



NEW YORK MEDICAL COLLEGE

A MEMBER OF THE Touro College and University System

Graduate School of Basic Medical Sciences

POLICY: GSBMS GRADUATE SCHOOL APPEALS BOARD

A. Purpose:

The purpose of the GSAB is to review appeals brought by graduate students of decisions made by University representatives concerning:

1. retention in graduate programs,
2. charges of academic misconduct or dishonesty, and
3. selected other issues related to graduate education as deemed appropriate to forward to the GSAB by the Dean of the Graduate School of Basic Medical Sciences, the Provost, or other university officials.

B. Limitations:

The GSAB will not review

1. appeals of course grades;
2. appeals for which the student has not fully used all other applicable appeal or review processes;
3. appeals filed more than 30 calendar days after the date of a prior review or 30 calendar days after the date of receiving notification of an action or decision.
4. misconduct in research which falls under the College's Guidelines for Ethical Practices in research and Policies for Dealing with Instances of Alleged Violations of Ethical Standards.

C. Definitions and terms used in this policy:

Board: GSAB

Chair: Chairperson, GSAB

College: New York Medical College

Dean: Dean, Graduate School of Basic Medical Sciences

Graduate Faculty: the Graduate Faculty of the Graduate School of Basic Medical Sciences

Graduate Faculty Council: the faculty governance organization of the GSBMS

Graduate School: Graduate School of Basic Medical Sciences (GSBMS)

Graduate Student Association: the student organization of the GSBMS

GSAB: Graduate School Appeals Board

Provost: the chief academic officer of the College (NYMC)

D. Composition:

The GSAB will consist of five members of the Graduate Faculty and three graduate students (matriculated and in good standing), all broadly representative of the graduate programs in the GSBMS. Members of the committee will be appointed for 3-year terms (running from July 1 through June 30) by the Dean after consultation with the Graduate Faculty Council and the Graduate Student Association. Members may be appointed to consecutive terms on the Board. The GSAB will be

chaired by a designee of the Dean. Initial appointments (i.e., when the GSAB is first established) will be staggered so that no more than three faculty members and two graduate students will rotate off the Board in any one year. Members may be re-appointed for a second term or a term may be extended in order to complete an appeal.

The Dean may appoint an additional member to serve on the GSAB on an *ad hoc* basis during any particular case. This *ad hoc* appointee may be a member of the College administration, a faculty member, or a student who adds an expertise or perspective that the Dean feels will assist the GSAB in reaching a fair and just resolution to the appeal. The *ad hoc* appointee will have full membership rights.

The Graduate School will provide support personnel to the Board to record hearings.

E. Meetings:

1. The GSAB will meet as soon as possible when notified by the Dean that an appeal is pending.
2. *Disqualification.* Any member with a conflict of interest in the pending case shall be excluded by the GSAB from its proceedings and deliberations in that case. Any member of the GSAB may disqualify him/herself. The student bringing the appeal may disqualify one faculty and one student member of the Board.
3. *Quorum.* Meetings or hearings of the GSAB require a quorum of at least three persons including at least two faculty members and at least one graduate student member. If the disqualification of Board members makes it impossible to obtain a quorum, the process will be suspended until the Dean can appoint additional *ad hoc* members.

F. Notification:

The Chair of the GSAB will notify the student bringing the appeal and the university representative of the decision reached by the GSAB in the initial review of the appeal – viz., whether an appeal will be heard or not. If a hearing is to be held, the Chair will notify the student and university representative (whose decision is being appealed) of the date, time, and place for the hearing. The Chair of the GSAB is responsible for notifying the Dean of the Board's findings and recommendations reached by the GSAB after the hearing. The Dean will notify the student and university representative of any action to be taken.

G. Authority:

1. The GSAB may recommend affirming or reversing the decision being appealed and may make such recommendations for further actions as seem appropriate.
2. In the course of any hearing, the GSAB is authorized to request additional evidence and/or the appearance of any student, faculty, staff member, employee of the University, or other individual as a witness.
3. The GSAB shall have final authority in procedural matters.
4. The GSAB will forward recommendations to the Dean along with a record of the hearing proceedings. The Dean will make a final independent decision, taking into account the findings and recommendations of the GSAB and the records of the hearing. The Dean will inform the relevant parties and the GSAB of the decision in writing within 14 calendar days of receiving the GSAB recommendation.

5. If the appeal is being made against a decision of the Dean, the GSAB shall forward its recommendation to the Provost, who shall take on the role of the Dean described in the preceding paragraph (F. 4.). The Dean shall remain the proper recipient and independent executor of the GSAB's recommendations if his/her involvement in the case had been primarily to execute a decision made by a program or faculty committee, rather than to initiate the action being appealed. The GSAB has the authority to decide whether the Dean or Provost is the appropriate official to whom to forward its recommendations for action. In any case, a copy of the GSAB's report and recommendations shall be delivered to the Dean for filing.

H. Procedures

1. Filing an appeal.

Before a request for an appeal is accepted by the GSAB, the normal channels for resolving disputes must have been utilized. First, the student should consult with his/her advisor to resolve the issue at that level. If the issue is not then resolved, the student should seek out the program director or department chair for resolution. In some cases, if the advisor and department head have not been able to satisfy the appeal or the action still needs to be pursued, it may be appropriate to pursue the issue with the Dean. If the concern has not been resolved at any one of these levels, an appeal to the GSAB may be pursued. All requests for appeals must be submitted to the Dean, in writing, on the approved form (see below) along with supporting documents, a list of witnesses, and any other pertinent evidence. The written appeal must specify the grounds for the appeal. It is the responsibility of the student making the appeal to demonstrate to the GSAB in this application that grounds for the appeal exist.

The Dean will notify those individuals whose decisions are being appealed and will request relevant information. The information and evidence will be transmitted to both parties and to all members of the GSAB. Any additional evidence brought to the hearing is subject to acceptance or rejection by the GSAB. All information submitted becomes part of the permanent record of the GSAB hearing record maintained by the Graduate School.

2. Initial review of appeals.

The GSAB will be convened by the Chair to conduct an initial review of the appeal to determine whether the appeal is subject to dismissal or if further action by the GSAB is warranted. Appeals that fail to set forth appropriate and acceptable grounds for an appeal shall be dismissed.

The GSAB will consider appeals when all other levels of appeal have been exhausted and at least one of the following conditions applies:

- a) the student can show grounds that he/she was previously denied a fair hearing.
- b) the decision being appealed is not supported by substantial evidence.
- c) the sanction being imposed is beyond the authority of the person(s) issuing the decision.
- d) the sanction or action is unduly severe or disproportionately harsh in comparison to similar cases.

When the GSAB determines that a graduate student should be afforded a hearing on an appeal, the Chair of the GSAB shall give written notice to all parties involved in the appeal, allowing preparation time of no less than one week before the hearing.

3. Hearings.

All hearings by the GSAB shall be subject to the following requirements:

- a) Any additional materials requested by the GSAB at the time of the initial review to be considered at the hearing shall be made available to all parties prior to the hearing.
- b) Parties to the appeal have the right to be present and hear all arguments and oral statements made to the board.
- c) Parties to the appeal shall make arguments, present oral statements and written documents, and question witnesses with regard to any issues of fact relevant to the grounds for appeal.
- d) Hearings shall not be adversarial in nature and shall be conducted in a manner conducive to ascertaining the facts of the case upon appeal.
- e) Hearings shall be closed to the public and to members of the College community not specifically invited by the Board to attend. The Board may consider requests by any of the parties to the appeal to have a person with no involvement in the case attend the hearing as an observer. The Board has the right to approve or deny the attendance of any individual observer.
- f) Parties to the appeal shall not be permitted to have legal counsel present during the proceedings.
- g) The GSAB may establish time limitations for presentations before the Board.
- h) GSAB members may address questions to any person giving testimony before the Board.
- i) In hearings involving more than one student, the Board may choose to hold separate hearings for each student, if it deems it appropriate to do so.
- j) It shall be the responsibility of the Chair, together with the recording secretary, to see that the integrity of the record is maintained.
- k) The Chair shall preside and rule on matters of procedure and evidence.
- l) The Chair shall have the right to dismiss from the hearing anyone whose conduct becomes disorderly.
- m) The minutes of the GSAB shall be made available to the members of the GSAB and, after their approval, to all parties to the appeal and to the Dean. Proceedings of the GSAB shall be considered confidential except insofar as information needs to be disclosed in order to execute the final resolution of the appeal. The burden of confidentiality is borne by the GSAB members, all parties to the appeal, any witnesses who appear before the GSAB, and any observers of the proceedings.

I. Findings, decisions and recommendations of the GSAB:

Upon completion of the hearing, the GSAB shall meet in closed session for deliberations. A simple

majority vote of the GSAB is required for all findings and recommendations. In concluding its findings and recommendations, the Board shall only concern itself with whether reasonable people, acting on the available evidence, could have made the same decision or taken the same action as the one being appealed within the letter and spirit of the applicable rules and regulations of the Graduate School and University or, in the absence of any applicable rule or regulation, in a manner consistent with the norms of practice at comparable academic institutions.

The GSAB shall prepare a written report addressing all issues presented in the appeal and shall make a recommendation that indicates whether the appealed decision or sanction should be affirmed, set aside, or modified. The GSAB may also make recommendations, if appropriate, for further actions by University authorities. This report and recommendations shall be delivered to the Dean within 14 days of concluding its deliberations. Under normal circumstances, the GSAB should complete its entire task – considering the request for an appeal, holding the necessary hearing, evaluating the appeal, and delivering its report to the Dean – within 45 days of the date the valid request for an appeal is duly submitted to the Dean. The Dean may extend this time limit if the complexity of the case or the presence of extraordinary circumstances make a more timely resolution impractical.

The Dean shall act upon the findings and recommendations of the GSAB within 14 days of receiving its report. If no action is taken within 14 days, except when extenuating circumstances justify a delay, the findings and recommendations of the GSAB will be final. Further appeal is not available within the University.

Under the conditions defined in Section F.5., the Provost shall carry out the functions described for the Dean in this section.

ENACTMENT HISTORY

Development by Faculty-Student Task Force: September 1999 – September 2000

Approved by Graduate Faculty Council: September 28, 2000

Approved by Academic Affairs Committee, Board of Trustees: October, 2000

Approved by Governance Committee, Board of Trustees: November 29, 2000

