



Student Academic Grievance and Appeal Policy

Section: 3

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Responsible Office: Education and Faculty Affairs

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POLICY STATEMENT

Any student enrolled in a degree or certificate granting program or taking a course(s) at the UND School of Medicine and Health Sciences (School) shall be provided the opportunity to seek redress where they believe that school and/or program policy has not been followed with respect to academic matters by initiating a grievance or appeal.

REASON for POLICY

In all circumstances, it is the responsibility of each student at the School of Medicine and Health Sciences (SMHS) to abide by the policies and procedures of the University of North Dakota (UND), the School, as well as those described in the appropriate department or program. This policy provides an opportunity for the student to address circumstances in which they believe that the School and/or program policy has not been followed with respect to academic matters. Academic matters are those concerned with the student's instruction; assessment; grading; decisions directly affecting the student concerning their academic performance and/or professional behavior; or decisions directly affecting the student made on the basis of any school or program policies or procedures. This policy does not satisfy the reporting obligations required of Title IX and addresses grievances and appeals related to academic matters only. This policy does not address student employment.

As stated in the University of North Dakota *Code of Student Life*, "each undergraduate, graduate, and professional school or college shall have written procedures for academic grievances." The following describes the SMHS grievance and appeal policy and procedures as they are to be applied to any undergraduate, graduate, and professional student enrolled in a SMHS program or taking SMHS courses.

SCOPE of POLICY

This policy applies to:

√Deans, Directors, and Department Heads

√Faculty

√Managers and supervisors

√Staff

√Students

Others:

WEB SITE REFERENCES

Policy Office:

<https://med.und.edu/policies/index.html>

Responsible Office:

<https://med.und.edu/education-faculty-affairs/index.html>

CONTENTS

Policy Statement	1
Reason for Policy	1
Scope of Policy.....	2
Web Site References	2
Definitions	4
Related Information	6
Contacts	6
Procedures	7
Responsibilities.....	12
Forms	12

DEFINITIONS	
Academic Matter	A matter concerning a student's instruction, assessment or grading; decisions directly affecting the student concerning their academic performance and/or academic misconduct; or, decisions directly affecting the student made on the basis of any school or program policies or procedures.
Academic and Professional Behavior	UND recognizes and respects the rights of students to seek active legal representation in certain disciplinary matters. This policy is intended to address only matters of academic performance, academic misconduct, and professional behaviors. This policy is not intended to address other disciplinary matters involving student conduct.
Appeals Committee	The SMHS Committee on Student Appeals; an ad hoc body assembled by the Senior Associate Dean for Education, Medical Accreditation, and Faculty Affairs, that receives, hears, and adjudicates student appeals.
Appeal	A written request that a decision be reconsidered and/or reversed.
Appellant	A student who has completed the Informal Process and Student Grievance Process, or who has otherwise received a decision made by a faculty committee (<i>e.g.</i> , department/program faculty committee, Medical Student Academic Performance Committee) and who submits an appeal to the Appeals Committee or to the Dean.
Code of Student Life	A document outlining the rights and responsibilities of UND students to promote and maintain a learning environment appropriate for an institution of higher education and to serve as a basic guide to help prevent abuse of the rights of others.
Complaint	Student dissatisfaction with the SMHS handling, assessment, determination, or disposition of a matter; must be addressed informally before becoming eligible for the grievance and appeal processes.
Dean	Unless otherwise specified, the Dean is the term used to recognize the Dean of the School of Medicine and Health Sciences at UND.
Dean's Decision	The outcome of a student appeal to the Dean; must be in writing; may adopt, modify, or reject any portion of a written report regarding a previous decision in the matter; the final disposition of any SMHS degree-granting program complaint or committee decision; may include a remand to the Appeals Committee with specific instructions for further action.

Decision (also Committee Decision)	The appealable determination made by a faculty committee (<i>e.g.</i> , department/program faculty committee, Medical Student Academic Performance Committee) on the basis of academic performance and/or professional behavior standards or on the basis of any school or program policy or procedure; must be in writing; not to be confused with a matter or a complaint.
Discrimination	Unjust or prejudicial treatment of an individual on the basis of race, color, national origin, religion, sex, age, disability, sexual orientation, gender identity, genetic information, creed, marital status, veteran status, political belief or affiliation or any other status protected by law.
Dispute	An optional, written submission by the student whereby the student may respond to the findings, conclusions, or decision of the Appeals Committee; part of the appeal record submitted to the Dean.
Grievance	A complaint that is elevated by a student following an unsatisfactory informal resolution; the prerequisite to an appeal to the Appeals Committee or the Dean.
Informal Process	The process by which a complaint is presented to the SMHS for resolution; the prerequisite to a grievance.
Informal Resolution	The outcome of an informal process undertaken in response to a complaint; subject to grievance by the student.
Matter	The subject of a complaint; may be academic, professional behavior, or both; includes grades (<i>i.e.</i> , academic performance) and allegations of academic misconduct; not to be confused with a committee decision.
Professional Behavioral Matter	A matter concerning any behavioral component of academic performance defined by a profession as necessary for individuals to function as competent, honest, and safe healthcare professionals. Individual SMHS programs may further define expectations of professional behavior specific to the program.
Student(s)	Any undergraduate, graduate, and professional student enrolled in a SMHS program or taking SMHS courses. This policy does not apply to residents and fellows.
Student Responsibility	In all circumstances, it is the responsibility of each student to abide by the policies and procedures of UND as well as those described in the appropriate school, college, department, program, or affiliated training site.

Written Report	A document prepared by the Appeals Committee upon the conclusion of an appeal hearing and Appeals Committee decision; must contain the Appeals Committee's findings, conclusions, and decision; may include a minority report.
Written Resolution	The outcome of a grievance process communicated to the student in writing; subject to appeal by the student.

RELATED INFORMATION	
UND Equal Opportunity and Title IX Office	https://campus.und.edu/equal-opportunity/
UND Code of Student Life	https://und.edu/student-life/code-of-student-life.html

CONTACTS

General questions about this policy can be answered by your department's administrative office. Specific questions should be directed to the following:

Subject	Contact	Telephone/FAX	Office/Dept
Policy clarification	Education and Faculty Affairs	777.2515	
Policy format	Dean's Office	777.2514/777.3527	SMHSdean@und.edu

PROCEDURES

All complaints must be initiated by the student within thirty (30) calendar days following receipt of notification of the grade, determination, or other academic or professional behavioral matter the student wishes to have reviewed. Failure of the student to access a grade does not extend this time frame. Each step of the process must be initiated by the student within thirty (30) calendar days of the completion of the previous step unless otherwise stated. After student initiation of each step in the process, the SMHS' response will begin within ten (10) calendar days of the receipt of a timely and complete submission.

- I) **Informal Process:** Any student with a complaint should first bring it to the attention of the appropriate faculty member (course instructor/director or clerkship/clinical director) within thirty (30) calendar days of receipt of notification of the grade, outcome, or other academic or professional behavioral matter of which the student is seeking review. Together the student and the faculty member shall attempt to come to a mutually acceptable, informal resolution of the complaint.
- II) **Student Grievance Process:** If the complaint is not resolved to the student's satisfaction through the informal process, it may be brought within thirty (30) calendar days of the conclusion of the informal process as a grievance to the relevant department or program. The grievance must be set forth in writing and addressed to the department chair/program director/assistant or campus dean, as appropriate for the situation.

Within thirty (30) calendar days of the receipt of the grievance, the chair/director/dean will conduct a review according to the established departmental/program policy, consulting as appropriate with other faculty, Campus Deans or staff, and inform the student, in writing, of the determination made regarding the grievance (the written resolution). The department will retain records of all grievances pursuant to the records retention schedule.

- III) **Student Appeal Process:** Although the procedure is the same, there are two separate sources of Student Appeals under this policy: grievances not resolved to the student's satisfaction through the grievance process described above, and decisions made by a faculty committee (*e.g.*, department/program faculty committee, Medical Student Academic Performance Committee) that otherwise concern a student's academic performance and/or professional behavior or on the basis of any school or program policy or procedure. In the case of committee decisions, the informal and grievance processes are bypassed. Under either scenario, the student may submit an appeal to the SMHS Committee on Student Appeals (Appeals Committee), according to the following procedure:
 - A) **Filing an appeal:** The student must submit, in writing with confirmed receipt, the required documentation within thirty (30) calendar days of receipt of either a written resolution (grievance) or a decision (faculty committee). Written documentation must include:
 - 1) A full and complete copy of the written resolution or decision being appealed;
 - 2) A statement identifying the person(s)/committee that made the written resolution or decision being appealed;

- 3) A statement setting forth the date the written resolution or decision being appealed was made (and received, if different);
- 4) A summary of all efforts made to resolve the matter giving rise to the appeal;
- 5) Information directly relevant to the Appeals Committee's review of the appeal, including evidence that a specific policy was violated, or the appellant was treated prejudicially, arbitrarily, or in a manner inconsistent with school or program academic policy or procedure;
- 6) Name of any relevant counsel or personal advocate who may have assisted the student in developing the appeal or may accompany and assist the appellant, if the appellant appears before the Appeals Committee;
- 7) Any relevant pertinent evidence or documents, including written statement(s) from individual(s) who can provide evidence directly relevant to the appeal, and;
- 8) A statement of the desired outcome the student is seeking as a result of the appeal.

Appeals and supporting documentation are to be submitted to the Senior Associate Dean for Education, Medical Accreditation, and Faculty Affairs; Office of Education and Faculty Affairs, UND School of Medicine and Health Sciences, 1301 North Columbia Road - Stop 9037, Grand Forks, ND 58202-9037 (the Dean's designee to administratively manage student appeals).

- B) Upon receipt of the appeal, the Senior Associate Dean for Education, Medical Accreditation, and Faculty Affairs (hereafter, Senior Associate Dean) will ensure the process meets the requirements set forth in Procedures (I), (II), (III), including meeting all deadlines, appropriate parties have been involved, and all required written documentation has been provided. If all of these requirements have been met, then the Senior Associate Dean with assistance from the Dean's Chief of Staff, will constitute the Appeals Committee, according to the following procedures:
 - 1) **Membership:** The Appeals Committee will include the chair of the Faculty Council, the immediate past chair of the Faculty Council, the chair of the Undergraduate Medical Education Committee, the chair of the Biomedical and Health Sciences Curriculum Committee, and one (1) student from a different department/program than the appellant. If the Appeals Committee includes a faculty member who was involved in making the appealed written resolution or decision, the Senior Associate Dean will appoint a replacement.
 - 2) **Conflict of Interest:** If it is determined that a member of the Appeals Committee has a conflict of interest that may challenge their objectivity in the appeal, recusal is warranted either by the action of the Appeals Committee or by the conflicted member. The appellant has the opportunity to challenge any member(s) of the Appeals Committee due to a conflict of interest according to the procedure below. In all cases in which a member of the Appeals Committee is recused, the Senior Associate Dean will appoint a replacement. The appellant may also have the opportunity to challenge the Senior Associate Dean due to a conflict of interest, such challenge to be resolved by the Dean or the Dean's designee. In all cases in which the Senior Associate Dean is recused as determined by the Dean or the Dean's designee, the Senior Associate Dean's responsibilities will be fulfilled by the Senior Associate Dean for Medicine and Research (for appeals by undergraduate students and health

sciences students) or by the Associate Dean for Health Sciences (for appeals by medical students and biomedical sciences and pathology graduate students).

(a) Challenge procedure (excluding challenges to the Senior Associate Dean):

1. The appellant will be provided the names of the Appeals Committee members and will have up to ten (10) calendar days after receiving the names to challenge any member on the basis of conflict of interest if they so desire.

2. The appellant shall provide, in writing, the reasons for the challenge to the Dean's Chief of Staff.

3. The Senior Associate Dean will rule on the challenge within ten (10) calendar days of receipt and notify the appellant of the determination. The judgment of the Senior Associate Dean is final.

3) The Appeals Committee chair will be appointed from among its membership by the Senior Associate Dean.

C) Training: A training session for Appeals Committee members will be scheduled by the Dean's office administrative staff. Training will include FERPA, Title IX training, if appropriate, and a review of the student appeal process. This training will occur before any information specific to the appeal is disseminated to the Appeals Committee members.

D) Scheduling of the hearing: The Dean's office administrative staff will identify possible dates for a hearing and organize the hearing time and place. At the hearing, the Appeals Committee will consider all pertinent materials, including any new written information from both the appellant and a representative of SMHS, typically an individual from the involved department or program, who can speak to the underlying matter being appealed (SMHS representative), both of whom will be invited to be present at the Appeals Committee hearing.

E) Provision and dissemination of appeal documentation: Dissemination of documentation will be completed by the Dean's office administrative staff at least ten (10) calendar days prior to the scheduled Appeals Committee hearing. Therefore, any new written information from either the appellant or the SMHS representative must be submitted no later than ten (10) calendar days prior to the hearing.

F) The Appeals Committee Hearing: The appellant will be invited to appear at the hearing to answer questions or to present any relevant information. The SMHS representative will also be invited to appear before the appeals committee, to answer questions or to present any relevant information. The appellant will be permitted to have a lawyer or personal advocate present at the hearing for assistance. If a lawyer or personal advocate is to be present, the appellant must notify the chair of the advisory committee through the Dean's Chief of Staff at the time the date for the hearing is established. The lawyer or personal advocate may not participate in the presentation or discussion but is present as a support for the appellant. The Appeals Committee hearing is an educational process, not a legal proceeding and does not follow the procedures of a court of law. The Federal and/or Local State Rules of Evidence do not apply to this proceeding. University General Counsel may attend the Appeals Committee hearing to advise the Appeals Committee and, if the student is represented by an attorney, a separate member of the University General Counsel may attend to advise the SMHS representative.

- G) Use of technology: Appeals Committee members and the appellant may appear via electronic means. If an appellant will be appearing electronically, it is their responsibility to acquire the resources to do so and to notify the Dean's Chief of Staff of the arrangements at least seven (7) calendar days before the Appeals Committee hearing.
- H) Audio recording the hearing: The Dean's office administrative staff will arrange for the hearing to be recorded.
- I) Format of the Appeals Committee hearing:
- 1) The chair will complete introductions and will have full procedural control.
 - 2) At the beginning of the hearing, the chair will ask the appellant to state for the record whether the hearing is to be open or closed. The appellant will sign a written statement declaring the hearing open or closed, prior to the hearing. If the appellant and/or a person representing the program or department are not present, it is a closed hearing.
 - 3) Each party involved in the appeal, including each committee member involved in the hearing, will sign a non-retaliation statement.
 - 4) The appellant will give an opening statement regarding the appeal and rationale for their position.
 - 5) The SMHS representative will give an opening statement regarding the appeal.
 - 6) No witnesses may appear.
 - 7) As a regular order of business, each party present will have thirty (30) minutes for presentation. Members of the Appeals Committee may ask questions of the appellant and the SMHS representative after both opening statements have concluded.
 - 8) The parties involved in the appeal will not address questions/comments to each other. However, they may address their questions to the chair of the committee who may ask the questions on their behalf. Appeals Committee members may ask questions directly of both parties.
 - 9) Each party may provide a closing statement.
 - 10) The chair will excuse the parties involved from the meeting along with any personal advocate(s) present at the conclusion of their presentations once the Appeals Committee's questions, if any, have been answered.
 - 11) The Appeals Committee will adjourn the hearing and reconvene such that the members will be free to discuss the appeal in closed session.
- J) Post-hearing:
- 1) No later than fifteen (15) calendar days following the conclusion of the hearing, the Appeals Committee will produce a written report of their findings, conclusions, and decision. This report will

be based on the testimony heard and the documentation received from the parties involved in the appeal. The chair is responsible for creating the report, which all members of the committee will sign and date with an indication of whether or not they are in agreement with the report's findings, conclusions and decision. A minority report can be written and may adopt some or all of the majority findings and conclusions. The Dean's Chief of Staff will notify the appellant and SMHS representative of the committee's findings, conclusions, and decision and provide each a copy of the report(s). When warranted, the Appeals Committee's review of an appeal may extend beyond fifteen (15) days following the conclusion of the hearing.

- 2) The appellant may appeal the Appeals Committee's findings, conclusions, and decision to the Dean within fifteen (15) calendar days of the date of the report. The appellant shall provide to the Dean's Chief of Staff, the reason(s) for the appeal. Reasons for appeal are limited to 1) the receipt of new information or evidence not previously known or considered in previous deliberations, and/or 2) the student believes they were denied due process because of a policy violation. New information or evidence must be fully documented in writing. An appeal made on the basis of a perceived policy violation must identify the policy and specify the portion of the policy the appellant contends was violated. The Chief of Staff will submit the entire record to the Dean for review and final decision. The Dean may adopt, modify, or reject any decision of the Appeals Committee. When warranted, the Dean may remand an appeal to the Appeals Committee with specific instructions for any further action.
 - 3) The appeal record consists of all written documentation received from the parties, the recording of the hearing, and the Appeals Committee's report(s), and, where relevant, the appeal to the Dean and the written record of the Dean's decision.
 - 4) The office of record for appeals is the Office of the Dean. The record will be retained pursuant to the records retention schedule.
 - 5) A copy of the Dean's decision will be forwarded by the Dean's Chief of Staff to all principal parties within thirty (30) calendar days of receipt by the Dean of the full record of the appeal.
 - 6) Any further pursuance of the appeal by the student beyond the SMHS must be undertaken in accordance with relevant UND policies and procedures. All decisions by the Dean regarding student appeals concerning SMHS degree program-specific actions are final and not subject to further appeal.
- IV) In all stages of the informal, grievance, and appeal processes, it is the responsibility of the student to initiate and advance the complaint, grievance, or appeal to the appropriate stage of the process.

RESPONSIBILITIES	
Chief of Staff and Dean's office administrative staff	Provides administrative support to the Senior Associate Dean for Education, Medical Accreditation, and Faculty Affairs in carrying out procedures in accordance with this policy.
SMHS Committee on Student Appeals	Conducts the hearing, adjudicates the appeal, and creates the final report, which includes the committee's findings and decision.
Student	Initiates the complaint, grievance and/or appeal within the appropriate timeline; initiates and advances the complaint, grievance, or appeal to the appropriate stage of the process; provides documentation; appears at hearing, if required.
Grieved party or department/program	Provides documentation; appears at hearing, if required.