

MAINE COMMUNITY COLLEGE SYSTEM

ACADEMIC AFFAIRS Section 310

SUBJECT: STUDENT ISSUES ARISING AT CLINICAL AFFILIATES

PURPOSE: To establish procedures for certain student issues arising at clinical affiliates

A. Introduction

MCCS standards of academic integrity and the colleges' typical clinical affiliation agreements require a college to address promptly an allegation that a student participating in a clinical affiliation has engaged in significant clinical deficiency and/or misconduct. The purpose of this policy is to establish a consistent procedure for responding to such issues.

B. Definitions

For purposes of this policy, "significant clinical deficiency and/or misconduct" is defined as an allegation of deficient performance, academic misconduct, behavioral misconduct or violation of a program or affiliate rule that, if true, would result either directly (i.e., by expulsion from the clinical site) or indirectly (i.e., by effect of a grade reduction) in the student failing that clinical course prior to completing the course.

"Significant clinical deficiency and/or misconduct" does not include determinations made in the normal grade assessment process at the end of the semester that a student has performed unsatisfactorily. Challenges to those determinations shall be made by a college's grade appeal process, and not by the appeal process set forth in Section D below.

C. Decisions by a Clinical Affiliate

A clinical affiliate typically retains the interim authority to remove a student from a clinical affiliate's site while a review and determination is made of allegations that a student participating in a clinical affiliation has engaged in significant clinical deficiency and/or misconduct. A clinical affiliate also typically retains the final authority to permanently exclude a student from its premises upon the affiliate's own determination, by the processes it deems fit, of allegations that a student has engaged in such acts. While a college may be consulted at either stage, the clinical affiliate typically retains exclusive authority to take such actions. As a result, these decisions are not subject to appeal by a student.

D. Decisions by a College

When notified that a student may have engaged in a significant clinical deficiency and/or misconduct, and the clinical affiliate has not itself acted to remove the student, a college shall use the following procedure.

1. Review, Interim Action and Recommendation by Faculty Member

The faculty member assigned to oversee the student's participation at a clinical affiliate shall investigate as promptly as possible allegations that a student may have engaged in a significant clinical deficiency and/or misconduct. The faculty member may also, after consulting when practicable with the department chair and/or chief academic officer, remove a student from a clinical affiliate while the faculty member's investigation is pending.

In performing the investigation, the faculty member shall:

- a. inform the student of the alleged deficiency and/or misconduct and the rule(s) that may have been violated;
- b. consider any information that the faculty member believes is relevant and reliable;
- c. provide the student with an opportunity to be interviewed; and
- d. report in writing to the department chair the faculty member's findings and actions, if any, that the faculty member recommends be taken by the department chair.

In performing the above duties, the faculty member may consult on any aspect of the investigation with the department chair, program director, division leader, department colleagues and/or chief academic officer.

2. Decision by the Department Chair

Upon receipt of the faculty member's recommendations, the department chair, or other person designated by the chief academic officer (hereinafter collectively "department chair"), shall as promptly as possible:

- a. consider any information that the department chair believes is relevant and reliable;
- b. review the facts, identify the rule(s) violated if any, and impose an appropriate sanction, up to and including removing and/or excluding a student from the clinical affiliate; prohibiting the student from being placed at an alternative affiliate; and failing the student for the course. Sanctions imposed under this policy shall take effect immediately unless otherwise specified; and
- c. notify the student and college's chief academic officer of the department chair's decision in writing, and notify the student of the student's right to appeal to the college's chief academic officer.

In performing the above tasks, the department chair may re-interview the student and consult on any aspect of the investigation with the clinical affiliate, program director, division leader, department colleagues and the chief academic officer.

In those instances when the department chair seeks to apply sanctions in addition to the sanctions listed in Section D.2.b above, such as probation, suspension or expulsion, the department chair shall refer the matter to the Dean of Students and/or Disciplinary Officer for application of the MCCS Student Code of Conduct.

3. Appeal to the Chief Academic Officer

A student may appeal the decision of the department chair to the college's chief academic officer or other person designated by the chief academic officer (hereinafter collectively "chief academic officer") as follows. A written appeal must be submitted to the chief academic officer within two (2) school days following the day that the student is notified of the department chair's decision, and must state the specific grounds for the appeal. A student who fails to file a proper and timely appeal may be deemed to have waived this right to appeal.

After receiving an appeal, a hearing shall be held as soon as practicable. The chief academic officer shall preside; the faculty member and/or department chair may present the allegations and findings regarding the student; the student will have an opportunity to respond; and the student, faculty member and/or department chair shall each have a closing opportunity to summarize his or her position.

All or a portion of the hearing may, at the discretion of the chief academic officer, be closed to persons other than those recognized by the chief academic officer. If a student does not attend the hearing, the chief academic officer may commence the hearing without the student or continue the hearing to a later time or date. The student may be assisted by a person during the hearing and that person may advise, but not speak on behalf of, the student. Only the chief academic officer may pose questions to the witnesses or parties. The chief academic officer is not bound by court rules of evidence or procedure.

4. Decision by the Chief Academic Officer

In making a decision, the chief academic officer is not bound by the faculty member's or department chair's findings, recommendations, decisions or sanctions. The chief academic officer shall:

- a. render a decision as promptly as possible. In doing so, the chief academic officer may consult on any aspect of the investigation with the clinical affiliate, program director, division leader and the college president;
- b. impose any appropriate sanction up to and including removing and/or excluding a student from the clinical affiliate; prohibit the student from being placed at an alternative affiliate; and/or failing or dismissing the

student from the course. Sanctions imposed by the chief academic officer take effect immediately unless otherwise specified;

- c. notify the student, faculty member and department chair of the chief academic officer's decision; and
- d. in those instances where the student's misconduct at a clinical affiliate appears to violate the MCCS Student Code of Conduct, and/or where the chief academic officer seeks to apply sanctions in addition to the sanctions listed in Section D.4.b above, such as probation, suspension or expulsion, the chief academic officer shall refer the matter to the Dean of Students and/or Disciplinary Officer for application of the MCCS Student Code of Conduct.

5. Notice and Receipt of Notice under this Procedure

A college may provide a notice under the above procedure to a student in person, by telephone conversation, or to the student's most recent electronic, campus or U.S. mail address on file at the college. A student will be deemed to have received such notice immediately when informed in person or in a telephone conversation; within 24 hours when notified by electronic or campus mail; and within 72 hours of the date of mailing when notified by U.S. mail. In all instances, a student has an affirmative duty to remain in contact with the college while a matter is pending under this procedure, and failure to do so may be construed as a waiver of rights accorded by this policy.

E. Coordination with Student Code of Conduct Proceedings

As noted in Sections D.2 and D.4 above, students whose misconduct at a clinical affiliate violates the MCCS Student Code of Conduct may, in addition to the above procedures, also be subject to procedures and sanctions of that Code.

REFERENCES: 20-A M.R.S.A. §12706(1) and §12715

DATE ADOPTED: June 24, 2009

DATE(S) AMENDED: