

**UNIVERSITY OF NEW MEXICO SCHOOL OF MEDICINE
HEALTH PROFESSIONAL AND PUBLIC HEALTH PROGRAMS
STUDENT DUE PROCESS POLICY**

I. Introduction

This University of New Mexico Health Professional and Public Health Programs Student Due Process Policy (hereafter “Due Process Policy”) outlines for students, faculty and administrators in the School of Medicine Health Professional and Public Health Programs (HP/PHP), the course of action that is available to a HP/PHP student should his or her individual program take either an adverse or corrective action against the student for failure to maintain the academic, professional and/or ethical requirements and standards of the program.

The individual programs that make up the HP/PHP and that follow this Due Process Policy are: Occupational Therapy, Physical Therapy, Emergency Medical Services and Emergency Medical Services Academy, Medical Laboratory Sciences, Public Health, Physician Assistance Program, Radiologic Sciences and Dental Hygiene. Each of these individual programs must have a student guide/handbook made available to its students that includes, at a minimum, the program’s (1) academic requirements; (2) professionalism and/or ethical requirements and standards; (3) a description of the program’s process for dismissing a student or otherwise sanctioning a student for failing to meet program requirements; and (4) a copy of this Due Process Policy.

The individual programs that make up the HP/PHP are responsible for monitoring their students’ performance and compliance with academic, professionalism and ethical requirements and standards. The individual programs decide whether to dismiss or suspend a student or take other action for unsatisfactory performance pursuant to program policies and procedures. As discussed below, a student can appeal the program decision pursuant to this Due Process Policy.

II. Adverse and Corrective Action Defined

The distinction between an adverse and corrective action is important. Adverse actions are those that separate the student from his or her HP/PHP and include dismissal and suspension. Also, requiring a student to repeat a significant part of the program’s curriculum so that completion of the program will be delayed by more than one semester is an adverse action.

A corrective action involves the program imposing an educational prescription that, in the opinion of designated program faculty, is necessary in order to improve the student’s performance. Corrective actions include, but are not limited to, requiring a student to take a specific course, narrowing the choice of elective courses, mandating a student meet with a program advisor regularly, and mandating additional professionalism training.

Adverse actions are subject to being appealed by the student as provided for in Sections III through VI herein. Corrective actions cannot be similarly appealed by the student, but may be reviewed at the student's request as provided for under Section VIII of this Due Process Policy.

III. Appeal of Program Decision Imposing Adverse Action

A student who disagrees with the HP/PHP decision imposing adverse action is entitled to appeal that decision to HP/PHP Evaluation Committee. The request for appeal must be made in writing to the Assistant Dean for HP/PHP, stating the reasons why the student disagrees with the HP/PHP decision, and must be received by the Assistant Dean within fifteen (15) days after the student receives the program's written letter imposing adverse action. If the student fails to notify the Assistant Dean within fifteen days, this shall be considered a waiver of his/her right to appeal the adverse action and the HP/PHP's decision shall be final for the University of New Mexico.

IV. Formation of a HP/PHP Appeals Committee

When an appeal is timely made by a student, the Assistant Dean for HP/PHP will form a HP/PHP Appeals Committee consisting of four (4) faculty members from the HP/PHP Evaluation Committee and one (1) student in good academic standing from the same program but a different class/cohort than the student bringing the appeal.

The HP/PHP Evaluation Committee will consist of one faculty member from each program appointed by the director of the program and up to three (3) members appointed by the Assistant Dean for HP/PHP. Evaluation Committee members serve a 3-year term which may be renewed for one additional 3-year term. Ideally, the Evaluation Committee will have a mixture of experienced and new members. Members will receive an orientation when appointed to an Appeals Committee, including a review of this Due Process Policy and any relevant policies from the appealing student's program.

The Assistant Dean of HP/PHP will review the composition of the Appeals Committee with the student making the appeal. If the student objects that any member is biased against the student or otherwise may not be a fair Appeals Committee member, the Assistant Dean will consider the student's objections and decide whether to remove the members. The Assistant Dean's decision is final. If a Committee member is removed for cause, the Assistant Dean will appoint a new member if one is available from the HP/PHP Evaluation Committee. If a new member is not available, the Appeals Committee will proceed to hear the appeal with three faculty and one student member. The Appeals Committee will select one of its faculty members to serve as chair.

V. Review of Appeal by HP/PHP Appeals Committee

The Appeals Committee will accept relevant documentary evidence for review from the student and the director of the program that took the adverse action. Each party will be provided with a copy of the other's submission. The Appeals Committee will conduct individual interviews with the student, director and

faculty from the program that took adverse action and others with relevant information. The Appeals Committee will decide who will be interviewed. These interviews will be tape recorded and the student will be offered an opportunity to listen to the tapes. The student will not attend the actual interviews. After the Appeals Committee concludes its interviews, if it has additional questions for the student and/or if the student wants to respond to statements from any of the witnesses, the student will be offered another opportunity to meet with the Appeals Committee.

After all of the interviews have been completed, including the final interview with the student, the Appeals Committee will deliberate in closed session. Within thirty (30) days of completing the interviews, the Appeals Committee will decide the appeal by a vote (simple majority) of its members and issue its written decision, which will include its rationale. The final decision will be to uphold or overturn the adverse action imposed on the student by the program. The student and the program director will each be sent the Appeals Committee's decision.

In arriving at its decision, the Appeals Committee shall not overrule the academic judgment of a faculty member in the program on the assignment of grades to the student. The Appeals Committee should, as appropriate in the case, consider: (1) whether the program followed its own policies governing student performance, advancement and program completion; (2) whether the evidence supports the program's decision; and (3) whether the student has significant new information that bears on the program's decision that was not available to the student when that decision was made. If the Appeals Committee finds that the student has significant new information, the appeal shall be referred back to the student's program for reconsideration of the adverse action in light of that information. If the program affirms the adverse action, the student may request review by the Appeals Committee. The Appeals Committee will consider any additional relevant evidence and/or witness interviews and issue its written decision within thirty (30) days.

VI. Appeal to the Assistant Dean of HP/PHP

If either the student or the program director is dissatisfied with the decision of the Appeals Committee, he or she may appeal to the Assistant Dean of HP/PHP in writing within thirty (30) days of receipt of the Committee's decision. Failure to submit a timely appeal means that the student and/or program director waive their right to appeal and the decision of the Appeals Committee shall be final for the School of Medicine.

The Assistant Dean of HP/PHP will review the appeal, the student's academic record, the program's decision imposing adverse action, the Appeals Committee's decision and any other documents in the student's program file. Additionally, the Assistant Dean may meet with the student and/or the program director. The Assistant Dean of HP/PHP will issue a written decision on the appeal and send a copy to the student and the program director.

VII. Appeal to the Dean

Either the student or the program director may appeal the decision of the Assistant Dean of HP/PHP to the Dean of the School of Medicine in writing within thirty (30) days of receipt of the Assistant Dean's decision. Failure to submit a timely appeal means that the student and/or program director waive their right to appeal and the decision of the Assistant Dean shall be final for the School of Medicine.

The Dean will review the student's academic record; the decisions of the program, HP/PHP Appeals Committee and Assistant Dean and any other documents in the student's program file. Additionally, the Dean may meet with the student and program director. The Dean's decision is final for the School of Medicine.

The student may request discretionary review of the Dean's decision by the President of UNM and the Board of Regents. The President and the Board of Regents will normally accept review only in extraordinary cases, such as where proper procedures have apparently not been followed, where the decision appears to be unsupported by the facts, or where the decision appears to violate University policy.

VIII. Review of Corrective Action

As stated in Section II herein, a student is not entitled to go through the appeals process described above to dispute corrective action imposed by his or her program. If the student believes that the corrective action is fundamentally flawed, unfair or otherwise inappropriate, the student may request review by the School of Medicine Senior Associate Dean of Education. The student shall present his or her reasons for disputing the corrective action in writing. The Senior Associate Dean of Education may meet with the student and may discuss the matter with the program director and faculty and the Assistant Dean of HP/PHP, as the Senior Associate Dean deems appropriate. The decision of the Senior Associate Dean of Education is final for the University of New Mexico and is not subject to discretionary review by the President or the Board of Regents.

IX. General Provisions

Minor decisions from this Due Process Policy are permitted so long as they do not substantively impact the due process rights of the student.

For good cause, the time limits for written decisions to be made can be extended. Good cause includes the fact that a deadline falls during school holidays, vacations or summer session if parties or decision makers are absent. Any such time extensions should be communicated in writing to all interested parties and the decision will be made thereafter as expeditiously as possible.

The University of New Mexico HP/PHP reserves the right to make changes to this Due Process Policy as it deems necessary, with the changes applicable to all students then in attendance in a HP/PHP.