

# PROCEDURES FOR STUDENT PROGRESS, ACADEMIC INTEGRITY, AND MANAGING GRADE APPEALS AT THE UNIVERSITY OF ARIZONA COLLEGE OF MEDICINE

Adopted June 30, 2013

## Introduction

Due to the professional nature of the study and preparation for medicine, the College of Medicine (also referred to as the “COM”) adopts these *Procedures for Student Progress, Academic Integrity, and Managing Grade Appeals*, (hereafter “Procedures”), which supersedes all previous policies and procedures addressing the same or similar issues, including the *Policies and Procedures for Student Progress and Appeals of Academic and Disciplinary Decisions*. Medical students also are required to follow policies and codes of conduct governing all students at the University of Arizona, violations of which may result in the University taking action independent of action the COM may take. Such policies include, but are not limited to the Arizona Board of Regents Student Code of Conduct (ABOR Policy 5-308), which is applicable to all students at the University of Arizona, and which the University’s Dean of Students Office enforces.

Medical students also are bound by the COM’s *Code of Conduct and Procedures for the Honor Code Committee* and its Educational Policies, which govern educational and graduation requirements for its students. Because it is the COM’s mission to train medical professionals, the COM also requires that medical students abide by the professional standards required of physicians under Arizona law, as described in A.R.S. § 32-1401, *et seq.*

Decisions regarding grade appeals must be made on an accelerated basis, and therefore, the provisions regarding grade appeals for undergraduate and graduate students at the University of Arizona do not apply. Therefore, the process for appealing a grade at the COM will be handled in accordance with these Procedures.

## Procedures

- I. Definitions. Under these Procedures, the following terms will have the meanings set forth below:
  - A. “Automatic Dismissal” has the same meaning as described in the Program-wide Grading and Progression Policies of the COM, as amended. Either the Deputy Dean, Education or designee or Vice Dean, Academic Affairs or designee may order an automatic dismissal in accordance with those policies.
  - B. “Advisor” means a faculty or staff member or other individual selected by a

student to advise him or her during a meeting or a hearing conducted by the Student Progress Committee or Honor Code Committee. Unless the advisor is a licensed attorney, the advisor may provide assistance to the student during a meeting or hearing, but may not speak on his or her behalf.

- C. “Assistant Registrar” or “Registrar” means an individual who holds that title at either the COM-Tucson Campus or the COM-Phoenix Campus. This individual will prepare and supply the Student Progress or Student Appeals Committee with relevant records of each student at such Committee reviews and prior to meetings or hearings under these Procedures.
- D. “Attorney” means an individual licensed to practice law in the State of Arizona.
- E. “Dean” means the Dean of either the Tucson or Phoenix Campus of the University of Arizona College of Medicine.
- F. “Dean, Student Affairs” means either an Associate Dean, Student Affairs holding that title at either the Tucson or Phoenix Campus of the University of Arizona College of Medicine, or his or her designee. The Associate Dean may advise students about their rights and obligations under these Procedures, may present relevant information related to students at a SPC meeting if requested, and may attend SPC meetings, but will not vote on any matters before those Committees.
- G. “Deputy Dean, Education” or “Vice Dean, Academic Affairs” means the individual holding such title at either the COM-Tucson Campus or the COM-Phoenix Campus, or his or her designee. Such individual or designee will issue notices of automatic dismissal or dismissals based either on lack of academic progress or for disciplinary reasons, subject to students’ rights to seek a hearing or appeal those decisions, and will present evidence on behalf of the COM at any hearings initiated under these Procedures.
- H. “Dismissal” or “Dismiss” means termination of a student from the COM.
- I. “Graduation Requirements” means those requirements established by the Educational Policy Committee (EPC), as described in its Program-wide Grading and Progression Policies, as amended from time to time. Those requirements are incorporated into these Procedures by reference.
- J. “Honor Code Committee” means that Committee established pursuant to the Bylaws of the University of Arizona College of Medicine.
- K. “Notice” or “notify” means providing written notification within the time limits specified in these Procedures 1) by hand-delivery or U.S. mail to the student’s last known address as reflected in University records; 2) to an address to which the student has specifically requested such notices be sent; or 3) to the student’s official University e-mail address.

- L. “Preponderance of the evidence” means that quantity and quality of evidence which, when fairly considered, produces the stronger impression, and has the greater weight, and is more persuasive regarding its truth than the evidence presented in opposition.
- M. “Student Appeals Committee” means a Committee established pursuant to the Bylaws of a University of Arizona College of Medicine. The Student Appeals Committee may consider appeals of decisions of the SPC when an appeal is permitted by these Procedures.
- N. “Student Progress Committee” or “SPC” means a Committee established pursuant to the Bylaws of a University of Arizona College of Medicine, which will function as described below.
- O. “Quorum” will mean two-thirds of the members of a Committee described above. If a member of either a SPC, Honor Code Committee or Student Appeals Committee is unable to attend a meeting or hearing required by these procedures, or believes he or she will be unable to review a matter objectively or to participate in a meeting or hearing required under these Procedures, then the member may recuse himself or herself from the matter under consideration and will explain the reasons for such recusal to the Chair of the appropriate Committee reviewing the matter. Similarly, if a Committee member directly participated in a matter that is the subject of review before such Committee, that Committee member will be disqualified from participating in the matter that is the subject of review before the Committee. If a Committee member recuses himself or herself from a matter, then a quorum for the meeting or hearing will be two-thirds of the membership remaining. To conduct business under these policies, a quorum must be present at the beginning of any meeting or hearing and must remain throughout the meeting or hearing until the Committee reaches a decision.

## II. Functions of the Student Progress Committee (SPC)

- A. The SPC will conduct the following reviews of students’ progress:
  - 1. Students in Years 1 and 2: At the end of each semester, the Associate Dean, Student Affairs will report to the SPC concerning the performance of all first- and second-year students during that semester.
  - 2. Students in Year 3: At the beginning of the second semester of the third year, the SPC will undertake a complete review of all third-year students.
  - 3. Students in Year 4: Following a meeting with each fourth-year student in preparation for his or her Dean’s letter and a complete review of the students’ academic records, an Associate Dean, Student Affairs will verify

students' eligibility to participate in the National Residency Match Program (hereafter "Match"), and notify the Committee if any student is not eligible to participate in the Match.

- B. The SPC may review the performance or professional conduct of any student who is brought to the Committee's attention by any Dean or faculty member, or another student who is concerned about the progress or conduct of a student.
  - C. A student may also request to meet with the SPC in person to discuss his or her own academic progress or professional conduct by communicating directly with the Chair of the SPC in writing, and requesting to meet with the SPC.
  - D. If students fail to progress in accordance with the requirements established by the EPC's Program-wide Grading and Progression Policies, the SPC will consider the circumstances surrounding and determine appropriate remedial measures, or order that the student be dismissed.
  - E. The SPC will conduct hearings permitted under these Procedures on dismissals, including automatic dismissals ordered by a Deputy Dean, Education or a Vice Dean, Academic Affairs in accordance with the EPC's Program-wide Grading and Progression Policies.
  - F. The SPC will consider requests for non-medical leaves of absence and determine any conditions upon which students will be permitted to return from such leaves.
  - G. The SPC will review the status of students who are either admitted to the college as a result of transfer from another school of medicine, or who are readmitted to the COM following withdrawal to determine the student's placement in the curriculum and timing of admission.
  - H. The SPC will consider recommendations for remedial or disciplinary action by the Honor Code Committee regarding a student's violation of either the COM's Code of Conduct or ABOR Policy 5-308 or conduct a hearing on such recommendations as outlined below.
  - I. The SPC will make final decisions regarding grade appeals when a student appeals a failing grade.
  - J. The SPC will review and suggest revisions to its procedures to the Student Affairs Committee from time to time in accordance with the COM Bylaws.
- III. Student Progress Committee Procedures Regarding Academic Matters other than Appeals from Dismissals

- A. When an administrator recommends that the SPC take academic action regarding a student, the Chair of the SPC will notify the student in writing within five (5) working days of proposing such action. The notification will describe the proposed action and the basis for proposing such action.
- B. The student may respond to such notice in writing to the Chair of the SPC no later than ten (10) working days following receipt of the notice unless the student seeks from the Chair of the SPC and is granted an extension of time to respond based upon good cause.
- C. Upon receipt of a response (or following the date on which such response could have been submitted but was not), the Chair of the SPC will notify the student of the time and date for a meeting with the SPC to discuss the matter, and will direct the student to attend the meeting.
- D. If a student fails to attend a meeting of the SPC at which he or she was directed to be present, the Committee may proceed in the student's absence, unless the student provides the Chair of the SPC good cause for not appearing and the Chair grants an exception. The SPC may consider a student's failure to attend a meeting for which a good cause exception has not been granted when finalizing any decision regarding the student.
- E. Meeting Process.
  - 1. A student may be assisted at a meeting by one non-attorney advisor, as defined in Section I.B. above. If a student brings an advisor to a meeting, he or she will notify the SPC Chair prior to the meeting of the advisor's name. No other individuals will be permitted to accompany the student to a meeting unless requested to attend by the SPC.
  - 2. At the meeting, the SPC will receive information from an Associate Dean, Student Affairs, a COM faculty member, or other administrator about the subject matter of the meeting, and from the student. If the SPC requires further information, it may request additional information either during or after the meeting. The Committee may ask questions of all individuals who appear at a meeting before determining what appropriate action it will take.
  - 3. Following the meeting, the Chair of the SPC will prepare a letter to the student regarding the course of action prescribed and will notify the student and the Associate Dean, Student Affairs in writing of its action no later than ten (10) working days following the meeting.
  - 4. A student is not entitled to appeal a decision of the SPC under this section.

IV. Student Progress Committee Procedures Regarding Dismissals and Recommendations for Disciplinary or Remedial Action by an Honor Code Committee.

A. Dismissals.

A Deputy Dean, Education or a Vice Dean, Academic Affairs may automatically dismiss a student based upon lack of academic progress or for disciplinary reasons. The notification from the Deputy Dean or Vice Dean will include a statement that the student may request a hearing before the SPC in accordance with these Procedures and will include either a copy of these Procedures or a link to them on the COM website.

1. If a student desires a hearing, he or she must submit a written request for a hearing to the Chair of the SPC no later than five (5) working days after receipt of notification of the action for which a hearing is permitted. A student may request an extension of time to make a request for hearing only for good cause, which must be presented to the Chair of the SPC prior to the expiration of time to request such hearing.
2. When the student submits a request for a hearing, he or she also may submit a written response to the proposed action to the Chair of the SPC outlining his or her reasons that the proposed action should not be taken.
3. If a student fails to respond to the proposed action or fails to request a hearing within the prescribed time for doing so (or an extended time if permitted), then the proposed action will become effective at the end of the last business day on which the student could have requested a hearing. In such event, a student would not be entitled to an appeal of the decision to dismiss him or her or to take disciplinary action.
4. Pre-hearing Matters.
  - a. When a student requests a hearing, the Chair of the SPC will notify the student of the date, place and time of the hearing at least ten (10) working days prior to the hearing date unless the parties mutually agree to a different date or disposition of the matter. The notice will contain: 1) a statement of the action to be taken; 2) the student's right to be represented by an attorney at his or her own expense or to bring a non-attorney advisor; 3) the names of the members of the SPC who will be hearing the matter; and 4) a copy of these Procedures or a link to the Policy on the COM website.
  - b. If a student engages an attorney to represent him or her at a hearing, the student will notify the Chair of the SPC of the name and contact information for that attorney at the time he or she requests a hearing. If the student is represented by an attorney,

either the Deputy Dean, Education or Vice Dean, Academic Affairs who is presenting the matter to the SPC may also be represented by an attorney selected by the University's General Counsel. A representative of the University's Office of the General Counsel will attend the hearing and advise the SPC throughout the proceedings. The date on which the hearing will occur may be adjusted at the request of an attorney representing either party to the proceedings for good cause.

- c. If the student is not represented by an attorney, he or she may be assisted throughout the hearing by an advisor as described in Section I(B) above.
- d. A student may challenge the participation of any member of the SPC on the grounds of personal bias by submitting a written statement to the Chair of the SPC setting forth the basis for the challenge no later than five (5) working days after receiving notice of the individuals who will serve on the SPC for the hearing. The Chair will determine whether to sustain or deny the challenge. If the Chair sustains the challenge, the challenged member will not participate in the hearing.
- e. Members of the University Community are expected to comply with any request by the Chair to appear at a hearing and/or to provide information or evidence to the Committee in connection with a hearing under this Policy unless compliance would result in significant personal hardship or substantial interference with normal University functions.
- f. No later than five (5) working days prior to the scheduled hearing, the parties will exchange 1) a list of the names and addresses of the witnesses who may be called to provide evidence at the hearing, and 2) a list of all documents or statements that will be presented at the hearing.
- g. The student and the Deputy Dean, Education or Vice Dean, Academic Affairs, or their attorneys if represented by counsel, will make copies of all documents they wish to present at the hearing in sufficient numbers so that each SPC member, the attorney advising the SPC, the other party, and the court reporter has a copy.

5. Conduct of the Hearing.

- a. These proceedings are confidential and the information provided during a hearing will not be shared with anyone outside the hearing. Hearings before the SPC will be closed to everyone except the student, the SPC members, the Associate and/or Assistant Deans, Student Affairs, either the Deputy Dean, Education or Vice Dean, Academic Affairs, the witnesses during their testimony, attorneys for the parties, if any, an attorney from the Office of the General Counsel who is advising the SPC, the student's advisor, if the student is not represented by counsel, and the court reporter.
- b. Prior to the hearing, the Assistant Registrar for the COM will provide the SPC with copies of the student's entire academic record.
- c. The Chair will preside at the hearing and will rule upon all procedural matters and ensure that the parties have a fair opportunity to present their evidence. The formal rules of evidence that apply to legal proceedings will not apply, although objections to the introduction of evidence may be considered by the Chair. The Chair may exclude irrelevant, immaterial, privileged or unduly repetitious evidence. Information regarding prior actions taken by the SPC or an Honor Code Committee may be presented at the time of the hearing. The Chair may establish reasonable limits upon the time allotted to both the student and the Deputy Dean, Education or Vice Dean, Academic Affairs for oral presentation, presentation of evidence, and examination and cross-examination of witnesses.
- d. A court reporter will make a verbatim record of the hearing, and will administer an oath to witnesses before they testify. The court reporter also will mark documents or other evidence presented during the hearing.
- e. The Associate Dean, Student Affairs or designee will provide a narrative description to summarize the student's academic record, if requested by the Chair to do so at such hearing.
- f. The Deputy Dean, Education or the Vice Dean, Academic Affairs or their attorney will then present evidence to the SPC related to the dismissal, and may present witnesses and evidence in support of that action. The student or his or her attorney may then present evidence why the student should not be dismissed and may present witnesses and evidence in support of his or her position. Each

party will have the opportunity to cross-examine the other party's witnesses.

- g. SPC members may ask questions of the student and any other witness called to provide evidence at a hearing.
- h. At the conclusion of the presentation of evidence to the SPC, each party will be permitted to summarize his or her position to the SPC prior to the SPC's deliberations.

6. Deliberations and Decision by Student Progress Committee.

- a. Following the hearing, the SPC will discuss the evidence and decide whether the student should be dismissed or whether other action is more appropriate.
- b. Any decision under this section requires a majority vote of the SPC.
- c. The SPC will issue its written decision within ten (10) working days after the conclusion of the hearing, which will be founded solely upon the evidence presented at the hearing. The Committee's decision will include a summary of the evidence on which the decision was based, its findings of fact and conclusions, and a statement that the decision is supported by a preponderance of the evidence.
- c. The Chair of the Committee will sign the decision on behalf of the SPC and will provide a copy of the decision to the student, the Deputy Dean, Education or Vice Dean, Academic Affairs, the Associate Dean, Student Affairs, the Dean of the COM, the attorneys representing the parties, if any, and the attorney advising the SPC. The decision will include information about the student's right to appeal an adverse decision to the Student Appeals Committee.
- d. Unless a student appeals the decision to the Student Appeals Committee as provided below, the decision of the SPC is not subject to further review and becomes final upon the date such appeal could be filed.

B. Actions Taken Following a Recommendation by an Honor Code Committee for Discipline or Other Remedial Action.

- 1. When the Honor Code Committee submits a report to the Chair of the SPC finding that a student violated either the COM's Code of Conduct or

ABOR Policy 5-308, and recommends that the student should receive either remedial or disciplinary action, the SPC will schedule a meeting with the student who is subject to the charge of an Honor Code violation and the Chair of the Honor Code Committee.

2. Prior to such meeting, the SPC will receive all evidence presented to the Honor Code Committee at its formal hearing, including the transcript of those proceedings.
3. At the SPC meeting, the Chair of the Honor Code Committee will describe the process it followed to investigate and conduct the hearing regarding the alleged violation, and explain the Honor Code Committee's decision and recommendations to the SPC and to the student. The student also may make a statement to the SPC, but will not present additional evidence at the meeting.
4. After meeting with the student and the Honor Code Committee Chair and considering the evidence and recommendations of the Honor Code Committee, the SPC may adopt the Honor Code Committee's recommendations, unless it determines that the evidence presented at the Honor Code Committee hearing was insufficient to support the Honor Code Committee's recommendations. In that event, the SPC will either conduct a hearing in accordance with the procedures set forth above or remand the matter to the Honor Code Committee with specific instructions.
5. If the SPC adopts the Honor Code Committee's recommendations, it will issue a written decision containing its findings of fact and conclusions to the student who is subject to the charge of an Honor Code violation within ten (10) working days after the date of its meeting with the student and the Honor Code Committee Chair.
6. If the SPC determines that it must conduct a hearing on the matter, it will notify the student and the Honor Code Committee Chair that it rejected the Honor Code Committee's recommendations and will schedule a hearing in accordance with the hearing procedures set forth in section IV.A.6 above.
7. A student may appeal a decision resulting in disciplinary or remedial action to the Student Appeals Committee, as set forth below.

V. Student Appeals Committee.

- A. A student may appeal a decision by the SPC to dismiss him or her from the COM only on the following grounds:

1. Irregularities in the proceedings, including but not limited to any abuse of discretion or misconduct by the SPC or by a party to any proceedings under these Procedures that deprived the student of a fair and impartial hearing process.
  2. That the dismissal was excessively severe under the circumstances.
  3. That the decision was not supported by the evidence presented or is contrary to law.
- B. A student may appeal a decision by the SPC to take remedial or disciplinary action against the student following a finding by the Honor Code Committee that the student violated the COM's Honor Code of ABOR Policy 5-308 only on the following grounds.
1. A formal hearing by the Honor Code Committee was not conducted in a manner substantially consistent with the procedures set forth in the Honor Code.
  2. The finding that the student violated either the Honor Code or ABOR Policy 5-308 is not supported by a preponderance of the evidence.
  3. The student's conduct does not constitute a violation of the Honor Code or ABOR Policy 5-308.
  4. The process for making a determination that the student violated the Honor Code or ABOR Policy 5-308 violated the student's constitutional rights.
  5. The sanction imposed by the SPC is arbitrary or capricious.
- C. Procedure and Disposition
1. The student must deliver his or her written notice of appeal, which will include the grounds for appeal, to the Chair of the Student Appeals Committee no later than ten (10) working days after the student receives a decision from the SPC that is subject to appeal.
  2. Upon receipt of a notice of appeal, the Chair of the Student Appeals Committee will determine whether the notice of appeal sets forth grounds for appeal as required in paragraph V.A. or V.B. If the Chair determines that the student failed to establish an appealable issue, then the Chair will reject the appeal and notify the student that the appeal fails to meet the requirements set forth above. The student will have one opportunity to

amend the notice of appeal. If the student fails to do so or again submits an appeal that does not meet the above grounds for appeal, then the Chair of the Student Appeals Committee will inform the student that the SPC's decision is final and not subject to appeal.

3. If the Chair of the Student Appeals Committee determines that the student stated grounds for appeal according to paragraph V.A. or V.B., the Chair will notify the student that the Student Appeals Committee will review the record, including the transcript of the proceedings and render a decision.
4. The record, including the transcript of the proceedings subject to appeal, will be delivered to the Chair of the Student Appeals Committee.
5. Upon receipt of all the documents set forth in paragraph V.C.4., the Chair of the Student Appeals Committee will set a time for that Committee to meet to review the entire record, which will take place no later than twenty (20) working days from the date on which the Chair of the Student Appeals Committee receives the record. The Student Appeals Committee will consider no new evidence or information nor hear additional testimony during its deliberations. A University attorney from the Office of the General Counsel will assist the Student Appeals Committee.
6. The Student Appeals Committee will make a determination by majority vote whether to uphold the decision or to reverse the decision of the SPC, and will prepare the Committee's written decision and deliver it to the Chair of the SPC, the Associate Dean, Student Affairs, the Office of the General Counsel, and the student no later than ten (10) working days after it meets. The decision will articulate the basis for 1) affirming the SPC's decision; 2) reversing the decision if it finds that, under the facts, a reasonable decision-maker could not have come to the same conclusions reached by the SPC; or 3) remanding the matter to the SPC for further proceedings.
7. If the dismissal or other disciplinary action was based upon a finding that the student violated the COM's Honor Code or ABOR Policy 5-308, the Associate Dean, Student Affairs will also provide a copy of the Student Appeals Committee's decision to the University's Dean of Students Office, which may take additional action against the student under the University's Code of Conduct.

## VI. Grade Appeals

If a student believes that he or she has been awarded a final grade for a course, block, elective or clerkship (hereafter "course") that does not adequately represent his or her performance in the course, the student may appeal the grade under these Procedures.

- A. Process for Appeals of Non-failing Grades Involving a Clerkship or Elective in Years Three and Four
1. Within ten (10) working days of receipt of his or her grade in a clerkship or elective, the student will confer with the clerkship or elective director (hereafter “director”), stating the basis upon which the student believes he or she should have been awarded a higher grade. The director will review the grading process with the student and determine that the grade was appropriate or change the grade.
  2. If the student and director are unable to agree during this meeting that the grade should be increased, the student may appeal the grade in writing to the Dean, Curricular Affairs, stating the basis for changing the grade. The Dean, Curricular Affairs will meet with the director and the student separately within five (5) working days of receipt of the appeal and review any documentation the student or director provides. Within five (5) working days after conferring with the director and the student, the Dean, Curricular Affairs may make a decision or may create an *ad hoc* Committee comprised of at least two other clerkship or electives directors or faculty who have not been involved in the student’s initial assessment to advise the Dean, Curricular Affairs in determining whether the student’s grade should be changed.
  3. After such meeting or if no meeting is necessary, the Dean, Curricular Affairs will write a decision advising both the student and the director whether the grade should stand or that the grade should be increased. The Dean, Curricular Affairs will also provide a copy of the decision to the appropriate Associate Dean, Student Affairs and the Deputy Dean, Education or the Vice Dean, Academic Affairs, as appropriate.
  4. The decision of the Dean, Curricular Affairs is final and no further grade appeal is permitted.
- B. Process for Appeals of Failing Grades Involving either a Course or a Clerkship
1. Review by the Student Progress Committee.
    - a. If a student receives a failing grade in a course or clerkship, the student first must proceed as set forth in Section VI.A. to resolve the issue.
    - b. If the student is unsuccessful in resolving the issue, then the student may appeal the grade to the SPC by requesting a meeting with the Committee. The student’s appeal must be in writing and state the basis upon which he or she believes the previous decisions were erroneous.

- c. The SPC will schedule a meeting within ten (10) working days after receiving the appeal.
  - d. Prior to the meeting with the student and course or clerkship director, the SPC will review any prior decisions reached in the matter.
  - e. At the scheduled meeting, the SPC will first meet separately with the student and the course or clerkship director. After meeting separately with the student and the course or clerkship director, the SPC may request both the student and the course or clerkship director to join the SPC meeting for further discussions in an attempt to settle the dispute.
  - f. Following that meeting, the SPC will prepare a written decision and will provide copies of the decision to the student, the course or clerkship director, the Dean, Curricular Affairs, the Associate Dean, Student Affairs and the Deputy Dean, Education or the Vice Dean, Academic Affairs, as appropriate, within five (5) working days of the meeting described above.
2. The SPC's decision will be final and not subject to further appeal by either the student or the course or clerkship director.