

Murphy Deming College of Health Sciences

Academic Resolutions and Appeals Procedures

Unprofessional Behavior

Students are expected to demonstrate professional behavior at all times in the classroom, lab, and clinical setting (refer to Professional Behaviors in the 21st Century, approved for all programs). Students are expected to treat all individuals (students, faculty, patient, clinicians, etc.) with respect at all times. Unprofessional behaviors in any setting will be brought to the student's attention by academic and clinical faculty. The student will be expected to correct any unprofessional behavior immediately upon receiving feedback about this behavior. Students that demonstrate a pattern of unprofessional behavior in any combination of settings will receive more formal counseling and behavior will be documented. That student may be dismissed if patterns of unacceptable professional behaviors persist despite counseling for improvement. The student must understand and model the characteristics defined by their professions. The faculty expects students comply with these professional behavior expectations at all times (i.e. classroom, laboratory, meetings with faculty, program sponsored service activities, and clinical settings). The faculty believes prompt remediation of actions, attitudes, or characteristics that demonstrate a student's failure to comply with the expected professional behaviors is essential to facilitate successful completion of a program.

As such, potential action may be taken if a student does not comply with the Professional Behavior as outlined previously. Please note, depending on the severity of the specific violation, the faculty may initiate remediation and sanction procedures at any of the four steps described below (skip verbal warning and initiate a written warning, etc.) In addition, all remediation and sanction procedures will be documented and discussed with the student.

REMEDICATION AND SANCTION PROCEDURES:

1. Verbal Warning: to the student by the involved faculty member or advisor emphasizing the need to discontinue the behavior that is inconsistent with professional expectations. Documentation will note that a verbal warning has taken place and briefly describe the behavior violation.
2. Written Warning: from the program director to the student indicating the need to discontinue the behavior that is inconsistent with the expected professional behaviors. This letter will contain:
 1. detailed description of the nature of the unsatisfactory performance,
 2. parties who observed or were affected by the behavior,
 3. actions needed to correct the behavior,
 4. a timeline for correction,
 5. actions to be taken if the problem is not corrected by the timeline expected, and
 6. notification that the student has a right to request a review of this action.

3. Probation Period: for the student during which time the faculty will assess the student's ability to demonstrate expected professional behaviors. Probation is a time-limited, remediation-oriented period that is closely supervised by the program director. Students placed on probation for professional behaviors will be notified in writing of the following:
 1. The specific inappropriate behavior(s);
 2. The recommendations for rectifying this/these behaviors;
 3. The time frame for probation during which the behavior(s) is expected to be corrected; and
 4. The procedures to ascertain whether the behavior(s) has been rectified.

If the program director determines there has not been sufficient improvement in the student's behavior to remove him/her from probation, then the director will discuss this with the faculty to determine possible courses of action. The director will communicate in writing to the student that the conditions for revoking probation have not been met. The notice will include the course of action determined by the faculty.
4. Dismissal from the Program for Behavior(s) Inconsistent with the Expected Professional Behaviors:

When the specific interventions do not result in the expected changes in behavior within the determined timeframe, or when a single violation of the expected professional behaviors is severe, the Program Director will discuss this with the Dean of Health Sciences and involved faculty to determine if dismissal from the program is warranted. Dismissal will be invoked when in the faculty's collective judgment:

1. Technical standards have been violated;
2. Severe violations of the College and profession Code of Ethics have taken place;
3. Imminent physical or psychological harm to a fellow student, patient, instructor, or other individual is a major factor; or
4. A pattern of behavior inconsistent with the expected professional behaviors is documented regardless of the students' performance on written, oral, or practical assignments and courses.

If the student disagrees with the faculty's decision, he/she has the right to implement appeal procedures as described in the General Appeal Policy.

Student Grievance Policy

The College recognizes the need for student to voice grievances and to seek resolution to problems, disagreements with faculty and/or administrators, or interpretations of institutional policy.

NOTE: This policy is not intended to address concerns or complaints related to:

- Sexual Harassment (For complaints related to Title IX or sexual harassment, see information for how to report a concern or incident at <https://marybaldwin.edu/title-ix/>)
- Honor Code violations
- Grade appeals, suspensions or dismissals
- Removal from clinical sites

PROCEDURE:

General Complaints:

1. The Program Director will hear the student's concern and determine an appropriate course of action. In most cases, this course of action will consist of one or more of the following:
 - a. Mediation
 - b. Counseling
 - c. Referral to the School Director
 - d. Resolution with no further action
2. If the concern involves the Program Director, the complaint should be submitted directly to the School Director.
3. If the concern involves the School Director, the complaint should be submitted directly to the Dean.
4. If the grievance cannot be resolved in the above manner, the student may submit the complaint to the VPHS.
5. If the grievance is still not resolved the student is referred to step 5 of the Uniform Grievance Policy in the Academic Catalog for Undergraduate and Graduate Programs.
6. Records regarding general grievances will be housed in the Dean's administrative office.
7. For complaints related to Title IX or sexual harassment, see information for how to report a concern or incident to the title-ix coordinator at:
<https://go.marybaldwin.edu/title-ix/>.
8. For Honor Code Violations see the **Honor Code Policy**.
9. For grade appeals, suspensions, dismissals or removal from a clinical site please refer to the **General Appeal Policy**.

General Appeal

The College recognizes the right of student to have due process regarding decisions related to their academic success at MDCHS. A student may only appeal an Honor Council decision, final grade, disciplinary withdrawal, suspension/ removal from a clinical site, or program dismissal.

If dismissal from the Program is a result of grades, the student may appeal the grade causing the dismissal. If the appeal is unsuccessful, the dismissal stands; the student cannot appeal the dismissal as well as the grade. If the appeal is successful, the dismissal will be rescinded.

The student shall be allowed to continue taking courses until the appeal is resolved (with the approval of the program director in which the classes are taken), with the exception of clinical courses, or when the students' continued participation is deemed by the Program Director to be harmful or disruptive to other students and/or the program. If the appeal is unsuccessful and the dismissal stands, the student will be removed from any classes in which he or she is registered and will be responsible for any tuition and fees accrued as a result of registration during the appeals process.

All information gathered during the appeal process will be kept confidential to the extent possible while providing necessary individuals with the information needed to make an informed decision, consistent with the Family Educational Rights and Privacy Act (FERPA).

Grounds for Appeal

A decision is deemed to have been assigned arbitrarily or impermissibly if, by a preponderance of the evidence, a student establishes it was:

1. impermissible based in whole or in part upon the student's race, color, religion, national origin, age, sex, disability, sexual orientation, or other reason unrelated to the instructor's professional academic judgment in the evaluation of the academic performance of the student; or
 2. assigned in a manner not consistent with the standards and procedures for evaluation established by the instructor, the program, or the College, in the course syllabus, or during the class/program in written or oral communications directed to the class/program as a whole;
 3. was the result of a clear and material mistake in calculating or recording grades or other evaluation.
- Individual elements (e.g., assignments, tests, activities, projects) which contribute to a final grade are generally NOT subject to appeal or subsequent review during a final grade appeals procedure. However, individual elements may be appealed under these procedures providing all of the following conditions are met:
1. The student presents compelling evidence that one or more individual elements were graded on arbitrary or impermissible grounds;
 2. Grounds can be established for determining a professionally sound grade for the appealed element(s); and
 3. The ensuing grade for each appealed element would have resulted in a different course grade than that assigned by the faculty member or dismissal from a program.

PROCEDURES:

The following procedures detail the steps for filing a student appeal. The student must exhaust all program level appeals processes before filing a formal appeal to the College.

Program Level Appeals Procedure

1. **APPEAL TO INSTRUCTOR/ DIRECTOR OF CLINICAL EDUCATION**
Within twenty (20) calendar days after the student receives notification of the decision the student should submit a formal written appeal to the instructor. This appeal must include:
 - A statement of the reason(s) why the student believes the grade/ decision was impermissibly or arbitrarily assigned (see Appeal Policy)
 - The resolution sought.
 - All correspondence should include contact information.
 - The instructor must respond to the student's request in writing (no later than ten working days after receiving the student's written appeal). This response should detail whether or not the instructor is approving or denying the appeal.
2. **APPEAL TO PROGRAM DIRECTOR**
If the student is unable to resolve the grievance through the appeal to the instructor, the student should submit a written appeal to the Program Director within ten (10) working days of receiving the instructor's written response (from Step 1). Students appealing to the Program Director assume the burden of proof.

This appeal must include:
 - A statement of the reason(s) the student believes the grade was impermissibly or arbitrarily assigned;
 - The steps taken to resolve the disagreement over the assigned course grade;

- The resolution sought.
- The appeal must be accompanied by evidence the student believes supports the conclusion that the grade was impermissibly or arbitrarily assigned. Evidence might include papers, tests, syllabi, or written documentation.

Within ten (10) working days of receiving this appeal, the Program Director will notify the student of the decision.

If a student's appeal to the Program Director is decided in a manner adverse to the student, then the student may appeal the matter to the College Academic Action Committee (CAAC). The student should forward the initial appeal to the Instructor and response (from Step I.), the subsequent appeal to the Program Director, and written notification (from Step II.) to the Senior Associate Dean's Office. Upon receipt of the appeal and aforementioned materials, the Senior Associate Dean will convene the CAAC.

The CAAC will consist of three faculty members, each from a different program, elected by MDCHS faculty to two-year staggering terms. One alternate faculty member will be elected by MDCHS faculty to a one-year term. All members will serve no more than two consecutive terms before sitting out for a minimum of one year. The alternate will be seated if a member recuses him or herself from a particular case or is otherwise unavailable. The ADAA will serve as ex-officio (nonvoting) chair of this committee.

The purpose of the CAAC is to determine whether the facts support the student's contention the decision was impermissibly or arbitrarily assigned, or there was material procedural deviation, as defined in the policy. It is not the function of the Committee to re-evaluate the student's work/ behavior to determine whether the CAAC agree with the professional judgment of the faculty member who made the decision.

The committee shall be convened no later than ten working days from the time the request was made to the Senior Associate Dean's office by the student. All relevant documents collected by the ADAA will be shared with committee members. Additionally, the CAAC reserves the right to request oral presentations from both parties. Other relevant parties may be questioned. Neither the student nor the faculty member may be accompanied or represented in the hearing by legal counsel. The student and the faculty member may be accompanied in the hearing by a silent advocate. This advocate is intended as a support person and will not be permitted to speak to the committee. He or she must be a member of the Mary Baldwin community. The CAAC may consider only such evidence as is offered by the parties and at the hearing(s). The burden of proof shall be on the student to satisfy the Committee that a preponderance of the evidence supports the grade/ decision was awarded arbitrarily or impermissibly as defined. All decisions of the CAAC shall be made by a simple majority vote. Within ten working days from the conclusion of its hearing(s) on the matter, the CAAC Chair will provide a written report to the student, instructor, and program director. The Committee report must include the Committee's finding of fact and a recommended course of action.

REVIEW BY THE VICE PRESIDENT OF HEALTH SCIENCES

Within ten (10) working days after receiving the CAAC's report, the student may request a review by the VPHS. The VPHS will review all information presented to the CAAC and the CAAC report to determine whether there was appropriate due process or there were inconsistencies in the process which require further consideration. At this point the VPHS can affirm or change the CAAC decision. This exhausts MDCHS Appeal procedures. If the student still wishes to appeal the decision, please refer to step 5 of the Uniform Grievance Policy in the Academic Catalog for Undergraduate and Graduate Programs.