



## **I. POLICY**

Appeal and Complaint Procedures

## **II. PURPOSE**

This policy defines the process for students to file an academic appeal or complaint. This policy pertains to grade or other academic assessment appeals, appeal of the Medical Student Performance Evaluation (MSPE) writer or content.

## **III. RESPONSIBLE PARTY AND REVIEW CYCLE**

Assessment, Learning Outcomes, and Evaluation (ALOE) and will review this policy annually in consultation with Student Affairs, Pre-Clinical Phase leadership, Clinical Phase leadership, and the MD Appeals Subcommittee Chair. The Medical Education Committee (MEC) will review this policy at the recommendation of the Curriculum Policy Subcommittee and ALOE leadership.

## **IV. ACCREDITATION REFERENCES**

LCME 9.9	Student Advancement and Appeal Process
LCME 11.6	Student Access to Educational Records
SACSCOC 12.3	Student Rights
SACSCOC 12.4	Student Complaints

## **V. DESCRIPTION**

Students in the Doctor of Medicine (MD) program at the Macon & Joan Brock Virginia Health Sciences Eastern Virginia Medical School at Old Dominion University ("EVMS") have the right to a fair and equitable appeal process as outlined below.

### **Appeal of a Grade or Other Academic Assessment**

A student may submit an appeal if they believe an assessment is inaccurate, misleading inappropriate, or unfairly derived; however, in order to be considered a valid appeal, they must demonstrate evidence of how they were adversely impacted due to mistreatment, other discriminatory practices, or deviation from policy, standard operating procedures, or an MEC approved syllabus.

Requests for re-evaluations should not be directed to the evaluator or supervising faculty. Rather, the student should follow the prescribed process described below. Failure to do so may result in a professionalism point deduction.

If the above criteria are met, an appeal may be filed using the following steps:

1. A student initiates an appeal of an academic decision by submitting the Academic Appeal Form.
2. In the event that there is a significant irregularity in testing that impacts a student's performance, the student may be eligible for a retest. Requests for retests must be discussed with the proctor/standardized patient educator (or designee) prior to leaving the Testing Center or Simulation Center and filed the same day of the irregularity. For



significant irregularities in testing that occur in the Waitzer Hall Testing Center, the student may also be required to complete the Exam Irregularity Form prior to leaving the session. In the event that the appeal request is approved, the original exam will become invalidated. For the Clinical Skills Assessment, only the part of the exam that was impacted would become invalidated. The retest score will be used for grading.

- a. All other appeals requested must be filed within two (2) weeks of the academic decision.
  - b. The appeal must state in detail the reason(s) for the appeal, provide supporting evidence, and the action the student requests.
3. The Academic Appeal Form is sent automatically to Student Affairs, the Chair of the MD Appeals Subcommittee, ALOE leadership, and either Pre-clerkship or Clerkship/Elective Phase leadership or designee. NOTE: Any allegations of mistreatment or discrimination will be reviewed by Student Affairs prior to a decision being made on the appeal.
4. The MD Appeals Subcommittee will not review addendums to appeal requests if:
  - a. They are submitted after the initial deadlines (same day for SP encounters and exams and two weeks for all other appeals).
  - b. The original appeal request was already voted on.
5. The MD Appeals Subcommittee will review all pertinent material and, if needed for clarity, meet with the student, or contact relevant faculty member(s), administrator(s), or other persons, as necessary. NOTE: If an appeal request is submitted for the following reasons, it will be addressed by ALOE leadership and does not need to be reviewed by the subcommittee:
  - a. Request for minor updates to MSPE comments (NOTE: Removal of one or more comments would require approval from the MD Appeals Subcommittee.)
  - b. Request for minor updates to an evaluation that does not result in a change in a pass/fail outcome for that individual evaluation or a student's grade
  - c. The M3 evaluator worked with the student for less than three (3) daysNOTE: Typographical errors do not require an appeal and can be addressed directly with ALOE leadership.
6. The MD Appeals Subcommittee will render a decision that is transmitted to the course or clerkship director and the student in writing within eight (8) weeks of the appeal request. (Note: appeals that require a mistreatment review may require up to 12 weeks to make a determination.)

Secondary appeals may be submitted to the Secondary Appeals Subcommittee subject to the following:

1. The student must submit the appeal, using the Academic Appeal Form within five (5) business days of receipt of the decision from the MD Appeals Subcommittee. If no appeal is lodged to the Secondary Appeals Subcommittee within five (5) business days, the decision in the prior appeal will be final, and the student's complaint will be considered resolved.
2. The appeal must state in detail the reasons for the appeal, provide supporting evidence, and the action the student requests. Note: A student may not present information on



secondary appeal that was not made known to the MD Appeals Subcommittee for its consideration unless such information was unavailable at the time of the initial submission.

3. Upon receipt of the appeal, the Secondary Appeals Subcommittee shall determine if the secondary appeal was timely filed and meets one of the following grounds for appeal:
  - a. There is evidence of procedural irregularity that affected the outcome of the prior appeal.
  - b. There is new evidence that was not available to the student and the MD Appeals Subcommittee at the time of the initial submission that could affect the outcome of the matter; or
  - c. There is evidence that one or more voting members of the MD Appeals Committee had a conflict of interest or bias that affected the outcome of the case.
4. If the appeal was not timely filed or does not meet the grounds for appeal, the student shall be notified, and the student's complaint will be considered resolved. If the appeal was timely filed and meets the grounds for appeal, the Secondary Appeals Subcommittee shall review all pertinent material and collect any additional information needed, which may include meeting with the student, relevant faculty member(s), course director(s), clerkship director(s), relevant medical education leadership, or other persons, as necessary.
5. The Secondary Appeals Subcommittee will render a decision either supporting or modifying the MD Appeals Subcommittee's decision to the first appeal within 15 business days of receipt of the secondary appeal. This decision will be transmitted in writing to Student Affairs, the Chair of the MD Appeals Subcommittee, relevant Phase leadership, the course or clerkship director, and the student.

A member of the MD Appeals Subcommittee may initiate an appeal of an academic decision if there is a concern that grading policies were violated, or grading practices unfairly penalized students. These appeals may be filed beyond two (2) weeks of the initial academic decision but must occur within the same academic year the decision was made. Review of appeals may result in proposed changes to grading policies. Any changes to grading policies must be approved by the MEC.

### **Appeal of MSPE Writer or Content**

Students who feel that the MSPE Specialist cannot provide an unbiased review of their MSPEs have the right to appeal for a separate, alternate writer, using the following steps:

1. Students first address their concerns with the MSPE Specialist. NOTE: Students cannot appeal clerkship grades or narrative summary comments outside the two-week window discussed above in the "Appeal of a Grade or Other Academic Assessment" section of this policy. Similarly, students cannot appeal content that is part of their permanent academic record (e.g., adverse events, leaves of absence, course, or clerkship remediations, etc.).



2. If the concern with the MSPE is not resolved to the student's satisfaction through conversation with the MSPE Specialist or if the student does not feel comfortable discussing the concern with them, an appeal for an alternate writer is initiated by the student in writing to the Vice Dean for Academic Affairs.
  - a. The appeal must be filed within four (4) business days of notification that the MSPE is available for review to meet the deadline for the MSPE.
  - b. The appeal must state in detail the reasons for the appeal and the action the student requests.
3. The student will then meet with the Vice Dean of Academic Affairs or designee to discuss the basis of the appeal. This meeting will occur within five (5) business days of receipt of the appeal, as possible.
4. If deemed appropriate, the Vice Dean of Academic Affairs or designee will initiate an investigation. This investigation will include a review of all pertinent material.
5. No later than 15 business days after receipt of the appeal, the Vice Dean for Academic Affairs or designee will render a decision either supporting or modifying the MSPE writer. This decision will be transmitted in writing to the MSPE Specialist, the alternate writer (if appropriate), and the student.
6. If the Vice Dean for Academic Affairs or designee grants the student's appeal, the alternate MSPE writer will be either Pre-Clinical or Clinical Phase leadership.

Students who feel that component(s) of their MSPE or any addendum (for currently enrolled students) have not been fairly composed or written in accordance with the Medical Student Performance Evaluation and Post-Match Communication Policy, have the right to appeal the writing of the MSPE, using the following steps:

1. Students first address their concerns with the MSPE Specialist if they feel that the wrong grade or clerkship narrative summary has been included in the MSPE or that other information has been misrepresented. NOTE: Students cannot appeal clerkship grades or narrative summary comments outside the two-week window discussed above in the "Appeal of a Grade or Other Academic Assessment" section of this policy. Typographical errors do not require submission of an appeal and can be directly addressed with the MSPE Specialist.
2. If the concern with the MSPE or addendum is not resolved to the student's satisfaction through conversation with the MSPE Specialist, an appeal of the MSPE content can be initiated by the student in writing to the Vice Dean for Academic Affairs.
  - a. The appeal must be filed in a timely manner to meet the deadline for the MSPE. Late appeals might result in late submissions of the MSPE.
  - b. The appeal must state in detail the reasons for the appeal and the action the student requests.
3. The student will then meet with the Vice Dean for Academic Affairs or designee to discuss the basis of the appeal. This meeting will occur within five (5) business days of receipt of the appeal, as possible.
4. If deemed appropriate, the Vice Dean for Academic Affairs or designee will initiate an investigation. This investigation will include a review all pertinent material.



5. No later than 15 business days after receipt of the appeal, the Vice Dean for Academic Affairs or designee will render a decision either supporting or modifying the MSPE or addendum content. This decision will be transmitted in writing to the Associate Dean for Educational Assessment and Evaluation, the MSPE Specialist and the student.
6. If the Vice Dean for Academic Affairs or designee assigns an alternate MSPE writer based on the appeal, the alternate MSPE writer will be either Pre-Clinical or Clinical Phase leadership.

## **VI. RELATED DOCUMENTS**

Compliance Reporting/Anti-Retaliation Policy  
Clerkship Phase Assessment and Grading Policy  
Elective Phase Assessment and Grading Policy  
Medical Student Performance Evaluation and Post-Match Communication Policy  
Pre-clerkship Phase Assessment and Grading Policy  
Professional Learning Environment and Appropriate Treatment of Medical Students Policy  
Student Non-Academic Complaint and Formal Grievance Policy

## **VII. HISTORY OF APPROVALS AND UPDATES**

The following list documents policy approvals and updates by oversight authority, date, and summary of changes. This policy is housed on the MD Student Handbook webpage.

- On June 29, 2020, the Medical Education Committee approved the update to separate the policy from the MD Student Handbook.
- On July 8, 2020, the Medical Education Committee approved the update to clarify the process for appeal of an academic decision if there is a concern that grading policies were violated or grading practices unfairly penalized students.
- On October 20, 2020, the Medical Education Committee approved the update that the Appeals Committee hears all Appeals of a Grade or Other Academic Assessment.
- On July 14, 2021, the Medical Education Committee approved the updates to clarify that the academic appeal process is not enacted for submitted evaluations when students have worked with preceptors for less than three (3) days or for typographical errors found in clerkship narrative summaries.
- On June 8, 2022, the Medical Education Committee approved the updates to clarify circumstances in which students can submit an appeal/secondary appeal, outline the process for appeals related to testing irregularities, clarify circumstances in which students can address minor situations without having to submit an appeal, and to change the MSPE writer and the first step of the MSPE appeal process.
- On May 10, 2023, the Medical Education Committee approved the updates changing “module” to “course,” updating responsible parties to include leadership instead of specific titles, clarified language for ALOE leadership addressing requests vs subcommittee, and added the ability for subcommittee to submit a professionalism report against a student for failing to follow appropriate procedures for requesting a re-evaluation.



## **SCHOOL OF MEDICINE APPEAL AND COMPLAINTS PROCEDURE POLICY**

- On January 10, 2024, the Medical Education Committee approved the update to limit the secondary appeal to the Vice Dean for Academic Affairs based on specific grounds for appeal.
- On May 22, 2025, the Medical Education Committee approved updates to secondary appeals, the inclusion of a Secondary Appeals Subcommittee, and removal of language around appealing SPC decisions of dismissal (moved to SPC policy).