



Function of the Medical Student Academic Performance Committee

Section: 4
Policy number: 4.8
Responsible Office: Student Affairs & Admissions
Latest Review: 2024-25

POLICY STATEMENT

The Medical Student Academic Performance Committee (MSAPC) monitors and ensures that a single set of core standards for medical student promotion, advancement and graduation is applied uniformly across all instructional sites and regional campuses. The MSAPC has jurisdiction to consider and adjudicate all academic matters, including both the cognitive and behavioral measures of academic performance, and is responsible for making decisions regarding unsatisfactory academic performance, including probation, suspension, and dismissal. The MSAPC is also responsible for approving leaves of absence and for determining the advancement of students to each curriculum phase as well as final approval for graduation. The MSAPC Chairperson in consultation with the Associate Dean for Student Affairs and Admissions, the Associate Dean for Medical Curriculum, Associate Dean for Clinical Medical Education and/or Campus Dean will determine the agenda on all matters coming before the committee for a decision.

REASON for POLICY

The UND SMHS is responsible to ensure that the MD program has in place and upholds a single set of core standards for the advancement and graduation of all medical students across all locations. The school is also responsible for ensuring that there is a fair and formal process for taking any action that may affect the status of a medical student. The MSAPC is the school's faculty committee with these designated responsibilities.

SCOPE of POLICY

This policy applies to:

- ✓ Deans, Directors, and Department Heads
 - ✓ Managers and Supervisors
 - ✓ Students
 - ✓ Faculty
 - ✓ Staff
 - Others: _____
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WEB SITE REFERENCES

Policy Office:	https://med.und.edu/about/deans-office/index.html
Responsible Office:	https://med.und.edu/student-affairs-admissions/

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DEFINITIONS

Academic Performance	Includes both the cognitive measures of academic performance (e.g., performance on assessment tools used within all components of the curriculum and professional skills) and behavioral measures of academic performance (e.g., professional conduct and academic dishonesty).
Alleged Misconduct	Alleged misconduct that may result in a suspension by MSAPC includes, but is not limited to, behavior that poses a threat of danger and/or injury to self or others, destruction of property, physical assault, sexual misconduct, possession or involvement in the sale or manufacture of drugs and/or weapons, false emergency reporting, repeat violations of the Code of Student Conduct, non-compliance with sanctions imposed through a MSAPC process, bias-motivated offenses, interfering, and/or disrupting University or SMHS activities and/or educational processes.
Course	The term course shall refer to a unit of education. In Phase 1 of the curriculum, this can be either a unit, elective or a course. In Phase 2, it refers to a clerkship, elective or a course and in Phase 3, it refers to an acting internship, course, or an elective (either an away or UND SMHS elective).
Dismissal	The academic status of a student whose progression in the medical degree program has been terminated. A dismissed student is ineligible to continue to be enrolled in the SMHS and cannot be awarded the MD degree.
Leave of Absence (LOA)	A period of time in which a student chooses to temporarily interrupt their studies by voluntarily leaving the medical degree program with the intention of returning at a later date. May be granted either as an emergency or as a regular leave of absence.
Administrative LOA	A period of time in which a student's progression in the medical degree program is interrupted to correct an unsatisfactory academic assessment as part of a remediation plan.
MSAPC	Medical Student Academic Performance Committee
Policy	A set of principles that is used as an institutional guide for action. They provide the formal guidance needed to coordinate and execute activity through the organization.
Probation	The academic status in which a student is allowed to continue with their studies but is not currently progressing satisfactorily with their cohort. Probationary status can result from unsatisfactory academic performance or unprofessional behavior.
Procedure	A series of specified actions needed to accomplish a particular goal. They provide the operational process required to implement and apply institutional policies.
Remediation	An MSAPC approved plan to correct a grade of "Unsatisfactory" by addressing deficiencies of a previously unsatisfactory academic assessment in a unit, clerkship, or elective to a "S/U", which indicates "Satisfactory following remediation".
SMHS	School of Medicine and Health Sciences
Suspension	The academic status of a student whose progression in the medical degree program has been interrupted by the MSAPC due to an unsuccessful attempt to remediate an academic probation or the involvement of an alleged misconduct.
UMEC	Undergraduate Medical Education Committee

RELATED INFORMATION

Bylaws of the SMHS	https://med.und.edu/about/education-faculty-affairs/_files/docs/smhs-bylaws-final.pdf
SMHS Policy Page	https://med.und.edu/policies/index.html
Student Academic Grievance and Appeal Policy	https://med.und.edu/about/policies/_files/docs/3.9-student-grievance-appeal-april-2024.pdf

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 Email/Web
Policy clarification	Student Affairs & Admissions	777.4221/777.4942	SAA@UND.edu
Policy format	Dean's Office	777.2514/777.3527	judy.solberg@UND.edu

1. Function of MSAPC – Decisions

PROCEDURES

A. Leaves of Absence (LOA)

- i. A student may request a LOA by submitting a written request via their official UND e-mail account to both the Associate Dean for Student Affairs and Admissions and the MSAPC Chairperson, listing the specific start and stop dates of the leave, the reason(s) for the leave, and how time during the leave will be used.
 - ii. The MSAPC Chairperson shall then call for a discussion and vote on the finalized student LOA request by the MSAPC membership.
 - iii. MSAPC may choose to defer the LOA request until a hearing can be scheduled for a discussion with the student.
 - a. If approval of the LOA is granted, a separate letter signed by the MSAPC Chairperson, and the Associate Dean for Student Affairs and Admissions shall specify conditions that must be met during the LOA for the student to return to the medical curriculum on the approved date.
 - b. The SMHS may also specify additional conditions that must be met during the LOA based upon available resources.
 - c. If determined by the MSAPC, the student may be required to meet with the committee before the approved return date to determine if conditions of the return have been met and that the student is ready to meet the rigors of the medical curriculum.
 - d. If approval is not granted, the student may appeal the MSAPC decision according to the Student Academic Grievance and Appeal Policy 3.9.
- B. In urgent situations, a student may request an emergency LOA by submitting a written request via their official UND e-mail account to the Associate Dean for Student Affairs and Admissions, listing the specific start and stop dates of the leave, the reason(s) for the leave, and how time during the leave will be used. At the discretion of the Associate Dean for Student Affairs and Admissions an emergency LOA may be granted without the advice or consent of the MSAPC.
- i. The Associate Dean for Student Affairs and Admissions shall notify the MSAPC Chairperson within a reasonable time of granting an emergency LOA to a student.
 - ii. The emergency LOA remains in place until discussed by the MSAPC at which time an extended LOA may be granted using the process described in Section 1, Procedures A,i-iii.
- C. Students may be placed on an administrative LOA as part of a MSAPC approved remediation plan.
- i. Remediation plans are associated with changes in a student's academic status and represent conditions that need to be met for a return to good standing.
 - ii. The process for changing a student's academic status is described in Section 4.8.1, Procedures 1.D.ii.
 - iii. A separate letter signed by the MSAPC Chairperson, and the Associate Dean for Student Affairs and Admissions shall specify conditions of the approved remediation plan that must be met for the student to return to the medical curriculum in good academic standing.
- D. Process for making decisions regarding a change in a student's academic status.
- i. Failure to satisfactorily complete or pass a single unit, elective or course, clinical clerkship, first USMLE Step attempt, or the Comprehensive Basic Science Subject Exam (CBSE) within

the required number of attempts as defined in policy 4.20, will result in the student being recommended to MSAPC for academic probation.

- a. A letter, memo, or email documenting any unsatisfactory progress described in paragraph D.i., will be sent to the Associate Dean for Student Affairs and Admissions by the Assistant Dean for Assessment, the Associate Dean for Medical Education or the Associate Dean for Clinical Medical Education, whichever is appropriate for the curriculum phase of the unsatisfactory progress.
 - ii. Any action taken against a student that affects their academic status must follow the formal process specified below.
 - a. The MSAPC Chairperson, Associate Dean for Student Affairs and Admissions, the SMHS Wellness Advocate, the Associate Dean for Medical Curriculum or the Associate Dean for Clinical Medical Education will meet with the student to provide them with the evidence, the potential action that may be taken, and the opportunity to respond.
 - b. If after meeting with the student, the potential action is deemed appropriate, the Associate Dean for Student Affairs and Admissions will recommend to the MSAPC Chairperson a change in the student's academic status, which includes the remediation plan that must be completed and/or the contingencies that must be met within a specific period of time before the student is returned to good academic standing.
 - i) For students in Phase 1 the Associate Dean for Student Affairs and Admissions shall also consult with the Associate Dean for Medical Curriculum regarding the remediation plan and/or contingencies that must be met during a prescribed period of time.
 - ii) For students in Phase 2 or 3 the Associate Dean for Student Affairs and Admissions shall also consult with the Associate Dean for Clinical Medical Education.
 - c. The MSAPC Chairperson shall then call for a discussion and vote of the MSAPC membership, which includes, the proposed change in academic status, as well as the remediation plan that must be completed and/or the contingencies that must be met within a definitive period of time before the student is returned to good academic standing.
 - iii. MSAPC may choose to defer the recommended change in academic status until a hearing can be scheduled for a discussion with the student.
 - iv. The MSAPC Chairperson will send a letter on behalf of the committee notifying the student of the change in their academic status, which includes the remediation plan that must be completed and/or the contingencies that must be met within a specific period of time before the student is returned to good academic standing.
 - v. Failure of the student to fulfill the remediation plan and/or required contingencies in the specified time to be returned to good academic standing will result in an MSAPC hearing.
- E. Placement of Students on Academic Probation or Suspension.
- i. Any alleged misconduct as defined in this policy will result in an MSAPC hearing.
 - ii. Failure to satisfactorily complete or pass two or more units, electives, courses or clinical clerkships, as defined in policy 4.20, during a single Phase of the curriculum, regardless of

remediation, will result in an MSAPC hearing.

- a. A letter, memo, or email documenting any unsatisfactory progress described in paragraph E.i-ii., will be sent to the Associate Dean for Student Affairs and Admissions by the Assistant Dean for Assessment, the Associate Dean for Medical Education or the Associate Dean for Clinical Medical Education, whichever is appropriate for the curriculum phase of the unsatisfactory progress.
 - iii. Discussions with the student regarding this notification of unsatisfactory progress will follow the formal process specified in Section 1.D.ii.
 - a. If after meeting with the student, a recommendation of academic suspension or probation is deemed most appropriate for the situation, the MSAPC Chairperson shall then call for a discussion and vote of the MSAPC membership for this academic status change.
 - b. Any final decisions regarding the outcome of a student's unsatisfactory progress will be deferred until a discussion with the student and MSAPC can occur at a formal hearing.
- F. Charge of Unprofessional Behavior
- i. After a single written charge of unprofessional behavior, as defined in policy 4.20, section III, is forwarded to the MSAPC Chairperson, or the Associate Dean for Student Affairs and Admissions or the Associate Dean for Medical Curriculum, the formal process specified in Section 1.E.iii.a., will be followed.
 - ii. The MSAPC Chairperson shall schedule a hearing regarding the written charge of unprofessional behavior with the student and MSAPC.
 - iii. If the MSAPC decides to dismiss the matter due to insufficient evidence, the MSAPC Chairperson shall inform the Associate Dean for Student Affairs and Admissions to expunge any record of the hearing in the student's academic records, including any documentation of a MSAPC hearing in the student's Medical Student Performance Evaluation (MSPE or Dean's Letter).
 - a. Not expunged will be the written charge of unprofessional behavior, which will remain in the student's academic records. Access to that information will be governed by the Family Educational Rights and Privacy Act (FERPA).
- G. The student may appeal any decision by the MSAPC according to SMHS Policy 3.9 "Student Academic Grievance and Appeal Policy."
- H. The matters adjudicated by the MSAPC in accordance with these policies, shall be reported annually to UMEC by the MSAPC Chairperson without disclosing identifiable student and/or confidential information. These matters include but are not limited to LOAs, Remediations, Probations, Suspensions, Dismissals, Promotions, Professionalism Issues, and Graduations.

2. Function of MSAPC – Hearings

PRINCIPLES

The MSAPC functions as a disciplinary and educational body in the SMHS. It is not a court of law. The MSAPC has jurisdiction to consider all matters of academic conduct including both the cognitive and behavioral measures of academic performance. Decisions regarding unsatisfactory academic performance are the responsibility of the MSAPC.

1. Potential outcomes of a MSAPC hearing:
 - A. Leave of Absence
 - B. Remediation
 - C. Probation
 - D. Suspension
 - E. Dismissal
 - F. Return
 - G. Promotion
 - H. Dismissed due to insufficient evidence
2. MSAPC hearing principles.
 - A. The MSAPC functions as a disciplinary and educational body and not as a court of law.
 - B. Decisions are made using the standard of a preponderance of the evidence.
 - C. All hearings will be conducted with the objective of providing fairness to all parties.
 - D. The MSAPC Chairperson determines the format of the hearing.

PROCEDURES

3. MSAPC Pre-hearing Procedures
 - A. Any student requiring a hearing before the committee will be notified by the MSAPC Chairperson that a hearing will be held.
 - i. Notification. The MSAPC Chairperson shall notify the student by letter of the hearing details at least ten (10) business days prior to the scheduled MSAPC hearing. The Chairperson shall send a letter by certified mail, and/or return receipt requested, and/or by UND email with electronic receipt requested, to the student using their contact information appearing in the Registrar's records. Alternatively, the Chairperson or their designee may have the letter delivered personally to the student.
 - ii. In the event that after two attempts the Chairperson is unable to have the letter personally delivered to the student, and/or the student does not sign the receipt for the certified letter, and/or does not acknowledge the UND email electronic receipt request, the MSAPC Chairperson may show by sworn statement that a reasonable attempt has been made to provide notice to the student, and the MSAPC shall proceed with the hearing.
 - iii. Copies of the letter will be sent to the Dean's Office, Associate Dean for Student Affairs and Admissions, the Associate Dean for Medical Curriculum and/or their designee, the Associate Dean for Clinical Medical Education, and the SMHS Wellness Advocate. If applicable, a copy of the letter will be sent to the appropriate Campus Dean and/or the INMED Director and/or ROME Director(s).

- B. Content of Hearing Notification Letter
 - i. Document the reason(s) for the MSAPC hearing.
 - ii. Direct the student to attend in person or virtually at the specified date, time, place or virtual link of the MSAPC hearing.
 - iii. Advise the student that information provided to the MSAPC will be included in the deliberations.
 - iv. Advise the student of their rights:
 - a. The opportunity to appear alone or with an advisor.
 - b. To challenge one member of the MSAPC regarding a conflict of interest.
 - c. To know the identity of each person who will provide information at the hearing.
 - d. To serve as a witness, or not; to summon individuals to provide supporting information; to submit documents and other information; to offer information and speak on their own behalf.
 - e. To question each person who will provide information at the hearing for the purpose of clarification.
 - f. To have access to the recording of the hearing after all proceedings are complete.
 - g. To appeal the decision of the MSAPC.
 - v. Include a notice to the student of their responsibility to inform the MSAPC Chairperson at least five business days before the hearing whether they will have an attorney at the meeting.
 - vi. Include a notice to the student of their responsibility to inform the MSAPC Chairperson at least five business days before the hearing whether they will challenge one member of the MSAPC regarding a conflict of interest.
 - vii. Include a notice to the student of their responsibility to provide to the MSPAC Chairperson at least five business days before the hearing: a list of witnesses to be called on behalf of the student, the name of any advisor to the student who will be present at the hearing, and copies of all documents or other materials to be distributed to the MSAPC before the hearing.
 - viii. Include the name of the MSAPC Chairperson and names of the MSAPC members.
 - ix. Include notice that anyone acting as a witness, who provides information on the student's or School's behalf may be questioned by the Associate Dean for Medical Curriculum or their designee and all members of the MSAPC.
 - x. A copy of the non-retaliation statement.
- C. The Associate Dean for Medical Curriculum or their designee shall disclose through the MSAPC Chairperson five business days before the hearing, the names of any person(s) to be called to the hearing as well as any documentation or other materials to be presented.
- D. The MSAPC Chairperson shall compile a list of all individuals who will present information on behalf of either the student or the School and shall e-mail the list to the student, the Associate Dean for Medical Education or their designee, and to each member of the MSAPC at least four (4) business days before the hearing.
- E. The MSAPC Chairperson for good cause may postpone the hearing and shall notify by UND e-mail all interested persons of the new hearing date, time, and place. A student may

request in writing or by UND e-mail that an earlier date be set, and if such a request is approved the Chairperson shall notify by UND e-mail all interested persons of the new hearing date, time, and place.

- F. Late submission of witness lists, personal statements, documentation, or other evidentiary information will not be permitted, and hearings will not be delayed for these reasons.

4. MSAPC Hearing Procedures

- A. All hearings will be conducted with the objective of providing fairness to all parties.
- B. The MSAPC Chairperson determines the format of the hearing.
- C. The MSAPC hearing shall be closed to the public.
- D. Persons in attendance include some or all of the following:
 - i. The student, their advisor and/or legal counsel.
 - ii. University General Counsel when a student's attorney is present and/or to advise the MSAPC.
 - iii. The MSAPC members, the MSAPC administrator, and MSAPC advisor(s).
 - iv. The Associate Dean for Medical Curriculum or their designee, who represents the interests of the SMHS before the MSAPC and presents the facts of the case.
 - v. Any other employee of the University whose presence is required for purposes of safety, logistics, or training, at the discretion of the MSAPC Chairperson.

The hearing is convened by the MSAPC Chairperson. Notification is made to all parties that the hearing is being recorded. The audio recording represents the sole official verbatim record of the MSAPC hearing and is the property of the University of North Dakota. Notification is made to all parties that all hearing documents and discussion are confidential.

- E. All attendees must sign a non-retaliation statement prior to the hearing.
 - i. The hearing may proceed in the absence of the student. Such an absence is not to be interpreted as an admission of responsibility nor a basis for additional disciplinary action. The University will be required to document that a reasonable attempt has been made to provide notification of the hearing to the student.
- F. The student is asked if they are aware of their rights contained in the Policies and Procedures Governing the Standards for Medical Student Performance.
- G. If a challenge to a member of the MSAPC has been made by the student 5 business days prior to the meeting, the Chairperson will consider the challenge at this time during the hearing. The MSAPC Chair will decide if a recusal is warranted.
- H. Legal counsel or student advisor, if present, is advisory only and may make no statements, ask questions, or submit written material to the MSAPC.
- I. Persons called to the meeting may be questioned by the student, the Associate Dean for Medical Curriculum or their designee, and members of the MSAPC.
- J. The Chairperson states the reason(s) for the MSAPC hearing.
- K. The Associate Dean for Medical Curriculum or their designee and then the student make a brief opening statement.
- L. The Associate Dean for Medical Curriculum or their designee then presents information from witnesses, submitted documentation, or other previously distributed evidence. Witnesses whose names have been submitted in accordance with policies and

procedures, may be called for questioning by the Associate Dean for Medical Curriculum or their designee, the student, and MSAPC members. The student and MSAPC members may ask questions of the Associate Dean for Medical Curriculum or their designee.

- M. The student then presents information from witnesses, submitted documentation, or other previously distributed evidence. Witnesses whose names have been submitted in accordance with policies and procedures may be called for questioning by the student, the Associate Dean for Medical Curriculum or their designee and MSAPC members. The Associate Dean for Medical Curriculum or their designee and MSAPC members may ask questions of the student.
- N. The Associate Dean for Medical Curriculum or their designee and then the student may present closing statements.
- O. Following closing statements, the MSAPC will move into deliberations. Only MSAPC members and the MSAPC administrator may be present during deliberations. There are no recordings of the committee deliberations nor is this discussion part of the official hearing record. The MSAPC deliberates on the student's academic record as well as other information and materials submitted for or discussed at the hearing.

5. MSAPC Post-Hearing Procedures

- A. The hearing record is confidential and includes:
 - i. A copy of the letter of notice for the hearing sent to the student.
 - ii. All documents including the student's academic record, information and materials submitted for the hearing.
 - iii. The audio recording of the hearing, which is the sole official verbatim record of the MSAPC hearing and is the property of the University of North Dakota.
 - iv. A copy of the MSAPC decision letter sent to the student.
- B. The MSAPC decisions may include but are not limited to:
 - i. Failure to find cause for the charge.
 - ii. Leave of absence approved with conditions explicitly defined by the MSAPC.
 - iii. Probation with conditions and/or remediation plan explicitly defined and approved by the MSAPC.
 - iv. Suspension with conditions and/or remediation plan explicitly defined and approved by the MSAPC.
 - v. A decision to permit a student to repeat any portion of the curriculum.
 - a. A decision that permits a student to repeat the curriculum is conditionally based on interim requirements established by MSAPC being met before restarting the curriculum.
 - b. A decision that permits a student to repeat the curriculum is conditional and ultimately lies with the SMHS based on the availability of resources.
 - vi. Dismissal from the UND School of Medicine and Health Sciences medical program.
- C. After consulting University General Counsel, the MSAPC Chairperson submits in writing the decision by the MSAPC, including reasons for the actions taken, within ten (10) business days of the meeting to:
 - i. The student
 - ii. The Dean
 - iii. The Associate Dean for Medical Curriculum

- iv. The Associate Dean for Medical Curriculum designee, if assigned
 - v. The Associate Dean for Clinical Medical Education
 - vi. The SMHS Wellness Advocate
 - vii. The Associate Dean for Student Affairs and Admissions
 - viii. Other principal parties if appropriate (e.g., Campus Dean, INMED Director, ROME Director(s), SIM Director, Assistant Dean for Academic Support & Longitudinal Integration, etc.).
- D. A note summarizing all MSAPC actions taken will be included in the student’s MSPE, also known as their Dean’s Letter.
 - E. After completion of all MSAPC actions, all documents and records of the case shall be forwarded to the SMHS Office of Student Affairs and Admissions for storage as a separate record. Documentation of the MSAPC action will be entered in the student’s academic records.
 - F. The student may appeal any decision by the MSAPC according to SMHS Policy 3.9 “Student Academic Grievance and Appeal Policy.”

FORMS

None

REVISION RECORD

04.08.20	MCC Approved
04.08.20	Reviewed
07.24.24	UMEC Reviewed and Approved