



SCHOOL OF MEDICINE POLICY ON ADVERSE ACTION APPEALS

Issue Date: December 12, 2023
Supersedes: N/A
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I. PURPOSE

To outline the process appealing adverse actions for students in the New York Medical College School of Medicine (NYMC SOM) M.D. Program.

II. POLICY

It is the policy of NYMC SOM that there is a fair and formal process for appealing an adverse action by the Student Academic Performance Review Committee that may affect the advancement, graduation, or dismissal of a medical student. (LCME Element 9.9). The criteria for an appeal requires evidence of incorrect evaluation such as: suggestion of bias, calculation/other error, or suggestion of mistreatment.

III. SCOPE

This policy applies to all medical students, faculty SOM and clinical affiliated programs

IV. DEFINITIONS

Adverse Actions: dismissal, repeat of a year, or suspension
SAPRC: Student Advancement, Promotions, and Review Committee

V. PROCEDURES

A. Appeal to the Dean of Undergraduate Medical Education

1. A student may appeal a decision of the SAPRC by petitioning the Dean of Undergraduate Medical Education (UME) within five (5) days after notification of the decision. The petition must be submitted in written form and must include the reason on which the appeal is based. Mere disagreement with the decision is not sufficient ground for an appeal.
2. The written appeal must include either:
 - a. New information that has become available and not brought to the SAPRC, and this information would have had material impact on the outcome of the decision;or

- b. The SAPRC deviated from the process set forth in its charter and such deviation had a material impact on the decision.
 3. The Dean of UME, after reviewing the student's appeal and pertinent records and documents, may at their discretion:
 - a. Affirm the decisions of the SAPRC and deny the appeal;
 - b. Grant the appeal; or
 - c. Appoint an *ad hoc* appeal committee to evaluate the basis for and the merits of the appeal
 4. An *ad hoc* appeal committee shall consist of three members of the faculty of the School of Medicine (SOM), none of whom shall be members or alternates of the SAPRC which originally rendered the decision in question and none of whom will have had a role in determining the student's grade.
 5. The *ad hoc* appeal committee is to evaluate whether the student's case was judged in accordance with the Policy on Student Promotions and to determine if due diligence was followed and a reasonable course of action was taken by the committee. The *ad hoc* committee is to address whether the procedures employed in arriving at the decision were inadequate, misapplied, or discriminatory.
 6. To inform their deliberations, the *ad hoc* appeal committee shall obtain pertinent documentation (*e.g.*, records and correspondence) from the student and the SAPRC. In addition, the *ad hoc* appeal committee shall meet separately with the student and with the Chair of the SAPRC.
 7. Outside counsel shall not be permitted, but a representative from within the SOM shall be permitted to accompany the student but is not permitted to speak.
 8. The *ad hoc* appeal committee shall submit its findings to the Dean of UME within ten (10) days after the committee is convened, with a recommendation to accept or reject the appeal. Once a recommendation is made by the *ad hoc* appeal committee, the Dean of UME will review the recommendations of both the SAPRC and the *ad hoc* appeal committee. The Dean of UME will make the final decision to uphold the original decision of the SAPRC or to support the appeal. The Dean of UME will notify the student in writing of this decision within five (5) days of receipt of the recommendations of the *ad hoc* appeal committee.
- B. Appeal to the Dean of the School of Medicine
 1. The student may appeal the decision of the Dean of UME. This written appeal must be received within five (5) days of receipt of written notification from the Dean of UME.
 2. If the student wishes to appear personally before the Dean, the student should include that statement in the final appeal form. The Dean shall have the authority to investigate the matter fully and to request material from and/or speak to the chair of SAPRC, *ad hoc* appeal committee and/or the student. If the Dean requests to meet with the student, the student may have an adviser of their choice present, but that adviser may not address the Dean. The Dean may elect to:
 - a. Affirm the decision of the SAPRC and deny the appeal;
 - b. Grant the appeal; or
 - c. Appoint an *ad hoc* appeal committee to evaluate the basis for and the merits of the appeal.

3. An *ad hoc* appeal committee shall consist of three members of the faculty of the SOM, none of whom shall be members or alternates of the SAPRC which originally rendered the decision in question and none of whom will have had a role in determining the student's grade.
4. The *ad hoc* appeal committee is to evaluate whether the student's case was judged in accordance with the Policy on Student Promotions and to determine if due diligence was followed and a reasonable course of action was taken by the committee. The *ad hoc* committee is to address whether the procedures employed in arriving at the decision were inadequate, misapplied, or discriminatory.
5. To inform their deliberations, the *ad hoc* appeal committee shall obtain pertinent documentation (e.g., records and correspondence) from the student and the SAPRC. In addition, the *ad hoc* appeal committee shall meet separately with the student and with the Chair of the SAPRC.
6. Outside counsel shall not be permitted, but a representative from within the SOM shall be permitted to accompany the student but is not permitted to speak.
7. The *ad hoc* appeal committee shall submit its findings to the Dean of SOM within ten (10) days after the committee is convened, with a recommendation to accept or reject the appeal. Once a recommendation is made by the *ad hoc* appeal committee, the Dean of SOM will review the recommendations of both the SAPRC and the *ad hoc* appeal committee. The Dean of SOM will make the final decision to uphold the original decision of the SAPRC or to support the appeal. The Dean of SOM will notify the student in writing of this decision within five (5) days of receipt of the recommendations of the *ad hoc* appeal committee.
8. The Dean will notify the student of the decision in writing within ten (10) days. The decision of the Dean will be final.
9. If the adverse action is upheld, it will be included in the Academic History section of the MSPE.

VI. EFFECTIVE DATE

This policy is effective immediately.

VII. POLICY MANAGEMENT

Executive Stakeholder: Dean of the School of Medicine
Oversight Office: Office of Undergraduate Medical Education

VIII. REFERENCES

LCME Standard 9.9 Student Advancement and Appeal Process: A medical school ensures that the medical education program has a single set of core standards for the advancement and graduation of all medical students across all locations. A subset of medical students may have academic requirements in addition to the core standards if they are enrolled in a parallel curriculum. A medical school ensures that there is a fair and formal process for taking any action that may affect the status of a medical student, including timely notice of the impending action, disclosure of the evidence on which the action would be based, an

opportunity for the medical student to respond, and an opportunity to appeal any adverse decision related to advancement, graduation, or dismissal.