



## **STUDENT PROMOTIONS COMMITTEE PROCEDURE**

**1. Purpose** This procedure establishes specific guidance for Niazee College of Osteopathic Medicine (NCOM) to implement and maintain compliance with Institutional Policy D5000: Academic and Professional Standards as it relates to the function of the Student Promotions Committee (SPC).

### **2. Applicability**

**2.1** This procedure applies to any situation where matters are brought before the Student Promotions Committee.

**2.2** NCOM reserves the right to amend this procedure at any time, as necessary or appropriate.

### **3. General Provisions**

**3.1** The function of the SPC is to review student academic performance and professionalism history from the Academic Integrity, Conduct, and Professionalism Committee to recommend promotion, remediation, or dismissal.

**3.2** The SPC is responsible for reviewing the academic performance and professionalism history from the Academic Integrity, Conduct, and Professionalism Committee of each student and grants promotion to the next academic year, as well as approval for graduation.

**3.3** The SPC may propose student academic policy to the faculty for adoption.

**3.4** The SPC is advisory to the Associate Dean Academic Affairs, Associate Dean for Clinical Affairs, and Dean/CAO (i.e., the administrative authority), as appropriate. The SPC considers cases referred by an administrative authority for recommendation of penalties/sanctions for violations of policy including but not limited to the following as outlined in Institutional Policy D5000:

**3.4.1** Standards of Conduct

**3.4.2** Academic Integrity

**3.4.3** Failure to Meet Academic Standards.

**3.5** Standards of conduct are further defined in the Appendix of this policy.

**3.6** Pending hearing and resolution, a student's status shall not be altered unless there are exceptional circumstances in which the health or safety of the accused or other campus community personnel is in jeopardy. In such cases, immediate suspension may be authorized by the appropriate administrative authority. If referred to the SPC, a hearing will be held within a reasonable time, usually within ten (10) business days after receipt of the case from an administrative authority.

#### **4. Composition of the Student Promotions Committee**

**4.1** The Committee is composed of nine (9) faculty members-at-large elected by the faculty with at least four (4) members from the Clinical Science Department/Divisions and four (4) from the Biomedical Science Department. Faculty shall serve on the SPC for a three-year term, with no more than two consecutive terms.

**4.2** The Committee Chair and Vice-Chair shall be elected annually at the first meeting of the academic year. The Chair shall only vote in the event of a tie.

**4.3** Five (5) members of the Committee including two (2) clinicians, shall constitute a quorum.

#### **5. Convening the Student Promotions Committee**

**5.1** An administrative authority may refer a matter to the SPC for review and recommendation of penalties/sanctions. When an alleged violation of a statement of policy, rule or regulation is referred to the SPC, the NCOM Academic and Professional Standards policy (ST-01) and Student Promotions Committee Procedures will be delivered by hand, certified USPS mail, or by e-mail with return receipt requested to the student and SPC Chair by the administrative authority.

**5.2** The date, time and place of the hearing and statement of student's rights to an advisor will be delivered to the student by the SPC Chair. These shall be delivered by hand or email usually within five (5) business days of the decision of the administrative authority to send the matter to the SPC.

**5.3** Meetings of the SPC are called by the Chair and scheduled by the Registrar's office. The hearing should be scheduled to occur usually within ten (10) business days after referral of a case to make a recommendation.

**5.4** It shall be expressly provided that service of charges and notice of hearing by the student's NCOM email account shall not be defective if student shall have refused to read or otherwise maintain access to their NCOM email account and the hearing may proceed without hindrance or delay.

#### **6. SPC Meeting Procedure**

**6.1** SPC meetings shall be conducted to allow substantial justice and shall not be unduly restricted by the rules or procedure of evidence.

**6.1.1** The committee shall investigate as it deems appropriate and call witnesses as necessary to consider the matter in question and make a determination.

**6.1.2** SPC meetings are closed to the public and the press.

**6.2** A member of the SPC involved as a witness or having a conflict of interest with the case under consideration must recuse themselves from consideration of the matter.

### **6.3 Advisors**

**6.3.1** The student has the right to have one (1) advisor of their choosing present at the SPC meeting. An advisor may consult with the student but may not speak on behalf of the student or otherwise participate directly in the proceedings unless given specific permission to do so by the Chair of the meeting. The advisor may be a member of the NCOM community (i.e., faculty, staff, or student) or external to NCOM (e.g., parent, guardian, or legal counsel who may only attend after a FERPA release is signed).

**6.3.2** The School may have legal counsel present, but counsel may not address the SPC unless given specific permission to do so by the Chair of the meeting.

**6.4** There shall be a complete and accurate record of the meeting in the form of an audio recording.

**6.4.1** Deliberations of the Committee will not be recorded.

**6.4.2** Copies of audio recordings, together with copies of the exhibits, shall be furnished to the student upon request at no charge.

**6.5** All material and relevant evidence may be presented subject to the right of cross-examination of the witnesses.

**6.6** The student shall be advised of her/his rights by the Chair.

**6.7** In matters referred to the SPC concerning misconduct, the student shall be entitled to be present throughout the testimony of witnesses, presentation of evidence and arguments of the parties; to know the identity of and content of testimony of the witnesses against him/her and to have them present at the meeting at appropriate times; and to present witnesses and any evidence on her/his behalf as may be relevant and material to the case.

**6.8** In meetings involving more than one student, in which one or more, but not all, requests a private hearing, severance shall be allowed.

**6.9** Witnesses will be called one at a time but will not be present during the testimony of other witnesses.

**6.10** Neither the student nor any witnesses will be permitted in the meeting room during the deliberations of the SPC.

**6.11** A student or witness who disrupts the normal progress of the meeting may be dismissed by the Chair and the meeting will proceed.

**6.12** The Chair may postpone the hearing for any reason if she/he deems it necessary for fairness to all parties involved. No more than thirty (30) calendar days, however, may pass between the time of the student's official notification of referral to the SPC and the date of the SPC meeting.

**6.13** In the event the student or any witness fails to be present at the meeting, it shall take place as scheduled if sufficient information and documentation are available to make a recommendation or shall be rescheduled if additional documentation is needed by the SPC.

**6.14 No recommendation for imposing penalties/sanctions may be based solely on the student's failure to appear before the SPC.** In such a case, the evidence in support of the charges shall be presented and considered. In any event, all conclusions shall be based solely upon the evidence in the case as a whole and the student's previous record. A failure to appear must be reviewed by the ACP Committee for professionalism violations.

**6.15** Consideration of a matter by the SPC does not preclude the review and recommendation for other failures to adhere to policies, rules, or procedures while a case is pending.

## **7. Recommendations and Approval of Minutes**

**7.1** After the meeting, the Committee shall, within a reasonable time [usually five (5) business days] make conclusions and recommendations for penalties/sanctions based upon evidence in the case as a whole and the student's previous record, adopt them by majority vote and forward a written report to the referring Associate Dean or the Dean, as appropriate. For hearings related to professional standards, the report will also be sent to the Associate Dean for Student Affairs.

**7.2** Within five (5) business days of the meeting, minutes will be reviewed by the Chair and sent to SPC members via email (documents should be password protected). Members will have three (3) working days to review and submit changes to the Chair. If no changes are submitted, the meeting minutes will be considered approved. If comments on meeting minutes are received by the Chair, the minutes will be approved at the next Committee meeting.

## **8. Failure to Meet Academic Standards**

### **8.1 Course Failures**

**8.1.1** In the event of a course failure or clinical rotation course failure, the SPC will review the student's academic record, performance, and professionalism record and make a recommendation to the Associate Dean for Academic Affairs for Years 1 and 2 in accordance with Institutional Policy D5000 or the Associate Dean for Clinical Affairs for Years 3 and 4 in accordance with Institutional Policies.

**8.1.2** Recommendations may include:

- a.** Remediation. If the student has no other failures and/or issues of unprofessionalism, the committee may recommend remediation without a full meeting in the student's presence.

- b. Repeating the entire year
- c. Repeating a portion of the curriculum
- d. Dismissal

**8.1.3** The Committee may include other recommendations to improve the students' performance.

## **8.2 Failure to Pass OSCEs**

**8.2.1** In the event a student is referred to the SPC for failure of an OSCE, the Committee will review the student's academic record, performance, and professionalism record and make a recommendation to the Associate Dean Clinical Education in accordance with Institutional Policies.

**8.2.2** Recommendations include, but are not limited to:

**a. Retention** In the case of retention, the SPC must recommend any corrective actions or conditions for retention. Recommendations include, but are not limited to, the following:

- i. Completing a study period, followed by retaking the OSCE
- ii. Completing specific learning activities
- iii. Repeating OSCE re-education
- iv. Repeating the preceding academic year
- v. Other disposition appropriate to the case

### **b. Dismissal**

## **8.3 Course Failure Due to Unprofessionalism**

**8.3.1** If a student is remanded to the SPC for failure of a course due to unprofessionalism, the SPC will review the student's academic record, performance, and professionalism record, ACPC recommendations, and make a recommendation to the appropriate Associate Dean in accordance with Institutional Policies.

**8.3.2** Recommendations may include:

- a. Repeating a portion of the curriculum including repeating the failed course
- b. Repeating the entire academic year
- c. Suspension
- d. Dismissal

**8.3.3** The Committee may include other recommendations to improve the students' performance.

## **8.4 Course Remediation Failure**

**8.4.1** In the event of a failure of the remediation of a course or clinical rotation course, the SPC will review the student's academic record, performance, and professionalism record and make a recommendation to the Associate Dean for Academic Affairs for Years 1 and 2 in accordance with Institutional Policy D5000 or the Associate Dean for Clinical Affairs for Years 3 and 4 in accordance with Institutional Policies.

**8.4.2** Recommendations may include:

- a. Repeating the entire year.** If the student has no other failures and/or issues of unprofessionalism, the committee may recommend repeating the entire year without a full meeting in the student's presence.
- b. Dismissal**

**8.4.3** The Committee may include other recommendations to improve the students' performance.

## **8.5 Failure of COMLEX Readiness Tracks**

**8.5.1 In case of a Readiness Track failure, the SPC will review the student's academic record, performance, and professionalism record and recommend it to the Associate Dean for Academic Affairs.** The SPC may recommend one of the following actions to the Dean in accordance with Institutional Policies:

- a. Retention** In the case of retention, the Student Promotions Committee may recommend any corrective actions or conditions for retention.
- b. Dismissal**

## **8.6 Associate Dean Review of SPC Recommendations**

**8.6.1** The appropriate Associate Dean will review the student's academic record, performance, professionalism record, recommendation from the SPC and meet with the student, as appropriate, to discuss their situation. If the student reveals any added information to the Associate Dean that was not provided to the SPC, the Associate Dean may refer the matter back to the SPC for reconsideration of their recommendation.

**8.6.2** The Associate Dean shall render a decision based on the available information and notify the student in writing (usually within five (5) business days of receiving the SPC recommendation) with a copy to the Dean.

**8.6.3** The Associate Dean may only recommend dismissal to the Dean/CAO. If dismissal is recommended, the Dean/CAO will make the final decision in the matter.

**9. Student Transfer to NCOM** In accordance with Institutional Policies, the SPC will review the applicant's file to determine compatibility with the curriculum and, if appropriate, specify any deficiencies to be addressed. If found acceptable, the transfer application file and a list of deficiencies will be returned to the Admissions Committee. If the applicant's records are found incompatible with the curriculum, the file will be returned with the recommendation to deny transfer.

**10. Promotion to the Next Academic Year** The committee will review student files and make recommendations deemed appropriate. This may include promotion to the next year, promotion

to the next year with listed expectations going forward, or denial of promotion. A denial should include the Committee's reasoning for the recommendation.

## **11. Approval of Graduates**

**11.1** A list of candidates for graduation will be submitted to the SPC five times each year, in a timely manner so that the candidates may be approved/disapproved by the Board of Governors at their meetings held in May, June, September, January and March.

**11.2** The SPC and Associate Deans will review the list of candidates to determine if there are any outstanding issues. Recommendations may include the following:

**11.2.1 Approve** - The list of graduates may be approved in whole or in part for submission to the Dean/CAO and Board of Governors.

**11.2.2 Delay** - May be recommended for an individual student. The reason(s) for the recommendation should be included along with conditions that should be met to be eligible for graduation

**11.2.3 Deny** - May be recommended for an individual student. The deficiencies and rationale leading to the recommendation must be noted.

**11.3** The list of approved graduates will then go to the faculty for approval.

## **12. Appeal of a Decision for Dismissal or Other Sanction**

**12.1** Following the written decision of an administrative authority to dismiss or impose other sanctions on a student, the student may appeal the decision except as otherwise noted. The decision of an Associate Dean may be appealed to the Dean/CAO. The decision of the Dean/CAO is final in all cases.

**12.2** The appropriate administrative authority will meet with the student and make a final decision on the appeal, usually within ten (10) business days of the appeal. In the event the appropriate administrative authority is not available in the office within ten (10) business days, the timeline will start when they return to the office. The timeline may also be delayed if in the student's best interest. This decision is final and cannot be appealed further by the student.

**12.3** If the initial decision was not recommended by the SPC, the appropriate authority may refer to the SPC for a recommendation on the appeal. The Committee will consider the appropriateness of sanctions against a student given the circumstances of the case. The Committee may consider the merits of the appeal and will hear such proof of facts as may be deemed proper and reasonable and make such an investigation and enter such recommendations as the facts justify and the circumstances may require.

**12.4** The investigations and hearings should include, but are not limited to, examination of the previous deliberations which resulted in the decision of dismissal (or imposition of sanction) for

areas in which they might have been in error or might have contained violations of due process. The Committee may consider as part of the appeal any relevant added information discovered after the decision to dismiss or impose sanctions. Information known but not disclosed by the student prior to the decision to dismiss or impose sanctions may not be entered as new evidence supporting an appeal.

**12.5** A recommendation to reverse all or part of the decision being appealed must specifically identify and address the areas in the decision being appealed which are flawed or relevant, added information discovered after the decision that provides grounds for reversal.

**12.6** Committee hearings on an appeal will be conducted as described in the SPC Meeting Procedure section above.