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 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 to abide by the policies and procedures of the University of North Dakota 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 own 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 address issues regarding student employment or sexual harassment. It addresses grievances and appeals related to academic matters only.

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 School of Medicine and Health Sciences 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
√ Managers and supervisors
√ 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
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DEFINITIONS

| Academic Grievance or Appeal | A statement expressing a complaint, resentment or accusation lodged by a student about a matter concerning their own instruction, assessment or grading; decisions directly affecting the student concerning their own academic performance and/or professional behavior; or, decisions directly affecting the student made on the basis of any school or program policies or procedures |
| Code of Student Life | 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 |
| 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 |
| Professional Behavior | For the purposes of this policy, professional behavior includes 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 |

SMHS School of Medicine and Health Sciences

UND University of North Dakota

RELATED INFORMATION

| Title IX | https://campus.und.edu/equal-opportunity/ |

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 | judy.solberg@und.edu |

PRINCIPLES

I) Any student enrolled in an academic degree or certificate-granting program or taking a course(s) at
the UND School of Medicine and Health Sciences 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 an academic grievance or appeal.

II) Discrimination: Any person who believes that he or she is a victim of discrimination either individually or as a member of the class, as defined by the university’s policies on discrimination or harassment, may initiate the grievance procedures as outlined in the UND Code of Student Life. If a person brings a grievance in which discrimination is alleged along with an academic grievance, the discrimination complaint may be dealt with simultaneously.

III) Student Responsibility: In all circumstances, it is the responsibility of each student to abide by the policies and procedures of the University of North Dakota as well as those described in the appropriate school, college, department, or program.

IV) Timing: All grievances or appeals must be initiated by the student within 30 calendar days following receipt of notification of the grade, decision or other academic matter the student wishes to grieve or appeal. 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 30 calendar days of the completion of the previous step; response time by the student at each step shall be 30 calendar days unless otherwise stated. After student initiation of each step in the process, the School of Medicine and Health Sciences’ response will begin within 10 calendar days of the receipt of the grievance or appeal.

PROCEDURES

I) Informal Process: Any student with a complaint about an academic matter must first bring it to the attention of the appropriate faculty member (course instructor/director or clerkship director) within 30 calendar days of receipt of notification of the grade, decision or other academic matter about which the student has a complaint. Together the student and the faculty member shall attempt to come to an informal resolution of the complaint.

II) Student Grievance Process: If the complaint is not resolved to the student's satisfaction, it may be brought within 30 calendar days of receipt of notification of the outcome of the informal process as a grievance to the department or program level. The grievance must be brought, in writing, 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 decision reached regarding the grievance. The department will retain records of all grievances pursuant to the records retention schedule.

III) Student Appeal Process: If the grievance is not resolved to the student's satisfaction through the grievance process, or if a student takes issue with a decision made by a faculty committee (e.g., department/program faculty committee, Medical Student Academic Performance Committee) on the basis of their own academic performance and/or professional behavior or on the basis of any school or program policy or procedure, the student may submit an appeal to the dean of the SMHS through the Advisory Committee on Student Appeals, according to the following procedures:
A) Filing an appeal: The student must submit, in writing, the required documentation within 30 calendar days of receipt of written notification of the decision of the department/program administration. Written documentation must include:

1) The disputed decision;

2) The person(s)/committee that made the decision;

3) The date the decision was made;

4) All efforts made to resolve the dispute;

5) Information directly relevant to the advisory 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 advisor who may have assisted the student in developing the appeal or may accompany the appellant and provide assistance, if the appellant appears before the advisory committee;

7) Any relevant pertinent evidence or documents, including written statement(s) from individual(s) who can provide evidence directly relevant to the grievance, and;

8) the desired outcome the student is seeking as a result of the advisory committee’s deliberations.

Documentation should be submitted to the Associate Dean for Education and Faculty Affairs; UND School of Medicine and Health Sciences, 1301 North Columbia Road - Stop 9037, Grand Forks, ND 58202-9037.

B) Upon receipt of the written appeal, the Associate Dean for Education and Faculty Affairs will constitute the School of Medicine and Health Sciences Advisory Committee on Student Appeals, according to the following procedures:

1) Committee membership: The members of the SMHS Advisory Committee on Student Appeals will include the chair of the Faculty Council, the 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 committee includes a faculty member who was involved in making the appealed decision, the Associate Dean for Education and Faculty Affairs will appoint a replacement.

2) Conflict of Interest: If it is determined that an advisory committee member has an unmanageable conflict of interest that may challenge their objectivity in the matter of the academic grievance, recusal is warranted either by action of the advisory committee or by the advisory committee member. The appellant has the opportunity to challenge any member(s) of the advisory committee for an unmanageable conflict of interest. In all cases in which an advisory committee member is recused, the Associate Dean for Education and Faculty Affairs will appoint a replacement. The
appellant may also have the opportunity to challenge the Associate Dean for Education and Faculty Affairs for an unmanageable conflict of interest. In all cases in which the Associate Dean for Education and Faculty Affairs is recused, the Associate Dean for Education and Faculty Affairs’ responsibilities will be fulfilled by the Senior Associate Dean for Medicine and Research for undergraduate student and health sciences student appeals or by the Associate Dean for Health Sciences for medical student and biomedical sciences and pathology graduate student appeals.

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

(b) The appellant shall provide, in writing, the reasons for the proposed request to the Associate Dean for Education and Faculty Affairs.

(c) The Associate Dean for Education and Faculty Affairs will rule on the request within 10 calendar days of receipt of the request, and notify the appellant of the decision. The decision of the Associate Dean for Education and Faculty Affairs is final.

3) The advisory committee chair will be appointed from among the advisory committee membership by the Associate Dean for Education and Faculty Affairs.

C) Advisory Committee training: A training session for advisory committee members will be scheduled by the Office of the Dean. 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 advisory committee.

D) Scheduling of the hearing: The Office of the Dean will identify possible dates for a hearing and organize the hearing time and place. At the hearing, the advisory committee will consider all pertinent materials, including any new written information from both the appellant and the grievced party, both of whom will be invited to be present at the advisory committee hearing.

E) Provision and dissemination of appeal documentation: Dissemination of documentation will be completed by the Office of the Dean at least ten (10) calendar days prior to the scheduled advisory committee hearing. Therefore, any new written information from either the appellant or the grievced party must be submitted no later than ten (10) calendar days prior to the hearing.

F) The Advisory Committee Hearing: The appellant will be invited to appear at the hearing to answer questions or to present any relevant information. A person representing the grievced department or program will also be invited to appear before the advisory committee. The appellant will be permitted to have a lawyer or advisor present at the hearing for assistance. If a lawyer or advisor is to be present, the appellant must notify the chair of the advisory committee at the time the date for the hearing is established. The lawyer or advisor may not participate in the presentation or discussion but is present as a support for the appellant. The advisory 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.

G) Use of technology: Advisory 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 Office of the Dean of the arrangements at least seven (7) calendar days before the advisory committee hearing.

H) Audio recording the hearing: The Office of the Dean will arrange for the hearing to be audio recorded.

I) Format of the advisory committee hearing:

1) The chair will complete introductions.

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. If the appellant and 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 person representing the grieving department or program 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 advisory committee may ask questions of the appellant and the person representing the grieving program or department 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.

9) Each party will provide any closing statements.

10) The chair will excuse the parties involved from the meeting along with any advisor present at the conclusion of their presentations and after the advisory committee’s questions, if any, have been answered.

11) The advisory committee will adjourn the hearing and reconvene such that the committee will be free to discuss the appeal in closed session.

J) Post-hearing:

1) No later than fifteen (15) calendar days following the hearing, the advisory committee will produce a written report of their findings, conclusions, and recommendation. 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 final 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 recommendation. A minority report can be written. The chair will notify the appellant and faculty (program/department) of the committee’s recommendation and provide each a copy of the final report. The final report must be submitted to the dean. In rare circumstances, the advisory committee’s review of an appeal may extend beyond 15 days following the hearing.

2) The record consists of all written documentation received from the parties, the recording of the hearing, and the advisory committee’s final report.

3) The office of record for grievance and appeals records retention is the Office of Education and Faculty Affairs. The record will be retained pursuant to the records retention schedule.

4) If the appellant chooses to dispute the findings, conclusions or recommendation of the advisory committee, the appellant must submit a written response to the committee’s report to the Associate Dean for Education and Faculty Affairs within 10 calendar days of receipt of the committee’s report. The Associate Dean for Education and Faculty Affairs will submit the entire record to the dean for their review and final decision.

IV) A copy of the dean’s decision will be forwarded to all principal parties within thirty (30) calendar days.

V) Any further pursuance of the grievance or appeal by the student beyond the School of Medicine and Health Sciences must be undertaken in accordance with relevant UND policies and procedures. For medical students, all decisions by the dean are final.

VI) In all stages of the grievance and appeal process, it is the responsibility of the student to initiate and advance the grievance or appeal to the appropriate stage of the process.

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<th>RESPONSIBILITIES</th>
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<td>Associate Dean for Education and Faculty Affairs</td>
<td>Constitute the SMHS Advisory Committee on Student Appeals, appoint chair, rule on conflict of interest, and retain records</td>
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<tr>
<td>Office of the Dean</td>
<td>Provide administrative support to process, schedule and make arrangements for hearing</td>
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<tr>
<td>SMHS Grievance Committee</td>
<td>Conduct the hearing and create the final report</td>
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<tr>
<td>Student</td>
<td>Initiate the complaint, grievance and/or appeal within the appropriate timeline; initiate and advance the complaint, grievance or appeal to the appropriate stage of the process; provide documentation; appear at hearing, if required</td>
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<tr>
<td>Grieved party or department/program</td>
<td>Provide documentation; appear at hearing, if required</td>
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<td>Graphic depicting processes for academic complaint, grievance and/or appeal</td>
<td><a href="https://med.und.edu/policies/_files/docs/3.9-student-grievance-flowchart.pdf">https://med.und.edu/policies/_files/docs/3.9-student-grievance-flowchart.pdf</a></td>
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**REVISION RECORD**

05.04.20 – FAC Approved
05.04.20 – Dean Approved
07.24.20 – Minor Edits