

POLICY TITLE: *Academic Status Appeal Process*

APPROVAL DATE: *June 7, 2018*

RESPONSIBLE DEPARTMENT: *Dean's Office*

APPLIES TO: *All Students*

## POLICY STATEMENT

### 1. Process to Seek Appeal of a Recommendation for Dismissal or the Performance and Advancement Committee (PAC) adding language to the Medical Student Performance Evaluation (MSPE)

The decision of a PAC to dismiss a student, or add language concerning professionalism to the MSPE, may be appealed by that student in accordance with this Academic Status Appeal Process. It should be noted that the role of the Academic Appeal Board is to determine if the procedures outlined in the Student Handbook and the College's Performance Standards and the Procedures for Performance and Advancement Committee were substantially followed by the committee and that the decision is reasonable. The decision of a PAC concerning the issuing of Letters of Concern, Professional Warnings, or delaying a student's return from a Leave of Absence are decisions that cannot be appealed. Procedures for the USMLE Step 1 and Step 2 examinations and the UCCOM Clinical Skills Examination are covered in the Advancement and Retention Policy and are not subject to this Academic Status Appeal Process.

The student must submit a written request for an appeal of a decision for dismissal to the Senior Associate Dean for Educational Affairs within five (5) business days of receipt of the written decision of dismissal or forfeit any right of appeal. If no appeal is sought, the student's dismissal stands and a record of the dismissal will appear on the student's official transcript.

Should the student choose to appeal, he or she must consider the following items and submit information regarding each item that is appropriate to the circumstances. The information must be submitted in writing at the time the written request for an appeal is made to the Senior Associate Dean for Educational Affairs (i.e., within five business days of receipt of the written decision of dismissal).

- a. The student may submit new information not previously considered by the PAC. The student should state the nature of the new information and provide reasons for why it had not been made available to the PAC. The new information must be relevant to the student's performance and represent extreme and extenuating circumstances.
- b. The student may ask witnesses to appear on his or her behalf. The names of all witnesses and their identities must be submitted in writing preferably at the time the appeal request is made but no later than 5 business days before the date of the appeal hearing. All witnesses must be approved by the Senior Associate Dean of Academic Affairs. It is the student's responsibility to make arrangements for his or her witnesses to appear at the hearing at the time and place designated by the appeal panel.
- c. The student is to be present during the hearing. If a student fails to attend the hearing the dismissal will be upheld and the student forfeits any right to further appeal.
- d. The student may identify and be accompanied by an advisor (either legal counsel or a faculty advisor). If an advisor is to be present, the identity of the advisor should be provided in writing at the time the appeal request is made and must be submitted no later than 5 business days prior to the appeal hearing. The advisor may consult with the student, but does not speak on the student's behalf or otherwise formally represent the student before the Academic Appeal Panel. The advisor may not be a COM Dean's Office staff member.
- e. When an appeal is requested by the student while the academic year is still in progress, the student will be removed from current coursework unless the student petitions the PAC to allow the student to continue coursework. If the PAC allows the student to stay in coursework, the student may stay in coursework during the appeal process up and until the time that the Dean renders a final decision regarding the status of the student. The student must recognize that during this time his or her first priority is to the activities of the appeal process. Student's may remain in coursework if the appeal is concerning changes to the student's MSPE concerning professionalism.
- f. It is understood that a recommendation for dismissal may delay a student's graduation. This recognizes that the student has been recommended for dismissal and unless this recommendation is overturned the student will be dismissed from the College of Medicine.
- g. In the event that the student is removed from coursework the student will be assigned a Withdrawal, Withdrawal Passing or Withdrawal Failing based upon the status of the student in the course(s) at the time that coursework was stopped and consistent with COM procedures for withdrawal from courses.

- h. If the student is reinstated by the Dean, the student will be required to retake those courses from which the student was removed while working on his or her appeal. Further stipulations for re-entry into the curriculum, and conditions which must be met to maintain enrollment, may be instituted by the Dean and/or the PAC.

## 2. Academic Appeal Board Members and Ad Hoc Academic Appeal Panel Members

The appeal of a decision by a PAC to dismiss a student will be directed to the Senior Associate Dean for Educational Affairs. The Senior Associate Dean for Educational Affairs will constitute an ad hoc appeal panel as described below whose members will come from the Academic Appeal Board.

- a. The Academic Appeal Board is a standing committee that consists of 10 COM faculty members. PAC members cannot serve on the Academic Appeal Board. All appointments to the Academic Appeal Board will be made by the Senior Associate Dean for Educational Affairs. The faculty members on the Board are appointed for three-year terms. Members of the Academic Appeals Board can be reappointed.
- b. Each appeal will be heard by a panel of three members of the Academic Appeal Board selected by the Senior Associate Dean for Educational Affairs. One of the three members will be appointed to serve as chair. A member of the Academic Appeal Board may disqualify himself or herself from serving on a particular panel if he or she believes that prior interaction or contact with the student bringing the appeal could be perceived as improperly influencing their decision.
- c. In the rare case in which there is an insufficient number of Academic Appeal Board members who have not been on prior appeal hearings for an individual student or there is an insufficient number of Appeal Board members available in a timely manner, the Senior Associate Dean for Educational Affairs will identify other faculty members as necessary to sit on the appeal panel.

## 3. Role of the Ad Hoc Academic Appeal Panel

The role of each Ad Hoc Academic Appeal panel of the Academic Appeal Board is to determine if the procedures outlined in the Student Handbook and the PAC Performance Standards and Procedures were substantially followed by the PAC and that the decision was reasonable. The Ad Hoc Academic Appeal Panel shall review the student's file and the PAC actions. The panel will consider any new information submitted by the student only when such new factual evidence is significantly different from that previously presented to the PAC and when the student has provided adequate justification as to why that information was not presented to the PAC. In general, the Academic Appeal Panel will not consider factual information that could have previously been presented to the PAC but was not. If a student had been placed on a mandatory leave of absence by the PAC prior to events leading to a recommendation for dismissal, the student must explain the actions taken during the LOA to rectify the academic issues, and why such actions had failed.

## 4. Distribution of Appeal Materials

The Senior Associate Dean for Educational Affairs shall notify the student and panel members of the hearing date. In advance of the hearing, the Senior Associate Dean for Educational Affairs shall provide the student and all panel members with all the hearing documents, including any new information submitted, the student's complete file, and the names and identities of all who will appear on behalf of the student at the hearing. Should the panel members desire to have witnesses appear to provide information, the chair will notify the Senior Associate Dean for Educational Affairs who will communicate in writing the witnesses' names and identities to the student. All materials must be in the hands of the Academic Appeal Board panel members, the student, and the Chair of the PAC that recommended dismissal no later than two working days in advance of the hearing.

Ad Hoc Academic Appeal Panel will submit a report of its findings in writing to the Dean of the College of Medicine.

## 5. Operating Procedures for the Academic Appeal Panel

- a. The Academic Appeal Panel hearing shall be convened by the chair of the panel. The entire hearing, with the exception of the panel's final deliberation, will be recorded and the recording will be kept on file as part of the appeal record.
- b. The student and his or her advisor (either legal counsel or a faculty advisor), if any, will be present during the hearing. The advisor does not speak before the panel on the student's behalf or question witnesses.
- c. The PAC chair, and his or her legal counsel, will be present during the entire hearing.
- d. The student will speak first to present his or her case as to why the dismissal should be overturned. The student has 30

- minutes to present his or her case. The 30-minute time period includes statements by any witnesses that the student wishes to have speak on his or her behalf and any time that the student spends in consultation with his or her advisor. Following this initial presentation by the student and his or her witnesses, the panel members may ask questions. Time spent responding to the panel's questions does not count against the 30 minutes.
- e. The chair of the PAC will speak next and present the rationale behind the PAC's recommended dismissal of the student. The PAC chair has 30 minutes to present the position of the PAC. Following the initial presentation by the chair of the PAC, panel members may ask questions. Time spent responding to the panel's questions does not count against the 30 minutes.
  - f. Individuals asked to appear by the Academic Appeal Panel will be heard next. Maximum time for this section is 30 minutes. The panel members may ask questions. The time spent responding to questions does not count against the 30 minutes. The student and the PAC chair may submit questions in writing to the Academic Appeal Panel. It is at the sole discretion of the panel as to whether the panel wishes to ask the questions of the witnesses.
  - g. The student is allowed an additional 5 minutes for a summary statement or response.
  - h. All individuals, with the exception of the student and his or her advisor and the PAC chair and his or her counsel, shall be in attendance only during the time of their presentations to the Academic Appeal Panel. That is, individual witnesses are only in attendance during their presentation.
  - i. Following the above presentations, and at its sole discretion, the Academic Appeal Board panel may seek any further information that it needs to render a decision. This may include but is not limited to additional dialogue with the student and/or the PAC chair and the contacting of additional witnesses.
  - j. At the conclusion of the hearing, all individuals, including the student, advisor, and PAC chair will be asked to leave so that the panel may deliberate and make a decision. The panel may delay a decision while additional information is sought.
  - k. The chair of the Academic Appeal Panel will communicate the panel's decision, in writing, to the Dean of the COM as soon as possible and preferably within three (3) business days of their final deliberation. Should the committee need additional time to render a decision, the committee chair will notify the Senior Associate Dean for Educational Affairs and will provide an estimate of the amount of additional time needed.
  - l. The Dean will render a final decision with respect to the status of the student as expeditiously as possible and preferably within 10 business days of receipt of the final report from the Academic Appeal Panel. The Dean will notify, in writing, the student, PAC chair, the Senior Associate Dean for Educational Affairs, and the chair of the Academic Appeal Panel of his or her final decision. Should the Dean need additional time to render a decision, the Dean will notify the Senior Associate Dean for Educational Affairs who notify the student of the delay and will provide an estimate of the amount of additional time needed.
  - m. The decision of the Dean of the COM will be final and not subject to further appeal. Should a decision result in the student being reinstated, the Dean may place stipulations on the student for his or her return to their medical studies. Such stipulations may include but are not limited to a statement that any further recommendations for dismissal are not subject to further appeal.