



UMSOM M.D. STUDENT APPEALS COMMITTEE and DUE PROCESS PROCEDURES

The UMSOM MD Student Appeals Committee is a standing committee which provides a process for addressing student grievances as outlined in this document. Each program of the SOM (M.D., M.P.H., Genetic Counseling, and Physical Therapy Programs) determines its own Student Appeals Policy and Procedure. This M.D. Student Appeals Committee policy and procedure applies to M.D. Program students only.

The UMSOM M.D. Student Appeals Committee (“the Committee”)

A. Composition

The Committee consists of faculty representatives from each program, student representation, and ex-officio representation from the SOM Office of Student Affairs (“OSA”) as follows.

Voting Members:

- Committee Faculty Chair
- Committee Faculty Co-Chair
- Faculty Representative, M.D. Program
- Faculty Representative, M.P.H. Program
- Faculty Representative, Genetic Counseling Program
- Faculty Representative, Physical Therapy Program
- Faculty at Large, M.D. Program
- Faculty at Large, M.D. Program or Other Allied Health
- Student Representative

Non-Voting Ex Officio Members

- Dean, Office of Student Affairs (“OSA”)

B. Appointment of Chair, Co-Chair and Regular Members

All voting members will hold faculty appointments with the SOM. The Chair and Co-Chair will be faculty of the M.D. Program. Members will be recommended by educational leadership following a self-nomination process and will be appointed by the Dean. Voting members will NOT be members of SOM other academic committees (i.e., Curriculum Coordinating Committee or Advancement Committee). Voting members will NOT hold administrative titles in M.D. student education (e.g., Associate/Assistant Deans, Course/Clerkship Directors, Program Directors). Membership will be reviewed annually, and new appointments will be made as circumstances require and at the discretion of the Dean or the Dean’s designee. The full make-up of the committee will also be reviewed annually to ensure diversity of viewpoints, lived experience, academic title, and rank.

C. Non-Voting Ex-Officio Members and Consultants

The role of the OSA Dean is *ex officio* and non-voting. The OSA Dean's role is to assure compliance with this policy and procedure, to provide information as requested or required by the Committee and to facilitate general administration of the Committee's process.

A Consultant is a non-voting, non-member of the Committee who has specific experience or subject matter expertise relevant to a particular appeal and that the Committee believes may be useful to support its decision-making and recommendations. A Consultant can be nominated by any voting or non-voting member and must be approved by a majority of all members of the Committee and the OSA Dean. Consultants are generally SOM faculty or staff. Others may be considered but such people must agree to comply with confidentiality, non-disclosure, and conflict of interest requirements.

D. Conflict of Interest

A student appellant may assert that a member of the Committee should be recused based on perceived conflict of interest following the procedure given below. A member of the Committee or Consultant with an actual conflict of interest should identify themselves to the OSA Dean and Committee Chair and recuse themselves from the case at issue. A member or Consultant with an apparent conflict should discuss the apparent conflict with the OSA Dean and/or Committee Chair to determine if recusal is advisable and the member or Consultant will defer to the decision of the OSA Dean/Committee Chair. The OSA Dean has the option to confer with the UMB Office of University Counsel when evaluating the circumstances of an actual or apparent conflict of interest.

The UMSOM MD Student Appeal Process

A. Grade Appeals – Failing Course Grades

See [SOM Grade and Evaluation Inquiry and Appeal Policy](#) (M.D. Program). Per policy, if a student believes that a grade was inaccurate or given in an arbitrary and capricious manner, an appeal may be requested in writing to the Course/Clerkship Director within 14 days of receiving the grade. If a student does not appeal the grade with 14 days of receipt of the course grading committee determination, the grade will be considered final and not subject to further review and reconsideration.

If a student appeals a failing grade, and the course grading committee upholds the failing grade in appeal, the student may request an independent review/appeal to the Appeals Committee. Requests must be submitted in writing within 7 days of the course grading committee determination.

B. Advancement Appeals – Appealing Decisions made by the Advancement Committee

Decisions of the Advancement Committee are based on established policies, including "[Probation](#)," "[Advancement, Graduation & Dismissal](#)," and "[Professionalism](#)."

The following decisions can be appealed:

- Probation, Academic or Disciplinary

- Dismissal
- Professionalism notation in the MSPE

Students have the right to appeal Advancement Committee decisions if the decisions are the result of an error of due process or based on availability of new evidence that could not earlier be produced such as compelling circumstances not related to Advancement committee decision-making process. The appeal request must be submitted in writing to the Appeals Committee within 14 days of the Advancement Committee final decision notification.

If a student does not appeal an adverse decision of the Advancement Committee within 14 days after being notified, the decision of the Advancement Committee will be considered final and not subject to further review and reconsideration.

C. All Appeals

Appeal Request

Following notification of adverse actions by the Advancement Committee or notification of upholding a failing grade after an appeal through the Grade and Evaluation Inquiry and Appeal Policy, the student will meet with an OSA Dean to discuss the situation and review applicable policies and procedures.

If the student wishes to request an Appeal, the student will prepare and submit a written request for appeal within 14 days of notification including the basis for appeal. The request should be sent to the SOM OSA Dean who will forward it to the Appeals Committee Chair.

The student's request for Appeal will include the facts, names and titles of persons involved, a description of the SOM decision being appealed, and the evidence the student wishes the Committee to consider, including the name of any witness the student wishes the Committee to hear from for testimony in support of the student's Appeal, and the basis for the Appeal. The student will specify the relief sought – for example, reconsideration, correction, postponement, modification, clarification, or reversal.

Basis for an Appeal

On appeal, the medical student has the burden of proving that the adverse action or decision that affected their final grade, action, and/or status as a student was:

1. Not supported by substantial evidence on the record;
2. Otherwise, arbitrary and capricious;
3. An abuse of the Advancement Committee or a grading committee's discretion; or
4. Directly attributable to a failure of a committee to follow its charge or the published policies and procedures governing its work.

Initial Review of Appeal

The Appeals Committee Chair will receive the request for Appeal from the SOM OSA. In consultation with other members of the Appeals Committee, the Committee will review the request and supporting evidence. If the request meets the requirements for Appeal under this policy, has

been made in good faith, is not duplicative of other grievances made by the student, and there is no other reason not to proceed, the Chair will inform the student in writing that the grievance will proceed to an Appeal hearing. If the Appeal is not accepted, the student will be informed in writing of the reasons why.

If the Appeal is accepted, a hearing of the Appeals Committee will be convened to examine the case, after which it will report its findings and make a recommendation to the Dean. The Appellant will receive a copy of the Appeals Committee's recommendation report to the Dean.

If an Appeal Hearing is convened, it will be convened within 14 days of determining the need for a hearing.

Appeal Hearing

The Appeal Hearing will be heard by members of the Appeal Committee. Five voting members of the Appeal Committee will be present, including either the Chair or Co-Chair and a student representative. Those present at the hearing will be the sole voting members. Any members with a conflict of interest will be excluded from participation in the hearing.

Once the Appeals Committee determines an Appeal Hearing is needed, the hearing will be scheduled within 14 days. The student will be notified of the specifics of the meeting including scheduled time and committee makeup at least 2 days prior to the hearing.

The purpose of the Hearing is to ensure due process by providing a fair and impartial review. During the Hearing, the student and persons called by the student or the Appeals Committee may be asked to answer questions by the Committee to clarify the Committee's understanding of issues relevant to the action. During the Hearing, the student may address the Committee and provide relevant information including facts or circumstances not previously considered.

Discussion about the appeal, except for final deliberations, will occur with the student present.

The Hearing will be closed. The Committee may require witnesses and their advisors to wait outside the Hearing room until they are called. All participants will be advised that the proceedings and outcomes must be treated as confidential by all participants, including advisors.

A dean from OSA will be present at the Hearing *ex officio* to assure adherence to policies and to provide information as requested or required by the Committee. The OSA Dean does not participate in deliberations or vote on the outcome of the Hearing.

The Appealing student must be given written notice of all persons who will participate in the Hearing at least 2 days in advance of the hearing. The Appellant must be given copies of all evidence to be considered by the Committee at least 2 days in advance of the Hearing.

The Committee may call additional people to the hearing to provide clarification of facts as needed, e.g., OME Dean or Course Director.

The student may request additional people be present at the Hearing as character witnesses or to provide corroborating information relevant to the Hearing. Additionally, students may request to be accompanied by a non-attorney advisor of their choice, who may act in advisory capacity only and

may not address the committee. Requests by students for additional persons must be submitted in writing to OSA at least 2 days prior to the scheduled Hearing.

Neither the student nor the school may be represented by counsel or other advocate at the Hearing. In instances where criminal charges may be pending or under investigation, the student may have an attorney present. The Committee may, as an option, have University Counsel or an Assistant Attorney General present or available to provide guidance. Attorneys may act only in an advisory capacity to the student or witness and may not address the Committee or examine or cross-examine participants.

Students must not contact any member of the Appeals Committee or other individuals asked to attend the Hearing by the Committee about the appeal at any time during the process. Violating this requirement is considered improper conduct and grounds for disciplinary action. Any issues or concerns should be directed to a dean in OSA.

Any notes taken will be kept in a confidential manner and are not part of the student record.

Reasonable efforts should be made to comply with all deadlines specified in this policy and procedure. Extensions of time may be granted by the Appeals Committee for good cause shown but should not be for unreasonable lengths of time. If a request for an extension of time is granted, the Appeals Committee Chair must document the reason for the extension in writing and must include a new deadline.

After the Hearing

The written findings and recommendations of the Appeals Committee will be sent to the Dean or Dean's designee within 7 days of the Hearing. The findings of the Appeals Committee, which will be shared with the student along with the final determination by the Dean, may not be altered by the Dean or the Dean's designee. The Appeals Committee's recommendations are advisory only. However, if the Dean or Dean's designee does not accept the recommendations, an explanation will be provided along with the final determination of the Dean or Dean's designee. The final determination will be communicated to the student through the Office of Student Affairs with confidential copies to faculty and administrators with a legitimate educational interest and need to know the outcome. The decision of the Dean or Dean's designee after an appeal is final.

APPENDIX – Supporting Documents

A. Appeal Committee Administration

A regularly scheduled Appeal Committee meeting will be scheduled three times monthly. Meeting times will be released 14 days in advance if no appeal is scheduled. At least twice per year, the full Appeal Committee will meet when no hearing is scheduled to review policies, procedures and process as well as to debrief regarding past appeals. Additionally, the committee will meet at least once per year for training in unconscious bias and just culture, as well as ad hoc topics that would improve decision-making and analytic skills, ethical training, communication skills, for example.

B. Overview of Process/Steps

Initial Steps:

1. Student receives notification AC Action (Probation, Dismissal, Professionalism Update in MSPE) OR student received notification from grading committee of course failure being upheld.
2. The student will meet with an OSA Dean to review the appeal process
3. Student submits written request for appeal to the Appeal Committee within 14 days of notification, including the basis for appeal. (The request should be sent to an OSA Dean and OSA will process)
4. The Appeals Committee will review the request and supporting evidence. After review, the Appeals Committee may a) recommend to the Dean/Deans' designee that they uphold the initial decision as final without the need to convene a hearing or b) convene a formal hearing of the Appeals Committee to obtain additional information before making a final recommendation
 - a. The Appeal Committee will determine the need for a hearing or submit recommendations to the Dean within 14 days of receiving the request

Before the hearing:

5. The student must sign a release of records to be made available to the appeal committee
 - a. The student may also request a copy of their record
 - b. OSA will compile the student record and relevant information
 - i. Includes everything in Student File (Image Now) and Clinical Rotation Evaluations
 - ii. OSA also creates and includes a summary document
 - iii. Excludes LORs from admission packet
 - iv. Excludes certain confidential materials
6. The student may submit additional, relevant information, such as those outlined below. All materials must be sent to OSA and received at least 2 days prior to the hearing.
 - a. Written statement to address facts and circumstances not previously considered
 - b. Letters of support from faculty, students, or others
7. The student may request persons present at the hearing

- a. All individuals must be identified in writing to OSA at least 2 days in advance of the hearing
 - b. Students may request character witness(es) or other individuals to provide corroborating information relevant to the hearing.
 - c. Students may be accompanied by a non-attorney advisor of their choice. Advisors may act in an advisory capacity only and may not address the committee.
8. The Appeal Hearing will occur within 14 days of the Appeal Committee decision to hold a hearing
- a. OSA will document any conflicts of interest raised and the resolution.
 - b. OSA will confirm a minimum of 5 voting members will be present
 - i. One member will be designated Ad Hoc Chair to oversee proceedings
 - ii. One member will be designated Ad Hoc Secretary to take minutes
 - c. OSA will identify room and update calendar information
 - d. OSA will notify student of date/time/location/make-up of committee no fewer than 2 official school days in advance of the meeting (sooner if possible)

At the Hearing:

9. The committee may ask questions of the student or other people (called by the student or the committee) to clarify its understanding of relevant issues.
10. The student may address the committee
11. Only individuals identified in writing to OSA at least 2 official school days in advance of the hearing may be present.

After the Hearing:

12. The findings and recommendations of the Appeals Committee will be sent to the Dean or Deans' designee within 7 days of the Appeal Committee Meeting who will consider the recommendation and communicate their decision to the student. The recommendations of the Appeals Committee are advisory only and not binding on the Dean. The decision of the Dean or the Dean's designee is final and the matter will be considered closed.

History

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