

JOHN A. BURNS SCHOOL OF MEDICINE  
MEDICAL STUDENT ACADEMIC APPEALS POLICY

November 20, 2020

The Academic Appeals Committee (AAC) of the John A. Burns School of Medicine is established for the purposes of serving as the first level of appeal for decisions rendered by the Student Standing and Promotion Committee (SSPC), and reviewing student grievances concerning unfair faculty treatment or mistreatment.

A. Composition

1. The AAC shall have five voting members, a chairperson and four faculty, all of whom shall be appointed by the Dean for three-year terms as outlined in the JABSOM Bylaws. At the discretion of the Dean and with the consent of the Committee member, individuals may serve an additional term.
2. AAC members should not have current or recent (past 4 years) supervisory or evaluative roles for medical student education. If needed to assure quorum if there is more than one member who is conflicted with the case, past AAC members may be appointed ad hoc.
3. Advisory members. The AAC will also have two non-voting student members. The two student representatives will be selected for one-year terms; one student member will be selected by the second-year medical student class and one by the third-year medical student class.
4. No member of the AAC may also simultaneously serve on the SSPC.
5. The Director of Student Affairs shall provide administrative support as needed.

B. Jurisdiction

The AAC will have jurisdiction over the following types of cases:

1. **Appeals from decisions of the Student Standing and Promotion Committee (SSPC) initiated by students.** In these cases the decision of SSPC will not be reversed unless it is concluded that it was arbitrary or capricious.
2. **Academic grievances initiated by students.** In these cases the decision of the faculty member and the department chair will not be reversed unless it is concluded that the decision was arbitrary or capricious.

C. Quorum

A quorum of at least four voting members of the AAC must be present for the Committee to conduct business. However, every attempt will be made to ensure all 5 members are present for discussion and decision-making.

D. Decisions

Decisions will be based on a vote of the majority of a quorum of voting members. If a quorum of 4 voting members is unable to provide a majority decision, the AAC will reconvene within seven (7) calendar days with its fifth member.

E. Committee meetings may be conducted in-person, by phone, and/or videoteleconference.

## APPEAL of SSPC DECISION

The steps available are outlined below and must be initiated no later than seven (7) calendar days following the SSPC decision. A student in academic good standing or probation may stay in the curriculum until the appeal process is completed.

### Procedures

A. Pre-hearing Procedures: Upon receipt of an appeal the Chairperson of the AAC shall:

1. Transmit the appeal to all voting AAC members for individual review and recommendation.

*The presentation of an appeal to the AAC is a request by the appellant for a hearing. However, should the AAC decide (by simple majority vote of all voting members) on the basis of all material before it that no reasonable case exists, it has the right to refuse the hearing request.*

2. Notify in writing the appellant, the Chair of the SSPC and the Director of the Office of Student Affairs of the receipt of the appeal and the AAC decision regarding the hearing request. The review and decision in (a), and the notification in writing in (b), will be completed within fourteen (14) calendar days of receipt of the appeal.
3. If the decision is to convene a full hearing, schedule it to be held within fourteen (14) calendar days of the completion of (b).
4. Determine if any prospective member of the AAC's hearing Committee has a conflict of interest in the particular case and, should such a determination be made, exclude them as members for the hearing. An example of a conflict of interest includes, but is not limited to, prior evaluative or supervisory role with the grievant/appellant student or a relative or a close family friend.

B. Upon scheduling a hearing, the Chairman of the AAC shall:

1. Give written notice of the hearing, including the date, time and place, at least five (5) calendar days prior to the hearing, to the student, and the chair of the SSPC or his/her representative responsible for representing the SSPC before the AAC.
2. The Office of Student Affairs will supply the parties with copies of all relevant documents for consideration of the case to include the written complaint and copies of this policy.

C. Hearing Procedures: The AAC shall adopt guidelines for the conduct of the hearing which shall include but not be limited to the following:

1. The student may bring one support individual (student, staff, or faculty) provided that the notice of intent and the name of the support individual is given to the AAC Chairperson or OSA at least three (3) calendar days ahead of the meeting. The individual providing support cannot be a family member or legal representation.
2. The hearing shall be closed to everyone except the involved parties and specifically invited individuals and shall not begin unless a quorum of at least four voting Committee members is present. The hearing need not follow formal rules of evidence.
3. The Chairperson shall be responsible for conducting the hearing, maintaining order, and shall have the authority to rule on points of order, and shall exclude immaterial and/or unduly repetitious evidence.
4. The student and SSPC representative shall be provided the opportunity to present evidence and arguments on all issues involved.
5. The student and SSPC representative shall have the right to comment on points of order, and shall exclude immaterial and/or unduly repetitious evidence.
6. All members of the AAC may question witnesses.
7. The AAC may secure testimony from witnesses other than those presented by the student or SSPC representative. The AAC may also secure documents relevant to the issue which were not introduced at any previous step, or introduced in the hearing by the student or SSPC representative. Confidential documents may be secured only with the consent of appropriate parties.
8. The hearing may not be held as scheduled in the absence of the SSPC representative.
9. Should the student appellant not appear except for good and sufficient cause, the appeal shall be dismissed with prejudice. The decision of the AAC as to good and sufficient cause is final within the University.
10. The deliberations of the AAC after receipt of all testimony shall be closed to all except AAC members; decisions will be based on a simple majority vote of all voting members present.
11. After the AAC has made its findings and reached a decision, the Chairperson of the AAC shall inform the student and SSPC representative of the findings and decision, in writing, within five (5) calendar days. A copy shall be sent to the Director of Student Affairs.

### **Records of the Academic Appeal Hearing**

Records shall include but need not be limited to the following: all pleadings, motions and rulings, all evidence, including oral testimony, the report of the AAC, and to prevent invasion of the parties' personal privacy, the records shall not be open to inspection except by the involved parties. The records of the hearing will be filed and secured in the School of Medicine Office of Student Affairs.

### **Remedies**

The AAC will either affirm the decision of the SSPC or will reverse it if it finds the decision was arbitrary or capricious. If it reverses the decision, the AAC will specify a remedy appropriate to the circumstances of the case.

## **Appeal**

The decision by the AAC may be appealed by either party to the Dean. This responsibility may be delegated to the Associate Dean for Academic Affairs. The appeal must be made in writing, be submitted within five (5) calendar days of the appealing party's notification of AAC's decision and state the grounds upon which the appeal is being made. The Dean (or delegate) will review the record of the case and may at his/her discretion meet with the appellant. The Dean (or delegate) will not reverse a decision of the AAC unless it is adjudged to have been arbitrary or capricious. The Dean (or delegate) will render a decision in writing to both parties within fourteen (14) calendar days of the filing of the appeal. The Dean's or Associate Dean's decision, if delegated, is final.

## **ACADEMIC GRIEVANCE**

### **A. Responsibilities of Students**

Students at JABSOM are expected to behave ethically and responsibly at all times. The expectations of appropriate medical student behavior include, but are not limited to, the following:

1. To follow official procedures in pursuing redress of a grievance;
2. To refrain from frivolous grievances; and
3. To contribute to a positive, safe on- and off-campus environment that is free of sexual harassment, gender bias or violence of any type.

### **B. Responsibilities of Faculty**

In the classroom, laboratory, in conference and in the clinical setting, faculty members are expected to adhere to the highest professional standards of behavior and conduct. The rights and responsibilities of faculty members include, but are not limited to, the following:

1. To permit students who are acting in accordance with the responsibilities indicated in Responsibilities of Students to complete any course in which they are enrolled;
2. To provide students at the beginning of the course with an explanation of the course objectives, general evaluation policy, attendance policy, and the manner in which the course will be conducted;
3. To execute their responsibility for upholding high professional standards in the evaluation of student performance;
4. To provide students at appropriate intervals during the course/clerkship with fair and objective evaluations of the students' work and progress in the course;

5. To provide students equitable and unbiased treatment in an educational climate free from harassment and/or discrimination based on race, color, national origin, sexual orientation, gender, handicap and age;
6. To be reasonably accessible to students for the purposes of discussing course/ clerkship content, progress and evaluation; and
7. To refrain from any interference with the academic grievance or appeals procedures, or from any punitive action against a student because the student filed a grievance or an appeal.

## PROCEDURES FOR RESOLUTION OF AN ACADEMIC GRIEVANCE

If a student has fulfilled his/her responsibilities and believes that a faculty member has failed to meet any of the responsibilities stated in this document, or has acted arbitrarily and/or capriciously in any other area of the academic relationship, the student may initiate action to achieve a remedy. The steps available are outlined below and must be initiated no later than seven (7) calendar days following the end of the course or after receiving the evaluation. During the appeal process, the student may stay in the curriculum until the appeal process is completed. If the appeal exceeds the length of time for an ongoing course or clerkship, a grade may only be obtained for that course if the appeal is successful.

- A. **Informal Process:** Generally, the student shall try to resolve the problem with the faculty member involved. However, in accordance with the University of Hawaii Title IX Policy, any grievances that involve potential sexual harassment and/or gender bias must be reported to and handled by the UH Manoa Title IX Coordinator. In these situations, the JABSOM Office of Student Affairs will work very closely with the student and Title IX Coordinator.
- B. **Formal Process:** For academic grievance issues not involving Title IX, failing to resolve the problem in Step A., the student shall prepare a formal complaint in writing indicating:
  1. the facts as the student perceives them, citing specific violations where possible;
  2. the remedy sought; and
  3. the faculty member's response, if any to Step A.

The complaint shall be presented to the Department Chairperson or Course Director that oversees the course in question, with a copy for the faculty member and the School of Medicine Office of Student Affairs, within seven (7) calendar days from the time when the outcome of Step A is known. The Chairperson shall meet separately with the student and the faculty member, or if both parties agree, jointly, to discuss the complaint. Within fourteen (14) calendar days of receipt of the written complaint, the Chairperson/Director shall complete any consultation and shall notify, in writing, the student and faculty member of his/her determination and planned course of action, if any.

- C. **Appeal:** Failing to achieve a satisfactory solution at Step B, the student may file an appeal in writing with the Chair of the Academic Appeals Committee, School of Medicine (AAC). Such filing must be done within five (5) calendar days after the student has been notified of the decision reached and any action(s) taken in Step B. The student shall provide as part of the appeal, complete copies of all materials associated with Steps A and B and shall notify the

Chairperson of the AAC of the names of custodians of relevant materials which the student does not possess. It is the responsibility of the Chairperson to insure that all notifications required are accomplished.

D. Pre-hearing Procedures:

1. Transmit the appeal to all voting AAC members for individual review and recommendation.

*The presentation of an appeal to the AAC is a request by the grievant for a hearing. However, should the AAC decide (by simple majority vote of all voting members) on the basis of all material before it that no reasonable case exists, it has the right to refuse the hearing request.*

2. Notify in writing the grievant, the faculty member, and his/her department chairperson of the receipt of the appeal and the AAC decision regarding the hearing request. The review and decision in (1), and the notification in writing in (2), will be completed within fourteen (14) calendar days from receipt of the appeal.
3. Upon acceptance of the appeal and if the decision is to convene a full hearing, schedule it to be held within fourteen (14) calendar days of the completion of (2).
4. Determine if any prospective member of the AAC's hearing Committee has a conflict of interest in the particular case and, should such a determination be made, exclude them as members for the hearing. An example of a conflict of interest includes, but is not limited to, prior evaluative or supervisory role with the grievant/appellant student or a relative or a close family friend.
5. Upon scheduling a hearing the Chairperson of the AAC shall give written notice of the hearing, including the date, time and place, at least five (5) calendar days prior to the hearing, to the student, faculty member and departmental chairperson, and distribute to all parties copies of this Policy and the written complaint.

E. Hearing Procedures: The AAC shall adopt guidelines for the conduct of the hearing which shall include but not be limited to the following:

1. The student and faculty member may have advisors present provided that notice of such intent and the name of the advisor are given to the AAC Chairperson at least three (3) calendar days prior to the hearing.
2. The hearing shall be closed to everyone except the involved parties and specifically invited individuals and shall not begin unless a quorum of at least four voting Committee members are present. The hearing need not follow formal rules of evidence.
3. The Chairperson shall be responsible for recording the hearing, maintaining order, and shall have the authority to rule on points of order, and shall exclude immaterial and/or unduly repetitious evidence.
4. The student and faculty member shall be provided the opportunity to present evidence and arguments on all issues involved.

5. The student and faculty member shall have the right to question witnesses and submit rebuttal testimony.
6. All members of the AAC may question witnesses.
7. The AAC may secure testimony from witnesses other than those presented by the student or faculty member. The AAC may also secure documents relevant to the issue which were not introduced at any previous step, or introduced in the hearing by the student or faculty member. Confidential documents may be secured only with the consent of appropriate parties.
8. The hearing may not be held as scheduled in the absence of the faculty member alleged to have committed the grievance, unless such absence is for good and sufficient cause, in which case consideration may be given to postponing the hearing. The decision of the AAC as to good and sufficient cause is final within the University.
9. Should the student grievant not appear except for good and sufficient cause, the grievance shall be dismissed with prejudice. The decision of the AAC as to good and sufficient cause is final within the University.
10. The deliberations of the AAC after receipt of all testimony shall be closed to all except AAC members; decisions will be based on a simple majority vote of all voting members present.
11. After the ACC has made its findings and reached a decision, the Chairperson of the ACC shall inform the student and faculty member of the findings and decision, in writing, within five (5) calendar days. A copy shall be sent to the faculty member's department chairperson and to the Director of the Office of Student Affairs.

### **Records of the Academic Grievance Hearing**

Records shall include but need not be limited to the following: all pleadings, motions and rulings, all evidence, including oral testimony, the report of the AAC, and to prevent invasion of the parties' personal privacy, the records shall not be open to inspection except by the involved parties. The records of the hearing will be filed and secured in the School of Medicine Office of Student Affairs

### **Remedies**

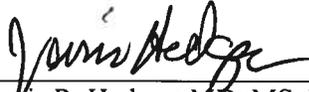
The AAC may impose remedies as appropriate given the circumstances of the case. These may include but are not limited to change of grade, permission to retake an examination and permission to repeat a course.

### **Appeal**

The decision by the AAC may be appealed by either party to the Dean. This responsibility may be delegated by the Dean to the Associate Dean for Academic Affairs. The appeal must be made in writing, be submitted within five (5) calendar days of the appealing party's notification of AAC's decision and state the grounds upon which the appeal is being made. The Dean (or delegate) will review the record of the case and may at his/her discretion meet with the appellant. The Dean (or delegate) will not reverse a decision of the AAC unless it is adjudged to have been arbitrary or

capricious. The Dean (or delegate) will render a decision in writing to both parties within fourteen (14) calendar days of the filing of the appeal. The Dean's or Associate Dean's decision, if delegated, is final.

Accepted by:

  
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Jerris R. Hedges, MD, MS, MMM  
Dean

November 20, 2020  
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Date

Approved by JABSOM Curriculum Committee 8/14/20

Endorsed by JABSOM Executive Committee 11/20/20