

SCHOOL OF NURSING

EXECUTIVE COMMITTEE STANDING RULES

POLICY AND PROCEDURES FOR STUDENT APPEALS

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1.0 PURPOSE, DEFINITIONS, AND AUTHORITY

1.1 Purpose

The School of Nursing (SON) is an instructional unit of the University of Michigan-Flint (the University). One of the functions of the Executive Committee is to provide an avenue for appeal for any student covered under this policy who feels she/he has been unfairly treated resulting in a perceived need for alteration of a SON program-level decision.

1.2 Definitions

1.2.1 An appeal is a request by a student for an alteration of a SON academic action.

1.2.2 An appellant is a student (as defined by the University). The appellant may be two or more students when making identical or closely-related appeals.

1.2.3 A respondent may be a SON faculty member, faculty Committee, director, or Dean. If the action was taken by an individual SON faculty or administrative member, then the respondent is the identified individual. In the event that the faculty respondent is unavailable, the program director/Dean/designee will serve as respondent. If the:

Action was taken by

More than one faculty member

Program's collective faculty

SON Committee

The Respondent(s) is (are)

Faculty members

Director/designee

Committee chair/designee

1.3 Authority

The policies and procedures of the SON Executive Committee shall be consistent with powers granted by the SON Faculty Code with respect to the functions and authority of the Committee. Such powers include the establishment of additional procedures by the Committee which are not in conflict with the procedures identified in this document.

The decisions of SON program-level grievance or appeals procedures shall be superseded by determinations made regarding the appeal by the SON Executive Committee. Appeal to this Committee is the final step in the appeals process for a student requesting reconsideration of a SON action.

2.0 JURISDICTION

The Committee will hear appeals of decisions made by the Undergraduate Student Academic Standards and Affairs Committee or Graduate Student Academic Standards and Affairs Committee related to academic practices, policies, standing, and/or progressions. Such appeals include but are not limited to grades, class standing, matriculation toward a degree, academic integrity, professional conduct, and clinical performance.

2.1 Grounds for Appeal

A student's disappointment or disagreement about an Undergraduate or Graduate Student Academic Standards and Affairs Committee decision is not an appealable matter unless the student brings forth new and specific information in support of the grounds for appeal.

Grounds for appeal are limited to one or more of the following reasons:

- 2.1.1 There was a material deviation from the procedures that affect the outcome of the case;
- 2.1.2 There is new and relevant information that was unavailable, with reasonable diligence and effort, at the time of the investigation and resolution that could reasonably affect the outcome;
- 2.1.3 There was discriminatory, unfair, arbitrary, or capricious treatment in program-level decision;
- 2.1.4 There was failure to accommodate verified disabilities; or
- 2.1.5 There was violation of the SON or University Policy.

2.2 The procedures in this document shall apply to:

- 2.2.1 students enrolled in a SON undergraduate or graduate program of study.
- 2.2.2 students enrolled in a course or courses offered by the SON.
- 2.2.3 students engaged in a clinical setting or professional practicum as required by a SON program curriculum.
- 2.2.4 SON program administrator(s) and/or committee(s) making decisions which impact directly on the nature of SON students' academic standing and/or progression.

2.2.5 SON faculty engaged in the delivery of coursework, clinical experience, or professional supervision related to SON courses.

2.2.6 students enrolled in cross-listed or service courses if the respondent is employed by the SON.

2.3 Procedures in this document shall not apply to:

2.3.1 Appeals based upon faculty action to decline to admit a student to a SON program. Decisions made by the Undergraduate Admissions Committee and the Graduate Admissions Committee are final and cannot be appealed to the SON Executive Committee.

2.3.2 A grievance or infraction that has not been initially heard by the Undergraduate Student Academic Standards and Affairs Committee or by the Graduate Student Academic Standards and Affairs Committee.

2.3.3 A conflict which is of a discriminatory or sexually harassing nature.

2.3.4 Violations that are subject to disciplinary action under the UM-Flint *Statement of Student Rights and Responsibilities* (<https://www.umflint.edu/rights-and-responsibilities>) and have been referred to the Student Conduct officer and/or the Assistant Vice Chancellor for Student Affairs for dispute resolution.

3.0 COMMITTEE COMPOSITION

3.1 Composition

At the beginning of each academic year, the Dean, in consultation with the SON Executive Committee, will constitute an Appeals subcommittee of three faculty members of the Executive Committee and will appoint a chair. In consultation with the Directors of Undergraduate and Graduate Affairs and the Executive Committee, the Dean will then identify a student to serve on the Appeals Committee. The Registrar or their designee will be an ex officio member of the Appeals Committee.

The Appeals Committee will function according to the provisions of the SON Faculty Code (Article II Section 3).

3.2 Exemptions

Committee members, faculty or students, will be exempt from serving on the Appeals Committee for the purpose of the appeal under the following circumstances:

- 3.2.1 Self-identification as a perceived party to the substance of the appeal or self-perceived conflict of interest.
- 3.2.2 Identification by the Director of Undergraduate Nursing Affairs, Director of Graduate Nursing Affairs, or Dean that a member of the Executive Committee could be perceived as a party to the substance of the appeal or as having a conflict of interest.
- 3.2.3 A challenge by the appellant and supported by the Dean that a student or faculty member is a party to the substance of the appeal or has a conflict of interest.
- 3.2.4 A challenge by the respondent and supported by the Dean that a student or faculty member is a party to the substance of the appeal or has a conflict of interest.
- 3.3 Replacements
 - 3.3.1 Faculty Committee replacement(s) shall be made by the Dean in consultation with the Director of Undergraduate or Graduate Nursing Affairs.
 - 3.3.2 Student replacements shall be made by the Dean in consultation with the Director of Undergraduate or Graduate Nursing Affairs.

4.0 CLASSIFICATION OF APPEALS

- 4.1 The Committee will determine whether an appeal falls within the jurisdiction of the Committee or whether it should be referred to an appropriate University process outside of the SON as described in the *UM-Flint Statement of Student Rights and Responsibilities* (refer to section 2.0 of this document).
- 4.2 The Committee may consult with the Dean, University officials, and legal counsel as needed to determine the classification of the appeal.

5.0 PRE-CONDITIONS

- 5.1 It is expected that students will have attempted to resolve grievances, if possible, in an informal manner with the respondent.
- 5.2 SON students in programs with written policies and procedures related to academic performance, clinical education, ethical standards, and professional conduct may appeal to the Committee only after established program-level policies and procedures have been exhausted.

- 5.3 Complaints filed under or in active consideration by a University procedure will not be heard by the Committee.

6.0 HEARING PROCESS

6.1 Filing

- 6.1.1 An appeal must be filed in written form, through the SON Dean's office to the Executive Committee, within ten working days¹ of receipt of notification of the program-level action consistent with Section 5.0 of this document.
- 6.1.2 The appeal filing must be complete and must specify the nature and extent of the act in question and the respondent(s) involved and previous attempts to resolve the matter. In addition, an appeal request must include a copy of the letter from the Undergraduate or Graduate Student Academic Standards and Affairs Committee regarding their decision related to the issue of the appeal.

6.2 Determination of Classification

- 6.2.1 Within ten (10) days of the appeal being filed in the Dean's Office, the Appeals Committee in the absence of the appellant and respondent(s) shall determine the classification of the appeal to identify whether it falls within the jurisdiction of the Committee (Sections 2.0 and 4.0).
- 6.2.2 In the event that the Appeals Committee determines that the appeal is appropriate, the Appeals Committee will notify all parties involved and the Dean's Office.
- 6.2.3 If the appeal is classified as outside of the jurisdiction of the Appeals Committee, the Committee shall recommend to all parties that the case be forwarded to the appropriate University office as directed by the current University *Statement of Student Rights and Responsibilities* within five (5) working days of adjournment of the meeting in which the appeal was classified.

6.3 Notification

- 6.3.1 The chair shall inform the respondent(s) that an appeal has been filed and shall inform the appellant and respondent(s) in writing of the Committee composition within five (5) working days of adjournment of the meeting in which the appeal was classified and inform the appellant and

¹ For the purposes of this document, working days are defined as days in which classes are conducted according to the University calendar including study and examination days. Weekends and University holidays are not to be considered working days.

respondent(s) of the right to challenge the Committee composition within ten (10) days of notification by the Committee chair. The Committee chair may set up a hearing date at the same time as notification of the Committee composition.

- 6.3.2 If the appellant and respondent do not contest the Committee membership within ten (10) working days, the chair will schedule a hearing date within fifteen (15) working days.
- 6.3.3 If the appellant or the respondent(s) contests a member(s) of the Committee, the Dean, in consultation with the Executive Committee and Administrative Officers, makes the decision whether or not to support the challenge.
- 6.3.4 Committee replacements for the purpose of the appeal will be made within ten (10) working days. The initial hearing date will occur within fifteen (15) working days after the re-composition of the Committee.

6.4 Parties

The parties to the hearing shall be the appellant and the respondent(s). The written appeal, evidence, and the Committee's written decision shall be shared with all parties.

6.5 Hearings

- 6.5.1 The chair of the Committee shall inform both the appellant and respondent(s) in writing of the appeal and whether or not the appeal will be heard by the Committee. If the appeal will be heard, the chair shall advise both the appellant and respondent of the hearing date (as per Section 6.3) and of their respective responsibility to provide evidence related to the appeal and their right to present such evidence in the Committee hearing.
- 6.5.2 Both appellant and respondent will have ten (10) working days from the date of receipt of the Committee's notification of the determination of classification in which to produce and provide to the Committee evidence and a list of witnesses (if any).
- 6.5.3 Upon receipt of evidence, the chair shall securely distribute such evidence among the parties and the Committee. The Committee hearing shall be scheduled at a time which is after transmission of such evidence.
- 6.5.4 With the concurrence of all parties involved and with the approval of the Committee chair, the processes described may be expedited or omitted. Under extraordinary circumstances, requests for extensions by appellants or respondents may be granted by the Committee chair.

- 6.5.5 Requests to participate in the hearing electronically will be considered by the Committee on an individual basis.
- 6.5.6 Hearings are closed to the public unless all parties and the Committee in the dispute request that they be open.
- 6.5.7 Appellant may bring an advocate to the hearing, who may be present and advise the appellant during the hearing process but who shall not be considered a party to the process and may not participate directly in the process. Additional advocates are subject to the approval of the Committee chair. In the event that an advocate is an attorney, the Committee chair must be notified in writing allowing a minimum of five (5) working days prior to the hearing.
- 6.5.8 Witnesses may be called by any of the parties to testify during the hearing process but shall not participate in the hearing prior to or at the conclusion of their testimony. Witnesses' testimony must be directly related to the substance of the appeal.
- 6.5.9 The majority of voting members of the Committee shall constitute a quorum.
- 6.5.10 The chair shall conduct the hearing. The chair shall ensure that:
- (i) the proceedings are recorded;
 - (ii) the processes to be followed in the proceedings are announced;
 - (iii) the nature of the appeal is clearly stated;
 - (iv) opportunity is provided to the appellant and respondent(s) to address the Committee to clarify, explain, or refute previously supplied or new evidence;
 - (v) opportunity is provided for witnesses to give testimony;
 - (vi) opportunity is given to the appellant and respondent(s) to offer rebuttal of the testimony presented to the Committee at the hearing;
 - (vii) opportunity is given for Committee members to seek clarification of testimony at any time as appropriate;
 - (viii) the chair shall have the authority to terminate testimony of individual witnesses where testimony is either excessive, irrelevant

to the substance of appeal, or repetitive;

- (ix) the appellant and respondent(s) may only address each other with the permission of the chair.

6.5.11 The Committee may choose to hold multiple hearings, to pursue additional evidence, and/or seek additional clarification of provided testimony throughout the process of deliberation and decision making.

6.5.12 The Committee shall deliberate in closed session(s).

6.5.13 A vote of the majority is required to sustain or reject the appeal and to recommend an appropriate remedy. The decision, but not the votes of individual members, shall be reported in the minutes and the formal report of the Committee.

6.6 Decision

The decision of the Committee shall be communicated by the chair to the appellant, respondent, and the Dean in writing within 7-10 days of completing the deliberation process. The summary of the decision shall include:

- 6.6.1 the nature of the appeal;
- 6.6.2 determination of jurisdiction and classification of the appeal;
- 6.6.3 the Committee's decision, and the basis upon which the decision was made;
- 6.6.4 remedies, in accordance with Section 7.0 of this document; and
- 6.6.5 that the decision of this Committee shall be final.

7.0 REMEDIES

7.1 Remedies which may be imposed with regard to either the appellant or respondent(s) are:

- 7.1.1 support for previous decision(s);
- 7.1.2 reversal of previous decision(s); or
- 7.1.3 alternatives to decisions.

7.2 Remedies which may be imposed with regard to false or frivolous appeals are:

- 7.2.1 for the appellant, disciplinary action, if it is determined that the appellant knowingly and intentionally filed a false complaint;
 - 7.2.2 recommendation for disciplinary action against the appellant or the respondent(s);
 - 7.2.3 referral to appropriate administrative authority for disciplinary action.
- 7.3 The Committee, in consultation with the Dean, may seek advice regarding remedies from relevant University offices, the Provost, or University legal counsel.

8.0 UNIVERSITY LEGAL COUNSEL

- 8.1 The Committee has a right to have a representative of University legal counsel present during the appeal hearing.
- 8.2 The Committee, in consultation with the Dean, may seek advice from University counsel at any time during the appeal and decision-making process.
- 8.3 The processes identified throughout this document may be altered by University legal counsel.

9.0 RECORD KEEPING AND RELEASE OF INFORMATION

- 9.1 All hearings shall be audiotaped.
- 9.2 All deliberations of the Committee shall be confidential.
- 9.3 After a Committee decision, a complete file shall be maintained in the Dean's office for storage in a locked cabinet and/or electronically in a secure manner for a period of six (6) years and then destroyed.
- 9.4 A complete file consists of:
 - the appeal document
 - all documentary evidence submitted prior to, during, or after the hearing
 - the Committee's written decision
 - correspondence to the appellant and/or respondent(s) as required in this document
 - audiotape of hearing
- 9.5 Individual Committee members will destroy all personal copies of materials related to the appeal at the conclusion of the appeal.
- 9.6 Release of information regarding an appeal shall follow the rules for the rights of privacy of the University of Michigan-Flint and applicable state and federal laws

such as the Freedom of Information Act (FOIA) and the Family Education Rights and Privacy Act (FERPA).

10.0 PROCEDURAL AND INTERPRETIVE QUESTIONS

All procedural and interpretive questions concerning this policy and procedures for student appeals will be resolved by the Executive Committee.

11.0 TIME LIMITS

For good cause, any time limit in these procedures may be extended by the Executive Committee.

12.0 AMENDMENTS

These standing rules may be amended only by action of the SON faculty at a regularly constituted SON Faculty Committee meeting. The Executive Committee may undertake administrative rule-making and interpretation in order to clarify or expedite its processes to the degree that their action is consistent with this document and is not a substantive modification of the procedures in this document. Such modification or those initiated by the advice of legal counsel are not grounds for an appeal.

13.0 PERIODIC REVIEW

Periodically, at least every five years from the date of adoption of this policy, the Dean shall constitute an ad hoc committee to evaluate and recommend changes to the Executive Committee and to the SON governing faculty for action if necessary.

Approved by SON Nursing Faculty: December 2, 2016

APPENDIX I

Table for School of Nursing Student Appeals

The following table represents the summarized steps in a student appeal. The process is outlined in detail in the document entitled: School of Nursing Executive Committee Standing Rules Policy and Procedures for Student Appeals. Interested parties are advised to consult this document for in-depth detail. A copy of the document can be obtained from the SON Dean's Office.

5.0 Student Grievance Occurs	A student has a grievance. It is expected that the student attempts to alleviate the grievance within their course or program first informally and if unsuccessful, use the Undergraduate or Graduate Student Academic Standards and Affairs program-level grievance and appeal procedures before contacting the Dean's office.
6.0 Program-level Appeal Process is exhausted.	Once the student's program-level grievance and appeal process has been exhausted, the students may bring their grievance to the SON Appeals Committee, a subcommittee of the Executive Committee.
6.1 Student submits grievance to SON Dean's Office	After receiving the program-level appeal decision, the student has ten (10) working days to file their grievance with the SON Dean's office. The Dean's staff will forward the written grievance to the chair of the Appeals Committee. The Dean, in consultation with the Administrative Officers, will identify a student to serve on the Appeals Committee.
6.2 Classification Meeting	Within ten (10) working days of the appeal being filed, the Appeals Committee will determine the classification of the appeal. If the student's grievance falls under the purview of the Committee, a hearing will be called. If it does not, the chair will inform the student what options are available.
6.3 Composition of the Appeals Committee	Within five (5) working days of the classification of the appeal, the chair will inform the student and respondent that a hearing will take place, the process to submit evidence, and the membership of the Committee. The student and the respondent both have the right to challenge the composition of the Committee. The student and the respondent have ten (10) working days to challenge the Committee composition.
6.3 Hearing date	A hearing will be scheduled within fifteen (15) days of the final determination of the composition of the Appeals Committee.
6.5 Hearing	From the date of the student and respondent being notified of the determination to have a hearing, all vested parties have ten (10) working days to submit evidence and a list of witnesses (if any). The student is allowed one advocate to attend the hearing unless more are approved by the chair. If this advocate should be an attorney, the student must notify the chair in writing at least five (5) working days in advance of the hearing. The hearing may take place over one or more meetings.
6.6 Hearing Outcome	At the conclusion of the hearing, the Committee meets as soon as possible to render a decision. The Appeals Committee may seek additional information or clarification. The Appeals Committee's decision is final and is communicated to the student in writing, usually within a week to 10 days following the determination of the decision.

APPENDIX II

School of Nursing Appeals Committee Tracking Form

Program-Level Appeal Decision:

(Student has 10 days* to appeal *program decision-6.1.1*)

Date student submitted complete appeal request to SON Dean's Office:

Date chair received packet:

Date	Comments

Classification Meeting for Hearing:

(Needs to be scheduled within 10 days* from date student completed the filing of a grievance to the Dean's Office)

Date	Comments
	Appeal is within the SON Appeals Committee's jurisdiction _____ Appeal is outside of the SON Appeals Committee's jurisdiction _____ Letter to student and respondent that the appeal will be heard or referred to an appropriate UM-Flint officer. (within 5 days* of classification)

Letter to student and respondent regarding decision to hear appeal, composition of Appeals Committee, permission to have witnesses and an advocate, and request for submission of evidence:

(Needs to be sent in 5 days* from outcome of classification meeting and reply from student and respondent in 10 days)

Date	Comments

If student or respondent contests the Committee membership, the Dean, in consultation with the Executive Committee and Administrative Officers, makes decision whether or not to support the challenge. Committee replacements will be made within 10 days*. The hearing will be scheduled within 15 days* after the Committee composition is finalized.

Hearing:

Submit evidence and witnesses:

(within 10 days* of receipt of letter requesting such evidence, one student advocate may attend hearing (unless more are approved by chair). If an attorney, the student must notify chair in writing at least 5 days* in advance of hearing)

Date	Comments

Hearing Outcome:

At conclusion of hearing(s) followed by closed session deliberations, the Committee renders a decision. Decision is final. Decision in writing to student, with copies to respondent and Dean, within 7-10 days* following the rendering of the decision.

Date	Comments

*Days - For the purposes of this document, working days are defined as days in which classes are conducted according to the University calendar including study and examination days. Weekends and University holidays are not to be considered working days.