



# **California Health Sciences University**

## **COLLEGE OF OSTEOPATHIC MEDICINE (COM)**

### **STUDENT PROGRESS COMMITTEE POLICY**

#### **PURPOSE**

The purpose of the policy is to provide guidance on the Student Progress Committee (SPC) which is a committee of the College of Osteopathic Medicine (COM), made up of COM faculty and, charged with being responsible for review of the totality of COM students' academic and professional performance.

#### **SCOPE**

The SPC reviews the academic record of any COM student who has failed any required element for graduation: a course/section/rotation/clerkship, a national board examination, a failure to comply with SPC remediation plan (described in following sections), and/or any student who has failed to show adequate academic progress in his/her path of study.

#### **POLICY STATEMENT**

With regard to academic matters, as a part of the comprehensive review, the SPC makes recommendations as to whether or not students should be granted remediation and/or corrective action after a failure or be suspended or dismissed.

SPC is also charged with determining whether COM students are meeting expectations for professionalism and ethics under the CHSU Student Conduct and Professionalism Policy, University Code of Conduct and other applicable University and college-level policies which set forth expectations for COM student behavior. For professionalism concerns, the SPC may impose corrective action, up to and including suspension or dismissal from the COM.

#### **RELATED INFORMATION AND PROCEDURES**

- A. The membership and structure of SPC are set forth in the COM Governing Statute 3 (e.g., COM bylaws), as it may change from time to time, accessible [here](#).
- B. COM students, who are being reviewed by the SPC are expected to meet, in-person, with the SPC, except for students on clinical rotations at locations determined by the SPC Chair to be a substantial distance from campus. Those students may meet with the SPC via teleconference or videoconference as approved by the SPC Chair.
- C. The Committee will maintain confidentiality of information it receives except as may be required by law.



The SPC provides the required COCA responsibilities for reviewing student professionalism issues.

## **A. SPC PROCESS FOR REVIEW OF ACADEMIC PROGRESS**

The SPC process for review of a student's academic performance is generally as follows:

### **After a First Course/Section/Rotation/Clerkship Failure:**

1. The student is notified of his/her first course/section/clerkship failure of the date and time of their mandatory meeting with the year-specific subcommittee of the SPC.
2. At a minimum, the chair of the year-specific subcommittee, with optional additional subcommittee members, will meet with the student to discuss the student's failure. The student's faculty mentor/advisor will be notified of the meeting and may choose to attend.
3. The subcommittee members and the student will meet together to formulate a remediation plan for the failed coursework. The remediation plan may include but is not limited to, the following: a study plan, regular meetings with a learning or behavioral health specialist, appointment(s) with a psychologist or other appropriate provider, use of tutors, use of faculty mentors, and professional conduct expectations. The remediation plan will include timelines and expected outcomes/behaviors that the student will be expected to adhere to in agreeing to the remediation plan.
4. These remediation plans will be presented by the subcommittee chair for review by the full SPC at the beginning of the next full SPC meeting,
5. The remediation plan will be signed by both the student and subcommittee chair. The student may not appeal the remediation plan implemented by the SPC subcommittee.
6. Course/section remediation opportunities will take place only during pre-designated / scheduled remediation times within the academic calendar and will be set by the Associate Dean for Academic Affairs and Assessment.
7. A student who fails to comply with the signed remediation plan will be required to meet with the full SPC and may result in possible suspension or dismissal, as set forth , below.

### **After any subsequent Course/Section/Clerkship Failure at any time or any National Board Exam Failure, or Failure to Comply with a Remediation Plan:**

1. The student will be notified of the date and time of a mandatory meeting with the full SPC for review of their academic progress.
2. Prior to any meeting with SPC, the student is strongly encouraged to meet with the CHSU-COM Office of Student Affairs (OSA) to better understand the SPC process and to ask for assistance in preparing for the SPC meeting or any questions they may have about the process. It is the student's responsibility to timely contact the COM Office of Student Affairs for assistance in advance of the SPC meeting date and time. The meeting with the SPC will not be postponed or cancelled if the student has not met with OSA.



3. The student is entitled to be present at the SPC meeting with a representative of choice for support who may be but is not required to be an attorney. However, any representative, including an attorney, is attending the SPC meeting only for purposes of providing support for the student. If the representative is an attorney, the attorney may not serve as legal counsel for the student and may not participate directly in the meeting.
4. Witnesses or other individuals are not permitted to attend the SPC meeting, unless the SPC has determined that it needs to consult with others before it can reach a decision. The SPC may consult others as needed prior to, during, or after the meeting as needed.
5. The student will be given the opportunity at the meeting with SPC to answer questions posed by the SPC, if any. The student may also submit a written or verbal statement to the SPC in advance of or during the meeting.
6. After the SPC meets with the student, the SPC meets in executive session to discuss the case and vote on any recommendations.
7. Recommendations of the SPC are made based on majority vote, with the Chair voting only in the event of a tie, and may consist of, but are not limited to the following:
  - i. course/section/clerkship/ remediation
  - ii. Re-Attempt national board examination
  - iii. repeating of an academic year of coursework,
  - iv. dismissal.
8. Once the recommendation(s) have been approved, the chair of the SPC will promptly communicate the recommendation(s) to the Associate Dean for Academic Affairs and Assessment, generally within two (2) business day(s) of the SPC meeting.
9. The Associate Dean for Academic Affairs and Assessment will review the recommendation(s) and make a decision.
10. The Associate Dean for Academic Affairs and Assessment will communicate the decision to the student via email/digital letter and will generally be provided to the student within two (2) business days.
11. The decision from the Associate Dean for Academic Affairs and Assessment will be placed in the student record and may be considered for the issuance of official letters of recommendation (including MSPE, dean's letter, etc.) The appeals process for any SPC decision is explained to the student in the decision letter.
12. Students who want to appeal the SPC decision, he/she must appeal in writing to the Dean via email to the dean within five (5) business days after the date the Associate Dean's decision is issued. Grounds for appeal are limited to: (1) any new and compelling information that was not available to the SPC committee at the time of deliberation which would have impacted the outcome of the matter; or (2) if there was a procedural error in the SPC committee process which would have impacted the outcome of the matter. The student's written appeal must specifically state which grounds are applicable.
13. The Dean shall make a final decision on the student's appeal as soon as possible but in no event more than fifteen (15) business days from the date of the student's written appeal is received. In the event the Dean has a conflict of interest, the Dean will refer the appeal to the Provost.



## **SPC PROCESS FOR STUDENT PROFESSIONALISM, CONDUCT, AND ETHICS REFERRALS**

Under CHSU's University Policy for Student Conduct & Professionalism, each college is required to develop policies which govern adjudication of professionalism complaints and concerns, providing required due process to students who are referred to the Student Progress Committee for such matters. The below policy and hearing procedures shall govern CHSU COM students referred to SPC for student professionalism, conduct and ethics concerns.

As a threshold matter, SPC hearings are not formal court, judicial or administrative proceedings. Accordingly, the rules of evidence do not apply. The University may, in its discretion, create an audio or video recording of the hearing and, if so, it is the only recording permitted. Unauthorized video or audio recording may subject a student to discipline, up to and including dismissal.

If a policy violation is found, possible corrective actions imposed by SPC include, but are not necessarily limited to: a written or verbal apology; a written or verbal warning, letter of reprimand, or other document outlining expectations for future behavior and related consequences; training or educational requirements such as an assigned reading or reflection paper; attending an educational program or seminar; mandatory or voluntary counseling; mentorship or accountability meetings; community service; disciplinary probation; no-contact directives; drug or alcohol testing or rehabilitation programs; temporary or permanent exclusion from attending University events or extra- curricular activities; suspension from participation in the academic program; dismissal from the academic program; termination of employment with the University.

The following procedures shall apply to the SPC hearing for professionalism, conduct, or ethics referrals if the matter is referred to SPC:

1. **Notice to Student**: Student is notified by the COM Office of Student Affairs via CHSU email of the professionalism and/or conduct referral, and of the date, time, and location of the SPC hearing. The notice shall include a description of the behavior giving rise to the referral. If the right to cross-examination applies, as set forth below, the notice shall also include a list of witnesses and the information they are expected to provide related to the referral.
2. **Recommended Pre-Meeting with Student Affairs**: Upon request, prior to the hearing the student will meet with the COM Office of Student Affairs. The COM Office of Student Affairs' role is to help the student better understand the SPC hearing process, to answer the student's related questions, and advise on how the student can prepare for the hearing. The student may decline the assistance of the COM Office of Student Affairs. In all cases, it is the student's responsibility to timely request the assistance from the COM Office of Student Affairs in advance of the hearing.
3. **SPC Materials for Review and Pre-Hearing Meetings**: Prior to the hearing or at the start of the hearing, SPC may receive a copy of the student's academic file, including any disciplinary documents, the student's notice of referral, a copy of investigation reports, findings of fact provided to the student, and other relevant documents applicable to the



referral. Students are not entitled to the full investigation file, if any. SPC members shall not discuss the matter prior to the SPC meeting and shall maintain the confidentiality of the information in accordance with law and policy. The SPC Chair shall determine whether any such statements are or are not relevant to the proceeding. Prior to the hearing, SPC Chair may request a pre-meeting based on the circumstances of the referral, and may request additional information from the administration, members of the faculty or the student, prior to the hearing.

4. **Student Written Statement:** The student may submit a written statement for SPC's review and may submit written statements from others which have information relevant to the matters under consideration by the SPC.
5. **Student Appearance at Hearing; Support Person:** Students are generally required to attend the SPC hearing in-person unless they are on a clinical rotation at a substantial distance from campus, in which case remote conference technology may be used to attend the hearing. The student may bring a support person to the SPC hearing, who may or may not be an attorney. The support person may not participate directly in the hearing, even if that person is an attorney. Support persons may not disrupt the hearing; if disruption occurs or attempts to directly participate are made, the SPC Chair may ask the support person to leave.
6. **Standard of Review:** The standard of review applicable to professionalism and conduct referrals is the preponderance of the evidence (i.e., more likely than not) standard.
7. **Right to Cross-Examine Witnesses:** A student facing possible suspension or dismissal shall have the opportunity to cross-examine witnesses regarding the allegations of professionalism and/or conduct violations in the following circumstances: (a) where the facts are in dispute; (b) where the credibility of witnesses is critical enough to determine the outcome of the matter; (c) where the witnesses to be cross-examined are relevant to determining whether the facts as alleged are true or not based on the preponderance of the evidence standard. Whether these criteria exist to require cross-examination under this policy shall be made in the discretion of the SPC. The method of cross-examination shall be at the discretion of the SPC and could include, for example, submission of questions in writing to be asked by the SPC Chair, the use of hearing advisors to facilitate questioning, or other method. If the opportunity to cross-examine witnesses is provided pursuant to another grievance procedure or policy, such as the University's harassment or Title IX procedures, then that hearing with cross-examination shall be the only cross-examination required and the SPC may then rely on the findings of fact of the adjudicator in determining whether the findings violation the University's professionalism, conduct and/or ethics policies.
8. **Use of an Internal or External Hearing Officer:** The College may, in its discretion, provide an internal or external hearing officer to assist the SPC in conducting the hearing, but it is not required to do so.
9. **SPC Deliberation, Decision Regarding Policy Violation, & Recommendation on Corrective Action:** After the student is excused from the hearing, SPC will discuss the case and vote on: (a) make findings of fact; (b) determine whether, based on those facts, a policy violation occurred; and(c) a recommended corrective action if a policy violation has



occurred. This decision and, if applicable, the recommendation on corrective action, is determined by a majority vote of the SPC members attending the hearing, with the Chair voting only in the event of a tie. Based on the circumstances of the student's referral, if more time is needed the SPC Chair, in consultation with the SPC and the COM Office of Student Affairs, may choose to continue deliberations to another meeting time without notice to the student. The SPC Chair shall provide the decision and, if applicable, the recommendation on corrective action, to the Assistant/Associate Dean of Academic Affairs via CHSU email.

10. **Role of Assistant/Associate Dean of Academic Affairs: Notice to Student of SPC**

**Decision:** Upon receipt of SPC's decision the Assistant/Associate Dean of Academic Affairs will review the decision on findings of fact and whether a policy violation has occurred and any applicable recommendation on corrective action. The Assistant/Associate Dean of Academic Affairs may accept or modify the SPC's recommendation on corrective action based on mitigating or aggravating factors in the SPC's findings of fact or other good cause. The Assistant/Associate Dean will issue the decision and corrective action, if any, to the student. Generally, the Assistant/Associate Dean of Academic Affairs will provide the student notice of the decision within two (2) business days of receiving the SPC decision. A copy of the decision will be placed in the student's file, and will be provided to the Registrar, the COM Office of Student Affairs, the Financial Aid Office, and the Dean of the College.

(b) **Appeal Rights:** The student may appeal the findings of fact, determination of policy violation, and/or decision regarding corrective action to the Dean of the COM in writing via email within five (5) business days from the date the final decision was issued to the student. The written appeal must state the basis for appeal. Grounds for appeal are limited to: (a) any new and compelling information that was not available to the SPC committee at the time of deliberation which would have impacted the outcome of the matter; or (b) a procedural error in the SPC committee process which would have impacted the outcome of the matter. In the event the Dean has a conflict of interest, the appeal shall be referred to the provost.

In all cases except where the corrective action is dismissal, the Dean's appeal decision is final. In cases of dismissal, the student may appeal further in writing via email within five (5) business days based on adequate grounds for appeal to the Provost or, in the event the Provost has a conflict of interest, to the President. In cases where the corrective action is dismissal, the Provost's (or President's) decision is final.

The written decision on an appeal request shall be issued in writing to the student, generally within fifteen (15) business days from the date the appeal is received.



## **RESPONSIBILITIES**

A. Dean of the College of Osteopathic Medicine

## **HISTORY (R\*)**

Approval Date:

6/8/2023

Revision Date(s):

6/7/2023

7/14/2022

Reviewed Date(s):

6/5/2023

6/30/2022

**R:** Dean of the College of Osteopathic Medicine

**A:** SPC Chair, Assistant Dean of Student Affairs, Associate Dean of Academic Affairs

**C:** All COM Deans, Legal

**I:** All Campus Community