

Policy 3.1.4
UAMS COM Undergraduate Medical Education
Section
Student Progression, Promotion, and Graduation
Title
PROCEDURES FOR ACADEMIC OR DISCIPLINARY ISSUES
LCME Element(s)
9.9 Student Advancement and Appeal Process
Approved By
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The vast majority of medical students will pass through the medical education system without any difficulty. Most students never become well known to their Promotions Committee except as they are routinely promoted to the next level of study. A few students, however, will have problems that bring them before the Honor Council or their Promotions Committee. These problems fall into two major categories, academic (marginal or inadequate academic performance) and disciplinary (cheating or serious breach of appropriate behavior). Since the procedures used to handle these problems differ, they will be described separately. There may also be students who believe that a rule, procedure or policy was applied to them in an unfair or inequitable manner, or that they had been treated unfairly by a faculty member or administrator. The Student Grievance Procedure is used to review the complaint of unfair treatment. It is possible that a student's allegation (e.g., unfairness of an assigned grade) could impact on two of the three procedures. In a situation such as an allegation of unfair assignment of a grade, the Grievance Panel must review the allegation first and make a recommendation to the Dean. The Promotions Committee can make a recommendation on progress and promotion of a student only after receipt of final, uncontested grades.

ACADEMIC PROCEDURES

The Promotion Committee meets regularly to review the records of all students approximately two weeks after final grades are assigned by the faculty. When a student does not meet scholastic cognitive or minimal scholastic non-cognitive standards as defined in the "Academic Requirements for the Promotion of Medical Students," the Promotions Committee will review that student's record in detail and make a recommendation to the Dean or the Dean's designee. The Promotions Committee may meet anytime during the calendar year upon receipt of a finding by the Honor Council that a student has violated the Honor Code, or for other reasons described in the "Academic Requirements."

The members of the Promotions Committee and student(s) whose situation(s) will be considered in detail will be notified, in writing, of the meeting by the Chairman of the

Promotions Committee. The notice will be hand delivered to the student(s) or delivered by Certified Mail to his/her last known address. The notice will include the date, time, and place of the meeting, the issues which will be considered, and the possible consequences.

The student may submit a written statement to the Chairman of the Promotions Committee prior to the meeting which sets out reasons why the determination of the Committee should be in his/her favor. The student may also submit written statements from others in his/her behalf, and may appear in person, make an oral statement, and answer questions from members of the Committee. This interaction shall be in the nature of an informal give-and-take rather than a formal evidentiary hearing. Legal counsel may not be present. The student may not present witnesses without prior consent of the Chairman.

The recommendation of the Promotions Committee will be made after careful and deliberate discussion, based upon the professional judgment of the committee members. The Promotions Committee shall not reconsider a determination that a violation of the Honor Code or a serious breach of appropriate behavior has occurred. Students may not be present during the committee deliberations. The student shall be notified of the recommendation in writing.

Within seven (7) working days of the date of the recommendation notice, the student may contest, in writing, to the Chairman of the Committee that a (1) substantial mistake of fact occurred, (2) a fundamental misinterpretation of official policies is evident, or (3) a significant procedural defect took place. These are the only bases for contesting the decision. If the decision of the Promotions Committee is contested by a student, the Promotions Committee will reconvene to review the student's contentions. If the Committee concurs with the student, it will correct the procedural defect, reinterpret the policy as appropriate, or review the fact which was originally presented in error, and then review its recommendation and revise it if appropriate.

The final recommendation will be forwarded to the Dean or Dean's designee after the seven (7) day period for contest has passed or at the conclusion of a contest.

DISCIPLINARY ACTIONS

Cases involving disciplinary actions can arise from alleged infractions of the Honor Constitution or an alleged serious and significant breach of appropriate behavior. Examples - by way of illustration, not by way of limitation - of possible actions which would lead to initiation of disciplinary procedures include accusations of:

- cheating
- stealing
- fraud
- other violations of law

After receipt of an allegation of infraction of the Honor Constitution, a hearing before the Honor Council will be conducted to determine the facts. The Chairman or a member of the Investigation Committee shall prepare and present the case against the student. If the student is found guilty of a violation of the Honor Code by the Honor Council, his/her disposition becomes an academic matter. The case shall be referred to the appropriate faculty Promotions Committee for determination of disposition using the Academic Procedures. If the student is found innocent by the Honor Council, all records will be destroyed.

If it is alleged that a student has failed to meet minimal scholastic non-cognitive performance standards as defined in the Academic Requirements for the Promotion of Medical Students", the Promotions Committee will review the student's record in detail using the Academic Procedures. However, if in the opinion of the Dean or Dean's designee a serious and significant breach of appropriate behavior is alleged (e.g., arrested for stealing, fraud or other violations of law), the Promotions Committee will hold a disciplinary hearing to evaluate the evidence and make a determination. The Dean or Dean's designee will appoint a faculty member to prepare and present the case before the Promotions Committee. (In general, if the fact of guilt has been determined, (the student confesses, the Honor Council or Promotions Committee has determined guilt, etc.), the Academic Procedure is used. The Disciplinary Procedure is used if the determination of guilt is still in question. As described below, if guilt is established, the Academic Procedure is used to decide disposition.)

DISCIPLINARY HEARING PROCEDURES

Reasonably in advance of an Honor Council hearing or a meeting of the Promotions Committee, the student will be provided notice in writing of the specific allegations, a list of witnesses and any sworn statements or exhibits which will be used as evidence against him/her. The student will be given a list of the members and alternates of the Promotions Committee or Honor Council. The student may request that the designated alternate replace any member(s) of the Promotions Committee or Honor Council for the hearing.

The hearing will be conducted in private. Witnesses will be admitted for testimony only and then asked to leave. The testimony will be tape recorded, but the final deliberations of the Committee or Council will not be recorded.

The student may have one (1) person present during the hearing, who may be an attorney, to advise him/her. This person may not address the Promotions Committee or Honor Council, speak on behalf of the student, question witnesses, or otherwise actively participate in the hearing. If the complainant chooses to have an attorney present, a University attorney may also attend the hearing. The student may appear in person, make an oral statement, and answer questions from members of the Committee or Council. Should the student choose to remain silent, no adverse inference will be raised against him/her. The student may submit sworn written statements and other exhibits and witnesses in his/her behalf. The student may hear and question all witnesses.

During the period of time prior to the disciplinary hearing, the Dean or Dean's designee may remove a student from his/her academic place (courses, clerkship, or elective) if the student materially and substantially disrupts the educational process or constitutes a clear and present danger to the health and safety of any other persons, themselves, or property, or infringes on the rights of others.

The Promotions Committee or Honor Council shall make its determination in writing based upon the evidence presented at the hearing which is relevant to the issue or issues before the Promotions Committee or Honor Council. The student may not be present during the Promotions Committee or Honor Council deliberations. The student shall be notified in writing of the determination.

Within seven (7) working days of the date of the determination notice the student may contest, in writing, to the Chairman of the Promotions Committee or President of the Honor Council that a substantial mistake of fact occurred, a fundamental misinterpretation of official policies is evident, or a significant procedural defect took place. These are the only bases for contesting the determination. If the determination of the Promotions Committee or the Honor Council is contested by a student, the Promotions Committee or Honor Council will reconvene to review the student's contentions. If the Promotions Committee or Honor Council concurs with the student, it will correct the procedural defect, reinterpret the policy as appropriate, or review the fact which was originally presented in error, and then review its determination and revise it if appropriate. At appeal proceedings, the student may appear in person, make an oral statement, and answer questions from members of the Committee or Council. Should the student choose to remain silent, no adverse inference will be raised against him/her. The student may submit sworn written statements, evidentiary exhibits, or call on pre-identified witnesses. The identification of, and contact information for, witnesses must be disclosed to the presiding body no later than three (3) working days prior to the proceeding. The student may hear and question all witnesses. If the student is facing a suspension of ten (10) or more days or expulsion, the student may, at his/her own expense, rely on an advocate who may fully participate in the proceeding. The advocate may be a licensed attorney. The student shall not have the right to an advocate in a disciplinary appeal proceeding regarding allegations of academic dishonesty. There shall be no appeal from a final determination by either the Promotions Committee or Honor Council.

If the Promotions Committee finds a serious breach of behavior occurred, the Promotions Committee will use the "Academic Procedures" to recommend disposition to the Dean or Dean's designee.

A determination by the Honor Council that a student violated the Honor Code shall be referred to the appropriate Promotions Committee for consideration as a failure to meet academic standards under the academic procedures.

FINAL DECISION BY THE DEAN OR DEAN'S DESIGNEE

After receipt of a recommendation from the Promotions Committee resulting from either an academic or disciplinary procedure the Dean or Dean's designee may accept the recommendation, reverse it, or refer it back to the Promotions Committee for reconsideration. The decision of the Dean or the Dean's designee shall be final and there shall be no appeal. The student shall be notified in writing of the decision.

POLICY ON ADMINISTRATIVE ACTIONS

In the College of Medicine, certain individuals have the authority to impose interim administrative actions in order to protect the safety and welfare of members of the University community. These "authorized individuals" include the Dean and/or his/her designees. As defined below, the Deans and their designees are permitted, when necessary, to take the following interim administrative actions: (A) interim actions; (B) interim suspensions; and/or (C) referrals for psychological or psychiatric evaluations.

A. Interim Actions

In special circumstances the authorized individuals named above may impose "interim actions" to ensure the safety and welfare of members of the University community, including, but not limited to, student restrictions from certain activities or locations and changes in class schedules. Any restrictions outlined in the interim action will be clearly presented in a written notice to the student.

1. Appeal of Interim Administrative Action: In the event that interim action is invoked, the student may appeal the action through the College's non-discriminatory grievance policy as further explained in the "Grievance Procedure" which is detailed in this Appendix of this Student Handbook. During the grievance process, a hearing will be provided. At this hearing, the student will be given the opportunity to explain why he/she does not constitute a threat to the safety, health, or welfare of members of the University community.
2. Violation of Interim Action: Any violation of an interim action will result in an inadequate Scholastic Non-Cognitive Evaluation. The Promotions Committee will then meet using the "Academic Procedure" as detailed in this same Appendix of this Student Handbook, to consider the student's status with the College of Medicine.

B. Interim Suspension

Notwithstanding any other provision of this Code, an "interim suspension" may be imposed upon a student by the Dean and/or his/her designees when there is reasonable cause to believe, based on available facts, that the student is an immediate threat to the safety of himself or herself, other members of the University community or University property, or is persistently disruptive to the University community. When an "interim suspension" action is imposed, a student will be given a written notice containing the reasons for suspension, the duration, and any conditions that apply, along with a copy of this interim suspension policy. After receiving such notice, a student is required to leave the campus and University property immediately and make no future visits to any University property unless invited by his/her college Dean, the Dean's designee, or the Vice Chancellor for Academic Affairs. Following notice

of an interim suspension, the student will be suspended from participation in all classes and all other University activities.

1. Appeal from the Interim Suspension: In the event that interim suspension is invoked, the student may appeal the action through the College's non-discriminatory grievance procedures as further explained in the "Grievance Procedure" in this same Appendix of this Student Handbook. During the grievance procedures, a hearing will be provided to afford the student with an opportunity to explain why he/she does not constitute an immediate threat to the safety, health or welfare of himself or herself, or other members of the University community or University property, or is not persistently disruptive to the University community.
2. Violation of Interim Suspension: Any student who is suspended on an interim basis and returns to the campus and University property without proper authorization to do so or otherwise violates the terms of the interim suspension will receive an inadequate Scholastic Non-Cognitive Evaluation. The Promotions Committee will then meet using the "Academic Procedure" as detailed in this same Appendix of this Student Handbook, to consider the student's status with the College of Medicine. Further, the student may be treated as a trespasser. Permission to be on campus for a specific purpose (e.g., to consult with the Vice-Chancellor for Academic Affairs, the student's college Dean or his/her designees, or to participate in the disciplinary procedures against him/her) may be granted in writing by the Vice-Chancellor for Academic Affairs, the student's college Dean or his/her designee.

C. Referral for Psychological Evaluation

The authorized individuals may determine that a student should undergo a psychological or psychiatric evaluation prior to an administrative action or a Grievance Committee hearing. When such determination has been made, the student should be administratively referred to the appropriate agency for such evaluation according to the guidelines outlined below:

1. Referral to The Student Wellness Center: When an authorized professional staff member has reasonable cause to believe that a student has severe emotional problems, and when there is reasonable cause to believe that a student's continued presence on campus would present a danger to himself/herself and/or others, or to university property, the staff member may direct the student to consult with the Director of Counseling and Psychological Services (The Student Wellness Program). In the event of a student's refusal to obtain such consultation in a timely manner, interim action may be invoked.
2. Procedure: Whenever possible, the student who is being administratively referred to the Center for Counseling and Psychological Services (The Student Wellness Program) will be accompanied by an appropriate professional staff or faculty member from his/her respective College.
3. Recommendations: Following an evaluation, the Director of The Student Wellness Program may recommend that the student be placed on an administrative leave of absence from the University to seek psychological/medica1 treatment if:

- a. The student has violated institutional regulations and appears to lack the capacity to respond to the disciplinary process, or did not appear to know the nature and wrongfulness of the alleged violation; or
 - b. The student has threatened or attempted harm to himself or herself or another individual, or to University property, and is suffering from a serious mental disorder that is being exacerbated in the campus environment; or
 - c. A student is engaged in behavior exacerbated in the academic setting, which places him or her in serious medical jeopardy producing conditions that cannot be treated effectively without leaving the University.
4. Report: The Director of The Student Wellness Program will send a report summarizing the results of the evaluation and any recommended action to the student's Dean or his/her designees. Other appropriate personnel will be notified of any action taken regarding a change in the student's status by the student's Dean's Office (e.g., the University Housing staff member if the student is living in a residence hall).
5. Administrative Leave of Absence: If an administrative leave of absence is recommended, the Director of The Student Wellness Program will notify the student's Dean or designee. If the Dean or designee accepts the Director's recommendation, the student shall be immediately placed on a leave of absence from the College of Medicine.
- a. Return from Leave of Absence: If a student has been placed on an administrative leave of absence from the College of Medicine based on recommendations from the Director of The Student Wellness Program, prior to ending the leave and returning to school, the student will be required to submit a report to his/her Dean or designee from a licensed mental health practitioner stating that he/she is capable of participating in the College's academic/disciplinary/grievance processes, and/or that the student has received sufficient treatment to be capable of returning safely to the University community. The College of Medicine may require further evaluation by the Director of The Student Wellness Program or by another licensed practitioner.
 - b. Appeal from Administrative Leave of Absence: After the Dean or designee has received a report from the Director of the Student Wellness program stating that the student is capable of participating in the College's academic/disciplinary/grievance processes, the student may appeal any disciplinary charges through the College's nondiscriminatory grievance procedures in the "Grievance Procedure" in this same Appendix of this Student Handbook to determine the appropriateness of sanction(s).
6. Dismissal: If the Interim Action, Interim Suspension, or Leave of Absence extends for a period of time making it impossible for the student to complete all requirements for the degree, Doctor of Medicine, in the seven years allowed by the College of Medicine's academic policy, "Limit on Years in Medical School", then the student will be dismissed from the College of Medicine using the normal Academic Procedures of the College. (Approved by the Executive Committee of the College of Medicine on 1/11/2008)

GRIEVANCE PROCEDURE

Purpose

A grievance procedure shall not be used to question a rule, procedure, or policy established by an authorized faculty or administrative body. Rather, it shall be used as due process by a student who believes that a rule, procedure, or policy has not been followed or has been applied in an inequitable manner.

Definitions

College of Medicine Appeals Board: A group of faculty members appointed by the Dean of the College of Medicine (COM) to hear formal grievances.

Grievance: An expression of dissatisfaction when a student believes that a rule, procedure, or policy has been applied in an unfair or inequitable manner, or that there has been unfair or improper treatment by a person or persons. Alleged situations not covered by this policy include discrimination because of race, national origin, gender, religion, age, disability, or status as a disabled or Vietnam-era veteran, or issues of sexual harassment, all of which are handled in accordance with other specific published policies of the University of Arkansas for Medical Sciences.

Grievance Panel: Those members of the College of Medicine Appeals Board selected, by a drawing, to hear a grievance, in accordance with Step II of the grievance procedure.

Grievant: Any student submitting a grievance as defined above.

Respondent: A person or persons alleged to be responsible for the violation(s) alleged in a grievance. The term may be used to designate persons with direct responsibility for a particular action or those persons with supervisory responsibility for procedures and policies in those areas covered in the grievance.

Working Days: Monday through Friday, excluding official UAMS holidays.

Policy

When an incident forming the basis for a grievance arises, the grievant must follow the procedure outlined below. Each grievance shall be handled promptly and impartially, without fear of coercion, discrimination, or reprisal. Each participant in a grievance shall do his or her part to protect this right.

No student, resident, faculty member, member of the Grievance Panel or College of Medicine Appeals Board, administrator, or witness shall suffer loss of compensation or leave time for the time spent in any step of this procedure.

Records shall be kept of each grievance process. These records shall be confidential to the extent allowed by law, and shall include, at a minimum: the written grievance complaint filed by the grievant, the written response filed by the respondent, the recording and documents of the hearing, the written recommendation of the Grievance Panel, the results of any appeal, the decision of the Dean, and any other material designated by the Dean or the Dean's designee. A file of these records shall be maintained in the office of the Executive Associate Dean for Academic Affairs.

For purposes of the dissemination of grievance precedents, separate records may be created and kept which indicate only the subject matter of each grievance, the resolution of each grievance, and the date of the resolution. These records shall not refer to any specific individuals, and they may be open to the public in accordance with the Arkansas Freedom of Information Act or pertinent Federal laws.

Procedure

Step I: Initial Attempt of Resolution

- A. The grievant must submit a written statement to the Course or Clerkship Director and/or his/her Chair or another appropriate administrative official specifying the violation(s) alleged, the reason for the grievant's belief that he or she is aggrieved, and the remedy sought. This written statement must be received by the appropriate official within fourteen (14) working days following the incident which forms the basis for the grievance.
- B. Within ten (10) working days of receipt of the written statement, an attempt will be made to resolve the grievance by a discussion with the grievant. The Course or Clerkship Director, Departmental Chair, or appropriate administrative official have the discretion, after discussion with the grievant, to discuss the grievance with the respondent in an effort to resolve the grievance.
- C. If the grievance is satisfactorily resolved by this discussion, the terms of the resolution shall be reduced to writing and shall be signed by the grievant, the Course or Clerkship Director, Departmental Chair, or appropriate administrative official, and the respondent (if the respondent has participated in any discussions in an effort to resolve the grievance and is affected by the resolution).
- D. This initial attempt of resolution must conclude within ten (10) working days of the initial discussion with the grievant. At the end of this ten-day period, if the grievance cannot be resolved, the grievant can immediately proceed to Step II, presentation of a formal grievance to the Dean of the COM.

Step II: Formal Grievance to the Dean

A. Filing a grievance:

1. Grievances submitted to the Dean of the COM shall be in writing and shall provide the following information: name and address of the grievant; nature, date, and description of the alleged violation(s); name(s) of person(s) responsible for the alleged violation(s); requested relief for corrective action; and any background information the grievant believes to be relevant.
2. A grievance must be submitted to the Dean within ten (ten) working days of the completion of the initial attempt of resolution, outlined in Step I above.

B. Immediately upon receipt of a formal grievance, the Dean will give the respondent a copy of the grievance and will direct the respondent to submit to the Dean a written response to the charges within ten (10) working days. The respondent will be specifically warned not to retaliate against the grievant in any way. Retaliation will subject the respondent to appropriate disciplinary action.

C. Following receipt of the written response, the Dean may elect to review and decide the issue, or the Dean may refer the issue to the Appeals Board for a hearing. If the Dean decides the issue, the decision shall be final, and there shall be no appeal. If the Dean refers the issue to the Appeals Board, the grievance will be heard pursuant to the Pre-Hearing Procedures and Hearing Procedures listed below.

D. Pre-Hearing Procedures:

1. Selection of Grievance Panel: When a grievance is referred to the Appeals Board, a Grievance Panel, composed of six faculty members shall be selected as follows: The Dean, or the Dean's designee, and the grievant will review the membership of the College of Medicine Appeals Board. The Dean, or the Dean's designee, in that person's sole discretion, shall remove any member who may be considered inappropriate for the hearing (e.g., a faculty member directly involved in the issue being appealed should not sit on the panel for that complaint). The names of the remaining members will then be written on tabs of paper, folded, and randomized by mixing. The grievant will draw names from the container. The first six names will constitute the Grievance Panel, provided they are available to attend the Hearing. The seventh name drawn is the first alternate, the eighth name drawn is the second alternate, respectively, etc., until all faculty names are listed in a sequence of priority.
2. Scheduling of Hearing: The Hearing will be conducted no sooner than ten (10) working days and no later than twenty (20) working days after the drawing unless the Dean, or the Dean's designee, determines there is a specific reason why another time must be selected.
3. Representation: The grievant and the respondent may have one (1) person, who may be an attorney, to assist in the initiation, filing, processing, or hearing of the formal grievance. However, this person may not address the Grievance Panel, speak on behalf of the grievant or respondent, question witnesses, or otherwise actively participate in the hearing. The Grievance Panel may also be assisted and advised by University counsel at its discretion.

4. Evidence: No later than five (5) working days prior to the hearing, the grievant and the respondent shall provide the Dean, or the Dean's designee, with all documents to be used and relied upon at the hearing and, also, with the name, address, and telephone number of any representative and witnesses. There will be a simultaneous exchange of this information between the parties, which will be facilitated by the Dean, or the Dean's designee, five (5) working days before the date of the hearing.
5. Information to the Grievance Panel and Election of Chairperson: No later than three (3) working days prior to the Hearing, the Dean, or the Dean's Designee, shall assemble the six members of the Grievance Panel. The Grievance Panel will be supplied with the documents and information submitted by the parties (as specified in paragraph 4 above), the date of the hearing will be confirmed. The Dean or the Dean's Designee will then withdraw from the room. The Grievance Panel should convene briefly for the sole purpose of electing a faculty member as chairperson and deciding whether the Grievance Panel requests the assistance of University counsel. The substance of the grievance shall not be discussed at this initial meeting, and neither the grievant, the respondent, nor their respective representatives are permitted to attend.

E. Hearing Procedures:

1. Record of the Hearing: The hearing will be recorded by recording devices supplied by UAMS. These recordings shall be maintained for a period of four (4) years after resolution of the grievance. The grievant or respondent may obtain a copy of the tapes from any recorded hearing, at the requesting party's expense. The deliberations of the Grievance Panel will not be recorded.
2. Dean's Announcement: At the beginning of the hearing, the Dean, or his/her designee, will announce the date, time, place, and purpose of the hearing, and will ask the members of the Grievance Panel to identify themselves by name and department. The grievant and the respondent will then identify themselves by name and department. Finally, any representative accompanying the grievant or the respondent shall identify himself or herself by name and title. The Dean or his/her designee will then give the Grievance Panel its charge. Following the charge, the Dean (or designee) will withdraw from the room.
3. Private Hearing: The hearing shall be conducted in private. Witnesses shall not be present during the testimony of any party or other witness. Witnesses shall be admitted for testimony only and then asked to leave. The grievant and the respondent may hear and question all witnesses testifying before the Grievance Panel.
4. Presentation of Case: The grievant and respondent shall be afforded reasonable opportunity for oral opening statements, closing arguments, their own testimony, and presentation of witnesses and pertinent documentary evidence, including written statements.
5. Grievance Panel Rights: The Grievance Panel shall have the right to question any and all witnesses, to examine documentary evidence presented, and to summon other witnesses or review other documentation as the Grievance Panel deems necessary. The Grievance Panel has the right to limit testimony and presentation of other evidence to

that which is relevant to the violation(s) alleged and to further limit testimony and other evidence that is cumulative and unnecessary.

6. **Grievance Panel Deliberation:** After the hearing is concluded, the Grievance Panel shall convene to deliberate in closed session and arrive at a majority recommendation. The Grievance Panel shall make its determination of whether or not a rule, procedure or policy was not followed or was applied in an inequitable manner based upon the evidence presented at the hearing, which is relevant to the issue(s) before the Grievance Panel. The Grievance Panel may make recommendations for resolution of the dispute. Neither the grievant, the respondent, nor their representatives may be present during the Grievance Panel deliberations.
7. **Transmittal of the Recommendation:** Within four (4) working days after the hearing is concluded, the Grievance Panel shall transmit a written copy of its recommendation to the Dean (or Designee). The Dean (or Designee) will then mail, by certified mail, return receipt requested, a copy of the written document to the grievant and respondent at addresses previously provided by the grievant and the respondent.
8. **Appeal of Recommendation of the Grievance Panel:**
If either the grievant or the respondent wish to appeal the recommendation of the Grievance Panel, the grievant or respondent shall, within five (5) working days of the receipt of the recommendation, appeal the grievance recommendation to the Dean. The appeal shall be in writing, and it shall be based on one of the following: a substantial mistake of fact occurred, a fundamental misinterpretation of official policies is evident, or a significant procedural defect took place. These are the only grounds for contesting the determination of the Grievance Panel. Within five (5) working days of this appeal, if deemed appropriate by the Dean, the Grievance Panel will reconvene, in private, to consider whether there is merit to the appeal, review its previous determination, and revise it if appropriate. No new evidence or testimony shall be introduced at this time. Neither the grievant, the respondent, nor their representatives may be present during this Panel deliberation. Within two (2) working days of its having reconvened, the Grievance Panel will present its determination, revised or unchanged, in writing to the Dean. Within five (5) working days of receipt of the determination from the Panel, the Dean may accept it, amend it, reverse it, or refer it back to the Panel for reconsideration. The grievant and the respondent shall be notified in writing of the Dean's decision by certified mail, return receipt requested. The decision of the Dean shall be final, and there shall be no appeal.

If the Dean receives no appeal, by either the grievant or the respondent, within the five (5) working day period described above, the Dean may consider the recommendation at the end of that time period. The Dean may accept the Grievance Panel recommendation, amend it, reverse it, or refer the grievance back to the Grievance Panel for reconsideration. The decision of the Dean shall be final, and there shall be no appeal.

James Kahan

Executive Associate Dean for Academic Affairs

December 5, 2022

Date