

College of Health Professions Student Academic Appeal Process

Students have a right to appeal a dismissal or another decision affecting their academic standing to the Dean of the College of Health Professions (Dean).

A student wishing to appeal can do so by submitting a written appeal with pertinent documentation to the Dean within ten (10) business days of notification of the decision. The Dean, or the Dean's designee, has discretion to grant an appeal based on evidence that the appealed decision was reached arbitrarily or capriciously, meaning without regard for applicable academic criteria, requirements or procedures or without reasonable academic judgment.

Consistent with the Student Conduct and Academic Integrity process, "during the appeal process, [students] have the same student status [they] had prior to the departmental action being appealed and can continue to participate in courses. If [students] choose to register for and/or participate in classes while this matter is pending, they do so at their own potential financial risk." However, departments may determine that the student is not fit to continue clinical training based on a determination that the student's participation in clinical training presents an unreasonable risk to the health or safety of patients or others. For example, if a student is dismissed based on unsatisfactory or unethical performance in the clinical practicum and the student chooses to appeal the decision, they will be permitted to attend and participate in didactic offerings but will not be assigned clinical patient care responsibilities until all appeals are exhausted. If reinstated as a result of appeal, the student may be required to make up clinical assignments missed during the appeal process. In some instances, this may result in delaying a student's graduation date.

Suspension from clinical training is a temporary measure designed to mitigate risk to health and safety and will be lifted upon a showing that the student no longer presents an unreasonable risk to the health and safety of patients or others. The department will notify the student in writing of the decision to suspend their clinical training. A student wishing to contest the suspension of clinical training may contact the department in writing and should include information relevant to a determination that the student can participate in clinical training without unreasonable risk to the health or safety of patients or others.

Appeal Process

Upon receipt of a submitted written appeal, the Dean will appoint an Appeal Panel of faculty and a student, within five business days or as soon as reasonably practicable thereafter, to review the merits of the appeal and make a recommendation to the Dean. The faculty members of the Appeal Panel will be selected from the standing CHP Student Appeals Committee. Each Appeal Panel will be composed of five members, including a chair of the Appeal Panel:

- Four faculty members, including a Chair. At least one shall teach at the same level of the student who is appealing (i.e., at least one faculty who teaches at the undergraduate level if the appealing student is an undergraduate).
- A student enrolled in the program from which the appeal is initiated.

The Dean's designee shall request that the appealing student and the department or program responsible for the appealed decision (each a party to the appeal) submit relevant information in writing within five business days of the request. Requests for time extensions must be submitted to the Dean or their designee.

The Appeal Panel shall maintain the confidentiality of all student and employee information in accordance with the federal Family Educational Rights and Privacy Act (FERPA) and VCU's personnel policies, respectively.

The Chair shall convene a meeting of the Appeal Panel, in person, by videoconference or by other electronic means, such as email. Following review, the Appeal Panel must decide and recommend to the Dean or their designee one of the following:

- Dismissal or granting of the appeal.
- Mediation of the issue informally with the consent of the student and department chair/program director; or,
- A hearing.

Appeal Hearing

If the Appeal Panel determines that a hearing is necessary, the Appeal Panel Chair will schedule a hearing within five business days or as soon as reasonably practicable thereafter and notify all parties. Rules for the hearing are:

1. The hearing will be closed. Only those invited by the Chair, Dean, or their designee may attend.
2. Witnesses (rather than the appealing student and the department or program representative) shall be excluded from the hearing except when being questioned.
3. The appealing student and department or program representative (the parties) remain present throughout the hearing until the Chair of the Appeal Panel calls for closed deliberations. At that point, the hearing concludes, and all but the members of the Appeal Panel leave.
4. An appealing student may have a non-participating advisor of his or her choice. If an advisor is an attorney, the appealing student must notify the Chair of the Appeal Panel, who will notify the Dean or their designee at least forty-eight hours in advance of the hearing and include the name, email address and phone number for the attorney-advisor.

5. The hearing will consist of the following phases:

- Opening statement by the department chair, program director or duly designated representative describing the academic action subject to the student's appeal and the basis for the action. (Written evidence may be presented.)
- Opening statement by the student, which includes statement of the grounds upon which the appeal is based. (Written evidence may be presented.)
- Questioning of the department or program representative by the Appeal Panel, as necessary.
- Questioning of the student by the Appeal Panel, as necessary.
- Questioning of other individuals, identified by the parties or by the Appeal Panel, as may be necessary. Either party may ask questions or request clarification of statement made by the individual/s called by the Appeal Panel. To maintain the academic nature of the hearing, the Chair may require all parties to direct questions to the Chair, who will relay the question to the individual for response. The Appeal Panel will consider responses only as they are relevant to the student's appeal. If an appealing student asks questions that are not relevant to the appeal, the Chair may limit the amount of time that an appealing student has to ask questions.
- Closing summary statements may be made by both parties.
- Following closed deliberations, the Appeal Panel recommends to the Dean or her designee that the action of the department or program should be upheld, overturned or modified as specified by the Appeal Panel.

Appeal Disposition

The Appeal Panel Chair will submit the recommendation to the Dean or their designee within five business days of the deliberations or as soon as reasonably practicable thereafter. The recommendation must include the rationale for the recommendation and supporting materials.

The Dean shall have final decision-making authority in the matter and shall inform the appealing student and department chair or program director of her decision in writing via university email within five business days of receipt of the Appeal Panel's recommendation or as soon as reasonably practicable thereafter. The Dean's decision is the final decision in the College of Health Professions and, for undergraduate students, there is no further appeal.

Graduate School Review for Appeals Resulting in Dismissal

After the College of Health Professions Student Academic Appeal Process, graduate students may further appeal dismissal from a graduate program to the Dean of the Graduate School as provided in the Graduate Bulletin: <http://bulletin.vcu.edu/academic-regs/grad/dismissal/>.