

## TITLE OF POLICY

Appeal of Student Progress Committee Action

## PURPOSE AND SCOPE

The purpose of this policy is to define the grounds for appealing a Student Progress Committee (SPC) action and the levels of appeals available to a student.

## RESPONSIBLE PARTY AND REVIEW CYCLE

The Education Committee will review and approve the policy in odd-numbered years or as needed.

## LCME REFERENCE(S)

LCME 9.9: Student Advancement and Appeal Process

## HISTORY OF APPROVALS AND UPDATES

Approved by Education Committee February 18, 2019

Approved by Education Committee February 20, 2017

Revised and approved by the Curriculum Committee July 18, 2011

Revised and approved by the Education Committee May 17, 2021

## DEFINITION(S)

NA

## POLICY AND PROCEDURES

### Grounds for an Appeal

Level 1 and Level 2 appeals (described below) must be in writing and contain one or more of the following as the basis for appeal:

- Mathematical or clerical error
- Procedural error by the School of Medicine (SOM) (i.e., improper written notice)
- Arbitrariness (i.e., decisions that are made by chance, whim, or impulse, and not by reason or principle);
- Personal malice;
- Inappropriate jurisdiction (i.e., the matter was inappropriately decided through a SOM forum when there were elements that should have first been decided in a general University forum (e.g., UNC-Chapel Hill Honor Code violations). The SOM may impose additional

requirements/sanctions after the University forum review has been completed, consistent with the Student Advancement Policy;

- New information not available to the SPC at the time of its decision; or
- Discrimination based on age, color, disability, gender, gender expression, gender identity, genetic information, national origin, race, religion, sex, sexual orientation, or veteran status.
  - **NOTE:** The University's Policy on Prohibited Discrimination, Harassment, and Related Misconduct prohibits discrimination or harassment on the basis of an individual's age, color, disability, gender, gender expression, gender identify, genetic information, national origin, race, religion, sex, sexual orientation, or veteran status.
  - **NOTE:** Any administrator or supervisor, including a department chair, associate dean or other administrator, who receives a student's complaint about prohibited harassment or discrimination, must notify the EOC Office. If a student raises a claim of prohibited harassment or discrimination during an academic appeal, an investigation of the student's claim must be performed by the EOC Office.
  - **NOTE:** For any appeals that include discrimination as a basis of appeal, the relevant SOM representative must receive the results of the harassment or discrimination investigation by the EOC office before the SOM may proceed with its appeal process.

Students who want additional information regarding the University's process for responding to allegations of discrimination or harassment should contact the Equal Opportunity and Compliance (EOC) Office for assistance:

Equal Opportunity and Compliance Office  
The University of North Carolina at Chapel Hill  
Chapel Hill, North Carolina 27599  
Telephone: (919) 966-3576  
[eoc@unc.edu](mailto:eoc@unc.edu)  
<https://eoc.unc.edu/>

### **Level 1 Appeal to the Senior Associate Dean for Medical Student Education or Designee**

A student must submit all appeals in writing within 15 business days of receiving written notification of the SPC action.

A properly submitted appeal requires:

1. A written statement by the student
2. Clear specification of the grounds of the appeal using the 6 grounds of appeal listed above.
3. Submission to the Senior Associate Dean for Medical Student Education or designee and to each of the following parties:

- a. Associate Dean for Student Affairs;
- b. Assistant Dean for Student Affairs;
- c. Chair of the SPC;
- d. Registrar; and
- e. Student's college advisor.

Receipt of the student's materials to these parties will be confirmed via an email to the student from Senior Associate Dean for Medical Student Education or designee. The confirmation will either (1) accept the submission as complete or (2) decline the submission as incomplete, permitting the student to re-submit according to guidelines above if the re-submission does not cause the student to exceed the 15 business days specified above.

**NOTE:** If discrimination was included as a basis of the appeal, the student will have an additional 15 days after the EOC submits its findings to the relevant SOM representative to submit a revised appeal to the parties specified above.

Following review of the written appeal, the Senior Associate Dean for Medical Student Education or designee will take one of two actions, offering written notice of the action to the student and to the individuals (see above) copied on the student's appeal:

1. Determine that the appeal is not based on the listed grounds for appeal and uphold the sanction of the SPC. In this instance, the student will receive written notice of the decision within 15 business days. If it is not possible to meet this deadline, then within those 15 business days, the Senior Associate Dean for Medical Student Education or designee will inform the student of the date when the written notification will be sent.
2. Schedule a hearing within 15 business days, convening an ad hoc committee composed of three faculty members selected by the Senior Associate Dean for Medical Student Education or designee from faculty members serving on the Education Committee. If it is not possible to meet this deadline, then within those 15 business days, the Senior Associate Dean for Medical Student Education or designee will inform the student of the date when the written notification will be sent. The faculty members serving on the ad hoc committee may not be individuals who either have been involved in assessing the student or have been the student's health care provider.

**NOTE:** If discrimination was included as a basis of the appeal, the meeting will be scheduled within 15 days of any revised submission. If it is not possible to meet this deadline, then within those 15 business days, the Senior Associate Dean for Medical Student Education or designee will inform the student of the date when the written notification will be sent.

The ad hoc committee will be provided with materials for their review in preparation for the meeting. Materials will include the student's appeal, any materials reviewed by the SPC in its deliberation, and a written response provided by the SPC regarding the rationale of its decision.

This SPC written response should be delivered to the Senior Associate Dean for Medical Student Education within 7 days of the student's submission of a complete and accepted appeal. The materials described here are also available to the student for review prior to the meeting. Materials will be available to the committee and student no later than 4 days before the scheduled meeting.

The student will receive written notice of the ad hoc committee hearing and an invitation to present his/her appeal and its rationale. The student may bring his/her advisor, or another SOM faculty advocate of choice, to the hearing. A representative of Student Affairs may also be present, serving as the student advocate. The student may not bring a lawyer to the hearing. The student and any faculty member who accompanied them will leave before any presentation by the SPC or any deliberation by the ad hoc committee.

The SPC chair or designee will also receive written notice of the ad hoc committee hearing and a request to submit a written statement regarding the basis of its decision to be received by the Senior Associate Dean for Medical Student Education or designee no later than 48 hours before the scheduled meeting. The SPC chair or designee will also receive an invitation to present the basis of its decision and related rationale. The SPC chair or designee present at the meeting will leave before any deliberation by the ad hoc committee.

The ad hoc committee will make a determination based on the information reviewed and discussed at the hearing and make a recommendation, with an accompanying basis of its recommendation, to the Senior Associate Dean for Medical Student Education or designee. The Senior Associate Dean for Medical Student Education or designee will either accept the recommendations of the ad hoc committee or reject recommendations of the ad hoc committee and make an alternative determination. In no instance may the ad hoc committee recommend, or the Senior Associate Dean for Medical Students Education or designee make a decision that is more severe than the original decision of the SPC. The student will be notified in writing of the decision within 15 business days of the appeal hearing. If it is not possible to meet this deadline, then within those 15 business days, the Senior Associate Dean for Medical Student Education or designee will inform the student in writing of the date when the written notification will be sent.

Written notification of the decision will also be communicated to the parties who were copied on the initial appeal: Associate Dean for Student Affairs; Assistant Dean for Student Affairs; Chair of the SPC; Registrar; and student's college advisor.

The decision of the Senior Associate Dean for Medical Student Education or designee and the ad hoc committee is final. No further appeals are available to the student unless the appeal involves dismissal from the SOM. If the student is appealing dismissal and is dissatisfied with the decision of the Level 1 appeal process, then the student may proceed to Level 2 appeal.

#### **Level 2 Appeal of Dismissal to the Dean of the School of Medicine**

If the student is dissatisfied with the decision of the SPC and the Senior Associate Dean for Medical Student Education regarding the dismissal, the student may file an appeal to the Dean of the SOM or designee within 15 business days of receiving written notification of the decision by the Senior Associate Dean for Medical Student Education.

A properly submitted appeal requires:

1. A written statement by the student.
2. Clear specification of the grounds of the appeal using the 6 grounds of appeal listed above.
3. Submission to the Dean of the SOM or designee and to each of the following parties:
  - a. Senior Associate Dean for Medical Student Education or designee;
  - b. Associate Dean for Student Affairs;
  - c. Assistant Dean for Student Affairs;
  - d. Registrar;
  - e. Chair of the SPC; and
  - f. Student's college advisor.

Receipt of the student's materials to these parties will be confirmed via an email to the student from Dean of the SOM or designee. The confirmation will either

(1) accept the submission as complete or (2) decline the submission as incomplete, permitting the student the re-submit according to guidelines above if the re-submission does not cause the student to exceed the 15 business days specified above.

**NOTE:** If discrimination was included as a basis of the appeal, the student will have an additional 15 days after the EOC submits its findings to the relevant SOM representative to submit a revised appeal to the parties specified above.

Within a maximum 15 business days, the Dean of the SOM or designee, will review the student's Level 2 appeal, the recommendation of the ad hoc committee, and the basis of the ad hoc committee's recommendation related to the appeal. Based on review of these materials and within a maximum of 15 days of their delivery to the Dean, the Dean of the SOM may overturn or concur with the dismissal decision and deliver written notice of the Level 2 appeals decision to the student. If it is not possible to meet this deadline, the Dean will inform the student in writing of the date when written notification will be sent.

The decision of the Dean is final, and no further appeals are available to the student. Written notification of the decision will also be communicated to the parties who were copied on the Level 2 appeal: Senior Associate Dean for Medical Student Education or designee; Associate Dean for Student Affairs; Assistant Dean for Student Affairs; Registrar; Chair of the SPC; and Student's college advisor.



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