

# Dental College of Georgia

## DCG Policy Archive

### Policy Title: Advanced Education Programs

#### Code of Conduct

Policy Owner: DCG Academic Administration

#### POLICY STATEMENT

##### Purpose

1. To define acceptable standards of conduct in academic, clinical and personal settings for dental residents in the Dental College of Georgia (DCG) Advanced Dental Education Programs, and
2. To provide a process for the investigation and disposition of alleged violations of these standards of conduct.

#### AFFECTED STAKEHOLDERS

Indicate all entities and persons within / associated with the DCG that are affected by this policy:

- |   |  |   |  |
|---|--|---|--|
| <input checked="" type="checkbox"/> Faculty | <input type="checkbox"/> DMD Students                | <input type="checkbox"/> Visitors             | <input type="checkbox"/> Others: _____ |
| <input checked="" type="checkbox"/> Staff   | <input checked="" type="checkbox"/> Dental Residents | <input type="checkbox"/> Visitors/Contractors |  |
| <input type="checkbox"/> Patients           | <input type="checkbox"/> O Bio Graduate Students     | <input type="checkbox"/> Alumni               |  |

#### DEFINITIONS-

**Inappropriate or abusive comments/behavior:** conduct that includes but is not limited to threats (physical, verbal or written), intimidation, public humiliation, harassment, etc.

**Disregard for an individual's time:** improperly booking patients (tardiness, double booking)

**Patient abandonment:** failure to see the patient in a timely manner (without documentation or explanation)

**Professional dishonesty:** dishonesty regarding a patient's treatment/falsification of documentation

**Conduct unbecoming:** behavior which reflects poorly on other students, the Dental College of Georgia, and the Dental Profession

**Fitness for duty:** a medical examination of a current student, resident or employee to determine whether he/she is physically or psychologically able to perform his/her job or academic responsibilities.

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#### Academic Administration- Dean's Office Use Only

**Policy No.:** DCG Policy Reference #

**Policy Sponsor:** DCG Associate Dean for Academic Affairs and Advanced Education

**Originally Issued:** Date

**Last Revision:** 12/14/2016

**Last Review:** No Review Date if applicable (none if it is a new policy)

## PROCESS & PROCEDURES

### A. Jurisdiction

1. This Code of Conduct applies to all dental residents enrolled in any of the eight DCG Advanced Education Programs at Augusta University, in all academic and clinical settings. Residents are notified of this Code of Conduct at orientation and continued enrollment automatically indicates acceptance of these provisions. In addition to these provisions, dental residents are also under the jurisdiction of the Augusta University Student Code of Conduct (<http://www.augusta.edu/student-life/conduct/documents/code-of-conduct-07-2016.pdf>) and the Augusta University Graduate Medical Education Office House Staff Policies (<http://www.augusta.edu/mcg/residents/hspolicies/index.php>) for breaches of conduct not covered under this Code of Conduct.
2. All dental residents accepted into the DCG Advanced Education Programs will be provided with a copy of this Code of Conduct at matriculation. During initial orientation, all matriculating dental residents will be required to read and sign a Code of Conduct Acknowledgement Form certifying that they understand they are subject to all of its provisions and agree to abide by it. (Appendix A).
3. All college-based codes are supplemental to the AU Student Code of Conduct so there is no double-jeopardy exemption from sanctions when students are found to be in violation of codes at the University and the College levels.
4. University conduct regulations shall apply to conduct which occurs on University premises and to conduct which occurs while a student is attending or participating in any University-related activity wherever that activity may take place, or any behavior, on or off University premises, which adversely affects the University community or the pursuit of its objectives. Residents at Augusta University are also citizens of Augusta-Richmond County. Obeying local ordinances and being a good neighbor is each resident's responsibility so as to maintain a healthy and supportive relationship between the residents and their neighbors and between the University and its host community. Prosecution for criminal acts on or off campus will not preclude action by the University where such acts also violate the Student Conduct Code. This scenario is not recognized legally as "double jeopardy." Augusta University has an obligation to uphold the laws of the larger community of which it is a part. While the activities covered by the laws of the larger community and those covered by Augusta University's rules may overlap, the community's laws and AU's rules operate independently and do not substitute for each other. Augusta University may enforce its own rules whether or not legal proceedings are planned or are under way, and may use information from third-party sources, such as law enforcement agencies and the courts, to determine whether University rules have been broken. Conversely, the University makes no attempt to shield members of the Augusta University from the law, nor does it intervene in legal proceedings against a member of the community. Membership in the Augusta University community does not exempt anyone from local, state or federal laws, but rather imposes the additional obligation to abide by these local ordinances and all AU regulations.

**B. Faculty Responsibility**

It is the ethical responsibility of the DCG Faculty and Advanced Education Program Directors to abide by and promote the principles espoused by the Code of Conduct. The Faculty should model and encourage high standards of ethical and professional behavior and take whatever steps are reasonably necessary to discourage academic dishonesty.

**C. Dental Resident's Responsibility**

It is the ethical responsibility of the dental resident to abide by and promote the principles espoused by this Code of Conduct. Dental residents should model and encourage high standards of ethical and professional behavior and take whatever steps are reasonably necessary to discourage academic dishonesty, and other violations of the Code of Conduct. Each dental resident is expected to work independently on academic assignments, other than during group exercises, and it is the resident's responsibility to protect the integrity of their own academic materials. Inherent within the process of self-regulation is the responsibility to report activities that are unethical and dishonest.

**D. Enforcement and Administration**

Responsibility for the enforcement of this Code of Conduct lies with the Dean of the Dental College of Georgia. Operational responsibility for administration of the provisions of this Code of Conduct has been delegated to the DCG Advanced Education Committee, a Code of Conduct Administrator (normally the Associate Dean for Academic Affairs and Advanced Education), and a Dental College of Georgia Spokesperson designated by the Dean.

**E. RESPONSIBILITIES:** The following individuals and groups have responsibility for administration of the provisions of this Code of Conduct:

1. The Dental College of Georgia Advanced Education Committee shall have responsibility for enforcement of this Code of Conduct, for holding hearings required under this Code of Conduct, and for evaluating and amending this Code of Conduct.
2. The Associate Dean for Academic Affairs and Advanced Education, as Code of Conduct Administrator shall coordinate administration of this Code of Conduct as specified in this document and shall maintain all official records regarding violations of the Code of Conduct for five years following graduation or the last day of active enrollment of the accused resident.
3. The Dental College of Georgia Spokesperson shall be an administrator or faculty member appointed by the Dean of the Dental College of Georgia. The Dental College of Georgia Spokesperson shall be appointed on an annual basis in keeping with the appointment of committees in the Dental College of Georgia. The Dental College of Georgia Spokesperson shall serve as a member of the Investigating Subcommittee as provided for in Section II.A.4., and shall represent the interests of the Dental College of Georgia in all hearings held under the provisions of this Code of Conduct.
4. The Code of Conduct Investigating Subcommittee shall have the responsibility for thoroughly investigating all alleged violations of this Code of Conduct. During the investigative phase, AU

Resources such as the Legal Office, Public Safety, and Information Technology may be used to assist the subcommittee. At the conclusion of its investigation, the Code of Conduct Investigating Subcommittee will prepare and submit a complete written report to the Code of Conduct Administrator. If a Hearing is indicated based on the evidence, the Chair of the Investigating Subcommittee shall read this report at the Hearing. The Code of Conduct Investigating Subcommittee will consist of the following three members:

- a. The Chair of the Investigating Subcommittee shall be appointed by the Code of Conduct Administrator from the membership of the Advanced Education Committee. This appointee cannot be the complainant in a case, or otherwise involved in the case and therefore unable to serve.
  - b. The Dental College of Georgia Spokesperson.
  - c. The Advanced Education Committee dental resident member. In the event the Advanced Education Committee student member is an alleged violator or has a personal or professional conflict of interest with the alleged violator, the Code of Conduct Administrator shall appoint another dental resident to serve on the investigating team.
5. The Code of Conduct Hearing Subcommittee will conduct all hearings regarding alleged violations of this Code of Conduct. The Hearing Subcommittee will consist of the following seven members:
- a. The DCG Advanced Education Committee Chair will serve as the non-voting chair of the Hearing Subcommittee. In the event that the Chair of the Advanced Education Committee is the complainant in a case, or otherwise unable to serve, the Code of Conduct Administrator shall appoint another faculty member to chair the Hearing Subcommittee.
  - b. Three faculty members approved by the alleged violator (s) and the Dental College of Georgia Spokesperson are chosen at random from a list of full-time DCG Faculty by the Code of Conduct Administrator as voting members of the Hearing Subcommittee.
  - c. Three dental residents representing three different advanced education programs other than the program of the alleged violator(s) shall serve as voting members of the Hearing Subcommittee. In the event that a case involves dental residents from more than one program, the Code of Conduct Administrator will appoint the appropriate number of dental residents from programs eligible to have dental residents on the Hearing Subcommittee in order to total three dental residents on the committee.

#### **F. Confidentiality**

All meetings, investigations, proceedings, and hearings conducted under the provisions of this Code of Conduct shall be confidential to the extent allowed by law. At the beginning of all hearings the Chair of the Hearing Subcommittee shall inform all subcommittee members of the confidential nature of proceedings conducted under this Code of Conduct.

**G. CONDUCT STANDARDS FOR DENTAL RESIDENTS:**

The following behaviors constitute violations of this Code of Conduct:

1. General violations
  - a. The theft or procurement in any unauthorized manner of any academic or clinical materials or academic or clinical property belonging to others or to the institution (including but not limited to theft or procurement by electronic means).
  - b. Lying with respect to activities covered by the Code of Conduct.
  - c. The use of pressure, threat, abuse, or similar practices against any person involved to inhibit or prevent the reporting, investigation, or hearing of an alleged violation of this Code of Conduct.
  - d. The withholding of evidence pertinent to any case under investigation or being heard, or the giving of false evidence during an investigation or hearing.
  - e. The falsifying, altering, counterfeiting, forging, destroying, or causing such falsifying, altering, counterfeiting, forging, or destroying of any Dental College of Georgia record, form, or document.
  - f. The abuse of, or intentional damage to, academic materials and/or facilities of the institution.
  - g. Failure to meet the conditions of Disciplinary Probation, and any violation of this Code of Conduct while a resident is on probation.
  - h. Regarding participation of dental residents in research projects- Failure to abide by Federal Regulations and AU Policies regarding human subject and/or animal research constitutes a breach of this Code of Conduct.
  - i. Displaying unprofessional behavior toward patients, faculty, staff, and other students. This includes, but is not limited to the following:
    - Inappropriate, threatening, or abusive comments/behavior,
    - disregard for an individual's time,
    - patient abandonment or failure to respond to a patient's treatment needs in a timely manner,
    - professional dishonesty, and
    - conduct unbecoming a health-care professional.
  - j. The use of social media to demean or discredit fellow dental residents, faculty, students or the Dental College of Georgia in any manner unbecoming a health care professional. The use of social media that may identify a patient under treatment at the Dental College of Georgia

- k. Excess consumption of alcoholic beverages, or controlled / illegal substances at any function or event associated with the Dental College of Georgia (on or off campus) that impairs function or appropriate public behavior or contributes to conduct unbecoming a health care professional. This includes consumption of alcohol at professional meetings and events where the resident is representing the Dental College of Georgia or where the resident's travel expenses are supported by the DCG. (See page 21 of the Augusta University Student Manual <http://www.augusta.edu/student-life/documents/studentmanual201516.pdf>; and Augusta University Student Code of Conduct <http://www.augusta.edu/student-life/conduct/documents/code-of-conduct-07-2016.pdf> )
- l. Accepting gifts or other such products that violates the University System of Georgia Code of Conduct and Conflict of Interest Policies. For purposes of this policy a gift is defined as lodging, transportation, personal services, a gratuity, subscription, membership, trip, loan, extension of credit, forgiveness of debt, advance or deposit of money, or anything of value. (See Augusta University Individual Conflict of Interest Policy) <https://augusta.policytech.com/dotNet/documents/?docid=568&LinkedFromInsertedLink=true&public=true>

## 2. Academic violations

- a. The giving or receiving of assistance not authorized by an instructor, test administrator, or testing agency instructions in the preparation of any assignment to be submitted for academic credit. Examples of assignments to be submitted for academic credit include but are not limited to examinations, essays, laboratory projects, electronic documents, and examinations required for graduation, which are administered by external agencies.
- b. The selling, lending, giving (providing in any manner), theft, acquisition by electronic means or otherwise of information or materials unauthorized by an instructor.
- c. The possession of any materials, or the use of any procedures or practices not authorized by the instructor, course director, department, or testing agency on any examination, essay, report, assignment, laboratory project, or clinical activity to be submitted or being performed for credit or which is required for graduation. Reproduction or attempts to reproduce examination materials through memorization, recording or other means in any fashion, organized or individually, is strictly prohibited and constitutes a violation of the code of conduct.
- d. Plagiarism; manuscripts, essays, research papers, tests, electronic documents and other similar requirements must be the work of the resident submitting the work for credit. When direct quotations are used, they must be indicated as such, and when the ideas of another are incorporated into any work to be submitted for academic credit, they must be appropriately acknowledged.

- e. All laboratory projects whether submitted for credit or otherwise must be the work of the designated dental resident unless otherwise specifically authorized by the program director or supervising faculty.

### 3. Clinical violations

- a. Failure to safeguard confidentiality of patient records in accordance with the Health Insurance Portability and Accountability Act (HIPAA) Guidelines. See the following links for detailed information about patient privacy issues:  
  - <http://www.cdc.gov/nip/policies/hipaa/default.htm>, and
  - <http://www.mcg.edu/SOD/patientservices/privacy.htm>.
- b. Patient care activities by dental residents without Augusta University Dental College of Georgia faculty supervision are strictly prohibited. For purposes of this section of the Code of Conduct, patient care activities by residents shall include all of those activities which constitute the practice of dentistry in the State of Georgia as defined by Section 43-11-17 and Section 43-11-1 (or the current sections of Georgia law governing the practice of dentistry) of the Laws Governing the Practice of Dentists and Dental Hygienists in Georgia (Appendix H). The following behaviors constitute violations of this Code of Conduct:
  - A. Patient care activities by dental residents without approval and supervision by faculty, including observing or engaging in clinic procedures in DCG or AU Hospital clinics without the resident's program director's approval .
  - B. Patient care activities by dental residents in DCG clinics outside of regularly scheduled clinic hours including, but not limited to, nights and weekends, without approval and supervision of faculty.
  - C. Patient care activities by dental residents without a valid unrestricted Georgia dental license at any off campus site unless such activities and sites are approved of as part of a recognized Dental College of Georgia course.
  - D. The appointing of any patient of the Augusta University Dental College of Georgia at any off campus site that is not recognized as an official (or formal) extension of the Dental College of Georgia.
  - E. Engaging in after-hours private dental practice without the knowledge and written approval of the dental resident's program director.
  - F. Engaging in after-hours private dental practice without a valid unrestricted Georgia dental license and appropriate malpractice liability insurance. A violation of this Section constitutes the illegal practice of dentistry and must be treated as a regular case (see IV.C). An alleged violation of this Section cannot be considered as a first offense (see IV.D). The illegal practice of dentistry is a violation of Georgia Law. A first offense is a felony (See Georgia Code O.C.G.A § 43-11-50. Practice of dentistry without a license) At the discretion of the Dean, individuals found in

violation of this section of the Code may be reported to the Georgia Board of Dentistry.

- G. Displaying an inability to perform patient care activities (in accordance with established DCG Performance Standards for Dental Residents) (Appendix B) with reasonable skill and safety to patients or becoming unable to perform patient care activities with reasonable skill and safety to patients by reason of use of alcohol, drugs, narcotics, chemicals, or any other type of substance, or as a result of any mental or physical condition, or by reason of displaying habitual intoxication, addiction to, or recurrent personal misuse of alcohol, drugs, narcotics, chemicals, or any other type of similar substances.
- Residents displaying an inability to safely treat patients are subject to mandatory drug testing.
  - Residents displaying behavior associated with psychiatric or behavioral disorders are subject to mandatory "fitness for duty" evaluation.

## H. PROCEDURES

\*Code of Conduct Alleged Violation Procedure Summary – see Appendix C

### 1. Report of Violations

Any alleged violation of this Code of Conduct will be reported in writing to the Code of Conduct Administrator (Associate Dean for Academic Affairs and Advanced Education) by the complainant(s) within 15 school days of the violation's becoming known to the complainant(s).

### 2. Receipt of a Complaint

Upon receipt of a complaint, the Code of Conduct Administrator will determine whether the alleged violator has been involved in any prior violation(s). If there has not been a previous violation(s), the Code of Conduct Administrator will then determine whether the incident qualifies as a first offense in keeping with the provisions of Section IV, C. If the incident is not a first offense or if the Code of Conduct Administrator determines that the incident does not qualify as a first offense, the case will be handled in keeping with the provisions of Sections IV, D, and IV, E.

### 3. First Offense Violations

If the conditions for the First Offense apply and the alleged violator(s) agree(s) to this option, they will do so by willingly signing the "Admission of First Offense" Form found in Appendix D. In so doing, the accused dental resident admits to the validity of the allegations and that he (she) agrees to abide by the disciplinary actions as outlined in IV.C.2.b. below. The accused dental resident must accept or decline the Admission of First Offense in writing within 3 working days. If the accused resident fails to accept or decline this option within this time period, the offense will be handled as a regular case as described in section IV. D. Should the student decline the First Offense option at this time, it will NOT be offered later. If the alleged violator declines the First Offense option, he (she) must sign Appendix C at the appropriate location indicating that he (she) was



provided this option and willingly declined it, and fully realizes the consequences of such action.

- a. Alleged violations of this code of conduct (except alleged violations of Section III, subsection I) may be handled as first offenses if the following conditions are met:
  - The alleged violator has no prior record of violations of the Code of Conduct, and
  - The complainant, the alleged violator and the Code of Conduct Administrator all agree that the incident should be handled as a first offense.
  - First offense disposition of cases involving more than one resident will only be allowed if all alleged violators have no prior violations.
  - In all cases, the Code of Conduct Administrator shall have the authority to deny first offense classification to an incident and to require that the incident be handled as a regular case in keeping with Sections IV, D, and IV, E.

- b. **First Offense Case Disposition Procedures**

If all of the conditions cited in Section IV.C.1.a-e are met, an incident may be disposed of as a first offense and the disciplinary action will be imposed by the Code of Conduct Administrator.

- 1) The alleged violator(s) must sign a written admission that the violation took place and that the facts reported are true and accurate ("Admission of First Offense" Form found in Appendix D). This admission will be recorded by the Code of Conduct Administrator as a record of a violation of the Code of Conduct.
- 2) In cases handled as first offenses, the following penalties will be imposed:
  - Disciplinary probation until graduation or for the next three consecutive semesters of enrollment, whichever is shorter, and
  - Restitution for replacement of any lost or damaged property, as appropriate and determined by the Code of Conduct Administrator, and
  - In incidents of academic dishonesty, the course director will determine an academic penalty up to and including a failing grade in the course.

#### **4. Regular Case Investigation Procedures**

If an incident cannot be handled as a first offense as specified above in Section 3.a., then the procedures of this Section shall apply and the matter shall be handled as a regular case.

- a. The Code of Conduct Administrator and one other dental school administrator or full-time faculty member will meet with the alleged violator(s) and advise the resident(s) in writing that a complaint has been received. At that time, the Code of Conduct Administrator will ask the accused resident(s) to enter a written plea of "not guilty" or "guilty" within 72 hours. (Appendix E) If the accused resident fails to enter a plea within the 72 hour time period, the Code of Conduct Administrator will enter a plea of "not guilty" for the accused resident.

- b. Every alleged violator must enter an individual written plea to all charges prior to the beginning of any investigations, and the written plea(s) will be provided to the investigating subcommittee. (Appendix E) If pleas change prior to any scheduled hearing, the Dental College of Georgia Spokesperson must be informed of the change in writing.
- If the accused dental resident admits to a violation and enters a plea of “**guilty**”, the resident will be notified that a meeting of the Code of Conduct Hearing Subcommittee will be scheduled to formulate a recommendation for disciplinary action; the recommendation for disciplinary action will be submitted to the Dean.
  - If the accused dental resident denies the allegation(s) and enters a plea of “**not guilty**”, an investigation will be conducted by the Code of Conduct Investigating Subcommittee to evaluate the evidence against the resident(s). If the Investigating Subcommittee finds sufficient evidence that a violation may have occurred, a full Code of Conduct Subcommittee Hearing will be conducted.
- c. The Code of Conduct Administrator will then notify the Code of Conduct Investigating Subcommittee of the alleged violation and provide the information relative to the incident. The Investigating Subcommittee will initiate and complete an investigation of the alleged incident within 20 working days from the date of their notification. The 20 day limit will not include weekends, regularly scheduled holidays and resident/student breaks. The Investigating Subcommittee will determine if sufficient evidence exists to proceed to a formal hearing. Each Subcommittee member will have a vote in the decision, which will be filed confidentially and individually with the Chair of the Advanced Education Committee at the completion of the investigation. The Subcommittee Chair will provide a written report to the Code of Conduct Administrator. Extensions of the 20-day limit may be granted by the Code of Conduct Administrator for reasonable cause. The accused dental resident will be notified about the extension if it is granted. If a majority of the Investigating Subcommittee find in favor of proceeding to a formal hearing, a formal hearing will be scheduled within 5 – 20 days following notification of the resident. If the decision is that insufficient evidence exists to proceed to a formal hearing, the accused resident(s) and the person who filed the allegations will be required to meet together with the Code of Conduct Administrator and the Chair of the Advanced Education Committee. The intent of this meeting will be to candidly discuss the allegation(s) and provide an opportunity to mediate any differences. All communications between the accused and faculty or staff should be recorded or witnessed by a third party following the formal charge and plea. This report will also be presented to the Code of Conduct Hearing Subcommittee by the Investigative Chair.
- d. If a Hearing is scheduled, The Code of Conduct Administrator will randomly select a list of five faculty to serve on the Hearing Subcommittee (three active and two alternates). The Resident representatives will be three dental residents currently

enrolled in an advanced education program who are not enrolled in the accused dental resident's training program. Two additional dental residents shall serve as alternate resident members of the Hearing Subcommittee.

- e. The Code of Conduct Administrator and the Hearing Subcommittee Chair shall evaluate the list of proposed Hearing Subcommittee members for potential conflicts of interest. If a conflict of interest is believed to exist, the proposed Hearing Subcommittee member shall be withdrawn and a new member shall be randomly selected. This process ensures that the selection of any Hearing Subcommittee members shall not jeopardize the right of the accused to a fair and impartial Hearing. The final Hearing Subcommittee with voting rights will consist of three faculty and three resident members, a total of six members.

## 5. Regular Case Disposition Procedures

- a. In all incidents where a hearing is required, the Code of Conduct Hearing Subcommittee will hear the case, determine whether the accused dental resident has been involved in violations of the Code of Conduct, and, if a violation is found to have taken place, recommend an appropriate disciplinary action to the Dean.
- b. Pre-Hearing Procedures: The Hearing Subcommittee Chair will notify the alleged violator in writing of:
  - the charges against him/her,
  - the nature of the evidence against him/her, and the names of witnesses scheduled to testify,
  - a date for the hearing not sooner than 5 and no more than 20 school days from date of the alleged violator's notification of the need for a formal hearing, and
  - the rights at a hearing of an alleged violator and any victim of the alleged incident to:
    - 1) accept as a Resident Advisor a faculty member or administrator appointed by the Code of Conduct Administrator or be accompanied by an Advisor of the resident's choice who is a faculty member or an administrator at Augusta University. The accused resident may also choose a personal acquaintance, fellow resident, or family member as an advisor. However these individuals must sign a FERPA waiver before the hearing begins. (Appendix F) Advisors chosen by the accused resident cannot include legal professionals or any university administrator who would be responsible for ruling on the eventual outcome or appeal of the hearing decision. The Advisor may not directly question either witnesses or members of the Hearing Subcommittee or participate directly in the hearing. The Advisor(s) will assist the accused or victim as applicable in following the protocols of this Code of Conduct and provide other advice before and during the hearing.

- 2) question the Dental College of Georgia Spokesperson's witnesses.
  - 3) submit a maximum of 2 character reference letters and present witnesses who have pertinent testimony relating to the specific alleged violation.
  - 4) expect a decision based solely on evidence presented.
  - 5) be provided a written notification of the outcome of the case
  - 6) appeal the Dean's decision to the President of Augusta University.
- c. The Chair of the Hearing Subcommittee will provide the alleged violator with an Order of Proceedings for hearings held under this Code of Conduct which the Advanced Education Committee may, at its discretion, adopt for such hearings (Appendix G).
- d. The Chair of the Hearing Subcommittee will provide the alleged violator and the Dental College of Georgia Spokesperson with a list of the three randomly chosen faculty members and the resident members who are designated to serve on the Hearing Subcommittee. A pre-hearing meeting (the format of such will be agreed on by all parties) between the Chair of the Hearing Subcommittee, the accused, and the Spokesperson will then be held. The accused and the Spokesperson may each request the disqualification of one faculty and one resident for cause. If a hearing subcommittee member is disqualified, the Chair of the Hearing Subcommittee will select the replacement from the next two names on the random list of faculty to replace a faculty member, or from the resident list to replace a resident. The accused or the Dental College of Georgia Spokesperson shall have the same opportunity to reject and replace faculty and resident members of the hearing subcommittee. At the initial portion of a hearing, one standby faculty member and one standby student member will be required to attend in case a faculty member and/or resident member of the Hearing Subcommittee recuses/recused themselves/themselves because of conflict of interest. The standby members will be mutually acceptable to the accused and the Spokesperson, and if not needed, will then be dismissed prior to the hearing.
- e. The Dental College of Georgia Spokesperson and the accused dental resident must provide the Chair of the Hearing Subcommittee with a complete list of witnesses at least 72 hours in advance of a scheduled hearing. The Chair will then provide the Spokesperson and the accused dental resident a complete list of the witnesses at least 48 hours in prior to the scheduled hearing. A meeting between the Chair, Spokesperson, and the accused will occur in which witness lists are exchanged, the hearing subcommittee panel will be revealed, and accepted or modified by the Accused. The chair explains the Code of Conduct Hearing protocols to both parties and other issues may be clarified. It is the Spokesperson's and accused dental resident's responsibility that their corresponding witnesses are notified of the hearing date and time, and that they attend the hearing. If additional witnesses are introduced at the time of the hearing by either the accused student(s) or the Spokesperson, it will be left to the discretion of the Chair of the Hearing Subcommittee as to the relevance of their testimony and to their participation in the hearing. If a witness or witnesses fail to attend the hearing, it will be left to the discretion of the Chair of the Hearing Subcommittee as to whether the hearing will proceed, or will be re-convened at a later date.

## 6. Hearing Procedures

- a. Attendance in the hearing room may be limited to: The Hearing Subcommittee, the Dental College of Georgia Spokesperson, the alleged violator, the alleged violator's advisor, and witnesses during the time of their testimony only, and officials of Augusta University. The Chair of the Hearing Subcommittee will rule on the presence of any other individuals who wish to attend the hearing.
- b. An audio recording of the Hearing Proceedings is made that includes witness testimony, but does not include deliberations of the Hearing Subcommittee. These audio recordings are maintained in the Office of the Associate Dean for Advanced Education Programs.
- c. All voting members of the Hearing Subcommittee will read and sign the "Responsibilities of a Voting Member of the Code of Conduct Hearing Subcommittee" form, Appendix H, prior to the beginning of the Hearing.
- d. Only evidence pertinent to the specific allegation(s) may be considered. Knowledge of prior violations or admission of guilt may not be made known or considered in determining guilt or innocence. Pertinent evidence may refer to new findings arising as a result of the investigation process.
- e. Only in extraordinary circumstances will there be separate hearings if there is more than one alleged violator. Such a circumstance will be determined by the Code of Conduct Administrator and the Dental College of Georgia Spokesperson.
- f. The Hearing Subcommittee Chair will read aloud the contents of Appendix G, "Chair's Summary Statement" and provide information pertinent to the specific Hearing. This document states that the proceedings will be recorded and introduces the Subcommittee members, the accused, and the accused's advisor and outlines the function of the Chair, presents the order of events which will occur at the Hearing, specifies how the evidence is to be evaluated and states the criteria the Subcommittee members are to utilize in reaching their decision.
- g. The Hearing Subcommittee Chair will read the allegation(s) to the alleged violator and request the alleged violator's plea.
- h. The Dental College of Georgia Spokesperson will present the case against the alleged violator. The alleged violator will present the defense.
- i. Witnesses may be recalled for clarification of testimony or to give further testimony. All witnesses to be called will be sworn by oath by a Notary Public for the State of Georgia (Appendix I). The witnesses will be monitored and/or separated in order to discourage interaction and inappropriate communications while waiting to testify.

- j. The Spokesperson and then the accused will be given the opportunity to make a closing or summary statement prior to deliberations by the hearing subcommittee.
- k. The Hearing Subcommittee will consider the evidence in executive session. If it is necessary to recall a witness for clarification after the Subcommittee adjourns into executive session, the DCG Spokesperson, the alleged violator, the alleged violator's advisor shall be present and all except the alleged violator's advisor have the right to question the witness regarding the witness's clarifying statements.
- l. Nothing in the Code of Conduct shall prevent an accused dental resident from pleading guilty to any alleged violation of this Code and waiving the right to a full hearing on the charges. All pleas of guilty and waivers of hearing must be presented to the Chair of the Hearing Subcommittee in writing on a Waiver of Hearing Form acceptable to the Chair of the Hearing Subcommittee (Appendix J). In the case of a plea of guilty, evidence related to the facts of the violation will not be presented and the Hearing Subcommittee's sole responsibility will be to recommend appropriate disciplinary action to the Dean.

## **7. Hearing Outcome**

Four of six votes are required to find a dental resident in violation of the Code of Conduct. In the deliberations of the Hearing Subcommittee, the three faculty members and the three dental residents are required to vote; the Chair of the Hearing Subcommittee does not vote.

In the event a resident is found to have violated the Code of Conduct or admits to a violation of the Code of Conduct, the Hearing Subcommittee will recommend an appropriate disciplinary action to the Dean. The Hearing Chair will read the list of Disciplinary Actions from which the Hearing Subcommittee members are to select their recommendation (Section V., A.- E.). Before the Hearing Subcommittee begins deliberations to formulate a recommendation for disciplinary action, the Dental College of Georgia Spokesperson will inform the Subcommittee of any previous violations on the record of the accused dental resident, to include first offense violations to which the resident pled guilty, and Code of Conduct and/or Employee Work Rules violations of which the resident was found guilty by a Hearing Subcommittee. However, unsubstantiated charges or charges which resulted in not-guilty decisions will not be disclosed. The Spokesperson will also provide the Subcommittee with a suggested disciplinary action. Four votes are required for recommendation of a specific disciplinary action to the Dean. All Subcommittee members (except the Chair) will vote.

## I. DISCIPLINARY ACTIONS

The following are possible disciplinary actions, which can be recommended to the Dean by the Hearing Subcommittee through regular case disposition procedures. These penalties are not all-inclusive and may be modified depending upon the nature of the violation or violations.

### 1. Administrative Probation

An official warning that the dental resident's conduct violates the Code of Conduct but is not sufficiently serious to warrant expulsion, dismissal or suspension. This type of probation does not carry concurrent restrictions. Continued enrollment depends on maintaining satisfactory conduct during probation. A favorable recommendation normally will not be furnished by the university during probation. It shall be imposed for a specified period of time during which any other additional violations of the Code of Conduct will result in more severe disciplinary actions.

### 2. Administrative Probation with Restrictions

This action is a warning that the dental resident's behavior is unacceptable and includes other sanctions, which do not require an interruption or termination of the student's enrollment. Probation shall be imposed for a specified period of time during which any other violation of the Code of Conduct will result in more severe disciplinary actions. A favorable recommendation normally will not be furnished by the university during probation. Sanctions, which may be imposed as restrictions, shall include but not be limited to:

- a. Loss of scholarship, stipends and educational loan awards from funds under the direct control of the Augusta University or the Dental College of Georgia (federal aid programs are not included in this provision);
- b. Loss of credit for any test, paper, report, essay, laboratory project, or clinical procedure involved in the violation;
- c. A failing grade for the course(s) in which the violation(s) occurred;
- d. Restitution for damages or replacement of property;
- e. Loss of the privilege of representing the Dental College of Georgia in any official capacity or loss of the privilege of representing the Advanced Dental Education Programs of the Dental College of Georgia in any official capacity.
- f. Suspension of clinical privileges for a period of time to be determined by the Hearing Subcommittee. The student will remain enrolled in the curriculum and participate in all activities, except those involving direct patient care. Appropriate measures to insure continuity of patient care must be an integral portion of any such disciplinary recommendation. The clinic time lost due to this suspension must be made up with at least an equivalent amount of clinic time scheduled after the resident's original date of program completion, or during existing student break time.

g. Other sanctions as deemed appropriate.

**3. Suspension:**

This action terminates the enrollment of a dental resident in the Dental College of Georgia for a specified period of time. Participation in courses and Dental College of Georgia activities is prohibited during the suspension period. A suspension may require actions by the dental resident's program director to insure continued dental care for patients assigned to the dental resident. Stipends and wages are not paid to residents during periods of disciplinary suspension. The clinic time lost due to this suspension must be made up with at least an equivalent amount of clinic time scheduled after the resident's original date of program completion, and all course work missed during the suspension must be made up in accordance with faculty course directors' expectations.

**4. Expulsion:**

The permanent denial of the individual's privileges to attend the Dental College of Georgia Advanced Education Program. A dental resident found to have violated Section III .I, regarding the illegal practice of dentistry, will be recommended for expulsion.

**5. Combinations:**

Nothing in the Code of Conduct shall prevent a student from receiving a combination of penalties, such as a suspension for a specified time, to be followed by a period of probation, which could also include restrictions.

**J. REVIEW BY THE DEAN**

1. The outcome of all hearings held before a Hearing Subcommittee of the Advanced Education Committee will be reported to the Dean within 48 hours of the hearing date as advisory to the Dean. The authority for final action by the Dental College of Georgia in all cases rests with the Dean. The Dean will review each Hearing Subcommittee report to determine that:
  - a. The violator was accorded due process.
  - b. The facts of the case support the findings of the Hearing Subcommittee.
  - c. Recommendations for disciplinary action, if any, are appropriate.
2. The Dean shall review the Hearing Report and recommendation for disciplinary action from the Hearing Committee and inform the accused resident of his/her decision within 10 business days following receipt of the report. After reviewing reports of the Hearing Subcommittee, the Dean may:
  - a. Approve and implement the report of the Hearing Subcommittee or
  - b. Amend and implement the report of the Hearing Subcommittee, or
  - c. Remand the case to the Hearing Subcommittee for further review and consideration.



**K. APPEALS**

Any resident found to have violated this Code of Conduct has the right to appeal the Dean's decision to the President of the Augusta University in the method and timeframe described in the most recent AU Catalog and the most recent AU Student Manual.

**L. RECORDS**

1. If the accused dental resident is found to be in violation of this Code of Conduct, all records pertaining to the case shall then be retained in the office of the Code of Conduct Administrator. If a dental resident is placed on probation, suspended or expelled, the records shall be maintained in the resident's permanent file in the AU Registrar's Office.
2. If the accused dental resident is found not to have violated the Code of Conduct, by the Hearing Subcommittee, and the Dean concurs with the findings, all investigative materials, evidence, etc., shall be retained in the office of the Code of Conduct Administrator. If review by the Dean subsequently finds that the accused dental resident is in violation of the Code of Conduct, all records will be retained as previously described. A record of the action shall be retained by the Code of Conduct Administrator for five years after graduation or the last day of active enrollment of the accused resident.

**M. ANNUAL REPORT**

During the first full month of the fall Semester, the Chair of the Advanced Education Committee will provide a report of the previous year's activity to the faculty and dental residents. The report should include the number of alleged violations reported, the number of proven violations, admissions of guilt, acquittals, and any disciplinary actions imposed.

**N. REVIEW AND REVISION**

1. Every 2 years, the Chair of the Advanced Education Committee will appoint a subcommittee of the Advanced Education Committee to evaluate this Code of Conduct. At least one dental resident, one Dental College of Georgia faculty member and the current Dental College of Georgia Spokesperson will be on this subcommittee. The Code of Conduct may be evaluated more frequently at the request of the Dean or the Advanced Education Committee.
2. The Code of Conduct will be revised as needed following the evaluation. All revisions must be approved separately by a majority vote of the Advanced Education Committee.
3. The Code of Conduct may be revised by the Dean at any time it is determined to be in violation of Augusta University policies.
4. The current Code of Conduct will be in effect until such time as revisions are approved.

**Policy Review Cycle:** This policy will be reviewed every 2 years to confirm compliance with CODA accreditation standards and USG/AU guidelines.

**REFERENCES & SUPPORTING DOCUMENTS**

- Appendix A: Code of Conduct Acknowledgement Form
- Appendix B: Performance Standards for Dental Residents
- Appendix C: Code of Conduct Flowchart
- Appendix D: Admission of First Offense Form
- Appendix E: Plea Form
- Appendix F: FERPA Waiver Form
- Appendix G: Hearing Proceedings Template
- Appendix H: Responsibilities of Voting Members of Hearing Panel Form
- Appendix I: Witness Oath Form
- Appendix J: Waiver of Hearing Form

**RELATED POLICIES**

- Augusta University Student Code of Conduct  
<http://www.augusta.edu/student-life/conduct/documents/code-of-conduct-07-2016.pdf>
- Augusta University Graduate Medical Education Office House Staff Policies  
<http://www.augusta.edu/mcg/residents/hspolicies/index.php>
- Section 3: Student Responsibilities of the Augusta University Student Manual  
<https://www.augusta.edu/student-life/documents/2017austudentmanual.pdf>;
- Augusta University Student Code of Conduct  
<http://www.augusta.edu/student-life/conduct/documents/code-of-conduct-07-2016.pdf>
- Augusta University Individual Conflict of Interest Policy  
<https://augusta.policytech.com/dotNet/documents/?docid=875&public=true>
- AU Policy No. 717: Privacy of Health Information:  
<https://augusta.policytech.com/dotNet/documents/?docid=1232&public=true>
- Laws Governing the Practice of Dentists and Dental Hygienists in Georgia Section 43-11-17 and Section 43-11-1
- Georgia Code O.C.G.A § 43-11-50. Practice of dentistry without a license
- DCG Performance Standards for Dental Residents

**APPROVED BY:**

Advanced Education Committee

Date: 12/14/2016