABMF will report its decision to the Dean, the respondent (and complainant in a case of sexual misconduct), and the relevant department (and, if applicable, division and institute) director.
- E. If the ABMF recommends against termination of the respondent's contract to retirement, and the Dean agrees with the recommendation, the Dean may impose disciplinary/remedial action as provided in section V. above.
- F. In all other cases, the Dean or the designated vice dean will forward the recommendation of the ABMF, with the Dean's own recommendation and reason for the recommendation, to the Provost. The Provost will then make a final recommendation to the University's Board of Trustees, which will vote on the matter.

VII. APPEALS

Except in the case of termination of a faculty member with a contract to retirement, the respondent (and the complainant in a case of sexual misconduct) may appeal the decision of the Dean to the University Provost within seven (7) days of notification of the decision. The Provost's review of the appeal will be limited to the adequacy of the procedures followed and the appropriateness of the disciplinary action.

VIII. GENERAL PROVISIONS

- A. Protection of Complainants
 1. The Johns Hopkins University is committed to providing an environment in which individuals may candidly and honestly report suspected professional misconduct without fear of retribution. If allegations are made in good faith, no disciplinary action will be taken against the complainant(s) and appropriate measures will be taken to protect the complainant(s) from retaliation.
- B. False Allegations
 1. If it is found that allegations of professional misconduct are i) false and ii) maliciously motivated or based on fraudulent evidence or otherwise brought in bad faith, the Dean may take appropriate disciplinary action against those responsible.
- C. Confidential Nature of Proceedings; Restoration of Reputation of Respondent
 1. All records of the proceedings will be maintained in confidence by the Dean or the designated vice dean and OPC.
 2. If, at any point during the proceedings, there is a conclusion that no professional misconduct occurred, appropriate action may be taken to restore the reputation of the respondent.
- D. Exclusivity of Procedures
 1. These Procedures are the exclusive mechanism within the School for addressing allegations of faculty professional misconduct.