

Procedure 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

The Student Appeals Committee (SAC) is composed of four faculty members from the Faculty Review Committee and one current medical student, typically in their third or fourth year, but not in the same class as the appealing student. All five are voting members. Participation on the SAC is an important commitment, as timelines and deadlines are included in the Due Process Policy, requiring members to be available on short notice to accomplish the necessary tasks in a timely way:

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.
 - a. In addition to reviewing this documentation, the Committee should 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.
 - b. The appealing student can request three faculty / staff to either write a letter of support or speak on their behalf.
 - The Learning Specialists and the Office of Professional Wellbeing ("OPW") team are student advocates. When they are asked to speak to the Appeals Committee, the Committee is expecting an honest opinion **on the student's chance for success. This situation creates an ethical dilemma** for these colleagues. If the LS or OPW team members are honest and share that they do not think the student will be successful, they are no longer acting as a student advocate. If other students hear about this kind of testimony, it may result in the LS or OPW team members losing credibility with students.
 - Learning Communities mentors and other SOM faculty and staff are permitted to write letters of support or speak **on the student's behalf.**
 - c. Committee interviews will be recorded and will be available for listening by the student, but the student may not be present at the interviews. The student will be given the opportunity to address the committee a second time on another day after listening to the recorded 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 Medical Students who will then share it with the student. The Committee does not communicate its decision directly to the student.
 - a. Upholds Adverse Action: The Associate Dean of Medical Student Affairs informs the student of the Committee's decision to uphold CSPE's adverse action and informs the student of his/her right to appeal to the Dean of the School of Medicine.
 - b. Overturns Adverse Action: The Associate Dean of Medical Student Affairs informs the student of the Committee's decision to overturn CSPE's decision and provides information on the next steps to prepare for meeting with CSPE for detailed reintegration plans.

Important Considerations

Making decisions that will permanently affect a student's career is a serious responsibility. As a school, we have a duty to our students to give them the appropriate resources necessary to succeed. We also have a duty to society to ensure that students who we graduate are able to practice competently and safely and meet the professional standards expected of physicians.

Professional schools are permitted to set forth standards for their students. Medical school faculty members 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
- Avoidance of "arbitrary and capricious" decision making
- Avoidance of implicit bias and recusal if a conflict exists

Resources:

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

Davette De La O-Sandoval, Manager Student Success,

ddelaosandoval@salud.unm.edu

General questions about process, timelines.

Administrative support, procuring documents

Associate Dean of Students,

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.

Revised, 1/5/2023