

PROFESSIONAL CONDUCT: APPEAL PROCEDURES*

I. Introduction

In preparation for their chosen professions, Seattle University students may work in direct contact with clients or patients as a part of their practice, clinical or field experiences. Due to the obligation to protect clients and patients, students in practice and other professional settings must demonstrate the requisite knowledge, skills, and judgment needed to be a competent practitioner. Additionally, students in practice and other professional settings must at all times conform to conduct that demonstrates the appropriate ethical, professional and social (behavioral) attributes expected of professionals in that practice. Professional conduct is, therefore, determined by the professional standards and codes of ethics of the profession for which the student is being prepared and educated.

These procedures apply to student violations of a school, college and/or program's professional standards of conduct that are considered to be so egregious by the school or college as to warrant dismissal from a professional program and/or denial of a certificate or licensure for violation of professional standards.

These procedures are not applicable to alleged violations of the Academic Integrity Policy or the Academic Grading Grievance Policy. In certain instances, conduct that violates a school, college and/or program's professional standards of conduct may also violate the University's Student Conduct Policy and be subject to the procedures in that policy as well.

Grade penalties imposed under the Professional Conduct Policy as the result of the student being removed from a practice setting may not be appealed through the Academic Grading Grievance Policy.

Timelines and procedures applicable to this policy are set forth below. The dean or dean's designee can extend timelines or adjust procedures at their discretion should they determine it is reasonable and necessary under the circumstances. Should the student have concerns about specifics of the procedure in a given case, the student can bring these concerns to the attention of the dean or dean's designee. (See definitions located in the Appendix located at the end of this document.)

In instances where a student engages in behavior that violates the applicable Professional Conduct Policy and/or poses a risk of harm to clients, patients, other students, and/or themselves, the student may be removed immediately and temporarily from the practice setting by the responsible faculty member, program director, department chair or university official. The faculty member or program director/department chair should immediately notify their dean or dean's designee of this action. The decision to remove the student immediately and temporarily from the practice setting is not reviewable or appealable. It is final. The student may also be removed from the site by an appropriate supervisor or administrator of the site according to the policies and procedures of the site. Such actions by site staff are not appealable under this policy.

II. Process for Reporting and Reviewing a Professional Conduct Violation

In all cases where a faculty member believes a student's behavior has so seriously or repeatedly violated the applicable Professional Conduct Policy such that it warrants dismissal from a program or denial of a professional certificate, the faculty member will provide a written description of the incident(s) to the program director or department chair. The program director or department chair will prepare a written report setting forth relevant facts, identifying the relevant witnesses, if any, and a recommendation for further action to the dean or dean's designee.

The recommendation will include the factual basis for the decision and a copy of any reports or other documents, e.g., emails, relevant to the decision. If the student is not available to receive the recommendation in person, the program director or department chair will send a copy via email *and* via certified mail to the student's addresses of record. In such case, notice will be deemed as given four days after the certified letter is posted. This will be the start date for the appeal timeline detailed in Attachment A.

A student found to have violated a school, college or program defined standard of professional conduct, which results in a recommendation to either dismiss the student from a program or deny the student a professional certificate or licensure, may appeal the recommendation in writing as set forth below.

If the student does not file an appeal within the timeframe set out in this policy, the student waives the right to appeal the recommendation and the recommended decision will be final. The dean or dean's designee will implement the recommendation or action set out in the letter.

III. Time Limits for Filing an Appeal

The student must file a signed and dated written appeal with the dean's office within 10 business days after the date the student receives the recommendation for dismissal or is deemed to have received a copy of the recommendation. Appeals received by the dean or dean's designee more than 10 business days after the decision is deemed received will not be reviewed.

IV. Grounds for Appeal

A student may appeal the decision only on either or both of the following two grounds:

- **Failure to Reasonably Exercise Professional Judgment:** The program director/department chair failed to reasonably exercise their professional judgment.
- **New Information of a Substantive Nature:** The student has substantive information that the program director or department chair failed to consider or could not have been presented or discovered prior to the time of the recommendation to dismiss or denial of a certificate, *and* which would have substantially affected the recommendation or changed the outcome had it been known at the time of the recommendation.

V. Content of Appeal

A signed and dated written appeal should include the following:

- Identification of the recommendation that the student wants to appeal;
- The specific ground(s) for the appeal and an explanation of why, based on these grounds, the recommendation should be changed;
- A statement authorizing the appeal committee to communicate with those persons who were involved in the decision-making process or who may have relevant information concerning the decision. (If the student refuses to sign such an authorization, the appeal process is thereby terminated and the recommendation to dismiss for the program or deny a certificate will be implemented);
- Any substantive information that the student believes the recommender did not consider in the written recommendation;
- The student's current address, telephone number, and e-mail address.

The student should make every effort to include in the request for review all supporting documents and materials the student wishes the appeal panel to consider.

VI. Student Status during the Appeal Process

If a student files an appeal within the allowed timeframe, the student is suspended until the final appeal is determined. While the appeal is pending, the student cannot continue in classes, field or clinical placements, or enroll in additional courses without the express, written approval of the dean or dean's designee. The dean or dean's designee may also prohibit the student from participating in any of the college's extracurricular activities.

VII. Appeal Hearing Procedure

Step 1: Notifying dean or dean's designee that an appeal has been filed

After receiving the appeal, the dean's designee will send the program director or department chair a copy of the appeal.

Step 2: Composition of Appeal Panel

Review of program recommendations by school or college based panel.

Within five business days of receipt of the appeal, the dean shall appoint the chair of the appeal panel (this may be the dean's designee) and three faculty members, if the panel is not already constituted. The chair of the appeal panel shall be a faculty member from the school or college in which the program resides. In no case will either the chair of the appeal panel or any of the faculty members be the individual who reported the violation, filed a written report, recommended or decided that the student would be either dismissed from the program or not be recommended for a professional certificate or licensure.

Step 3: Challenges for Bias

The chair of the appeal panel will send both the program director or department chair and the student a list of the proposed panel members by email. The program director or department chair and the student each may challenge members of the appeal panel for bias within two business days. Such challenges must be in writing and must identify the reasons why they feel the proposed panel member cannot render an objective, unbiased decision. The chair of the appeal panel will rule on the challenges, and, if appropriate, will request that the dean or dean's designee appoint new members to the panel.

Step 4: Scheduling the Hearing

The chair of the appeal panel will schedule the appeal hearing to be held within 10 business days of receiving the student's written appeal. As a general rule, the hearing should be scheduled so that both the student and the program director or department chair have at least five business days to prepare for the hearing. The chair of the appeal panel does, however, have the right to extend these time limits to accommodate the schedules of the student, the program director or department chair, and the panel members who will hear the appeal.

The chair of the appeal panel oversees the distribution of the written documentation to the panel, the student, and program director or department chair in sufficient time to insure a careful advance review of the materials.

If the student and/or program director or department chair elects to invite a support person, that information should be provided to the dean's designee at least two business days in advance of the hearing.

Step 5: Conducting the Hearing

The chair of the appeal panel will preside over the hearing. Neither the student nor the program director or department chair may bring legal representation to the hearing. However, both the student and the program director or department chair may bring to the hearing a support person of their choice from within the university community. The support person is not permitted to speak, question, or otherwise participate in the hearing process.

As a general rule, the hearing will be conducted as follows:

1. The chair of the appeal panel will open the hearing by introducing the student, the program director or department chair, and the panel members who will hear the appeal.
2. The chair of the appeal panel will ask the student to present their reasons for overturning the recommendation of the program director or department chair. The student has the burden of proving by clear, cogent and convincing evidence that the program director or department chair failed to exercise reasonable professional judgment in determining that the student's conduct violated the relevant professional conduct standards and merit either dismissal from the program or denial of professional certificate

3. The chair of the appeal panel will ask the program director or department chair to respond to the student's evidence and to explain the evidence and the process leading to the decision.
4. The chair of the appeal panel will provide the student with an opportunity to respond to the program director or department chair's statements and evidence.
5. The chair of the appeal panel will give the panel members an opportunity to ask both the student and program director or department chair questions.
6. The chair of the appeal panel will end the hearing by asking if the student and program director or department chair have any final statements and by telling the student and program director or department chair that the panel members, but not the chair of the appeal panel, will meet in a closed session to decide the merits of the appeal. The student and program director or department chair are each allowed, but are not required to make a final statement summarizing their respective positions. They and the chair of the appeal panel will then leave the hearing.
7. The appeal panel will then meet (or set a meeting time) to conduct their deliberations.

Step 6: Deciding the Appeal

A simple majority vote of the panel members is required to change the decision being appealed.

Step 7: Preparing the Written Opinion

Within five business days of the conclusion of the hearing, the appeal panel will issue a written decision and send by email copies of the decision to the chair of the appeal panel, the student, the program director or department chair, and the dean's designee or dean. The dean's designee or dean will send by certified mail the signed original copy of the report to the student. Unless Part VI below applies, the panel's decision is final and cannot be appealed.

VIII. Limited Appeal

If the student or program director or department chair believes that the appeal process failed to follow the appropriate procedures *and* that the procedural violation materially affected the appeal decision, either may file a limited written appeal to the dean within five business days of notification of the outcome of the appeal. In this limited appeal the student or program director or department chair should set out the procedure that they believe was not followed, any information they have to support the claim and a statement explaining how that alleged procedural error affected the appeal decision. The dean will review the written material submitted, conduct any investigation they believe is necessary, and make a decision within five business days as to whether material procedural error occurred. This decision is final and not subject to further appeal. If the dean finds that a material procedural error occurred, then the matter shall be remanded to the appeal panel to remedy the material procedural error and reexamine its original decision and make such changes as are deemed appropriate. The decision of the appeal panel on remand is final and not subject to further appeal.

Appendix

Definitions of Terms in this policy:

Dean's Designee - an individual appointed by the Dean, often an Associate Dean or Assistant Dean.

Business day - weekdays, Monday through Friday, excluding university holidays.

Practice Setting – Any activity or setting (clinical, field, etc.) outside of the classroom in which the student is in direct or indirect contact with clients.

Attachment A

Timeline for Deadlines and Activities Associated with Student Notification and Appeals of Violations and/or Penalties under the Professional Conduct Policy Procedure

Deadline	Activity
4 business days after certified mail is sent	Notification to student of a recommendation for dismissal from a program and/or recommendation not to award professional certificate or licensure
10 business days from date student is deemed notified of the violation report submittal	Appeal submittal to Dean's Office
5 business days after receipt of appeal	Dean appoints the chair of the appeal panel and the three faculty members of the panel, if not already constituted in the college/school.
2 business days after Dean proposes appeal review panel members	Student/Program director/department chair challenges for bias
2 business days before the hearing	Student/Program director/department chair notifies Review Panel chair of support person identity
10 business days from receipt of appeal (with at least 5 business days for student and program director/department chair to prepare)	Appeal hearing
5 business days after hearing	Panel's written decision
5 business days after receipt of decision	Limited appeal to the Dean
5 business days after receipt of limited appeal	Dean's decision

**Replaces these college specific policies:*

Policy 2001-01 Fair Process Policy for ASBE, SE, MRC & STM

Policy 2005-01 Fair Process Policy for Colleges of Arts & Sciences, Educ, Nurs