

APPEALS PROCESS FOR ADVERSE STUDENT ACTIONS

I. Policy Statement

This policy establishes California Northstate University's College of Medicine's (CNUCOM) standards for appeals process to ensure due process for students.

II. Purpose

This policy is designed to ensure students are afforded due process that includes the opportunity to appeal adverse disciplinary actions such as probation, suspension, involuntary withdrawal, and dismissal.

III. Scope/Coverage

This progression policy applies to all medical students. This policy will be reviewed at least every three (3) years.

IV. Policy

1. GRADE AND MSPE APPEALS:

1.1. Grade Appeal

- i. Change to the final grade or associated narrative will occur only when there is evidence of incorrect academic evaluation. Even in the presence of rubric grading system, the grade process involves the faculty member's overall judgment of student academic performance.
- ii. The grade appeal process requires a student to present clear evidence that the assignment of a grade was based on factors other than the academic judgment of the faculty member. Grade appeals must be based on problems of process and not on difference in judgement or opinion concerning academic performance. The students take responsibility to demonstrate that one or more of the following occurred:
 - a) The student believes that the grade was based on prejudice, discrimination, arbitrary or other reasons not related to academic performance.
 - b) The grading decision was based upon standards unreasonably different from those which are applied to other students in the same course.
 - c) Mathematical/clerical error.
- iii. This policy is applicable to every course and pedagogical activity in CNUCOM medical school curriculum. However, this does not apply to individual questions on exams.

1.2. MSPE Appeal

- i. Students can review their MSPE with their faculty advisor. During this review, students can request changes to the document.

- ii. The student's MSPE is a factual representation of their academic record at CNUCOM. As such, narrative assessments from preclinical and clinical courses should be based upon summative faculty evaluations that are **not edited for content**. Minor editing for length, redundancy, grammar, and spelling can be undertaken so long as it enhances the readability of the document without substantively affecting the objective assessment provided by the faculty.
- iii. Request for narrative changes outside the timeline described in section 1.3.1 is considered invalid
- iv. Faculty advisor must not contact course/clerkship directors to request changes in course narrative content.
- v. Students have complete access to their academic record including grades and narrative assessments.

1.3. Procedure

1.3.1. Grade Appeal Process

- a) Student must submit ALL levels of appeal centrally to the Office of Student Affairs and not directly to the course/clerkship director, department chair, Associate Dean of Medical Education, or the Dean of the College.
- b) The student initiates a formal grade and/or narrative appeal by submitting a written appeal to the Office of Student Affairs within ten (10) business days of receiving official notification from the University of the final grade for the course.
- c) Any grade appeal that fails to meet the standards outlined in section 1.1 is considered invalid, without merit, and will not result in reconsideration. The student will be informed in writing that the appeal is without merit.
- d) Office of Student Affairs will forward the appeal request to the course/clerkship director. The course or clerkship director, usually in consultation with the course faculty, must respond to the student in writing within ten (10) business days after receiving the student's appeal.
- e) The student, if in disagreement with the decision of the course or clerkship director, may appeal the decision to the Department Chair within two (2) business days of receipt of written notification from the course or clerkship director. Phase A courses are integrated so will be sent to the Chair of Basic Science and Clinical Sciences. For Phase B and C courses (i.e. clerkships and electives) the appeal is sent to the Chair of Clinical Medicine.
- f) The Department Chair in consultation with the faculty and M3 and/or M4 Director must respond to the student in writing within ten (10) business days after receiving the student's appeal.
- g) The student, if in disagreement with the Department Chair(s), may appeal the decision with the Associate Dean of Medical Education.
- h) The Associate Dean for Medical Education or his/her designee may choose to uphold, reverse, modify the original decision

- i) Alternatively, the Associate Dean of Medical Education may establish a three (3) member *ad hoc* appeals committee consisting of faculty not involved in teaching of the course. This said committee will make a recommendation to the Associate Dean within ten business days of receipt of the formal appeal.
- j) If the student disagrees with the decision of the Associate Dean of Medical Education, the student may appeal to the Dean of the College of Medicine within two (2) business days of receipt of written notification from the Associate Dean of Medical Education.
- k) The Dean will review the two previous decisions. The Dean may uphold the decision of the Associate Dean of Medical Education or has the discretion to request further review of the appeal by the Associate Dean of Medical Education and the Faculty *ad hoc* appeals committee.
- l) The Dean will communicate the outcome of his/her decision in writing to the student within ten (10) business days of receipt of the student's appeal.
- m) The decision of the Dean is Final.
- n) If a grade appeal is approved, the Course or Clerkship Director will then submit the completed Grade Change Form to the Registrar, who will update the student's transcript.

1.3.2. MSPE Appeal process

- a) The student must initiate the process by submitting a written, formal appeal to the Office of Student Affairs.
- b) Student appealing changes in the content of the narrative assessment does not meet the standards outlined in section 1.2ii. and is considered invalid, without merit and will not result in reconsideration. The student will be informed in writing that the appeal is without merit.
- c) The Associate Dean of Academic and Career Advising in consultation with the student's faculty advisor, must respond to the student in writing within ten (10) business days after receiving the student's appeal.
- d) If the student disagrees with the Associate Dean of Academic and Career Advising decision, he/she may appeal the decision to the Associate Dean of Medical Education within two (2) business days of receipt of written notification from the Associate Dean of Academic and Career Advising.
- e) The Associate Dean for Medical Education or his/her designee may choose to uphold, reverse, modify the original decision.
- f) Alternatively, the Associate Dean of Medical Education may establish a three (3) member *ad hoc* appeals committee consisting of faculty not involved in teaching of the course. This said committee will make a recommendation to the Associate Dean within ten business days of receipt of the formal appeal.
- g) If student disagrees with the decision of the Associate Dean of Medical Education, the student may appeal to the Dean of the College of Medicine within two (2) business days of receipt of written notification from the Associate Dean of Medical Education.

- h) The Dean will review the two previous decisions. The Dean may uphold the decision of the Associate Dean of Medical Education or has the discretion to request further review of the appeal by the Associate Dean of Medical Education and the faculty *ad hoc* committee. The Dean will communicate the outcome of his/her decision in writing to the student within ten (10) business days of receipt of the student's appeal of the Associate Dean of Medical Education decision.
 - i) The Dean's decision is final and any recommended changes to the student's MSPE will be made prior to release into the Electronic Residency Application Service (ERAS).
- 2. SANCTION APPEALS (Repeat course, Repeat year, Probation, Suspension, Involuntary Withdrawal)
 - 2.1 The student may appeal a decision rendered by the Student Promotion Committee (hereafter referred as SPC) to the Associate Dean of Medical Education. Student must submit a completed "Sanctions Appeals Form" to the Office of Student Office no later than ten (10) business days following transmittal of the Committee's written decision to the Associate Dean of Medical Education.
 - 2.2 The burden of proof rests with the student. The Sanctions Appeal Form must include ALL the following components at the time of submission:
 - i. Appeals may only be brought on one or more of the following grounds:
 - a) New information has become available which the student was not aware of or could not have reasonably obtained it at the time of the original SPC review in which a decision was rendered, and this information would have had material impact on the outcome of the decision.
 - b) The SPC deviated from the process set forth in its Charter and such deviation had a material impact on the decision.
 - c) Mere disagreement with the decision is not a sufficient ground for an appeal
 - ii. Any information specifically relevant to the stated grounds for the petition including supporting documentation that may prove the assertion; and
 - iii. A statement indicating whether the student requests presence of a faculty advisor during the Appeal. The name of faculty advisor of their choice is provided in the form. The student cannot use legal representation to respond.
 - 2.3 Proof submitted after the Appeal is originally filed, is considered untimely and not part of the Appeal record.
 - 2.4 Any Appeal that fails to meet the standards outlined in section 2.2 is considered invalid, without merit, and will not result in reconsideration. The student will be informed in writing that the Appeal is without merit.
 - 2.5 The Associate Dean for Medical Education or his/her designee may choose to uphold, reverse, modify the original decision or ask the SPC to reconsider the decision.
 - 2.6 Alternatively, the Associate Dean for Medical Education may choose to appoint an *ad hoc appeals committee* to hear the student's appeal. In this case, the Associate Dean for Medical Education will notify the student in writing that deliberation for the appeal have been forwarded to the *ad hoc appeals committee*.

- 2.7 The called committee will consist of the chairperson and four faculty (at least one faculty from each department), who have not been involved in the sanction decision or have no other conflict of interest.
- 2.8 A staff member of the College of Medicine shall also be appointed to the *ad hoc appeals committee* who shall keep minutes of committee proceedings.
- 2.9 If the student wishes to appear personally before the *ad hoc appeals committee*, he or she should include a statement to the effect addressed to the Chairperson of the committee. The committee may, but shall not be required to, grant such a request.
- 2.10 If the committee decides to grant the request of the student to appear before it, the student will be given reasonable notice of the time and place of the hearing.
- 2.11 The student can also submit a written statement for the committee to review prior to the committee meeting; this written statement must be completed and submitted to the chairperson of the committee at least three (3) business days before the committee meeting.
- 2.12 In any appearance before the committee, the student may be assisted by an advisor of choice and must inform the chair of the name of the advisor at least 24 hours before the hearing. The role of the advisor shall be limited to assisting the student and, unless the chair of the committee specifically permits, the advisor must not directly question attendees or otherwise participate in the proceedings. The adviser may not address the committee.
- 2.13 The SPC chairperson shall present the findings to the *ad hoc appeals committee* but shall be excused during the committee deliberations and shall not have voting rights in said committee.
- 2.14 At any time during the appeal process the student shall be entitled to examine his/her entire school file and shall also be entitled to a copy of the materials relating to the student which were used by the faculty member or members in determining the student's evaluation. Student will attest that he or she has received all the documents.
- 2.15 The committee members shall vote by ballot upon completion of the deliberations.
- 2.16 The *ad hoc appeals committee* shall submit its recommendation in writing to the Associate Dean for Medical Education or his/her designee within ten (10) business days after the meeting.
- 2.17 Any recommendations of the committee will be based solely on the results of its investigation and the evidence presented at the hearing.
- 2.18 The charge of the appeals committee is to determine if due diligence was followed, and a reasonable course of action was taken by SPC. The appeals committee shall proceed from the assumption that the adverse action was justified and the burden of proof (that due diligence was not followed and/or a reasonable course of action was not taken) shall lie with the student.
- 2.19 The Associate Dean for Medical Education or his/her designee will issue a decision in writing to the student within ten (10) business days, following receipt of the SPC's recommendation or the *ad hoc hearing committee's* recommendation.
- 2.20 If the Associate Dean for Medical Education upholds the sanction, student has a final level of appeal to the Dean of the College of Medicine by submitting a separate Sanctions Appeals Form to the Office of Student Affairs no later than two

- (2) business days following transmittal of the written decision by Associate Dean of Medical Education.
- 2.21 For this final appeal to be valid, the student must follow provisions outlined in section IV. 2.2, 2.3 and 2.4. If these standards are not met, the appeal shall be considered invalid, without merit, and will not result in reconsideration. The student will be informed in writing that the appeal is without merit.
- 2.22 If the student wishes to appear personally before the *Dean*, he or she should include a statement to the effect in the final appeal form.
- 2.23 The Dean shall have the authority to investigate the matter fully and to request material from and/or speak to the chair of SPC, ad hoc appeals committee and/or the student. If the Dean requests to meet with the student, the student may have an adviser of their choice present, but that adviser may not address the dean.
- 2.24 The dean may elect to:
- Allow the adverse action to stand;
 - Modify the adverse action; or
 - Request the *ad hoc appeal committee* to conduct a repeat hearing either in whole or in part.
- 2.25 The decision of the Dean shall in all cases be final and no appeal may be taken therefrom.
3. DISMISSAL APPEALS:
- 3.1 When SPC determines that a student is to be dismissed it shall: Notify the student of their dismissal recommendation in writing. Proposal for dismissal shall be sent to the Chair of the Faculty Council Executive Committee (FEC) and the Associate Dean of Medical Education in writing. SPC will submit a comprehensive report containing all the relevant documentation to support the recommendation for dismissal. Information may include grades, narratives, results of the remediation process, and minutes of the SPC meetings.
- 3.2 After receiving a recommendation for dismissal from the SPC, the FEC shall meet within ten (10) business days to determine whether the student shall be dismissed.
- 3.3 The committee will provide the student reasonable notice of the time and place of the hearing.
- 3.4 The student can submit a written statement for the committee to review prior to the committee meeting; this written statement must be completed and submitted to the chairperson of the committee at least three (3) business days before the committee meeting.
- 3.5 In any appearance before the committee, the student may be assisted by an advisor of choice and must inform the chair of the name of the advisor at least 24 hours before the hearing. The role of the advisor shall be limited to assisting the student and, unless the chair of the committee specifically permits, the advisor must not directly question attendees or otherwise participate in the proceedings. The adviser may not address the committee.
- 3.6 The FEC shall permit the student the opportunity to provide explanations for their academic deficiencies or alleged unprofessional behavior and to place it in what the student deems to be the proper context.

- 3.7 The Faculty Council Executive Committee shall submit their recommendation to the Associate Dean of Medical Education and the SPC within ten (10) business days of their meeting.
- 3.8 The Associate Dean of Medical Education will evaluate the FEC's recommendation and the supporting documents. The Associate Dean for Medical Education or his/her designee may choose to uphold, reverse, modify the original decision.
- 3.9 The Associate Dean of Medical Education or his/her designee will issue a decision in writing to the student, FEC and to the Dean within ten (10) business days.
- 3.10 If the Associate Dean for Medical Education upholds the sanction, student has a final level of appeal to the Dean of the College of Medicine by submitting a separate Sanctions Appeals Form to the Office of Student Affairs no later than two (2) business days following transmittal of the written decision by Associate Dean of Medical Education.
- 3.11 The student may have an adviser of their choice present. The role of the advisor shall be limited to assisting the student and, must not directly address the Dean unless specifically permitted.
- 3.12 The Dean will, after ten (10) business days or after hearing the student's appeal, decide to implement the recommendation for dismissal or to reinstate the student into the academic program of the medical school.
- 3.13 The Dean will inform the FEC and the SPC of the reasons for the decision of reinstatement and will describe any specific steps that the student will be expected to undertake as part of the reinstatement into the academic program.
- 3.14 The decision of the Dean shall in all cases be final and no appeal may be taken therefrom.

Approval record:

REVIEW AND APPROVAL: Student Promotions Committee 4/5/22

REVIEW AND APPROVAL: Faculty Executive Committee 4/5/22

REVIEW AND APPROVAL: Student Promotions Committee 7/14/22

REVIEW AND APPROVAL: Faculty Executive Committee 7/19/22