

**Function of the Medical Student Academic Performance Committee**

Section: 4  
 Policy number: 4.8  
 Responsible Office: Vice President for Health Affairs/Dean  
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The Medical Student Academic Performance Committee functions as a disciplinary and educational body and not as a court of law. It is the responsibility of the MSAPC and its Chairperson to adjudicate and, where necessary, hold hearings concerning issues of academic performance.

**SCOPE**

This policy applies to:

- ✓ Deans, Directors, and Department Heads
- ✓ Managers and Supervisors
- ✓ Students
- ✓ Faculty
- ✓ Staff
- Others: \_\_\_\_\_

**WEB SITE REFERENCES**

Policy Office:	<a href="https://med.und.edu/deans-office/index.html">https://med.und.edu/deans-office/index.html</a>
Responsible Office:	<a href="http://www.med.und.edu/student-affairs-admissions">http://www.med.und.edu/student-affairs-admissions</a>

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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
Course	Throughout the document the term course shall refer to a unit of education. In the first two years this can be either a block or a course, in the third year it refers to a clerkship or a course and in
Dismissal	The status of a student who has been Dismissed from SMHS. A Dismissed student is ineligible to continue to be enrolled in the SMHS and cannot be awarded the M.D. degree.
Leave of Absence	A period of time during which a student chooses to interrupt their studies by voluntarily leaving the medical degree program temporarily with the intention of returning at a later date. May be
MSAPC	Medical Student Academic Performance Committee
Policy	A set of principles that is used as an institutional guide for action. Provides the formal guidance needed to coordinate and execute activity through the organization, indicates what to do.
Probation	A condition in which a student is other than "in good standing or progressing satisfactorily with the class." Probationary status can result from unsatisfactory academic performance.
Procedure	A series of specified actions needed to accomplish a particular goal. Provides the operational process required to implement institutional policy. Indicates how to do it.
Remediation	The correction of a grade of "Unsatisfactory" in a block, clerkship, or elective to "S/U" or satisfactory after remediation.
SMHS	School of Medicine and Health Sciences
Suspension	The status of a student who has been suspended by SMHS. A Suspended student may not attend classes and may not participate in extra-curricular or co-curricular activities pending action on the issue(s) by the MSAPC or other adjudicating body. Suspension may include stipulations barring the student from being on campus.
UMEC	Undergraduate Medical Education Committee

## RELATED INFORMATION

Bylaws of the SMHS	<a href="http://www.med.und.edu/administration/academic-affairs/forms-guidelines.cfm">http://www.med.und.edu/administration/academic-affairs/forms-guidelines.cfm</a>
SMHS Policy Page	<a href="https://med.und.edu/policies/index.html">https://med.und.edu/policies/index.html</a>

## 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	777.4221/777.4942	
Policy format	Dean's Office	777.2514/777.3527	judy.solberg@med.und.edu

### 4.8.1 Function of MSAPC – Without hearings

#### PRINCIPLES

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

The MSAPC chairperson in consultation with the Associate Dean for Student Affairs and Admissions and/or the Director of Educational Resources will, determine a course of action on all matters within the jurisdiction of the MSAPC. Certain matters do not require convening the full committee.

#### PROCEDURES

1. The Chairperson will report to the MSAPC at its next meeting any business that has been handled by the Chairperson in consultation with the Assistant Dean for Medical Curriculum and/or the Associate Dean for Student Affairs and Admissions since the previous meeting of the MSAPC.
2. Actions taken on matters adjudicated by the MSAPC Chairperson in accordance with these policies, shall be reported annually to UMEC by the Chairperson of the MSAPC without disclosing identifiable student information and/or confidential information. These matters include, but are not necessarily limited to:
  - A. Leaves of Absences
    - i. A student may request a Leave of Absence by submitting to the Office of Student Affairs and Admissions, with a copy to the Chairperson of the MSAPC, a written request that lists the reason(s) for the leave and how the time will be used and the specific start and stop dates.
    - ii. The MSAPC Chairperson and Associate Dean for Student Affairs and Admissions will evaluate the request and make a decision.
    - iii. The student will receive a letter regarding the decision, with a copy to the Dean of the SMHS.
      - a. If approval is granted, the letter shall specify conditions that must be met during the Leave of Absence, if warranted the Associate Dean and/or MSAPC chair may choose to bring to the larger committee.
      - b. If approval is not granted, the student may request to be heard by the MSAPC.

- c. The Dean of the SMHS or their designee may also within a reasonable time specify additional conditions that must be met during the Leave of Absence, such conditions to be appended to the letter granting approval.
- B. In emergency situations, at the discretion of the Associate Dean for Student Affairs and Admissions emergency Leaves of Absence may be granted without the advice or consent of the MSAPC Chairperson.
  - i. The Associate Dean for Student Affairs and Admissions shall notify the MSAPC Chairperson within a reasonable time of such grant.
  - ii. The emergency Leave of Absence remains in place until acted on by the Associate Dean for Student Affairs and Admissions and the MSAPC Chairperson at the next scheduled meeting at which time a Leave of Absence may be granted as provided in Section 4.8.1.2.A.i.
  - iii. The MSAPC chairperson may request a full committee review for a leave of absence if they feel that it is warranted.
  - iv. The Dean or their designee may add conditions to the emergency leave of absence.
- C. Placement of students on academic Probation.
  - i. Failure to complete satisfactorily a single block, required clinical experience, course, or elective, as defined in policy 4.20, will result in the student automatically being placed on academic probation.
  - ii. Students may also be placed on probation as a result of unprofessional behavior within or in some cases outside of the SMHS course work.
  - iii. The MSAPC Chairperson shall consult with the Associate Dean for Student Affairs and Admissions to specify the period of time and contingencies that must be met before the Probationary status is removed.
  - iv. The MSAPC Chairperson will send a letter notifying the student of Probation status and the conditions of the Probation
    - a. For students in Years 1 or 2 the Chairperson shall also consult with the Assistant Dean for Medical Curriculum.
    - b. For students in Years 3 or 4 the Chairperson shall also consult with the Campus Dean and/or clerkship director.
    - c. The Chairperson may also consult with other faculty as appropriate.
  - v. Failure to fulfill the contingencies in the specified time period will result in an MSAPC hearing.
- D. Placement of students on academic Probation or Suspension.
  - i. Failure to complete satisfactorily two or more preclinical units, as defined in policy 4.20, will result in the student automatically being placed on academic probation. This probation is subject to review by the MSAPC Chairperson in consultation with the Assistant Dean for Medical Curriculum and/or the Associate Dean for Student Affairs and Admissions.
  - ii. If the MSAPC Chairperson's review sustains Probationary status, the MSAPC Chairperson will follow the procedure in Section 4.8.1.2.C
  - iii. If the MSAPC Chairperson's review changes Probationary status to Suspension,

- a. the MSAPC Chairperson shall consult with the Associate Dean for Student Affairs and Admissions to specify the period of time and contingencies that must be met before Suspension status is removed.
      - i) The MSAPC Chairperson shall also consult with the Dean or the Dean's designee.
      - ii) The MSAPC Chairperson may also consult with other faculty as appropriate.
    - b. The MSAPC Chairperson will send a letter notifying the student of Suspension status and the conditions of the Suspension
  - iv. The MSAPC Chairperson may choose to refer a decision to the full MSAPC Committee for a hearing (Section 4.8.2).
- E. Charge of unprofessional behavior
  - i. After a written charge of unprofessional behavior, as defined in policy 4.20, section IV, is forwarded to the Chairperson of the MSAPC, the Associate Dean for Student Affairs and Admissions and the Assistant Dean for Medical Curriculum, the following process will be followed:
  - ii. The MSAPC Chairperson shall refer a decision to the full MSAPC Committee for a hearing (Section 4.2).
  - iii. If the matter is dismissed due to insufficient evidence, the MSAPC Chairperson shall inform the Associate Dean for Student Affairs and Admissions to expunge the record.
- F. The student may appeal any decision by the MSAPC according to SMHS Policy 3.9 "Student Academic Grievance and Appeal Policy."
  - i. Academic Probation actions are not subject to appeal.

## 4.2 Function of MSAPC - Hearings

### PRINCIPLES

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

1. Potential outcomes of MSAPC hearing
  - A. Leave of Absence
  - B. Remediation
  - C. Probation
  - D. Suspension
  - E. Dismissal
  - F. Return
2. Principles of a Medical Student Academic Performance Committee hearing.
  - A. The Medical Student Academic Performance Committee 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 Prehearing Procedures

- A. Any student requiring a hearing before the MSAPC will be notified by the Chairperson of the MSAPC that a hearing will be held.
  - i. Notification. The MSAPC Chairperson shall notify the student by letter of the details of the hearing at least ten (10) business days prior to the scheduled MSAPC meeting. The Chairperson shall send the letter by certified mail, return receipt requested, to the student at their address appearing in the Registrar's records or the Chairperson may have the letter delivered personally to the student by a representative of the Dean or the Dean's designee.
  - ii. In the event that the Chairperson is unable to have the letter personally served upon the student or the student does not sign the receipt for the certified letter, after two attempts, 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 Associate Dean for Student Affairs and Admissions, Dean or the Dean's designee, and to the Director of ER. If appropriate a copy of the letter will be sent to campus deans and/or the Director of INMED.
- B. Content of Hearing Notification Letter
  - i. Document the reason(s) for the MSAPC hearing.
  - ii. Direct the student to attend in person at the specified date, time, and place of the MSAPC meeting.
  - iii. Advise the student that information provided to the MSAPC will be included in the deliberations.
  - iv. Advise the student of their rights:
    - a. To a closed hearing unless the student agrees to an open hearing.
    - b. The opportunity to appear in person alone or with an advisor.
    - c. To challenge one member of the MSAPC for bias at least 24 hours prior to the hearing.
    - d. To know the identity of each person who will provide information in the case.
    - e. To serve as a witness, or not; to summon individuals to provide supporting information; submit documentary and other information; offer information; and speak in their own behalf.
    - f. To question each person who will provide information in the case for the purpose of clarification.
    - g. To have access to the record of the hearing after all proceedings are complete.
    - h. To appeal the decision of the MSAPC.
  - v. Include notice when the student's entire academic file may be utilized in deliberations.

- vi. Include a notice to the student to inform the MSAPC Chairperson at least five business days before the hearing whether they will have an attorney at the meeting.
  - vii. Include a notice to the student 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 by the student at the hearing.
  - viii. Contain the name of the person to act as Chairperson of the MSAPC and names of members of the MSAPC.
  - ix. Contain the name of the person available to act as advisor for the student, usually the Associate Dean for Student Affairs.
  - x. Include a notice to the student that if s/he chooses to serve as a witness, the student may be questioned by the Dean (or their designee) and all members of the MSAPC. Also, anyone else who provides information on the student's behalf may be questioned.
  - xi. Provide a copy of the non-retaliation statement.
- C. The Dean (or their designee) shall disclose through the MSAPC Chairperson five business days before the meeting, the names of any person(s) to be called to the meeting.
  - 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 and to each member of the MSAPC at least four (4) business days before the meeting.

The MSAPC Chairperson for good cause may postpone the hearing and shall notify by e-mail all interested persons of the new hearing date, time, and place. A student may request in writing or by e-mail that an earlier date be set, and if such a request is approved the Chairperson shall notify by e-mail all interested persons of the new hearing date, time, and place.

#### 4. HEARING PROCESS

- 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. 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 recorder, and MSAPC advisor(s).
  - iv. The Dean, who represents the interests of the School of Medicine and Health Sciences before the MSAPC and presents the facts of the case. The Dean may appoint a designee to represent the SMHS.
  - v. Any other employee of the University whose presence is required for purposes of safety, logistics, or training, at the discretion of the Chairperson.
- D. The hearing is convened by the MSAPC Chairperson. Notification is made to all parties that the hearing is being audio recorded. The 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. The student and the Dean (or their designee) sign two copies of the non-retaliation statement – one for the MSAPC’s record and one for the signee. Each MSAPC member and witness will be asked to follow the same procedure.
    - 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 hearing shall be closed to the public unless the student agrees to an open meeting. If the hearing is to be open to the public, the student shall sign a written statement to that effect. If open, and former witnesses or the public are in the room, they may not speak to either of the parties, their advisors, or attorneys.
  - G. The student is asked if they are aware of their rights contained in the Policies and Procedures Governing the Standards for Medical Student Performance.
  - H. If a prior challenge to a member of the MSAPC has been made by the student, the Chairperson will only consider a challenge at this time during the hearing. The MSAPC will decide if recusal is warranted.
  - I. Legal counsel, if present, is advisory only and may make no statements, ask questions, or submit written material to the MSAPC.
  - J. Persons called to the meeting may be questioned by the student, the Dean (or their designee), and members of the MSAPC.
  - K. The Chairperson states the reason(s) for the MSAPC hearing.
  - L. The Dean (or their designee) and the student make a brief opening statement.
  - M. The Dean (or their designee) then presents information from witnesses, documentation or other evidence. Witnesses whose names have been submitted in accordance with policies and procedures, may be called for questioning by the Dean (or their designee), the student and the MSAPC members. The student and the MSAPC members may ask questions of the Dean (or their designee).
  - N. The student then presents information from witnesses, documentation or other evidence. Witnesses whose names have been submitted in accordance with policies and procedures may be called for questioning by the student, the Dean (or their designee) and the MSAPC members. The Dean (or their designee) and the MSAPC members may ask questions of the student.
  - O. The Dean (or their designee) and the student may present closing statements.
  - P. Following the closing statements, the MSAPC will move into deliberations. Only MSAPC members and the MSAPC recorder may be present during deliberations. The MSAPC deliberates on the student’s academic record and other information and materials admitted in the hearing.
  - Q. A decision by MSAPC to permit a student to repeat any portion of the curriculum is conditional. The ultimate decision lies with the Dean of SMHS and is dependent on the availability of resources.
5. MSAPC POST-HEARING PROCEDURES
- A. The hearing record is confidential including:

- 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 admitted in 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. Motions considered and decision(s) rendered by the MSAPC.
  - v. A copy of the MSAPC decision letter to the student.
- B. The MSAPC decisions may include but are not be 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 explicitly defined by the MSAPC.
  - iv. Suspension with conditions explicitly defined by the MSAPC.
  - v. Dismissal from the UND School of Medicine and Health Sciences.
- C. After consulting University Council, the MSAPC Chairperson submits in writing the decision of the MSAPC within ten (10) business days of the meeting to:
  - i. The student
  - ii. The Dean
  - iii. The Dean's designee, if assigned
  - iv. The Associate Dean for Student Affairs and Admissions
  - v. Principal parties within ten (10) business days of the meeting. The document details the reasons for the actions taken by the MSAPC.
- D. After completion of all the 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 made in the student's permanent record.
- E. 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
08.02.17	Reviewed