

# ACADEMIC STANDING & PROGRESSION

## Academic Standing and Progression

### Policy Scope

The College of Allied Health Professions (CAHP) is dedicated to assisting all students in gaining the necessary knowledge, skills and professional behaviors that will allow them to reach their full potential as competent and compassionate health care practitioners. Students enrolled in programs in the CAHP are expected to make satisfactory academic progress toward completion of program requirements and must meet specific performance standards set by each program. Where appropriate, those standards are established to be congruent with standards set by the specialized accrediting agency for each program. The intent of these academic CAHP policies is to standardize the terminology used to describe student academic standing, foster sound, learner-centered assessment of student performance, and maximize the likelihood of academic success for every student.

### Policy Statement

Within the parameters established below, programs within the College of Allied Health Professions will designate the current Academic Standing of each student. All students will be considered to have an Academic Standing of Satisfactory upon entry into the program, and any changes in Academic Standing will be reported to the student and to the CAHP Director of Enrollment Management, who is responsible for securely maintaining individual and aggregate records of academic status, progression, remediation, and sanctions for all CAHP students.

### Procedures and Standards

Students at the University of Nebraska are members of an academic community in which satisfactory academic standing and progression are essential for meeting student learning outcomes and requirements for program completion. To ensure that students know what is expected of them, the College of Allied Health Professions (CAHP, or “the College”) has adopted the Standards of Satisfactory Academic Standing and Progression (“Standards”).

Section I – Persons Subject to the Standards

Section II – Standards of Satisfactory Academic Standing and Progression

Section III – Responses to Violations of the Standards

Section IV – Enforcement of the Standards

Section V – Miscellaneous Procedural Matters

### Section I – Persons Subject to the Standards

#### A. Students

1. The term “student” includes all persons enrolled at the CAHP, including online and non-degree seeking individuals.

2. All students are subject to the Standards as set forth in this Policy while they are enrolled as an undergraduate, graduate, or professional student.
3. For purposes of the Standards, a student is considered to be enrolled starting one (1) week prior to the first day of classes of the first semester or session for which the student has registered for classes, or when the student engages in CAHP sponsored activities whichever occurs first. A student’s enrollment ends when the student graduates, withdraws from the CAHP, or fails to register for classes for three (3) consecutive semesters, with summer term considered to be a semester, or no longer has a continuing student relationship with the CAHP.

#### B. Effect on Student Code of Conduct

The College may address academic misconduct through proceedings under the Student Code of Conduct as well as through proceedings implemented by an instructor, academic program, or department. Specifically, imposition of academic sanctions on a student by an instructor, academic program, or department does not prevent the College from instituting proceedings against the student under the Student Code of Conduct. In addition, the Student Code of Conduct does not prevent an academic program from imposing academic sanctions on students who engage in unprofessional conduct as defined by program specific policies or professional licensure requirements. Common types of conduct covered by the Student Code of Conduct include: Academic Integrity such as Cheating, Dishonesty or Falsification, Harmful Academic Action Towards Others, Improperly Helping Others, Failing to Follow the Rules and Responsible Conduct. For more details, refer to the Student Code of Conduct (<https://catalog.unmc.edu/general-information/student-policies-procedures/code-of-conduct/code-of-conduct.pdf>).

### Section II - Standards of Satisfactory Academic Standing and Progression

Within the parameters established below, programs within the CAHP will designate the current Academic Standing of each student. All students will be considered to have an Academic Standing of Satisfactory upon entry into the program, and any changes in Academic Standing will be reported to the student and to the CAHP Director of Enrollment Management, who is responsible for securely maintaining individual and aggregate records of academic status, progression, remediation, and sanctions for all CAHP students. The Academic Standing Categories refer strictly to Academic Standing and should not be confused with Satisfactory Academic Progress used to determine financial aid status.

#### A. Categories of Academic Standing and Progression

1. *Satisfactory* – All students entering a CAHP program are considered to have an Academic Standing of Satisfactory. No transcript notation will be made for this standing; absence of other notation implies satisfactory academic standing. A student’s Academic Standing upon completion of the program must be Satisfactory. Confirmation of Satisfactory Academic Standing must be documented by the CAHP Director of Enrollment Management prior to graduation.
2. *Formal Remediation* – Formal Remediation is the first documented level of academic performance action, noting that informal remediation or counseling recommendations may proceed formal remediation actions. Notation of Formal Remediation does not appear on the student’s

transcript. Formal Remediation may be imposed in any instance in which academic performance and/or professional conduct has been or is unsatisfactory as determined by the Program Director, or program committee, with input from the faculty as appropriate.

3. *Academic Probation* – Academic Probation is the second level of academic performance action. Notation of Academic Probation does not appear on the student's transcript. Academic Probation may be imposed in any instance in which academic performance and/or professional conduct is unsatisfactory, as determined by the Academic Success Advisory Board with input from the Program Director, or program committee, as appropriate.

## B. Standards of Academic Progression

Students must successfully complete all program requirements and required courses with final grades deemed satisfactory as defined by the program, and as satisfactory completion is defined in the course syllabus when relevant.

A student-initiated disruption in academic progression may result from the following actions:

1. *Personal Leave of Absence* – A Personal Leave of Absence may be requested in writing from the student to the Program Director. Prior to approval, the program will consult with the Office of Enrollment Management & Student Affairs to evaluate current and future enrollment plans and to review potential financial implications for the student. A request for a Personal Leave of Absence for documented medical or ADA reasons may not be denied. The student is expected to satisfy all academic requirements, program policies and procedures, and professionalism standards while a Leave of Absence request is being reviewed. If the Personal Leave of Absence request not related to a documented medical or ADA reason is likely to be denied, the Program Director will first consult with the CAHP Primary Conduct Officer. If the Personal Leave of Absence is approved, the Program Director, or program committee, must provide a plan of study to be followed on return to the program, including a specified timeline of activities, and a deadline for satisfactory completion of the plan. **The date by which the student will return to the program must be communicated at least three weeks prior to the start of the agreed upon semester of return.** The Proposal for Return must include the following:
  - a. any administrative actions that should accompany this change of status, including consultation with financial aid for financial implications of taking a leave of absence;
  - b. notice of the date by which the student must provide to the Program Director and the CAHP Director of Enrollment Management written Notice of Intent to Return to the program; and
  - c. a plan of study to be completed upon the student's return to the program, noting if the student will be placed on a decelerated plan of study upon return, specifying the student's academic standing at the time of return.
2. *Withdrawal* – The student must consult with the Program Director regarding the decision to withdraw prior to

submitting a written Request for Withdrawal. The student must request a withdrawal in writing to the Program Director and the CAHP Director of Enrollment Management. Withdrawn is a final status. Notation of Withdrawn will appear on the student's academic transcript with the date that the withdrawal is effective. In the case of a student-initiated withdrawal, the student is eligible to reapply to the program.

## Section III – Responses to Violations of the Standards

### A. Student's Response with Descriptions

1. *Appeals of Academic Evaluations* – Immediately after receiving a grade which the student believes unfair, the student may set in motion an informal appeal followed by a formal appeal process. For more details, refer to the Appeals of Academic Evaluations (<https://catalog.unmc.edu/general-information/student-policies-procedures/academic-professional-performance-policies/>).
2. *Personal Leave of Absence* – A Personal Leave of Absence may be requested in writing from the student to the Program Director. A request for a Personal Leave of Absence for documented medical or ADA reasons may not be denied. If the Personal Leave of Absence request not related to a documented medical or ADA reason is denied, the Program Director will first consult with the CAHP Primary Conduct Officer. If the Personal Leave of Absence is approved, the Program Director, or program committee, must provide a plan of study to be followed on return to the program, including a specified timeline of activities, and a deadline for satisfactory completion of the plan. The Proposal for Return must include any administrative actions that should accompany this change of status, including consultation with financial aid for financial implications of taking a leave of absence; Notice of the date by which the student must provide to the Program Director and the CAHP Director of Enrollment Management written Notice of Intent to Return to the program; and a plan of study to be completed upon the student's return to the program, noting if the student will be placed on a decelerated plan of study upon return, specifying the student's academic standing at the time of return. The date by which the student will return to the program must be communicated at least three weeks prior to the start of the agreed upon semester of return.
3. *Withdrawal* – The student must consult with the Program Director regarding the decision to withdraw prior to submitting a written Request for Withdrawal. The student must request a withdrawal in writing to the Program Director and the CAHP Director of Enrollment Management. Withdrawn is a final status. Notation of Withdrawn will appear on the student's academic transcript with the date that the withdrawal is effective. In the case of a response to a violation of academic standards, it is the program's discretion if the withdrawn student is eligible to reapply to the program.

### B. CAHP's Response with Descriptions

Programmatic accreditation standards may offer unique definitions in which CAHP programs must adhere to. Students should contact the Program Director for any variation in the definition of terms provided below. The CAHP's response may include one (1) or more of the following:

1. *Formal Remediation without Academic Probation* – Remediation is the defined and applied process for addressing deficiencies in a student's knowledge, skills, or behavior such that the correction of these deficiencies is measurable and can be documented. A written remediation plan will be provided by the Program

Director, or program committee, for unsatisfactory academic performance and/or professional conduct. The remediation plan will identify the unsatisfactory academic performance and/or professional conduct, provide expectations and activities for improvement, and a deadline for satisfactory completion of the plan. A Formal Remediation cannot be appealed. Notation of Formal Remediation will not appear on the student's transcript. If the unsatisfactory academic performance or professional conduct is not resolved as defined by the remediation plan, the student will be referred to the Academic Success Advisory Board of the department in which the student is enrolled for consideration of more severe remediation action.

2. *Academic Probation* – Probation is a period of time in which corrective action through a detailed formal remediation plan is imposed upon a student for not meeting program standards. A written remediation plan will be provided by the Academic Success Advisory Board of the CAHP department with input from the Program, or program committee, as appropriate for unsatisfactory academic performance and/or professional conduct. The remediation plan must identify the unsatisfactory academic performance or professional conduct, provide expectations and activities for improvement, a deadline for satisfactory completion of the plan, and notification of an internal Change of Status notation in the student's file. An Academic Probation response cannot be appealed. Notation of Academic Probation will not appear on the student's transcript.
  - a. The failure to satisfy a condition of probation may be treated as an independent violation of the Standards of Satisfactory Academic Standing and Progression.
  - b. A violation of the Standards while a student is on probation may result in a more severe response to the new academic violation than if the new academic violation was considered in isolation.
3. *Required Leave of Absence or Deceleration* – A Required Leave of Absence is a period of time in which the student is required to discontinue academic enrollment in a program. Deceleration is a status when a student remains enrolled in a program but follows a modified academic plan of study. A written remediation plan provided by the CAHP department's Academic Success Advisory Board with input from the Program, or program committee, will be provided upon the student's return from a leave of absence. The remediation plan must identify the unsatisfactory academic performance and/or professional conduct, provide expectations and activities for improvement, a deadline for satisfactory completion of the plan, and notification of a Change of Status notation in the student's file with the UNMC Registrar. The remediation plan must include any administrative actions that should accompany the change of status including consultation with financial aid, instructions that include a deadline by which the student must provide a written Notice of Intent to Return and a plan of study to be completed upon the student's return to the program, specifically noting if the student will be placed on a decelerated plan of study with the student's academic standing at the time of return. A Required Leave

of Absence cannot be appealed. Notation of Required Leave of Absence will appear on the student's transcript as Leave of Absence. A Required Leave of Absence or Deceleration may be requested by the Program Director, or program committee, to the CAHP department's Academic Success Advisory Board when:

- a. The student has failed to satisfactorily complete the required course(s) in a single semester;
  - b. The student has failed to complete a remediation plan while being on Academic Probation;
  - c. As an alternative to Dismissal or Withdrawal.
4. *Academic Suspension* – Suspension is the temporary removal of a student from academic activities following evidence of a violation of the standards. In situations of compromised safety or privacy in a clinical setting, the Program Director may issue an immediate but temporary Academic Suspension. All clinical activities will be suspended pending a decision on the appropriate action to be taken. If the action taken is more severe than a Formal Remediation or Academic Probation, the CAHP department's Academic Success Advisory Board will advance the recommendation for remedial action to the Primary Conduct Officer.
  5. *Academic Dismissal* – Dismissal is the official removal of a student from an academic program. Dismissed is a final status mandated by the CAHP Conduct Board for unsatisfactory academic performance and/or professional conduct. Dismissal does not require student assent. A student may appeal this action. Notation of Dismissed will appear on the student's transcript along with the effective date of the dismissal.

If there is a dispute about whether a student complied with any of the conditions imposed as part of the response to a violation, the dispute must be resolved at a hearing before the Hearing Officer or CAHP Conduct Board.

## **Section IV - Enforcement of the Standards**

### **A. Definitions**

1. *University Day* – This section contains various deadlines that are stated in days. The term "University Day" means a weekday on which the campus offices are open. Check the academic calendar (<https://catalog.unmc.edu/general-information/academic-calendar2/>) on the campus website to determine the days on which the campus offices are closed.
2. *E-Mail Address of Record* – This section also contains references to the "e-mail address of record." That term means the student's University assigned e-mail address. Because important notices may be sent to students by e-mail, it is extremely important that students make sure they check that email regularly.

### **B. The Persons Involved in Enforcement of the Standards**

1. *Program Director, or program committee for academic remediation actions.* The Program Director, or program committee, is responsible for investigating and resolving academic remediation concerns at the Formal Remediation level and may make recommendations for Academic Probation, Required Leave of Absence or

Deceleration, or Academic Suspension actions to the CAHP department's Academic Success Advisory Board.

2. *Academic Success Advisory Board.* The department Advisory Board will investigate and resolve recommendations for Academic Probation. Allegations of violations of the Standards beyond Academic Probation such as Required Leave of Absence or Deceleration, Academic Suspension, or Academic Dismissal actions as recommended by the Program Director, or program committee, or the Department Advisory Board will be forwarded by the Advisory Board to the Primary Conduct Officer.[MB9] (p. )
3. *Primary Conduct Officer.* The CAHP Assistant Dean for Academic Affairs will serve as the Primary Conduct Officer. The Primary Conduct Officer is responsible for investigating alleged violations of the Standards, for presenting the CAHP department's Academic Success Advisory Board information and position in hearings, and for exercising the discretion that the Policy specifically grants to the Primary Conduct Officer. The Primary Conduct Officer may propose administrative resolutions.
4. *Secondary Conduct Officer.* The CAHP Assistant Dean for Student Affairs will serve as the Secondary Conduct Officer. The Secondary Conduct Officer may assume the role of Primary Conduct Officer as needed and provides process guidance support.
5. *Hearing Officer.* The Department Chair for the program in which the student is enrolled will serve as the Hearing Officer, unless, the Department Chair also serves as the Program Director for the program in which the student is enrolled. In this case, the CAHP Dean will appoint a Department Chair from another CAHP department to serve in the Hearing Officer role. The Hearing Officer has the authority to hear and resolve allegations that a student violated the Standards and if the Officer determines that a violation occurred, for determining the CAHP's response. Unless otherwise agreed upon through an administrative resolution, the Hearing Officer may not designate Academic Dismissal as a response to a violation by a student. Only the CAHP Conduct Board may do so.
6. *CAHP Conduct Board.* The Conduct Board has the authority to hear and resolve charges that a student violated the Standards and if the Board determines that a violation occurred, for determining the CAHP's response. The procedures for selecting the members of the Board and the requirements for a quorum are set out in Section V.
7. *Faculty/Student Appeals Board.* An Appeals Board may hear appeals authorized by this Policy. The procedures for selecting members of the Appeals Board and the requirements for a quorum are set out in Section V. An appeal heard by the Appeals Board must be heard before an appeals panel of no fewer than three (3) members of the Appeals Board. The appeals board shall select its own Chair. All members of the appeals panel possess voting privileges.
8. *Appointments.* Conduct Officers, Hearing Officers, and Appeals Board are appointed by the CAHP Dean. An individual may only serve in one role during a case. If the student or faculty involved in the case claims a conflict

of interest with an individual(s) appointed to roles in the adjudication process, they may request an alternative appointment to the CAHP Dean.

### C. Investigating Potential Violations

1. When the Primary Conduct Officer receives information about a potential violation of the Standards, the Primary Conduct Officer will conduct an investigation to determine if there is a reasonable basis to believe that a student has engaged in conduct that violates the Standards to the degree in which the student should be required to take a leave of absence, decelerate, be suspended, or dismissed.
2. In the course of the investigation, the Primary Conduct Officer may contact the student that is the subject of the investigation. Before discussing the alleged violation(s) with the student or Advisory Board, the Primary Conduct Officer must state in writing:
  - a. that the Primary Conduct Officer is investigating an alleged violation of the Standards;
  - b. what the alleged violation is;
  - c. that the student or board is not required to discuss the alleged violation with the Primary Conduct Officer;
  - d. that the student or board has the right to be accompanied by an advisor when the student meets with the Primary Conduct Officer; and
  - e. that the student may choose as the advisor anyone, including an attorney, but that the student is responsible for any fees that the advisor may charge. The student's advisor may provide guidance to the student but may not otherwise directly participate in the conduct process.
3. The Primary Conduct Officer must complete the investigation within thirty (30) University days after written notice about a violation resulting in a recommendation for dismissal was first received by the Conduct Officer. The CAHP Dean may grant the Conduct Officer extensions of no more than an additional sixty (60) University days if the Conduct Officer applies in writing for an extension within the initial thirty (30) day period and shows that exceptional circumstances exist that warrant an extension of time. More than one (1) extension may be granted.
4. If the Primary Conduct Officer determines that there is not a reasonable basis to believe that the student violated the Standards to a degree in which the recommendation for a required leave of absence, a deceleration, a suspension, or dismissal should be approved, the Conduct Officer should not take any further action in the matter.
5. If the Primary Conduct Officer determines that there is a reasonable basis to believe that student violated the Standards to a degree in which the recommendation for a required leave of absence, a deceleration, a suspension, or dismissal is within reason, the Conduct Officer has the discretion to:
  - a. take no further action in the matter;
  - b. seek an administrative resolution of the matter; or
  - c. set the matter for hearing. In exercising discretion, the Primary Conduct Officer should consider all the relevant circumstances, including the nature and seriousness of the alleged violation, any sanctions that may have been imposed pursuant to procedures

other than those authorized by this Policy (for example, sanctions imposed by a faculty member or by the civil authorities, Student Code violations), the past conduct of the student, the ease or difficulty of proving the alleged violation, the interests of fairness, the interests of those harmed or potentially harmed (such as future patients) by the alleged violation, professional practice implications, and the interests of the CAHP.

6. If the Primary Conduct Officer determines that a dismissal may be an appropriate CAHP response, and unless an administrative resolution is agreed upon, the Primary Conduct Officer must set the matter for hearing before the CAHP Conduct Board. If dismissal is not a potential CAHP response (such as in the cases of a recommendation of a required leave of absence, a deceleration, or a suspension), the matter will be set before the Hearing Officer unless either the Primary Conduct Officer or the student requests the matter be set before the CAHP Conduct Board.
  - a. During the week preceding final examinations and the week(s) of final examinations, University breaks, and months (such as May to August), the CAHP Conduct Board may not be available. Accordingly, the student may waive their right to a hearing before the CAHP Conduct Board.
7. A matter that is set for hearing before the CAHP Conduct Board must consist of no fewer than three (3) members of the Conduct Board, at least one (1) of whom must be a faculty member and at least one (1) of whom must be a student. The Chair of the Conduct Board is responsible for conducting the hearing and resolving any procedural and evidentiary issues that may arise. The Conduct Board shall select its own Chair. All members of Conduct Board possess voting privileges.

#### D. Instituting Proceedings

1. The Primary Conduct Officer institutes a proceeding under this Policy by sending a request for an informal meeting, an administrative resolution, or a notice of hearing to a student. The student against whom a violation has been alleged is referred to as the "Respondent."
2. The request or notice of hearing must be in writing and sent by e-mail to the Respondent's e-mail address of record.
3. The contents of the request are set out below in subsection E. The contents of the notice are set out below in subsection F.

#### E. Informal Meeting

1. An informal meeting is an opportunity for the Respondent to discuss the alleged violation with the Primary Conduct Officer. During an informal meeting, the Primary Conduct Officer may proceed with administrative resolution of a complaint pursuant to Section F(1) if the Primary Conduct Officer determines administrative resolution is appropriate and is accepted by the Respondent.
2. A written request for an informal meeting must inform the Respondent:
  - a. that the Primary Conduct Officer intends to address an alleged violation(s) of the Standards;

- b. what the alleged violation(s) is(are);
- c. that the student is not required to discuss the alleged violation(s) with the Primary Conduct Officer;
- d. that the student has the right to be accompanied by an advisor when the student meets with the Primary Conduct Officer; and
- e. that the student may choose as the advisor anyone, including an attorney, but that the student or the organization is responsible for any fees that the advisor may charge. The student's advisor may provide guidance to the student, but may not otherwise directly participate in the conduct process. The process shall not be unduly delayed based on the availability of the Respondent's advisor.

#### F. Administrative Resolutions

1. An administrative resolution is an agreement between the CAHP, through the Primary Conduct Officer, and the Respondent in which:
  - a. the Respondent admits the violation and agrees to the response(s) stated in the agreement, or
  - b. the Respondent does not admit the violation but agrees to the responses stated in the agreement. If the parties reach an agreement, the agreement must be in writing and signed by the parties. An electronic signature is sufficient.
2. A written request for an administrative resolution must contain:
  - a. an explanation of what an administrative resolution is;
  - b. a statement of the charge(s) against the Respondent, including any preceding remedial action taken and progress towards satisfying the remediation plan(s); and
  - c. a statement of the response(s) proposed by the Primary Conduct Officer. The request must also explain what the Respondent must do to accept or reject the proposal and inform the Respondent that the matter may be set for hearing if the Respondent rejects the proposal. If the parties fail to reach an administrative resolution, the Primary Conduct Officer has the discretion to take no further action in the matter or to set the matter for hearing.
3. If the Respondent does not respond to the written request for an administrative resolution within five (5) University days, and unless the CAHP's proposed response is dismissal, the proposed administrative resolution will be deemed accepted by the Respondent. The Primary Conduct Officer may grant the Respondent an extension of time to respond to the Administrative Resolution, upon the request of the Respondent and at the sole discretion of the Conduct Officer.
4. The Primary Conduct Officer may propose an administrative resolution at any time prior to the beginning of a hearing before the Hearing Officer or the CAHP Conduct Board. A proposal for an administrative resolution that is made after a notice of hearing is sent may be made orally or in writing.

#### G. Hearings

A hearing is an opportunity for the parties to be heard before the Hearing Officer or the CAHP Conduct Board. The CAHP Conduct

Board will hear matters that may result in dismissal. All other matters will be heard by the single Hearing Officer, unless the CAHP Conduct Board is requested by the Primary Conduct Officer or the Respondent. If a matter is set for a hearing, a written notice of hearing must be sent regardless of whether a written request for an administrative resolution was previously sent.

1. *Notice of Hearing:* The notice of hearing for a student must contain the following information:
  - a. Statement of the violation(s).
  - b. Statement of alleged facts constituting violation under the Policy or other policy.
  - c. Citation of the specific provision(s) of the Policy or other policy alleged to have been violated.
  - d. Description of the pertinent information (e.g. records, statements, images or other information) to be presented.
  - e. Date, time and place of the hearing before the Hearing Officer or Conduct Board. Each hearing shall be scheduled at least five (5) University days after the date the notice has been sent.
  - f. A statement that the student accused of the violation may be accompanied by legal counsel or other advisor at the hearing before the Conduct Board, to be provided at the expense of the student, and that such legal counsel or advisor may advise the student, but may not directly participate in the hearing.
  - g. That the student accused of the violation is under no obligation to make any statement at the hearing relevant to the alleged violation, and that refusal to make a statement will not be considered as an indication of responsibility.
  - h. That the student accused of the violation has the right to inspect any pertinent information the Primary Conduct Officer intends to present at the hearing, no fewer than five (5) University days prior to the hearing, in the CAHP Office of Academic Affairs and that the student will be advised in writing prior to the hearing of any pertinent information subsequently discovered, which the Primary Conduct Officer intends to present at the hearing and given an opportunity to inspect such information.
  - i. A statement that if the student intends to present evidence, including witnesses, that information must be provided to the Primary Conduct Officer no fewer than two (2) University days in advance of the hearing.
2. The notice of hearing must be sent at least five (5) University days before the hearing date. The hearing must be held no later than thirty (30) University days after the notice of hearing was sent. The time limits in this paragraph may be lengthened or shortened if the parties agree to do so. The time limits may also be lengthened if one of the parties makes a written request to the CAHP Dean and the Dean determines that there is a good reason for doing so. Under no circumstances may the hearing be held more than sixty (60) University days after the notice of hearing is sent.
3. *Disqualification:* The notice of hearing must be provided to the Hearing Officer or to the members of the Conduct Board at least three (3) University days before the hearing so that the officer or board members can decide whether they need to recuse themselves.
4. Hearing Officer or Conduct Board members must disqualify themselves if they believe that they cannot decide the matter fairly and impartially or if there is a reasonable basis why others may perceive the officers or members as being unable to decide the matter fairly and impartially.
5. The name of the Hearing Officer or a list of the names of the members of the Conduct Board must be provided to the Respondent at least three (3) University days before the hearing so that the Respondent can decide whether to challenge the Hearing Officer or any member of the Conduct Board on grounds of lack of fairness or impartiality. The list of names of the members of the Conduct Board must identify the Conduct Board Chair ("the Chair") and must also state the member's status (faculty, staff, or student). The e-mail address of the Hearing Officer or the Chair must also be provided to the Respondent.
6. The Respondent may make a challenge by sending an e-mail to the Primary Conduct Officer and to the Hearing Officer or the Chair in which the Respondent states the factual basis for challenging the impartiality or fairness of the Hearing Officer or a Board member. The e-mail must be sent no later than two (2) University days before the hearing. The failure to make a timely challenge to the officer or member waives the challenge unless the Respondent shows, as determined by the CAHP Dean that there are extraordinary circumstances that excuse the Respondent's failure.
7. If the Respondent challenges the Hearing Officer, the officer must withdraw from the proceeding if the officer believes that the officer cannot decide the matter fairly and impartially or if there is a reasonable basis why others may perceive the officer as being unable to decide the matter fairly and impartially.
8. If the Respondent challenges a member of the Conduct Board, the Chair must promptly forward the Respondent's e-mail to the members of the board. The member who is the subject of the challenge must withdraw from the proceeding if the member believes that the member cannot decide the matter fairly and impartially or if there is a reasonable basis why others may perceive the member as being unable to decide the matter fairly and impartially. If the member does not withdraw from the proceeding, the other members of the hearing panel may disqualify the member if they conclude by a majority vote that the standard for disqualification has been met.
9. If the Hearing Officer withdraws from the proceeding, the hearing must be conducted by a different Hearing Officer and the name of that officer must be promptly provided to the Respondent. If a Conduct Board member withdraws or is disqualified from the proceeding, the member must be replaced by a new Conduct Board member and the name of the new Conduct Board member must be promptly provided to the Respondent.
10. *Pre-hearing Conference:* Prior to a hearing a pre-hearing conference may be held to answer procedural questions

and settle those matters which may be agreeably concluded.

11. *Recording & Conducting the Hearing:* The electronic or printed items that the Primary Conduct Officer plans to use at the hearing may be made available to the Hearing Officer or Conduct Board for review before the hearing. The Respondent, however, must be given the opportunity to review the items before they are made available to the Hearing Officer or Conduct Board no fewer than five (5) University days in advance of the hearing. Any items that are made available to the Hearing Officer or Conduct Board must be presented as evidence at the hearing. If the Respondent intends to present evidence, including witnesses, that information must be provided to the Conduct Officer no fewer than two (2) University days in advance of the hearing. Any evidence not disclosed within the deadlines set forth in this paragraph will only be considered at the sole discretion of the Hearing Officer or Chair of the Conduct Board. Regents By-Law 5.4(f) provides that the "decision of the [conduct] board must be based solely upon evidence introduced at the hearing."
12. The Conduct Board shall make a confidential verbatim record of each hearing. Such verbatim record shall be made by such method of recording or recording device as the CAHP deems suitable. The recording shall be the property of the CAHP. The CAHP Dean or their program committee has the authority to decide which recording means will be used.
13. At the beginning of the hearing, the Hearing Officer or Chair should state for the record:
  - a. the date, time, and place; and
  - b. their name and role as the Chair or Hearing Officer.
14. If the hearing is before a board, the Chair should:
  - a. have the other members of the Conduct Board identify themselves, and
  - b. state whether there is a quorum. If there is not a quorum, then the hearing must be rescheduled unless all parties waive on the recording any objection to the lack of a quorum.
15. The Hearing Officer or Chair should then identify the other persons present, ask the Primary Conduct Officer to read the alleged violation(s), and ask the Respondent if the Respondent admits to the alleged violation(s).
16. The Hearing Officer or Chair must conduct the hearing in a manner that facilitates the presentation of relevant evidence by both the Primary Conduct Officer and the Respondent. Both the Conduct Officer and the Respondent have the right to call witnesses and present their respective cases. The Hearing Officer or Chair has the discretion to allow the use of a question-and-answer format or allow a witness to make an oral statement about what the witness knows about the matter. The Hearing Officer or the members of the board may then ask questions to clarify what the witness said or to elicit more detailed information.
17. The Hearing Officer or Chair has the discretion to allow the parties to question the witnesses directly or to require the parties to submit suggested questions for the Hearing Officer or Chair to ask. In exercising this discretion, the Hearing Officer or Chair should consider all the relevant circumstances, including whether there is animosity between the Respondent and the witness, whether the charges involve violence, threats, or harassment of the witness by the Respondent, and whether direct questioning would be more efficient or would better enable the Respondent to present their information.
18. The Hearing Officer or Chair has the discretion to:
  - a. allow the parties to make opening statements, closing statements, or both, with reasonable time limits;
  - b. allow witnesses to testify by videoconferencing technology;
  - c. require that the witnesses who have not yet testified wait somewhere other than the hearing room until they are called to testify; and
  - d. schedule separate hearings if charges have been brought against multiple respondents or multiple charges have been brought against a single respondent.
19. The Respondent has the right to be present for the hearing. The hearing is closed to the public.
20. The Primary Conduct Officer has the burden of demonstrating the alleged violation(s) by the greater weight of the evidence. The greater weight of the evidence means evidence sufficient to make the alleged violation(s) more likely true than not true. If the evidence is evenly balanced, or if it weighs in favor of the Respondent, then the Respondent is not responsible for the alleged violation(s).
21. The Primary Conduct Officer will present evidence first, followed by the Respondent. Courtroom rules of evidence do not apply. Evidence may be presented if:
  - a. it is relevant to the charges, the CAHP response, or the credibility of the witnesses; and
  - b. it is sufficiently reliable that a reasonable person would take it into account in making an important decision. Evidence may be excluded if it merely repeats evidence that has already been presented. The Hearing Officer or Chair will be solely responsible for the determination of the admissibility of evidence.
22. The Respondent's advisor may not speak on behalf of the Respondent during the hearing and may not directly participate in any aspect of the hearing. The Respondent, however, may consult with the Respondent's advisor during the hearing. The Hearing Officer or Chair may limit the length and frequency of consultations so that they do not unreasonably delay the hearing or unreasonably interfere with the presentation of evidence.
23. *Hearing Stages:* If the Respondent is present and contests the violation(s), a hearing must be conducted in two (2) stages. At the end of each stage a Conduct Board must go into closed session to deliberate and make its decisions by majority vote. If the Respondent is contesting only the appropriate response, the hearing will move immediately to the second stage.
  - a. The first stage is to decide whether the Respondent is responsible for the violation.
    - i. If the Hearing Officer or Conduct Board decides that the Respondent is not responsible for the violation, the hearing is over.

- b. The second stage is to decide the appropriate response(s). The hearing will move to the second stage only if the Hearing Officer or Conduct Board determines that the Respondent is responsible or if the Respondent admits the charges. The second stage shall be conducted immediately after the Conduct Board decides the Respondent is responsible. Only evidence that is relevant to the issue of the appropriate response(s) may be presented during the second stage.
24. At the conclusion of the hearing, the Conduct Board must go into closed session to deliberate and make its decision. The decision must be made by a majority vote.
  25. If the Respondent fails to appear at the hearing, the Hearing Officer or Conduct Board shall proceed with the hearing if the Hearing Officer or a quorum of the board members are present.
  26. *Notice of Decision*: No later than seven (7) University days after the hearing, the Respondent must be notified by letter of the decision(s) and response(s), if any. The letter must inform the Respondent of the right to appeal and include a copy of subsection G. The letter must also inform the Respondent of the name and e-mail address of the person to whom the documents required to appeal must be sent. The person must be the Faculty/Student Appeals Board Chair.
  27. The letter must be sent to the Respondent's e-mail address of record.
  28. *Effective Date of Response & Request to Suspend Response*: The response to a violation takes effect on the day when the letter of decision is sent. The Respondent may request that the response be suspended while the appeal is pending by e-mailing or hand delivering a letter to the Chair of the Faculty/Student Appeals Board no later than five University days after the letter of decision was sent. In the letter, the Respondent should state that they are appealing the decision, explain how the Respondent will be harmed if the response is not suspended, and also explain why suspending the response will not adversely affect the CAHP or other persons. The Respondent should also attach a copy of the letter of decision.
  29. The Faculty/Student Appeals Board Chair or their program committee should promptly review the letter and decide whether to grant or deny the request. In making the decision, the Chair should consider whether the harm that the Respondent may suffer if the response is not suspended outweighs the harm that the CAHP and other persons may suffer if the response is suspended. Before making the decision, the Chair or their program committee may request that the Primary Conduct Officer explain why they believe that the request should be granted or denied.
  30. If the request is granted but the Respondent waives their right of appeal, the response will be immediately reinstated. Waiver of the right of appeal is discussed below in subsection H.
- a. the evidence presented at the hearing was insufficient to allow a reasonable person to conclude that the charges were more likely true than not;
  - b. the response was clearly excessive in light of all the circumstances; or
  - c. the Hearing Officer or CAHP Conduct Board failed to follow the procedures and as a result of the failure, there is a substantial likelihood that the decision is wrong.
2. Evidence that was not presented at the hearing may not be considered on appeal. Newly discovered evidence may be grounds for a rehearing. Newly discovered evidence is discussed below in subsection J.
  3. In order to appeal, a Respondent must send an e-mail to the person identified in the letter of decision and attach a letter that explains in detail the reasons why the decision should be overturned within ten (10) University days of the date of the letter of decision. A Respondent who does not comply with this section waives the right of appeal.
  4. Upon receipt of an appeal the Chair of the Appeals Board will correspond with the parties regarding the Respondent's appeal. The Primary Conduct Officer may send an e-mail to both the Respondent and to the Chair and attach a letter that explains in detail the reasons why the decision should or should not be affirmed. The e-mail must be sent by the date specified by the Chair in their correspondence.
  5. The Chair of the Appeals Board has the discretion to request the Respondent and the Primary Conduct Officer to make an oral presentation. The presentation may be made to the Board in person, by telephone, or by videoconferencing technology. The Chair should inform the parties beforehand of any time limitations on their presentations and also inform them that any member of the Appeals Board may ask the parties questions during or after their presentations, and that the Respondent's advisor, if any, may not make a presentation. If there is a presentation, the CAHP will record the presentation and any subsequent questions.
  6. The Appeals Board must decide the appeal within twenty (20) University days after the receipt of the notice of appeal. Upon notice to the parties, the Chair may extend the deadline for the date of the decision letter by up to twenty (20) University days. The decision may affirm the decision being appealed, overturn the decision being appealed and specify that the charges be dismissed or that a new hearing be held, or modify any CAHP response that was clearly excessive. The decision of the Appeals Board is final.
  7. The Respondent and the Primary Conduct Officer must be notified of the decision by an e-mail sent to the Conduct Officer and the Respondent at their e-mail addresses of record. The letter must inform the Conduct Officer and Respondent that the decision is final.

## H. Appeals

1. The Respondent may appeal the decision of the Hearing Officer or CAHP Conduct Board to the Faculty/Student Appeals Board. An appeal by the Respondent is limited to the following grounds:

## I. Effect on Graduation or Transcript Request

The University may withhold a degree or transcript until proceedings (including appeals) have ended. The University should confer the degree or release the transcript after all investigations and proceedings have ended unless the response to the violation affects the student's eligibility for the degree (for example, the



student is dismissed or must complete an educational program prior to receiving the degree).

#### J. New Evidence

1. The Respondent or Primary Conduct Officer may seek a rehearing if the Respondent or Conduct Officer discovers new evidence after the hearing. To obtain a rehearing, the Respondent or Conduct Office must meet three requirements:
  - a. the evidence is in fact new;
  - b. the evidence could not have been discovered with reasonable diligence before the hearing; and
  - c. there is a reasonable basis to believe that the new evidence would have changed the decision(s) and/or response(s).
2. The Respondent or Primary Conduct Officer must explain in a letter to the Faculty/Student Appeals Chair why the three (3) requirements are met. The letter must be emailed to the Chair no later than sixty (60) University days after the letter of decision was sent to the Respondent.
3. If the Faculty/Student Appeals Chair determines that the requirements have not been met, then the request must be denied.
4. If the Faculty/Student Appeals Chair determines that the requirements have been met, then a new hearing must be held before a Hearing Officer or Conduct Board. If academic dismissal was sought in the original hearing, the new hearing must be held before a Conduct Board.
5. The new hearing may be held before the same Hearing Officer or Conduct Board that originally heard the matter or before a different Hearing Officer or Conduct Board. The decision in the new hearing must be based on the recording of the original hearing and the new evidence presented at the new hearing.
6. After the expiration of the sixty-day (60) period, a student who was dismissed may seek a rehearing by sending a letter by certified mail to the Faculty/Student Appeals Chair. In that letter, the student must explain why the three (3) requirements listed above are satisfied and also explain why it would be manifestly unjust not to grant the student a new hearing. The letter must be sent no later than one year after the letter of decision was sent to the student.
7. If the CAHP Dean determines that the requirements have not been met, then the request must be denied. The decision of the CAHP Dean is final. If the Dean determines that the requirements have been satisfied, then a new hearing must be held before the Conduct Board.

### Section V - Miscellaneous Procedural Matters

#### A. CAHP Conduct Board Membership and Quorum

1. The CAHP Dean will specify the number, qualifications, term, and selection process for members of the CAHP Conduct Board. If the number of members is more than three (3), the number that will constitute a quorum.
2. The CAHP will have an Appeals Board. The CAHP Dean will specify the number, qualifications, term, and selection process for the members of the Board. If the number of members is more than three (3), the number that will constitute a quorum.

#### B. Interpretations of the Standards

1. Words in this Policy should be given their ordinary meaning unless the context indicates that a different meaning was intended.
2. Any question of interpretation or application of the Policy shall be referred to the Primary or Secondary Conduct Officer.

#### C. Amendments

1. The CAHP Leadership Council as governed by the CAHP Rules and Regulations and the Board of Regents may amend this Policy at any time, in whole or in part. There may be times when unexpected issues arise that require prompt action or that involve errors or omissions in the Policy. Examples include a change in federal, state, or local law, the adoption of a new College, Campus, or University policy, the repeal of an existing College, Campus, or University policy, the discovery of a drafting error, or the failure to anticipate a particular situation or type of violation.
2. If an unexpected issue arises, the Policy may be amended pursuant to the following procedure:
  - a. First, the CAHP Dean must approve the amendment.
  - b. Second, the CAHP Leadership Council must approve the amendment.
  - c. Third, the amendment must be reported to the CAHP general faculty through written e-mail correspondence within five (5) University days of the approval.
3. The Dean and Leadership Council may approve an amendment only if each of them separately determines that:
  - a. the content of the amendment is appropriate and reasonably necessary, and
  - b. the subject matter of the amendment either requires prompt action or involves minor changes that correct errors or omissions in a manner consistent with the purpose and scope of the Policy. An amendment takes effect when both the Dean and Leadership Council have approved the amendment.

#### D. Effective Date

The provisions of this Policy apply to cases in which formal charges are brought after the date on which this Policy was approved by the CAHP Leadership Council. Amendments to this Policy apply to cases in which formal charges are brought after the date that the amendment takes effect.

#### E. Periodic Review

The CAHP Academic Standing and Progression Policy will be reviewed at least every three (3) years.

**Effective Date:** 2022-2023 Academic Year

**Revised Date:** 12/19/22

**Policy Process Applied:** Standard

**Policy Review Cycle:** Three-Year

**Responsible Administrator:** CAHP Dean for Academic Affairs

**Responsible Office:** CAHP Office of Academic Affairs

**Policy Contact:** Tammy Webster, tammy.webster@unmc.edu