

College of Health Sciences

STANDING RULES

STUDENT APPEALS COMMITTEE

POLICY AND PROCEDURES

Revised and Adopted 04/2011

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This document describes the policies and procedures of the CHS Student Appeals Committee (the Committee).

1.0 PURPOSE, DEFINITIONS, AND AUTHORITY

1.1 Purpose

The College of Health Sciences (CHS) is an instructional unit of the University of Michigan-Flint (the University). The purpose of the Committee is to provide an avenue for appeal for any student covered under this policy, who feels she/he has been unfairly treated resulting in a perceived need for alteration of a CHS departmental action.

1.2 Definitions

1.2.1 An appeal is a request by a student for an alteration of a CHS departmental academic action.

1.2.2 An appellant is a student (as defined by the University). The appellant may be two or more students when making identical or closely-related appeals.

1.2.3. A respondent may be a CHS faculty member, faculty committee, or department director. If the action was taken by a faculty member or department director, then the respondent is the identified individual. In the event that the faculty respondent is unavailable, the department director/designee will serve as respondent. If the:

<u>Action was taken by</u>	<u>The Respondent(s) is (are)</u>
More than one faculty member	Faculty members
Department's collective faculty	Department Director/designee
Department Committee	Committee Chair/designee

1.3 Authority

The policies and procedures of the CHS Student Appeals Committee shall be consistent with powers granted by the CHS Faculty Code with respect to the functions and authority of the Committee. Such powers include the establishment of additional procedures by the Committee, which are not in conflict with the procedures identified in this document.

The decisions of CHS departmental grievance or appeals procedures shall be superseded by determinations made by the CHS Student Appeals Committee.

2.0 JURISDICTION

2.1 The procedures in this document shall apply to:

2.1.1 students enrolled in a CHS departmental curriculum.

2.1.2 students enrolled in a course or courses offered by a CHS department.

2.1.3 students engaged in a clinical setting or professional practicum as required by a CHS departmental curriculum.

2.1.4 CHS departmental and/or programmatic administrators making decisions which impact directly on the nature of CHS students' academic standing and/or progression.

2.1.5 CHS faculty engaged in the delivery of coursework, clinical experience or professional supervision, related to CHS courses, as defined by the CHS Code.

2.1.6 Students enrolled in cross-listed or service courses if the respondent is employed by a CHS department.

2.2 Procedures in this document shall not apply to:

2.2.1 Appeals based upon faculty action to decline to admit a student to a CHS department or program. In these cases, appeal process, if available, are defined by the individual department policies and procedures.

2.2.2 An initial grievance that a student has against another student involving academic rights. However, if a decision is made by the department regarding such a grievance, that decision may be appealed to this Committee.

3.0 COMMITTEE COMPOSITION

3.1 Composition

The Committee shall be constituted and function according to the provisions of the CHS Faculty Code (section 15.a).

3.2 Exemptions

Committee members, faculty or student, will be exempt from serving on the Committee under the following circumstances:

3.2.1 Self-identification as a perceived party to the substance of the appeal or self-perceived conflict of interest.

3.2.2 Identification by the Department Director or Dean that a member could be perceived as a party to the substance of the appeal or as having a conflict of interest.

3.2.3 A challenge by the appellant and supported by the Dean that a student or faculty member is a party to the substance of the appeal or has a conflict of interest.

3.3 Replacements

3.3.1 Faculty committee replacement(s) shall be made by the director of the affected CHS academic department.

3.3.2 In those cases where the exempt faculty member is the Committee chair, the Committee member with the longest service to the Committee shall serve as interim chair for the purpose of hearing an appeal. In the case of equal longevity, Committee member with the highest academic rank shall serve as the Chair. Should that person be unable or unwilling to serve, the Dean will appoint the chair of the Committee from the Committee's constituent faculty members.

3.3.3 Student replacements shall be nominated by the Committee and/or the Director of a CHS department.

4.0 CLASSIFICATION OF APPEALS

4.1 Academic Rights

The Committee will hear appeals related to CHS Departments, programs, or faculty decisions which impact directly on the student's academic standing and/or progression. Academic rights appeals are related to faculty, committee, or administrative determinations of learning-related performance in one or more courses. Such determinations include grades, class standing, and matriculation toward a degree, academic integrity and clinical performance.

4.2 Non-Academic Rights

The Committee will not hear an appeal related to non-academic rights. Non-academic rights are those defined by the University in its (current) Student Rights Policy and include but are not limited to violations of ethical conduct and right to privacy, claims of discrimination, sexual harassment, and inappropriate access to student records. The University has an established process for students to follow by which non-academic rights grievances are addressed.

4.3 Academic and Non-Academic Rights

In cases of appeals involving both non-academic and academic issues, the Committee will refer the student to the University-wide student grievance procedure, as described in the University of Michigan-Flint Student Rights Policy.

4.4 Professional Conduct

The Committee will hear appeals related to professional conduct only when the appeal does not involve an issue of sexual harassment or discrimination, as defined by the University of Michigan-Flint Student Rights Policy. Professional conduct is defined by the specific policies and procedures of the departments within CHS. Issues and appeals of professional conduct which involve harassment or discrimination must be heard through the University-wide process, as described in the Student Rights Policy.

5.0 PRE-CONDITIONS

5.1 It is expected that students will have attempted to resolve grievances, if possible, in an informal manner with the respondent.

5.2 CHS students in programs with written policies and procedures related to academic performance, clinical education, ethical standards, and professional conduct may appeal to the Committee only after established departmental policies and procedures have been exhausted.

5.3 Complaints filed under or in active consideration by a University procedure will not be heard by the Committee.

6.0 HEARING PROCESS

6.1 Filing

- 6.1.1 An appeal must be filed in written form, through the CHS Dean's office to the chair of the Committee, within ten working days¹ of receipt of notification of the departmental action consistent with section 5.0 of this document. This filing must specify the nature and extent of the act in question and the respondent(s) involved, and previous attempts to resolve the matter, if any.
 - 6.1.2 An appeal request should include a copy of the letter from the department level related to the issue of the appeal.
- 6.2 Determination of Classification
- 6.2.1 As part of its initial deliberations, the Committee at its first meeting in the absence of the appellant and respondent(s) shall determine the classification (i.e., academic, non-academic, or professional conduct) of the appeal as presented in Section 4.0.
 - 6.2.2 The committee may consult with the Dean if it wishes to have an administrative judgment made with regard to either the appropriateness or the classification of the appeal.
 - 6.2.3 In the event that the Committee determines that the appeal is appropriate, a hearing date will be established within fifteen (15) working days of adjournment of the meeting in which the appeal was classified.
 - 6.2.4 If the appeal is classified as non-academic and not professional conduct, then the Committee shall recommend to all parties that the case be forwarded to the appropriate University office as directed by the current University Student Rights Policy within 30 working days of adjournment of the meeting in which the appeal was classified.
- 6.3 Notification
- 6.3.1 The chair shall inform the respondent(s) and members of the Committee that an appeal has been filed and inform the appellant in writing of the Committee composition within ten (10) working days of receipt of filing and inform the appellant of the right to challenge the Committee composition within ten (10) days of notification by the Committee chair. The Committee Chair may set up an appeal date at the same time as the committee composition.
 - 6.3.2 If the appellant does not contest the Committee membership within ten (10) working days, the chair will schedule an initial meeting date within fifteen (15) working days (except during Spring/Summer).
 - 6.3.3. If the appellant contests the Committee membership the Director of the CHS department the committee member is a part of makes the decision whether or not to support the challenge.
 - 6.3.4. Committee replacements will be made within ten (10) working days (except during Spring/Summer). The initial Committee meeting will occur fifteen (15) working days after the re-composition of the Committee (except during Spring/Summer).

¹ For the purposes of this document, working days are defined as days in which classes are conducted according to the University calendar including study and examination days. Weekends and University holidays are not to be considered working days.

6.4 Parties

The parties to the hearing shall be the appellant, and the respondent(s). The written appeal, documentary evidence, and the Committee's written decision shall be shared with all parties.

6.5 Hearings

- 6.5.1 The chair of the Committee shall inform in writing both the appellant and respondent(s) of the classification of the appeal, whether or not the appeal will be heard by the Committee, and, if the appeal will be heard, shall advise both the appellant and respondent of the hearing date (as per 6.3.3.) and of their respective responsibility to provide documentary evidence related to the appeal, and their right to present such evidence in the Committee hearing.
- 6.5.2 Both appellant and respondent will have ten working days from the date of receipt of the Committee's notification of the determination of classification in which to produce and provide to the Committee documentary evidence and a list of witnesses (if any).
- 6.5.3 Upon receipt of documentary evidence, the chair shall distribute such evidence among the parties and the Committee, and a Committee hearing shall be scheduled after transmission of such evidence.
- 6.5.4 With the concurrence of all parties involved and with the approval of the Committee Chair, the processes described in 6.4.1-3 may be expedited or omitted. Under extraordinary circumstances, requests for extensions by appellants or respondents may be granted by the Committee Chair.
- 6.5.5 Hearings are closed to the public, unless all parties and the Committee in the dispute request that they be open.
- 6.5.6 Appellants may bring an advocate to the hearing, who may be present and advise the appellant(s) during the hearing process but who shall not be considered a party to the process and may not participate directly in the process. Additional advocates are subject to the approval of the Committee Chair. In the event that an advocate is an attorney, the Committee Chair must be notified in writing allowing a minimum of five working days prior to the Hearing.
- 6.5.7 Witnesses may be called by any of the parties to testify during the hearing process but shall not participate in the hearing prior to or at the conclusion of their testimony. Witnesses' testimony must be directly related to the substance of the appeal.
- 6.5.8 The majority of voting members of the Committee shall constitute a quorum.
- 6.5.9 The chair shall conduct the hearing. The chair shall insure that:
 - (i) the processes to be followed in the proceedings are announced;
 - (ii) the nature of the appeal is clearly stated;
 - (iii) an opportunity is provided to the appellant and respondent(s) to address the Committee to clarify, explain, or refute previously supplied or new evidence;

- (iv) an opportunity is provided for witnesses to give testimony;
- (v) an opportunity is given to the appellant and respondent(s) to offer rebuttal of the testimony presented to the Committee at the hearing;
- (vi) an opportunity is given for Committee members to seek clarification of testimony at any time as appropriate;
- (vii) the Chair of the Committee shall have the authority to terminate testimony of individual witnesses where testimony is either excessive, irrelevant to the substance of appeal, or repetitive;
- (viii) the appellant and respondent(s) may only address each other with the permission of the Chair.

6.5.10 The Committee may choose to hold multiple hearings and/or to pursue additional evidence.

6.5.11 The Committee shall deliberate in closed session(s).

6.5.12 A vote of the majority is required to sustain or reject the appeal and to recommend an appropriate remedy. The vote count, but not the votes of individual members, shall be reported in the minutes and the formal report of the Committee.

6.6 Decision

The decision of the Committee shall be communicated to the appellant, respondent, and Dean in writing. The summary of the decision shall include:

- 6.6.1 the nature of the appeal;
- 6.6.2 determination of jurisdiction and classification of the appeal;
- 6.6.3 the Committee's decision, the vote count, and the basis upon which the decision was made;
- 6.6.4 remedies, in accordance with section 7.0 of this document; and

7.0 REMEDIES

7.1 Remedies which may be imposed with regard to either the appellant or respondent(s) are:

- 7.1.1 support for previous departmental decision(s);
- 7.1.2 reversal of previous departmental decision(s); or
- 7.1.3 alternatives to departmental decisions.

- 7.2 Remedies which may be imposed with regard to false or frivolous appeals are:
- 7.2.1 for the appellant, disciplinary action, if it is determined that the appellant knowingly and intentionally filed a false complaint;
 - 7.2.2 recommendation for disciplinary action against the appellant or the respondent(s);
 - 7.2.3 referral to appropriate administrative authority for disciplinary action.
- 7.3 At its own choosing, the Committee may seek consultation regarding remedies from the CHS Dean, Management Team, or Provost.

8.0 UNIVERSITY LEGAL COUNSEL

- 8.1 The Committee has a right to have a representative of University counsel present during the Appeal Hearing.
- 8.2 The Committee may seek consultation with University counsel at any time during the appeal and decision-making process.
- 8.3 The processes identified throughout this document may be altered by University legal counsel.

9.0 RECORD KEEPING AND RELEASE OF INFORMATION

- 9.1 All hearings shall be audio taped.
- 9.2 All deliberations of the Committee shall be confidential.
- 9.3 All files and matter related to an on-going appeal shall be kept by the Committee Chair and distributed as necessary and appropriate.
- 9.4 After a Committee decision and in the absence of further appeals, a complete file shall be transmitted to the Dean's office for storage in a locked cabinet for a period of six years and then destroyed.
 - 9.4.1 A complete file consists of:
 - the appeal document
 - all documentary evidence submitted prior to, during, or after the hearing
 - the Committee's written decision
 - correspondence to the appellant, and/or respondent(s) as required in this document
 - audiotape of hearing
- 9.5 Individual committee members will destroy all personal copies of materials related to the appeal at the conclusion of the appeal.
- 9.6 In the event of an appeal of a CHS Appeals Committee decision, the file pertinent to the Committee's action shall be made available to the appropriate appellant body.

9.7 Release of information regarding an appeal shall follow the rules for the rights of privacy of the University of Michigan-Flint and applicable state and federal laws such as the Freedom of Information Act (FOIA) and the Family Education Rights and Privacy Act (FERPA).

10. AMENDMENTS

These standing rules may be amended only by action of the CHS faculty at a regularly constituted faculty meeting. The Committee may undertake administrative rule-making and interpretation in order to clarify or expedite its processes to the degree that their action is consistent with this document and is not a substantive modification of the procedures in this document. Such modification or those initiated by the advice of legal counsel are not grounds for an appeal.

11. PERIODIC REVIEW

Periodically, at least every five years, from the date of adoption of this policy, the Dean shall constitute an ad hoc committee to evaluate and recommend changes to the Management Team and to the governing faculty for action if necessary.

Revised & Adopted by SHPS Faculty 11/17/06

Revised & Adopted by SHPS Faculty 11/20/09

Revised & Adopted by SHPS Faculty 04/2011

Revised to reflect name change (SHPS – CHS) 07/09/2018

Table for CHS Student Appeals

The following table represents the summarized steps in a student appeal. The process is outlined in detail in the document entitled: College of Health Sciences (CHS) Standing Rules, Student Appeals Committee, Policy and Procedures. Interested parties are advised to consult this document for in-depth detail. A copy of the document can be obtained from the CHS Office of the Dean.

5.0 CHS Student Grievance Occurs	A CHS student has a grievance within their department. It is expected that the student attempts to alleviate the grievance within their department using the departmental grievance and appeal procedures before contacting the Dean's office.
6.0 CHS Department Appeal Process is exhausted.	Once the CHS student's department grievance and appeal process has been exhausted, the student may bring their grievance to the CHS Student Appeals committee. After receiving the departmental appeal decision, the student has 10 working days to file their grievance with the CHS Dean's office.
6.1 CHS Student submits grievance to CHS Dean's Office	The student submits their grievance in writing to the Chair of CHS Students Appeals Committee via the Dean's office. The Dean's staff will forward the written grievance to the Chair. The chair will inform the student of the committee make-up as the student has the right to challenge the composition of the committee with the Chair. The student has 10 working days to challenge the committee composition.
6.3 Classification Meeting	Once the committee is finalized, the Chair will hold a Classification Meeting. The function of this meeting is to determine if the student's grievance falls under the purview of the committee. If it does, then a Hearing will be called. If it does not, the Chair will inform the student on what options are available.
6.4 Hearing	Once a Hearing is determined, all vested parties have 10 working days to submit evidence and a list of witnesses. One student advocate is allowed to attend the hearing. If this advocate should be an attorney, the student must notify the Chair in writing at least 5 working days in advance of the Hearing.
6.5 Hearing Outcome	At the conclusion of the Hearing, the committee immediately deliberates and renders a decision. The decision is final and is communicated to the student in writing, usually within a week to 10 days following the hearing. If the student wishes to appeal the committee's decision, they may appeal to the Dean of CHS.

**CHS Appeals Committee
Tracking Form**

Department Appeal Decision:

(Student has 10 days* to appeal *department decision- 6.1.1*)

Date student submitted CHS appeal:

Date chair received packet:

Date	Comments

Letter to student with composition of Appeals Committee:

(Needs to be sent in 10 days* and reply from student in 10 days)

Date	Comments

If student contests the committee membership, the Dean makes decision whether or not to support the challenge. Committee replacements will be made within 10 days*. The Classification Meeting will then be scheduled within 15 days*.

Classification Meeting for hearing:

(Needs to be scheduled within 15 days* from reply from student regarding committee composition – except Spring/Summer)

Date	Comments
	Classification: Academic Non-Academic Professional Conduct If Non-Academic or Professional Conduct: Forward information to appropriate University office within 30 days*: If Academic: Hearing Date: (Established within 15 days*)

Hearing:

Submit evidence and witnesses:

(10 days* - One student advocate may attend hearing, if attorney student must notify Chair in writing at least 5 days* in advance of hearing)

Date	Comments

Hearing Outcome:

At conclusion of hearing, committee renders a decision. Decision is final. Decision in writing to student within 7-10 days* following the hearing.

Date	Comments

*Days = Working Days and excludes Saturday and Sunday