



## WEST VIRGINIA SCHOOL OF OSTEOPATHIC MEDICINE

### PROCEDURE FOR GRADUATE ACADEMIC PERFORMANCE COMMITTEE

#### 1. PURPOSE

The purpose of this procedure is to give specific guidance to assist the West Virginia School of Osteopathic Medicine ("WVSOM") with implementation of, and ensure institutional compliance with, Institutional Policy GP-01: Academic and Professional Standards and Institutional Policy GP-09: Remediation.

#### 2. APPLICABILITY

- 2.1 This procedure applies to any situation where matters are brought before the Graduate Academic Performance ("GAP") Committee.
- 2.2 WVSOM reserves the right to amend this procedure at any time, as necessary or appropriate.

#### 3. GENERAL PROVISIONS

- 3.1 The function of the GAP Committee is to review student academic and professional performance and recommend graduation, remediation, or dismissal.
- 3.2 The GAP Committee is responsible for reviewing the academic and professional performance of each student and grant approval for graduation.
- 3.3 The GAP Committee may propose new or revised student academic policies to the faculty for adoption.
- 3.4 The GAP Committee is advisory to the Associate Dean of Graduate Programs, and Vice President for Academic Affairs and Dean (each of which or collectively "administrative authority"), as appropriate. The GAP Committee 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 GP-01 and Institutional Policy GP-09:
  - 3.4.1 standards of conduct
  - 3.4.2 professional conduct
  - 3.4.3 academic integrity
  - 3.4.4 failure to meet academic/professional standards
- 3.5 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 GAP Committee, 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 GRADUATE ACADEMIC PERFORMANCE ("GAP") COMMITTEE

- 4.1 The GAP Committee includes five faculty members recommended by the Associate Dean of Graduate Programs and approved by the Vice President for Academic Affairs and Dean.
  - 4.1.1 At least one (1) member must represent Clinical Sciences or OPP
  - 4.1.2 At least three (3) members must hold appointments in Biomedical Sciences

4.1.3 Non-voting members include a Registrar's Office representative and the Graduate Program Coordinator

4.1.4 Faculty serve staggered three-year terms with at least one new member appointed annually

## **5. CONVENING THE GRADUATE ACADEMIC PERFORMANCE COMMITTEE**

5.1 An administrative authority may refer a matter to the GAP Committee for review and recommendation of penalties/sanctions. When an alleged violation of a statement of policy, rule or regulation is referred to the GAP Committee, the Graduate Academic Performance Committee Procedures will be delivered by hand, mail or by e-mail to the student and GAP Committee 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 GAP Committee Chair. These shall be delivered by hand or e-mail usually within five (5) business days of the decision of the administrative authority to send the matter to the GAP Committee.

5.3 Meetings of the GAP Committee 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 in order to make a recommendation.

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

## **6. GAP MEETING PROCEDURE**

6.1 GAP Committee meetings shall be conducted in such a way as to allow substantial justice and shall not be unduly restricted by the rules or procedure of evidence.

6.1.1 The GAP 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 GAP Committee meetings are closed to the public and the press.

6.2 A member of the GAP Committee 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 GAP Committee 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 WVSOM community (i.e., faculty, staff, or student) or external to WVSOM (e.g., parent, guardian, or legal counsel).

6.3.2 WVSOM may have legal counsel present, but counsel may not address the GAP Committee 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 GAP Committee 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 GAP Committee.
- 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 GAP Committee and the date of the GAP Committee 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 GAP Committee.
- 6.14 No recommendation for the imposition of penalties/sanctions may be based solely upon the failure of the student to appear before the GAP Committee. 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.
- 6.15 Consideration of a matter by the GAP Committee 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 GAP 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 Vice President for Academic Affairs and Dean, as appropriate. For hearings related to professional standards.
- 7.2 Within five (5) business days of the meeting, minutes will be reviewed by the Chair and sent to GAP Committee members via email confidentially (i.e., 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, the GAP Committee will review the student's academic record, performance, and professionalism record and make a recommendation to the Associate Dean for Graduate Programs.

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 the need for a full meeting in the presence of the student.
- b. Repeating the failed course
- c. Dismissal

8.1.3 The committee may include other recommendations to improve the student's performance.

### **8.2 Course Failure due to Unprofessionalism**

8.2.1 If a student is remanded to the GAP Committee for failure of a course due to unprofessionalism, the GAP Committee will review the student's academic record, performance, and professionalism record and make a recommendation to the appropriate Associate Dean in accordance with Institutional Policy GP-01.

8.2.2 Recommendations may include:

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

8.2.3 The GAP Committee may include other recommendations to improve the student's performance and may include:

- a. Mentoring
- b. Meeting with ASPIRE
- c. Meet with Advisor
- d. Complete specified training

### **8.3 Course Remediation Failure**

8.3.1 In the event of a failure of the remediation of a course, the GAP Committee will review the student's academic record, performance, and professionalism record and make a recommendation to the Associate Dean for Graduate Programs.

8.3.2 Recommendations may include:

- a. Repeating Failed Courses: If the student has no other failures and/or issues of unprofessionalism, the committee may recommend repeating the failed course(s) pending approval by the Associate Dean of Graduate Programs.
- b. Dismissal

8.3.3 The GAP Committee may include other recommendations to improve the student's performance.

#### 8.4 Associate Dean Review of GAP Committee Recommendations

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

8.4.2 The Associate Dean of Graduate Programs shall render a decision based on the available information and notify the student in writing (usually within five (5) business days of receiving the GAP Committee recommendation) with a copy to the Vice President of Academic Affairs and Dean.

8.4.3 The Associate Dean of Graduate Programs may only recommend dismissal to the Vice President of Academic Affairs and Dean. If dismissal is recommended, the Dean will make the decision in the matter.

### 9. APPROVAL OF GRADUATES

9.1 A list of candidates for graduation will be submitted to the GAP Committee to attest that the students have completed all requirements for graduation in accordance to WVSOM Institutional Policy GP 12: Graduation Requirements.

9.2 The GAP Committee, Associate Dean of Graduate Programs, and the Graduate Program Committee will review the list of candidates to determine if there are any outstanding issues. Recommendations may include the following:

9.2.1 Approve. The list of graduates may be approved in whole or in part.

9.2.2 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.

9.2.3 Deny. May be recommended for an individual student. The deficiencies and rationale leading to the recommendation should be noted.

9.3 The list of graduates for approval will be presented to the Faculty Assembly for recommendation to the Vice President for Academic Affairs and Dean for approval. The Vice President for Academic Affairs and Dean will present the final list of graduates for approval to the WVSOM Board of Governors for approval.

### 10. APPEAL OF A DECISION FOR DISMISS OR OTHER SANCTION

10.1 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 of Graduate Programs may be appealed to the Vice President of Academic

Affairs and Dean. A decision by the Vice President of Academic Affairs and Dean may be appealed to the President. The appeal must be submitted in writing to the Vice President of Academic Affairs and Dean or President, as appropriate, within five (5) business days of receiving the decision, setting out in writing the reasons an appeal should be granted.

- 10.2 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.
- 10.3 If the initial decision was not recommended by the GAP Committee, the appropriate authority may refer to the GAP Committee for a recommendation on the appeal. The GAP Committee will consider the appropriateness of sanctions against a student given the circumstances of the case. The GAP 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 investigation and enter such recommendations as the facts justify and the circumstances may require.
- 10.4 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 GAP Committee may consider as part of the appeal any relevant, new information discovered after the decision to dismiss or impose sanctions. Information that was known but not disclosed by the student prior to the decision to dismiss or impose sanctions may not be entered as new evidence in support of an appeal.
- 10.5 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, new information discovered after the decision that provide grounds for reversal.
- 10.6 GAP Committee hearings on an appeal will be conducted as described in the GAP Committee Meeting Procedure section above.

Procedure Title: Procedure for Graduate Academic Performance Committee

Effective Date: November 25, 2024 Time: 4:30 p.m.

**APPROVED BY:**

Approving Administrator – Vice President of Academic Affairs and Dean:

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Linda Boyd, D.O.

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Date: 12/9/2024 | 11:59 AM EST

General Counsel:

Signed by:

Brian Lutz

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Date: 12/9/2024 | 9:15 AM EST