

## **APPEAL POLICY AND PROCEDURE**

### **1.0 Eligibility for Appeal**

A student who receives a “N” grade or who is placed on probation, suspended, or dismissed from Oklahoma State University College of Osteopathic Medicine (“OSU-COM”) due to a violation of a non-cognitive academic standard, or any student found to have committed academic dishonesty or misconduct shall have the right of due process and appeal as delineated herein. Students who are placed on probation, suspended, or dismissed not as a result of a “N” grade or violation of non-cognitive criteria are not entitled to the rights delineated in this appeal policy and procedure document (“Appeal Policy”).

### **2.0 Academic Appeals Board**

The Academic Appeals Board (“AAB”) Panel consists of five (5) basic science faculty, five (5) faculty members who are licensed physicians, and five (5) students. The Associate Dean of Enrollment Management, in consultation with the Dean or designee (“Dean”) and the Faculty Senate, regarding faculty appointments, and the Student Senate President, regarding student appointments, will appoint the members of the Academic Appeal Board Panel who shall serve on the Panel for two (2) years.

The AAB is authorized by the Dean to hear appeals filed under this Appeal Policy. The Associate Dean for Enrollment Management shall select an AAB to hear the matter. The AAB shall consist of two basic science faculty members, two faculty members who are licensed physicians, and two students. One faculty member shall serve as Chair and vote only in case of a tie vote. Another faculty member is designated as the Co-Chair and shall serve in the absence of the Chair.

The student filing the appeal has the right to refuse up to five AAB member appointments in the event of any conflict of interest. To afford due process, careful attention should be paid to assembling an objective committee. If the student filing the appeal refuses the appointment of an AAB member, such AAB member shall step down and a replacement will be named by the Associate Dean for Enrollment Management.

### **3.0 Procedure for Filing an Appeal**

The student shall submit an appeal in writing to the Associate Dean for Enrollment Management no later than three (3) weeks from the date of the disciplinary letter the student receives from the Dean. Failure to file an appeal within the prescribed time constitutes a waiver of any right to an appeal. No disciplinary action may be carried out while a matter is being appealed, nor may a student who has been found to have committed academic dishonesty or misconduct withdraw from the course in which the allegation of academic dishonesty or misconduct arose while an appeal is pending.

The appeal must cite at least one ground listed in Section 4.0 of this Appeal Policy for appeal and provide supporting argument(s) as to why an appeal should be granted on those grounds. The Associate Dean for Enrollment Management shall review the written appeal and all supporting documents submitted to determine if the submitted appeal satisfies the appeal criteria. If the Associate Dean for Enrollment Management determines the submitted appeal satisfies the appeal criteria, he or she will appoint the AAB and send the appeal to the Chair of the AAB. If the Associate Dean for Enrollment Management determines the submitted appeal documents do not satisfy the appeal criteria, he or she will inform the student the appeal documents are deficient. The Associate Dean for Enrollment Management may give a student who timely appealed additional time to correct identified deficiencies if the Associate Dean for Enrollment Management determines the student’s initial appeal documents constituted a good faith effort to comply with appeal procedures in this Appeal Policy.

#### **4.0 Grounds for Appeal**

A student's appeal must be based on one or more of the following grounds and must include supporting argument(s) as to why an appeal should be granted on such ground(s). The grounds upon which a student may base an appeal under this Appeal Policy are limited to:

- A failure by OSU-COM to follow policies and procedures included and/or referenced in the Academic Standards Handbook that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the Academic Standards Committee ("ASC") made the recommendation to the Dean that could affect the outcome of the matter. Failure of the student to present evidence that was available at the time the student met with the ASC is not a sufficient ground under this provision; and
- The Dean or an ASC member had a conflict of interest or bias against the student that affected the outcome of the matter.

#### **5.0 Appeal Process**

The AAB Chair or the Office of Enrollment Management shall schedule the appeal hearing. Hearings are confirmed by U.S. mail or email. Student appeals, including hearings, are not subject to state or federal rules of evidence or civil procedure. The burden of proof rests with the appealing student, who must prove by a preponderance of the evidence that the ground(s) upon which the student appealed affected the outcome of the matter. Both the student and a representative of the OSU-COM shall have the right to provide evidence to the AAB to assist in establishing the facts of the case. The AAB shall consider only evidence it deems relevant.

The AAB must afford the student and University representative their right of due process by providing them with:

- 15 calendar days advance written notification of the time and place of the hearing of the appeal, unless waived by the student and University representative;
- The right to appear in person and present their case. Either party may elect not to appear. Failure to appear must be noted without prejudice;
- The right to meet with the AAB at the same time as the other party;
- The right to present witnesses to provide evidence to the AAB to assist in establishing the facts of the case;
- The right to present other evidence the AAB deems relevant;
- The right to receive the evidence and witness list submitted by each party at least 7 calendar days in advance of the hearing;
- The student has the right to be accompanied by a personal advocate or attorney, but only in an advisory capacity;
- The AAB may have an advisor present to advise regarding procedural matters only;
- The right to question the other party and any witnesses and to refuse to answer questions asked of them;
- The right to an expeditious hearing of the case; and
- The right to an explanation of the reasons for any decision rendered.

#### **6.0 Decision of AAB**

The AAB shall issue a written decision on whether to uphold the decision of the Dean, or whether the matter should be remanded back to the ASC for a new meeting. The written decision must include the basis for the AAB's decision and must be distributed to the student, the University representative(s), the Chair of the ASC, the Associate Dean for Enrollment Management, and the Dean within five (5) working days after the hearing.

If the AAB finds there is no merit to any of the grounds cited in the appeal, it shall issue a written finding as such, and that decision will be final. If the AAB finds there was a failure to follow policies and procedures included and/or referenced in the Academic Standards Handbook that affected the outcome of the matter, the matter shall be remanded for a new ASC meeting. If the AAB finds new evidence exists that was not reasonably available to the student that could have affected the outcome of the matter, the matter shall be remanded to the ASC for a new meeting. If the AAB finds that the Dean or an ASC member had a conflict of interest or bias against the student (generally or specifically in this matter) that affected the outcome of the matter, the matter shall be remanded for a new ASC meeting, and the person found to have a conflict of interest or bias shall not participate.

In the event the matter is remanded to the ASC, the ASC shall review the matter, including justification and all supporting documentation, including new documentation and witness testimony raised during the appeal, and make a new recommendation regarding sanctions to the Dean. The Dean shall make and implement the final decision.