

BOARD OF REGENTS BRIEFING PAPER

Agenda Item Title: Proposed Amendments to the Board of Regents Code, Title 2 to Adopt a new Chapter 11, Student Program Dismissal Procedures

Meeting Date: Mar. 6-7, 2014

1. BACKGROUND & POLICY CONTEXT OF ISSUE:

As part of its review of the Board of Regents Code, the Code Review Task Force has recommended that Student Program Dismissal Procedures should be adopted which will provide due process for the dismissal of students from programs for academic reasons. Many institution programs have specific requirements for admission to or progression in the program. Violation of those specific program requirements can result in dismissal from the program. There is no system-wide procedure requiring minimum due process for such program dismissals.

2. SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

The Board of Regents is requested to approve the attached proposed Student Program Dismissal Procedures as a new Title 2, Chapter 11.

3. IMPETUS (WHY NOW?):

The Code Review Task Force has finished its work with regard to the proposed Student Program Dismissal Procedures and all institutions have had the opportunity to provide input in the development of this proposal.

4. BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

- Undergraduate and graduate programs may have special requirements for admission to and/or for progression within the particular program.
- The special requirements may include but are not limited to such things as inadequate grades or failure to remain in academic good standing as defined by the program, a lack of professionalism or unethical conduct, or failure to comply with other specific program requirements.
- Violation of these specific requirements may be grounds for dismissal from a program.
- Student should be given minimum due process, *i.e.*, notice and an opportunity to be heard, before being dismissed from a program.
- A student may be immediately removed from a program, and afforded a subsequent review conference, if the student's actions related to the program have caused life, health and safety risks, or program disruption.
- The proposed procedures will create an informal process with appropriate notice to the student, an opportunity to address and rebut the reasons for the proposed dismissal, and a framework of reasonable timelines.
- Under the proposed procedure, system institutions, professional schools and individual programs may establish their own written policies, procedures and sanctions for program dismissals that may be used in lieu of the procedures of this chapter.

Revised: June 2010

5. POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

- The institutions can provide due process for program dismissals even in the absence of a system-wide policy.
- There is no need for NSHE Student Program Dismissal Procedures.

6. ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED:

- Do not adopt Student Program Dismissal Procedures.

7. COMPLIANCE WITH BOARD POLICY:

- Consistent With Current Board Policy: Title #_ Chapter #_ Section #____
- Amends Current Board Policy: Title # 2 , Ch. __, Sec. _____, and adds a new Chapter 11
- Current Procedures & Guidelines Manual: Chapter #____ Section #____
- Other:
- Fiscal Impact: Yes _____ No X
- Explain: __

**PROPOSED REVISIONS – Board of Regents HANDBOOK
TITLE 2, CODE, new CHAPTER 11
Student Program Dismissal Procedures**

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

Section 1. Dismissal from Programs.

A student may be dismissed from a program for academic reasons which may include but are not limited to inadequate grades or failure to remain in academic good standing as defined by the program, a lack of professionalism or unethical conduct, or failure to comply with other specific program requirements. Failure to comport with professional and/or ethical standards applicable to the particular discipline or program may be grounds for dismissal from a program. "Program" includes but is not limited to all undergraduate and graduate programs which have special requirements for admission to and/or for progression within the particular program. If the program has special requirements for admission or progression, they must be in writing and either published on the institution's website or provided in writing to all students who are admitted to the program. The program dismissal procedures established in this chapter are not applicable to expulsion from an institution for violation of the applicable student code of conduct.

System institutions, professional schools and individual programs may establish written policies, procedures and sanctions for program dismissals that may be used in lieu of the procedures of this chapter, subject to prior review by the institution's general counsel and the approval of the president of the institution. Any such policy will be effective the next semester following its approval by the president. In the absence of such an approved policy, the procedures set forth in this chapter will apply.

Section 2. Dismissal for Failure to Maintain Required Grades or Required Grade Point Average (GPA).

If the program dismissal is based upon failure to maintain required grades or a required GPA for the particular program or for a course within the program, this program dismissal procedure does not apply and the student may be summarily dismissed from the program. The student's only recourse to challenge a grade is to utilize the institution's grade appeal process. If the student's grade appeal is successful, the student must be reinstated in the program.

Section 3. Dismissal Procedures.

a. Notice of the Dismissal.

The student must be provided with a written statement of reasons for the program dismissal action before the student is dismissed from the program. However, student behavior or actions that threaten professional and/or ethical standards or norms may result in a modification of this procedure. Student actions related to the program, which cause life, health and safety risks, or program disruption, may be a basis for immediate removal from program activities (including but not limited to academic classes) pending

the outcome of a review conference. Approval by the institution's president or designee is required in cases of immediate removal from a program where a notice of dismissal and review conference occur subsequently.

The notice of dismissal must include information about the review conference procedure (set forth in Subsection b. below) and the date for the review conference. A student may but is not required to be given a warning and the opportunity to correct any violations of program requirements before the issuance of a notice of dismissal.

b. Review Conference.

The student must be afforded the opportunity for a review conference. A review officer will administer and carry out the review conference.

The review conference is an informal meeting that is not intended to be adversarial in nature. The student may be accompanied by an advisor during the conference. The advisor serves in a support role to the student during the review conference. In this process the advisor has no right to speak during the review conference except to the student.

If a student, who has been given notice, does not appear for the review conference, the review conference will still proceed.

The review conference is the time for presentation of the information, documents or witnesses in support of the dismissal. The review conference is the time at which the student is afforded the opportunity to present information, documents or witnesses on his or her behalf. Witnesses may present a statement to the review officer. However, only the review officer may ask questions of any witnesses. Further, the individual who made the recommendation for program dismissal has the opportunity to participate in the review conference and may present information, documents or witnesses in support of the program dismissal recommendation. The review officer may also include a representative from the applicable discipline or program in the review conference.

A review conference must occur no earlier than three (3) college working days after the date on which written notification of the recommendation for dismissal was sent to the student by e-mail or by personal delivery. If the notice was sent by US Mail, the review conference must occur no earlier than five (5) college working days after the date of mailing. However, upon request by the student, the review officer, in his or her sole discretion, may grant an extension of time with regard to the review conference. Unless an extension of the time for the review conference has been granted by the review officer, the review conference must take place no later than 10 college working days after the date the written notice of dismissal was sent or delivered to the student.

c. Review Officer.

The review officer must be an individual at the level of Academic Vice President or designee. The review officer must not have been involved in the program dismissal recommendation.

d. Written Decision.

After careful review of all the materials, statements and relevant circumstances, the review officer must issue a written decision setting forth the reasons upon which the final decision is based. If the review officer does not uphold the recommendation for dismissal, the student must be reinstated in the program. The review officer will render a decision to the student and the program within five (5) college working days after the review conference.

e. Standard of Review.

The review officer's determination shall be made on the basis of whether it is more likely than not that the student engaged in behavior or actions related to the program that warrant program dismissal.

f. Decision Final.

The decision of the review officer is final and is not subject to appeal.

g. Re-Entry or Re-Admission

Each institution shall determine the conditions, if any, for re-entry or re-admission to the program.