

September 4, 2020

Marie Chisholm-Burns, PharmD, MPH, MBA, FCCP, FASHP, FAST
Dean and UTHSC Distinguished Professor, College of Pharmacy
Professor of Surgery, College of Medicine
University of Tennessee Health Science Center
881 Madison Ave., Ste. 264
Memphis, Tennessee 38163

Sent via Electronic Mail (mchisho3@uthsc.edu)

Dean Chisholm-Burns:

My name is Greg H. Greubel. I am a staff attorney with the Foundation for Individual Rights in Education (FIRE), a nonpartisan, nonprofit organization dedicated to defending liberty, freedom of speech, due process, academic freedom, legal equality, and freedom of conscience on America's college campuses.

I am writing again concerning Kimberly Diei. We understand that you are the Dean of the University of Tennessee Health Science Center College of Pharmacy ("UTHSC-COP"), and you are reviewing the decision of the Professional Conduct Committee ("Committee") to dismiss Diei from the program for allegedly violating an unknown professionalism code. We also understand that you have the ability to reverse the Committee's unlawful decision to dismiss Diei. FIRE strongly urges you to reverse the Committee's dismissal of Diei and reminds you that you would be personally liable for violating Diei's constitutional rights by upholding her dismissal.

I. Statement of Facts

The following is our understanding of the pertinent facts. We appreciate that you may have additional information to offer and invite you to share it with us. We have already sent you an executed waiver authorizing you to share information with FIRE. However, if the facts here are substantially accurate, you must reverse the Committee's dismissal of Diei.

UTHSC-COP requires students to acknowledge receipt of the CenterScope Handbook (the student "Handbook") as well as the UTHSC Catalog, which contains a specific College of

Pharmacy section that governs student conduct. UTHSC-COP also requires students to adhere to a set of “Technical Standards” that it distributes during first-year orientation. UTHSC-COP maintains a Professional Conduct Committee (the “Committee”), which investigates complaints of unprofessional conduct.

In September 2019, the Committee contacted Diei about her social media accounts. Diei maintains a Twitter and Instagram account under the name KimmyKasi. According to the Committee, they received a complaint from an unidentified person about unprofessional content on the KimmyKasi Instagram account. The Committee required Diei to attend a meeting to address the complaint. Following the meeting, the Committee informed Diei that the KimmyKasi account contained unprofessional sexual content, but did not tell her specifically which posts the Committee deemed unprofessional. (A copy of the Committee’s October 14, 2019 Decision is attached as Exhibit A.) The Committee required Diei to write a three-page paper reflecting on her behavior and describing what she had learned from the incident. Diei wrote the letter and received no further discipline. Diei continued to use her KimmyKasi account, but was mindful of the Committee’s decision and tried to disassociate the KimmyKasi account from her life as a student at UTHSC-COP.

On August 27, 2020, Dr. Christa George, an associate professor and chair of the Committee, informed Diei that an unidentified person submitted another complaint about her KimmyKasi account. (A copy of George’s August 27, 2020 email correspondence is attached as Exhibit B.) George also sent Diei screenshots of the KimmyKasi Instagram and Twitter accounts that were submitted to the Committee. The seventeen posts depicted in the screenshots contained explicit sexual language but did not identify Diei as the owner of the account or reference UTHSC-COP. The posts also did not contain any nudity and did not violate the terms of service of Instagram or Twitter. George informed Diei that she had to appear before the Committee on September 1, 2020, and that Diei had until August 31, 2020 to submit any evidence for the Committee to consider. Diei asked George to provide the specific policy that her posts allegedly violated, and George responded by stating that the Handbook, Catalog, and Technical Standards contain “various professionalism codes” that her posts may have violated. George did not provide the text of those professionalism codes or reference to any specific sections. On September 1, 2020, the Committee met with Diei via Zoom videoconference to discuss the KimmyKasi posts. Diei explained to the Committee that she did not believe that any of her posts were unprofessional, and stated that she was unable to find any specific policy that she violated. The Committee members told Diei that her posts were sexual in nature and contained crude and vulgar statements. Diei agreed that her posts were sexual and contained explicit language, but Diei did not agree that the posts violated any standards of professionalism. Moreover, Diei stated that her KimmyKasi account is disassociated from her real name and had no relation to her work as a student at UTHSC-COP.

On September 2, 2020, George sent Diei the Committee’s “Decision on Professionalism.” (A copy of the Committee’s September 2, 2020 Decision is attached as Exhibit C.) In the letter, George states that Diei appeared before the Committee in September 2019 because of “unprofessional content of a sexual nature.” (*Id.*) George then wrote that the Committee

received another complaint about posts “of a sexual nature, as well as crude and vulgar statements.” (*Id.*) George also stated that one of the KimmyKasi posts “included an image identifying [Diei] as a member of the UTHSC College of Pharmacy.” (*Id.*) However, none of the posts George sent to Diei identify her as a member of the school.

George informed Diei that the Committee “determined that your conduct is a serious breach of the norms and expectations of the profession, and that you do not meet the minimum thresholds of professional behavior or the requirements of the Technical Standards for students in the UTHSC College of Pharmacy.” (Ex. C.) Based upon this determination, the Committee voted unanimously to dismiss Diei from the UTHSC-COP.

George informed Diei that she could appeal the Committee’s determination to you by September 4, 2020. Diei requested an extension of time to file her appeal, but you denied this request.

II. UTHSC-COP has Violated Diei’s Constitutional Rights.

a. UTHSC-COP Violated Diei’s Right to Due Process.

Students facing suspension or expulsion from a public educational institution have a constitutional right to due process in their disciplinary proceedings. *See Goss v. Lopez*, 419 U.S. 565 (1975) (setting minimum due process requirements for student disciplinary proceedings involving 10-day suspension). “At a minimum, a student facing suspension is entitled to the opportunity to be heard at a meaningful time and in a meaningful manner. While the exact outlines of process may vary, universities must at least provide notice of the charges, an explanation of the evidence against the student, and an opportunity to present [her] side of the story before an unbiased decision maker.” *Doe v. Univ. of Cincinnati*, 872 F.3d 393, 399-400 (6th Cir. 2017)(internal citations and quotations omitted.)

UTHSC-COP has not provided Diei with notice of the policies that she allegedly violated, identified the posts that violated those policies, or identified what words or images in any of the posts violated any UTHSC-COP policy. In her September 2, 2020 email to Diei, George stated that the Committee was investigating Diei for “[u]nprofessional social media posts.” (Ex. B.). George then provided a link to “the screenshots that were submitted to the committee as evidence” In response, Diei asked for “the specific policy/guideline [she had] allegedly violated and exactly in what way [she had] allegedly violated it.” In response, George recited a list of documents that UTHSC-COP provides to students when they apply for the program. George did not cite any specific policy or provision contained within those documents; instead, she stated that those documents contained “various professionalism codes” that Diei allegedly agreed to follow. George also did not identify any specific post or content that violated these “various professionalism codes.” Moreover, in the September 2, 2020, “Decision on Professionalism,” George failed to identify any specific policy or provision that Diei violated. (Ex. C.). Critically, George did not even identify the specific post or posts, or make reference to any specific content, that allegedly violated whatever professionalism

policy George had in mind. George only explained that Diei's posts "included material of a sexual nature, as well as crude and vulgar statements."

To date, neither FIRE nor Diei knows what policy Diei violated or what post or content allegedly justified expulsion. This is unacceptable and unlawful. "The epitome of a pretextual explanation for a student's expulsion is a reason never expressed or invoked before." *Ward v. Polite*, 667 F.3d 727, 737 (6th Cir. 2012). Because UTHSC-COP has failed to provide Diei with the notice required by the Due Process Clause, UTHSC-COP has violated Diei's right to due process of law.

b. UTHSC-COP Subjected Diei to Unconstitutionally Vague Standards of Conduct.

A government statute or ordinance is unconstitutionally vague when "prohibitive terms are not clearly defined such that a person of ordinary intelligence can readily identify the applicable standard for inclusion and exclusion." *Yoder*, 526 Fed. Appx. at 548–549 (citing *United Food & Comm. Workers Union Local 1099 v. Sw. Ohio Reg. Transit Auth.*, 163 F.3d 341, 358–59 (6th Cir. 1998) (citing *Grayned v. City of Rockford*, 408 U.S. 104, 108, 92 S.Ct. 2294, 33 L.Ed.2d 222 (1972))). As noted above, Diei is unaware of the specific policy that her social media posts allegedly violated. Rather, the Committee found she violated an undefined and subjective standard of "professional behavior." Moreover, there is not a single written policy that Diei is subject to that "a person of ordinary intelligence can readily identify" as prohibiting Diei's online expression outside of class. *Id.* at 548–549. The most relevant subsections of "Technical Standards for Admission and Retention" and "Behavioral and Social Attributes" have no direct reference to specifically prohibited conduct. Instead, the policies uses broad categories of conduct that persons of ordinary intelligence would readily *differ* on as to their meaning, the very essence of vagueness. For instance, the policy states students "must possess [. . .] the exercise of good judgment." Without any discernable way to determine what expression or conduct may subject one to punishment, UTHSC-COP gives itself the tools to weed out students whose expression it does not like. That is what happened here; however, "[t]he First Amendment prohibits the vesting of such unbridled discretion in a government official." *Forsyth Cty. v. Nationalist Movement*, 505 U.S. 123, 133, 112 S. Ct. 2395, 2403 (1992).

c. UTHSC-COP Enforced its Vague Policies in a Viewpoint Discriminatory Manner.

Restrictions on speech that incorporate subjective, vague terms require government officials to engage in unconstitutional viewpoint discrimination. The Supreme Court recently provided guidance on this topic in *Iancu v. Brunetti*, 139 S. Ct. 2294 (2019). In *Iancu*, the plaintiff challenged a federal prohibition on registering trademarks that "[c]onsist[] of or comprise[] immoral[] or scandalous matter." *Id.* at 2298. After the plaintiff's trademark was denied registration by the U.S. Patent and Trademark Office, he challenged the prohibition on immoral or scandalous trademarks on grounds that these restrictions demonstrated viewpoint bias on their face. The Court agreed, reasoning that an official who denies a

trademark because it is “immoral or scandalous” must engage in viewpoint discrimination because those terms require a government official to decide what is “immoral” or “scandalous.” *Id.* at 2299. As the Court explained, these definitions inherently require moral judgments because officials must distinguish “between two opposed sets of ideas: those aligned with conventional moral standards and those hostile to them; those inducing societal nods of approval and those provoking offense and condemnation. The statute favors the former, and disfavors the latter.” *Id.* at 2300.

The Committee voted to dismiss Diei because of the “sexual,” “crude,” and “vulgar” nature of her social media posts. Apparently, the Committee decided that Diei’s posts are outside of the moral standards required of pharmacy professionals—which is the exact type of viewpoint discrimination that the Court has forbidden. Presumably, the Committee does not prohibit all discussions of sexual activity by its students in their private lives outside of the classroom and off-campus. Instead, it appears that the Committee disagrees with Diei’s views and chosen form of expression. Because the Committee is not free to disfavor Diei’s views on sexuality or the language in which she expresses them, it has violated Diei’s First Amendment rights by engaging in viewpoint discrimination.

d. UTHSC-COP Cannot Demonstrate any Legitimate Nexus Between Diei’s Posts and her Role as a Student or the Duties of a Pharmacist.

In cases where students have been dismissed for lack of professionalism based on their expression, courts have focused on the nexus between the prohibited behavior and the duties expected of a student or as a practitioner in their future field. *See, e.g., Yoder v. U. of Louisville*, 526 Fed. Appx. 537, 545 (6th Cir. 2013) (after student published patient details in blog, the court recognized universities “legal and ethical obligations to ensure that patient confidentiality is protected, and that nursing students are trained with regard to their ethical obligations.”); *Al-Dabagh v. Case W. Reserve U.*, 777 F.3d 355, 357–58 (6th Cir. 2015) (upholding punishment of student who was often late, asked instructor to lie about his lateness, and did not prepare before meeting with patients).

UTHSC-COP cannot demonstrate any nexus between Diei’s social media posts and her ability to perform her professional duties because none exists. No professional standard in the pharmaceutical profession prevents a pharmacist from communicating about sexuality, on her own time, in a context unrelated to her practice, and UTHSC-COP does not possess any lawful authority to police Diei’s private, fully protected expression about matters wholly unrelated to her studies. The online sexually-related expression disfavored by the UTHSC-COP has been and remains isolated from Diei’s professional context. Thus, UTHSC-COP’s use of an amorphous notion of professionalism to expel Diei for her off-campus expression in this context plainly violates her First Amendment rights.

III. CONCLUSION

In less than a week, UTHSC-COP's flatly unlawful actions have destroyed Diei's academic and professional prospects and violated her clearly established constitutional rights.

You have the opportunity to correct the unlawful decision of the Committee. If you uphold Diei's dismissal, then you will be personally liable for violating Diei's constitutional rights. Please be advised that FIRE is prepared to use all of the resources at our disposal to ensure that you and each member of the Committee is held accountable for your violation of Diei's rights. We would appreciate a response to this letter by Wednesday, September 9, 2020.

Sincerely,

A handwritten signature in blue ink, appearing to read "Greg H. Greubel", is written over a light blue horizontal line.

Greg Harold Greubel
Staff Attorney

CC:

Mark M. Petzinger (mpetzing@uthsc.edu)
C. Ryan Stinnett (ryanstinnett@tennessee.edu)
Frank Lancaster (flancast@tennessee.edu)
David Whitcomb (david-whitcomb@tennessee.edu)

Exhibit A



Office of the Dean
College of Pharmacy
881 Madison Avenue, 2nd Floor
Memphis, TN 38163
t 901.448.6036
f 901.448.7053

Memphis
Knoxville
Chattanooga
Nashville

October 14, 2019

Ms. Kimberly Diei, P1
University of Tennessee
College of Pharmacy

Re: Decision on Professionalism

Dear Ms. Diei:

This letter reports the outcome of the complaint of unprofessional behavior to the Professional Conduct Committee of the College of Pharmacy, its recommendations, as well as my decision.

You applied for and were accepted into the College of Pharmacy for the Doctor of Pharmacy professional degree program. The standards for admission, student behavior, professional conduct expectations, and graduation are subject to the requirements contained in *2019-2020 The CenterScope Handbook* (the student "Handbook") as well as the *UTHSC 2019-2020 Catalog*, specifically the College of Pharmacy section (COP 1-56)("Catalog"). During your Orientation, you received lectures on the professional standards and expectations for pharmacy students who are aspiring to earn their Doctor of Pharmacy degree and practice as pharmacists subject to the requirements of their respective state board of pharmacy. You also received the College of Pharmacy Technical Standards as part of your orientation materials. Students in the College of Pharmacy must be able to meet these Technical Standards through their time in our program.

The Professional Conduct Committee ("Committee") is charged with investigating complaints of unprofessional conduct as set forth in its bylaws. The Committee's recommendations are then forwarded to the Dean for consideration and a final decision.

You appeared before the Professional Conduct Committee on Thursday, September 12, 2019 to address the following complaint against you:

1. Posting unprofessional content to your Instagram account

The Committee recommended the following:

1. You will write a 3- page paper reflecting on your behavior and describing what you have learned from this incident and what you will do differently in the future.
2. This paper is due within 2 weeks of your receipt of this letter. It should be emailed to Dr. George at cgeorgel@uthsc.edu.

I have now considered the reports and recommendations from the Committee, my own review and second review of the evidence, and considered the standards governing the profession of Pharmacy. I concur with the committee's recommendations as listed above and incorporate them as my decision in this matter as Dean of the College. You must seriously reflect upon your actions and change your behavior.

This is a final academic decision and is not appealable because you are not dismissed from the University. [See SA12 – Student Status During Academic Appeals
[<https://uthsc.policymedical.net/policymed/anonymous/docViewer?token=de47aa28-16aa-408b-9c96-cb04f232964f&dtoken=7535c88b-1005-4a23-8f72-0ef9c7d7b273>]

This determination regarding professionalism is an academic determination. Upon your successful completion of the above these letters will be removed from your official student file and no notation made on the official transcript. This academic decision, however, does not preclude or supplant any disciplinary action which could be brought pursuant to the disciplinary processes under the Code of Conduct.

Should you be brought before the committee for future complaints, the penalty may be more serious ranging from probation, suspension and up to expulsion.

Sincerely,



Marie Chisholm-Burns, Pharm.D., MPH, MBA
Dean and Professor
University of Tennessee College of Pharmacy

Exhibit B

Re: Professional Conduct Committee confidential

Diei, Kimberly Ogochukwu <kdiei@uthsc.edu>

Sat 8/29/2020 6:01 PM

To: George, Christa M <cgeorge1@uthsc.edu>

Dr. George,

To clarify, is this meeting the actual hearing or is it a meeting in which I can have some questions answered prior to the hearing? I was given the deadline of 9:00am Monday morning to submit a defense and was hoping to be given answers or some direction prior to this deadline so I could better prepare.

Thank you.

Kimberly Diei

University of Tennessee

College of Pharmacy-Memphis

Doctor of Pharmacy Candidate 2023

Kdiei@uthsc.edu | [630.452.3073](tel:630.452.3073)



From: George, Christa M <cgeorge1@uthsc.edu>

Sent: Saturday, August 29, 2020 5:45 PM

To: Diei, Kimberly Ogochukwu <kdiei@uthsc.edu>

Subject: Re: Professional Conduct Committee confidential

Dear Kimberly,

At this point, I think your questions regard the merits of the professionalism inquiry and are best left for the meeting next week. It will be Tuesday, September 1, 2020 at 12:00 noon.

Best,

Dr. George



Christa George, Pharm.D., CDE, BCACP

Associate Professor of Clinical Pharmacy and Translational Science

The University of Tennessee Health Science Center
College of Pharmacy
881 Madison Avenue, Suite 215
Memphis, TN 38163
cgeorge1@uthsc.edu
t: 901.448.1137
<https://academic.uthsc.edu/faculty/ChristaGeorge.html>

From: Diei, Kimberly Ogochukwu <kdiei@uthsc.edu>
Sent: Saturday, August 29, 2020 1:15 PM
To: George, Christa M <cgeorge1@uthsc.edu>
Subject: Re: Professional Conduct Committee confidential

Dr. George,

Thank you for your response. In reading through your email I am still confused as to what the specific allegations against me are? If it is being alleged that I am unprofessional then how specifically have I allegedly violated the standard, code, policy, guideline? If anything I have allegedly done is considered to be offensive what rule has been broken that prevents that form of expression from being protected by free speech and thus punishable by the university? Are the allegations that of opinion or fact? It's possible for the board to disagree with an action of expression but if it hasn't violated the rights of anyone then can it be punished on opinion alone?

In general do students have the right to self expression off campus in ways that are unaffiliated with the university as long as their expression has not infringed upon the rights of others or broken any law? It may be the opinion of others that a form of self expression is unprofessional but does that mean it can be censored just because others disagree with it?

I'm just unsure of how to defend myself in a hearing without fully understanding exactly what the issues of the committee are. I was told complaints only lead to hearings if the committee finds there has been a violation and if this is true does a violation mean that protections under free speech no longer apply? At this stage in the process has the committee found the evidence to be an exception to the speech protected in the First Amendment and therefore feel the need to proceed with a hearing? Or is it that the hearing will be the determination of whether the evidence is protected by the First Amendment? And if it is in fact protected speech then what restrictions does the university have a right to place on it?

I apologize if these questions may be outside of the scope of your duties and if they are I would appreciate some direction in whom I could contact that would be able to explain the intricacies involved with bridging free speech and self expression while a student.

I also would like to make it clear that my purpose in asking these questions is to gain a more complete understanding of the issue at hand and is in no way to be argumentative or defiant.

Thank you.

Kimberly Diei
University of Tennessee
College of Pharmacy-Memphis

Doctor of Pharmacy Candidate 2023

Kdiei@uthsc.edu | [630.452.3073](tel:630.452.3073)



From: George, Christa M <cgeorge1@uthsc.edu>
Sent: Friday, August 28, 2020 6:49 PM
To: Diei, Kimberly Ogochukwu <kdiei@uthsc.edu>
Cc: Schoelles, Jennifer Lee <jwill315@uthsc.edu>
Subject: Re: Professional Conduct Committee confidential

Dear Kimberly,

You applied for and were accepted into the College of Pharmacy for the Doctor of Pharmacy professional degree program. When you submitted your application in PharmCAS, you agreed to abide by the PharmCAS Student Code of Conduct. Additionally, the standards for admission, student behavior, professional conduct expectations, and graduation are subject to the requirements contained in *2019-2020 The CenterScope Handbook* (the student "Handbook") as well as the *UTHSC 2019-2020 Catalog*, specifically the College of Pharmacy section (COP 1-56) ("Catalog"). During your Orientation, you received lectures on the professional standards and expectations for pharmacy students who are aspiring to earn their Doctor of Pharmacy degree and practice as pharmacists subject to the requirements of their respective state board of pharmacy. You also received the College of Pharmacy Technical Standards as part of your orientation materials. Students in the College of Pharmacy must be able to meet these Technical Standards through their time in our program.

The University strives to honor the 1st Amendment to the Constitution ("freedom of speech") as well as the recent Campus Free Speech Protection Act as applied through the University of Tennessee Board of Trustees Policy Affirming Principles of Free Speech for Students and Faculty, BT0021. Alongside these protections are the various professionalism codes of our healthcare professions. Students in graduate doctoral level professional programs voluntarily submit themselves to the professionalism standard as established by the College, and as reflected by the State Board of Pharmacy and various pharmacy professional organizations. I understand that the courts have recognized that these professionalism standards are not inconsistent with our free speech rights under law.

To answer your question about process - this is not a disciplinary hearing, rather it is an academic determination. At this point, these are only allegations, the evidence is uncontested (they are your Twitter and Instagram posts), and no decision has been rendered. However, once the hearing starts, the Professionalism Committee will weigh your statements and the factual posts against the standards of Professionalism, using their professional and academic judgment. The committee will then render a decision and determine the appropriate academic action. You will receive a letter with the decision of the committee. Upon receipt of the determination and academic decision, you will have 2 business days to make a written appeal to the Dean. The Dean's decision is final, unless the decision is suspension or dismissal, in which case you can make a final written appeal to the Chancellor for reinstatement.

As to your question about potentially transferring, that is beyond the scope of my activity as Chair of the committee. Please contact Dr. Schoelles for any questions regarding transfer as that falls under the area of student affairs. I have copied her on this email.

Sincerely,
Dr. George



Christa George, Pharm.D., CDE, BCACP

Associate Professor of Clinical Pharmacy and Translational Science
The University of Tennessee Health Science Center
College of Pharmacy
881 Madison Avenue, Suite 215
Memphis, TN 38163
cgeorge1@uthsc.edu
t: 901.448.1137
<https://academic.uthsc.edu/faculty/ChristaGeorge.html>

From: Diei, Kimberly Ogochukwu <kdiei@uthsc.edu>
Sent: Thursday, August 27, 2020 8:59 PM
To: George, Christa M <cgeorge1@uthsc.edu>
Subject: Re: Professional Conduct Committee confidential

Dr. George,

I'm not exactly sure what questions would be considered case specific but if I list something you are unable to discuss at this time please let me know.

To begin I'd like to know the specific policy/guideline I have allegedly violated and exactly in what way I have allegedly violated it. If you are able to provide a direct link as to where the policy resides I would appreciate it as well. The UT literature I have access to is quite vague and I want to make sure I thoroughly understand what specific standards/rules are in question. This would help me in my defense.

I'd also like to know what my rights are as a student regarding use of private/personal social media. Where exactly does my right to free speech start and end as a student?

Could you also outline the process and what this means for my academic record? I'd like to know what to expect moving forward since I am considering transferring and don't want anything to hinder that process.

Thank you in advance.

Kimberly Diei
University of Tennessee
College of Pharmacy-Memphis
Doctor of Pharmacy Candidate 2023

Kdiei@uthsc.edu | [630.452.3073](tel:630.452.3073)



From: George, Christa M <cgeorge1@uthsc.edu>
Sent: Thursday, August 27, 2020 7:27 PM
To: Diei, Kimberly Ogochukwu <kdiei@uthsc.edu>
Subject: Re: Professional Conduct Committee confidential

Dear Kimberly,

If you have questions about the process of the committee, I'd be happy to answer them for you. It would not be appropriate for me to discuss any aspects of the case, however.

Please let me know if you have any questions about the committee process.

Sincerely,
Dr. George



Christa George, Pharm.D., CDE, BCACP

Associate Professor of Clinical Pharmacy and Translational Science
The University of Tennessee Health Science Center
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881 Madison Avenue, Suite 215
Memphis, TN 38163
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<https://academic.uthsc.edu/faculty/ChristaGeorge.html>

From: Diei, Kimberly Ogochukwu <kdiei@uthsc.edu>
Sent: Thursday, August 27, 2020 12:29 PM
To: George, Christa M <cgeorge1@uthsc.edu>
Subject: Re: Professional Conduct Committee confidential

Hello Dr. George,

If you are available would i be able to speak with you sometime today? I have a dentist appointment at 3:00pm but I am available before and after that.

Kimberly Diei
University of Tennessee
College of Pharmacy-Memphis
Doctor of Pharmacy Candidate 2023
Kdiei@uthsc.edu | [630.452.3073](tel:630.452.3073)



From: George, Christa M <cgeorge1@uthsc.edu>
Sent: Thursday, August 27, 2020 8:18 AM
To: Diei, Kimberly Ogochukwu <kdiei@uthsc.edu>
Cc: Schoelles, Jennifer Lee <jwill315@uthsc.edu>
Subject: Professional Conduct Committee confidential

Dear Kimberly Diei:

I am writing as the Chair of the UTHSC COP Professional Conduct committee. A complaint has been submitted to the committee regarding the following:

Unprofessional social media posts

Please follow this link to see the screenshots that were submitted to the committee as evidence:

 [K Diei Screenshots 2020](#)

You have the opportunity to respond to this complaint in writing via email to me with additional information or evidence for consideration by no later than Monday, August 31, 2020 at 9:00 am.

You will then be scheduled to appear before the Professional Conduct Committee. I will notify you of the date and time for the Committee meeting by early next week.

I have copied Dr. Jennifer Schoelles, Associate Dean for Student Affairs, on this email.

Please let me know if you have any questions.

Sincerely,

Dr. George



Christa George, Pharm.D., CDE, BCACP

Associate Professor of Clinical Pharmacy and Translational Science

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<https://academic.uthsc.edu/faculty/ChristaGeorge.html>

Exhibit C

September 2, 2020

Ms. Kimberly Diei, P2
University of Tennessee
College of Pharmacy

Via: Email

Re: Decision on Professionalism

Dear Ms. Diei:

This letter reports the outcome of the complaint of unprofessional behavior to the Professional Conduct Committee of the College of Pharmacy, its recommendations, and the subsequent academic decision

At the outset of your professional education, you acknowledged the PharmCAS Student Code of Conduct. You applied for and were accepted into the College of Pharmacy for the Doctor of Pharmacy professional degree program. The standards for admission, student behavior, professional conduct expectations, and graduation are subject to the requirements contained in 2019-2020. *The CenterScope Handbook* (the student "Handbook") as well as the *UTHSC 2019-2020 Catalog*, specifically the College of Pharmacy section ("Catalog"). During your Orientation, you received lectures on the professional standards and expectations for pharmacy students who are aspiring to earn their Doctor of Pharmacy degree and practice as pharmacists subject to the requirements of their respective state board of pharmacy. You also received the College of Pharmacy Technical Standards as part of your orientation materials. Students in the College of Pharmacy must be able to meet these Technical Standards through their time in our program.

The Professional Conduct Committee ("Committee") is charged with investigating complaints of unprofessional conduct as set forth in its bylaws. The Committee's academic determination is then given to the student. The student may appeal the academic determination to the Dean.

You appeared before the Professional Conduct Committee on September 12, 2019 to address the issue of posting unprofessional content of a sexual nature to your Instagram account. During that meeting you were reminded of the expectations for professionalism as a student pharmacist. Your penalty was to write a 3- page paper reflecting upon your behavior and to describe what you learned and what you would do differently in the future.

You appeared again before the Professional Conduct Committee on Tuesday, September 1, 2020 to address the recent issue of unprofessional posts to your social media accounts. Those posts again included material of a sexual nature, as well as crude and vulgar statements. Further, the

public posts included an image identifying you as a member of the UTHSC College of Pharmacy.

After careful consideration, the committee has determined that your conduct is a serious breach of the norms and expectations of the profession, and that you do not meet the minimum thresholds of professional behavior or the requirements of the Technical Standards for students in the UTHSC College of Pharmacy.

The Committee voted unanimously to academically dismiss you from the College of Pharmacy effective immediately.

You may appeal this decision in writing to Dean Chisholm-Burns before 5pm CST on Friday, September 4, 2020.

Sincerely,



Christa M. George, Pharm.D., CDE, BCACP
Associate Professor of Clinical Pharmacy and Translational Science
Chair, Professional Conduct Committee
University of Tennessee College of Pharmacy