



**EMS ACADEMY STUDENT DUE PROCESS POLICY
(Certificate and Non-BS EMS Major Students)**

I. Introduction

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

The individual courses that make up the EMS Academy Programs and that follow this EMS Due Process Policy are: any UNM EMS Academy sponsored initial licensure courses or course series offered for credit or non-credit to include: EMR/First Responder, EMT/EMT-Basic, AEMT/EMT-Intermediate and non-credit certificate Paramedic programs, cohorts, alternate locations or satellites. These courses will follow the prescribed syllabus or program specific requirements for the respective level and EMS Academy Policies 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 UNM EMS Academy Affiliated Instructor Coordinators (hereafter “UNM IC”) are responsible for monitoring their students’ performance and compliance with academic, professionalism and ethical requirements and standards as specified in the EMS Academy Policies book(s). The UNM IC, or supervisor decides 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 UNM IC, supervisor’s or otherwise determined 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 EMS initial licensure course and include dismissal, suspension, and refusal to certify the student for “course completion certification.” 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 or 4 months is an adverse action.

A corrective action involves the UNM IC or supervisor imposing an educational prescription that, in the opinion

of UNM IC and if applicable supervisor, is necessary in order to improve the student's performance. Corrective actions include, but are not limited to, requiring remedial coursework, requiring a student meet with the UNM IC, or requiring additional professionalism/affective behavior 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 UNM IC Decision Imposing Adverse Action

A student who disagrees with his or her UNM IC or supervisor's decision imposing adverse action is entitled to appeal that decision to the EMS Academy Director. The request for appeal must be made in writing to the EMS Academy Director, stating the reasons why the student disagrees with the UNM IC or supervisor's decision, and must be received by the EMS Academy Director within fifteen (15) calendar days after the student receives the UNM IC or supervisor's written letter imposing adverse action. If the student fails to notify the EMS Academy Director within fifteen (15) calendar days, this shall be considered a waiver of his/her right to appeal the adverse action and the UNM IC including supervisor's decision shall be final for the University of New Mexico EMS Academy.

IV. Review of Appeal by the EMS Academy Director

The EMS Academy Director will accept relevant documentary evidence for review from the student and the UNM IC or supervisor that took the adverse action. Each party will be provided with a copy of the other's submission. The EMS Academy Director may conduct individual interviews with the student, UNM IC including supervisor and faculty from the course that took adverse action and others with relevant information, if necessary.

After all of the documentation has been received and if necessary interviews completed the EMS Academy Director will evaluate all presented material. Within thirty (30) calendar days of completing the interviews, the EMS Academy Director will decide the appeal and issue their 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 UNM IC or supervisor. The student and the UNM IC including supervisor if applicable will each be sent the EMS Academy Director's decision.

In arriving at his or her decision, the EMS Academy Director shall not overrule the academic judgment of a UNM IC of the course on the assignment of grades to the student, nor the eligibility for certificate of completion per EMS Academy policy. The EMS Academy Director should, as appropriate in the case, consider: (1) whether the UNM IC followed the EMS Academy policies governing student performance, advancement and program completion including certification eligibility; (2) whether the evidence supports the UNM IC's decision; and (3) whether the student has significant new information that bears on the UNM IC's decision that was not available to the student when that decision was made. If the EMS Academy Director finds that the student has significant new information, the appeal shall be referred back to the student's UNM IC for reconsideration of the adverse action in light of that information. If the UNM IC or supervisor affirms the adverse action, the student may request review by the EMS Academy Director. The EMS Academy Director will consider any

additional relevant evidence and/or witness interviews and issue its written decision within thirty (30) calendar days.

V. Appeal to the Department Chair of Emergency Medicine

The student may appeal the decision of the EMS Academy Director to the Department Chair of Emergency Medicine, or his or her designee by providing a written appeal within (15) calendar days of the receipt of the EMS Academy Director's decision. Failure to submit a timely appeal means that the student waives his/her right to appeal the decision and the decision of the EMS Academy Director shall be the final decision.

The Department Chair, or their designee, will review the student's academic record; the decisions of the UNM IC including supervisor, the EMS Academy Director, and any other documents in the student's course file. Additionally, the Department Chair may meet with the student and UNM IC. The Department Chair shall issue a written decision on the appeal and send a copy to the student, the UNM IC including supervisor and any other relevant program personnel.

VI. 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 UNM IC. If the student believes that the corrective action is fundamentally flawed, unfair or otherwise inappropriate, the student may request review by the EMS Academy Director. The student shall present his or her reasons for disputing the corrective action in writing. The EMS Academy Director may meet with the student and may discuss the matter with the UNM IC and supervisor if applicable, as the EMS Academy Director deems appropriate. The decision of the EMS Academy Director is final for the University of New Mexico EMS Academy and is not subject to discretionary review.

VII. General Provisions

Minor deviations 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 EMS Academy 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 the UNM EMS Academy sponsored courses.