

Policy Title: Student Appeals Committee

The medical student's appeal is part of the University of New Mexico School of Medicine's ("UNM SOM") Due Process Policy and Procedure ("Due Process Policy"), a document developed by the Curriculum Committee and approved by the general faculty, in accordance with Liaison Committee on Medical Education ("LCME") standards. The Policy and Procedure on Student Promotion and Awarding the MD Degree ("Promotions Policy") is another important document, also updated by the Curriculum Committee and approved by the general faculty, which provides absolute criteria for promotion through the medical school curriculum. Both policies are attached and it is strongly recommended that you read and become familiar with these documents.

The Committee is composed of four faculty members and one current medical student, typically in his/her third or fourth year. All five are voting members. Participating on the Committee is an important commitment, as timelines and deadlines are included in the Due Process Policy, requiring the ability to free up enough time to accomplish the necessary tasks:

1. **Fact-Finding:** The Office of Medical Student Affairs ("OMSA") will provide each Committee member with materials relevant to the appeal, including student records, the student's written request for an appeal, timelines regarding the student's progress, and any documented academic or professionalism problems the student has had previously. In addition to reviewing this documentation, it is important to interview the student, the Chair of the Committee on Student Promotion & Evaluation ("CSPE"), and any/all faculty and residents who may be able to give information and insight into the issues presented by the student. A recording of these interviews will be made; the student may listen to these recordings but may not be present at the interviews. Committee members may interview individuals separately, although group interviews are encouraged for efficiency. The student may meet with the Committee after listening to the interviews.
2. **Student Appeals Committee Deliberations:** After fact-finding is completed, the Committee deliberates as a group and, by simple majority, makes a decision about the student's appeal. The Committee may take one of two actions: It may uphold the decision or it may overturn the decision.
3. **Written Report:** The Committee must provide a report with its final decision (to uphold or overturn) and cite the specific reasons for coming to that decision. This written report goes to the Associate Dean of Students. The Committee does not communicate its decision directly to the student.
 - a. **Upholds Adverse Action:** The Associate Dean of Medical Students informs the student of the Committee's decision and informs the student of his/her right to appeal to the Chancellor/Dean.
 - b. **Overturns Adverse Action:** The Associate Dean of Medical Students informs the student and, with CSPE, reintegrates the student into the curriculum.

Important Considerations

Making decisions that will permanently affect a student's career is a major and serious responsibility. As a school, we have a responsibility to our students to give them the appropriate resources necessary to succeed. We also have a responsibility to society to ensure that the students we graduate are worthy of the public trust.

Courts have held that only professionals are qualified to set standards and evaluate whether these standards are met. Ultimately, medical school faculty are the architects of the standards set forth in the Promotions Policy, and the Student Appeals Committee is expected to engage in careful and deliberate decision-making, fair and equitable application of the policies and the process to all cases, and avoidance of "arbitrary and capricious" decision making.

Resources

The following individuals are available to help you as you move through the appeal:

Sheila Hickey, MD, Associate Dean of Medical Students, shickey@salud.unm.edu
General questions about process, timelines.

References

Stern D et al. The prediction of professional behavior. *Med Educ* 2005; 39:75-82.

Frohna A and Stern D. The nature of qualitative comments in evaluating professionalism. *Med Educ* 2005; 39: 763-768.

Papadakis M Et al. Unprofessional behavior in medical school associated with subsequent disciplinary action by a state medical board. *Acad Med* 2004; 79: 244-249.