



TITLE OF POLICY

Appeal of Student Progress Committee Action

PURPOSE AND SCOPE

The purpose of this policy is to define the grounds for appealing a Student Progress Committee (SPC) action and the levels of appeals available to a student.

RESPONSIBLE PARTY AND REVIEW CYCLE

The Education Committee will review and approve the policy in odd-numbered years or as needed.

LCME REFERENCE(S)

LCME 9.9: Student Advancement and Appeal Process

HISTORY OF APPROVALS AND UPDATES

Revised and approved by the Curriculum Committee July 18, 2011

Approved by Education Committee February 20, 2017

Approved by Education Committee February 18, 2019

Amended and approved by the Education Committee December 19, 2019

DEFINITION(S)

NA

POLICY AND PROCEDURES

Grounds for an Appeal

Level 1 and Level 2 appeals (described below) must be in writing and contain one or more of the following as the basis for appeal:

- Mathematical or clerical error
- Procedural error by the School of Medicine (SOM) (i.e., improper notice)
- Arbitrariness (i.e., decisions that are made by chance, whim, or impulse, and not by reason or principle);
- Discrimination based on age, color, disability, gender, gender expression, gender identity, genetic information, national origin, race, creed, religion, sex, sexual orientation, or veteran status;
- Personal malice; or



- Inappropriate jurisdiction (i.e., the matter was inappropriately decided through a SOM forum when there were elements that should have first been decided in a general University forum (e.g., UNC-Chapel Hill Honor Code violations). The SOM may impose additional requirements/sanctions after the University forum review has been completed, consistent with the Student Advancement Policy.

The University's Policy on Prohibited Discrimination, Harassment, and Related Misconduct prohibits discrimination or harassment on the basis of an individual's age, color, disability, gender, gender expression, gender identify, genetic information, national origin, race, religion, sex, sexual orientation, or veteran status.

Students who want additional information regarding the University's process for responding to allegations of discrimination or harassment should contact the Equal Opportunity and Compliance (EOC) Office for assistance:

Equal Opportunity and Compliance Office
The University of North Carolina at Chapel Hill
Chapel Hill, North Carolina 27599
Telephone: (919) 966-3576
eoc@unc.edu
<https://eoc.unc.edu/>

Any administrator or supervisor, including a department chair, associate dean or other administrator, who receives a student's complaint about prohibited harassment or discrimination, must notify the EOC Office. If a student raises a claim of prohibited harassment or discrimination during an academic appeal, an investigation of the student's claim must be performed by the EOC Office. The SOM must await the results of the harassment or discrimination investigation before deciding the student's academic appeal.

Level 1 Appeal to the Dean for Education or Designee

A student must submit all appeals in writing within 10 business days of receiving notification of the SPC action to the Executive Vice Dean for Education or designee. The written appeal must clearly state the grounds for appeal (see list above) and also be submitted to the:

1. Associate Dean for Student Affairs;
2. Chair of the SPC; and
3. Student's advisor.

Following review of the written appeal, the Executive Vice Dean for Education or designee will take one of two actions:

1. Determine that the appeal lacks the merit to warrant a hearing and uphold the sanction of the SPC. In this instance, the student will receive written notice of the decision within a maximum of 15 business days following submission of the student's appeal



2. Schedule a hearing within a maximum of 15 business days, convening an ad hoc committee consisting of three faculty members selected by the Executive Vice Dean for Education or designee who serve on the school-wide Education Committee. The individuals serving on the ad hoc committee may not be individuals who either have been involved in assessing the student or have been the student's health care provider. The SPC will submit a written response to the ad hoc committee for their review before the hearing. The student will receive notice of the ad hoc committee hearing and an invitation to attend. The student may bring his/her advisor, or another SOM faculty advocate of choice, to the hearing. The student may not bring a lawyer to the hearing. A member of the SPC may also attend the hearing. During the hearing, the student will have an opportunity to discuss the rationale for appeal.

The ad hoc committee will make a determination based on the information reviewed and discussed at the hearing and make a recommendation to the Executive Vice Dean for Education or designee. The Executive Vice Dean for Education or designee will either accept the recommendation of the ad hoc committee, reject the recommendation of the ad hoc committee and make an alternative determination. In no instance may the ad hoc committee recommend, or the Executive Vice Dean for Education make a decision that is more severe than the original decision of the SPC. The student will be notified of the decision within a maximum of 15 business days after the appeal hearing

The decision of the Executive Vice Dean for Education or designee is final, and no further appeals are available to the student unless the appeal involves dismissal from the SOM. If the student is appealing dismissal and is dissatisfied with the decision of the Level 1 appeal process, then the student may proceed to Level 2 appeal.

Level 2 Appeal of Dismissal to the Dean of the School of Medicine

If the student is dissatisfied with the decision of the SPC and the ad hoc committee regarding the dismissal, the student may file an appeal to the Dean of the SOM. The appeal must be submitted in writing within 10 business days of receiving written notification of the decision of the Dean for Education or designee. The written appeal must clearly state the grounds for appeal (see list above) and also must be submitted to the:

1. Dean of the SOM;
2. Executive Vice Dean for Education or designee;
3. Associate Dean for Student Affairs; and
4. Advisor.

Within a maximum of 15 business days, the Dean of the SOM or designee, will review the appeal and any additional materials submitted by the SPC and the student. Based on this review, the Dean of the SOM may overturn or concur with the dismissal decision. The decision of the Dean of the SOM will be delivered to the student within a maximum of 15 business days following review of the record. The decision of the Dean is final, and no further appeals are available to the student.