

# APPEAL PROCEDURES

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Only Probation or dismissal imposed by the SEC for failure to meet academic and/or professional behavior expectations and/or standards may be appealed to an Appeal Board appointed by the Dean of the College of Medicine. An appeal must be made in writing to the Associate Dean for Admissions and Student Affairs, within two weeks after receiving notification from the SEC.

The Appeal Board shall consist of four members of the faculty from the COM and one medical student, all with equal voting status. The Appeal Board shall not include current members of the SEC or other individuals who might have a conflict of interest. The members of the Appeal Board shall select one of the members as Chairperson. The Chairperson shall, in all cases, vote as a member of the Appeal Board.

If a student requests a personal appearance before the Appeal Board, the request shall be granted. The student requesting an appeal will be given at least ten days' notice about the time and place of the hearing, the membership of the Appeal Board and the procedures to be followed.

An advisor of choice may accompany the student wishing to appear personally before the Appeal Board. The name of the advisor must be provided to the OASA at least one week before the hearing. The role of the advisor shall be limited to aiding the student. In addition, legal counsel may also accompany the student. In this case, the student must provide this information to the OASA at least one week in advance of the hearing. The Appeal Board may have the assistance of counsel for the University to advise the Appeal Board on procedural and other matters.

The Chairperson of the Appeal Board shall determine the order of the hearing, will direct questioning of the student, if present, and any other witnesses, if present, and ensure that the student and an advisor and/or legal counsel, if present, and any other individuals appearing before the Appeal Board are treated fairly.

The Associate Dean for Admissions and Student Affairs, who is a non-voting member of the Appeal Board, shall function as Secretary to the Board. The secretary shall keep minutes of the Appeal Board's proceedings. Although it will not be necessary to provide a verbatim transcript of testimony before the Board, either the student or the Appeal Board may request that the proceedings be audio recorded.

Requests by students for audio recording of a hearing must be made one week before the meeting. If the Appeal Board requests an audio recording of a hearing, the student shall be notified prior to the meeting. If a request for an audio recording of the hearing is made, the secretary shall arrange for an audio recording of the student's testimony and the testimony of any other witnesses and prepare a digest of the hearing. Deliberations of the Appeal Board will not be audio recorded. The student shall have access to the recording of the testimony and the testimony of any other witnesses that appear before the Board and to the digest.

The student must show by preponderance of the evidence that the SEC recommendation was improper or unfair. After consideration of all the presented written and/or oral testimony, the Appeal Board shall decide by secret ballot, either to sustain the original recommendation of the SEC or recommend its abrogation or modification. The decision of the Appeal Board, which will be based solely on the results of the investigation and, if a hearing has been held, the evidence presented at the hearing, shall be presented to the Dean of the COM as a recommendation. The Dean shall make the final decision.

In cases in which a student is reinstated as a result of the Appeal Board recommendation, a program of remediation or repetition to meet the academic and/or professional behavior expectations of the faculty shall be developed. The proposed program may come from a recommendation of the Appeal Board and may become part of the action recommended by the Dean. Additional COM input may be provided by the OASA, OME, and/or SEC. Appeal of the program of remediation or repetition by the student to the Dean shall be limited to matters of procedure and fairness and shall not involve merits of the case.