

KENT STATE UNIVERSITY CERTIFICATION OF CURRICULUM PROPOSAL

Preparation Date **20-Apr-15** Curriculum Bulletin _____

Effective Date **Fall 2015** Approved by EPC _____

Department

College **PR - Provost**

Proposal **Revise Policy**

Proposal Name **Revision of the Administrative Policy Regarding Disqualification of Students from Programs for Other than Academic Reasons (3342-3-01.11)**

Description of proposal:

Proposed are revisions to the administrative policy as published in the Policy Register (3342-3-01.11) regarding dismissing students from an academic program for reasons of inadequate personal qualifications to meet professional requirements. Revisions include updating language, adding procedures for notifying and removing students from the program and adding an appeal process.

Policy is retitled: Administrative Policy Regarding Dismissal of Students from Programs for Reasons of Professionalism

Describe impact on other programs, policies or procedures (e.g., duplication issues; enrollment and staffing considerations; need, audience)

Updated policy will differentiate it more clearly from policies regarding academic dismissal and conduct dismissal.

Units consulted (other departments, programs or campuses affected by this proposal):

Office of General Council, the Office of the Student Ombuds, the Office of Accessibility Services, Associate and Assistant (A&A) Deans Committee

REQUIRED ENDORSEMENTS

Department Chair / School Director _____/_____/_____

Campus Dean (for Regional Campuses proposals) _____/_____/_____

College Dean (or designee) _____/_____/_____

Dean of Graduate Studies (for graduate proposals) _____/_____/_____

Provost and Senior Vice President for Academic Affairs (or designee) _____/_____/_____

Proposal Summary

Revision of Administrative Policy Regarding Disqualification of Students from Programs for Other than Academic Reasons (3342-3-01.11)

SUBJECT SPECIFICATION

Proposed are revisions to the administrative policy as published in the Policy Register (3342-3-01.11) regarding dismissing students from an academic program for reasons of inadequate personal qualifications to meet professional requirements. Revisions include updating language, adding procedures for notifying and removing students from the program and adding an appeal process.

BACKGROUND INFORMATION

Administrative policy 3342-3-01.11 was first approved by the Educational Policies Council on 2 May 1969 (formerly numbered 3342-3-16). The policy was borne out a situation that occurred a couple of years earlier of a student being dismissed from a program based on the professional judgement of its faculty; however, the university had no recourse but to reinstate the student after a lawsuit was filed and it was discovered that the criteria and procedures for dismissal were neither written nor communicated before the action occurred. As a result, an EPC Subcommittee on Academic Due Process was created and charged with developing dismissal policies to protect the integrity of an academic program and its faculty while still protecting the rights of students.

When the policy was approved 46 years ago, it reflected the language of its time and listed procedures for the consideration of dismissal and students' right to appeal. However, those procedures were removed in the intervening years. Having an updated university policy on the process and procedures for dismissal for non-academic reasons is imperative. Even more critical is ensuring that affected program areas maintain their dismissal criteria for violating professionalism standards, and have the dismissal criteria published in the University Catalog and/or student handbook. As demonstrated by two recent lawsuits brought by dismissed students (one involving Case Western Reserve University School of Medicine), while courts give almost complete deference to university judgments regarding academic issues, they are divided over giving deference to university judgments regarding professionalism. Before rendering their decisions, judges scrutinize the university's written policies (in the catalog and student handbooks) to ensure that they are clear, communicated and consistently followed.

The following updates have been made to the policy in consultation with the Office of General Council, the Office of the Student Ombuds, the Office of Accessibility Services and the Associate and Assistant (A&A) Deans Committee.

- Replacement of word "disqualification" with "dismissal" and replacement of "other than academic reasons" with "reasons of professionalism" in the policy name. University nomenclature does not use the word "disqualification" to describe a decision to remove a student from a program. The use of the word "professional" clarifies the purpose of this policy, as opposed to the dismissal policies that address student conduct issues.
- Revision of the "purpose" statement to remove such outdated language as "personality" as cause for dismissal.

- Removal of language regarding discrimination of students with disabilities—listed in sections B, C, D and F of the current policy. This language duplicates word-for-word language in the Administrative Policy Regarding Nondiscrimination and Access to University Programs for Qualified Students with Disabilities (3342-3-01.3). The language being removed speaks more toward the university making reasonable accommodations in academic requirements, and not the evaluation of students’ professionalism in programs that require such standards as criteria for graduation.
- Addition of procedures to communicate a dismissal decision to students. Procedures were addressed in the original EPC-approved policy and removed in a subsequent revision. These procedures align with the ones listed in the Academic Standing–Graduate Student policy (and can be applied to undergraduate students)
- Addition of exemption of graduate students on official leave of absence from dismissal. This exemption is in the Academic Standing–Graduate Student policy.
- Addition of dismissal procedures, which align with the procedures listed in the Not Permitted to Continue policy for undergraduate students and the Academic Standing–Graduate Student policy.
- Addition of appeal process and time limits, which were addressed in the original EPC-approved policy and removed in a subsequent revision. Language added aligns with the appeal process and time limits outlined in the Administrative Policy and Procedures for Student Academic Complaints (3342-4-02.3) and in the Administrative Policy and Procedures for Student Complaints (Regional Campuses) (3342-8-01.4).

ALTERNATIVES AND CONSEQUENCES

The alternative is status quo in the Policy Register. Consequences are a policy that contains outdated language and does not address, at the university-level, procedures for dismissal and appeal.

SPECIFIC RECOMMENDATION AND JUSTIFICATION

It is recommended that the revisions to administrative policy 3342-3-01.11, as listed above and outlined on the next pages, be approved and included in the Policy Register.

TIMETABLE AND ACTIONS REQUIRED

Approval from Educational Policies Council	18 May 2015
Approval from Faculty Senate	20 July 2015
Approval from President’s Cabinet.....	August 2015
Implementation in Policy Register	31 August 2015
Notification to Board of Trustees	7 September 2015

Policy is filed with the Ohio Legislative Service Commission once approvals are procured.

CURRENT POLICY COPY

Administrative policy regarding disqualification of students from programs for other than academic reasons

- (A) Purpose. In certain programs of study, students may not be effective in their chosen area because of factors other than academic qualifications, such as personality. Such programs are often designed to train students to perform guidance roles upon completion of their educational requirements. In such cases, a student's personality may be detrimental to his or her effective functioning in his or her chosen area. The university reserves the right to dismiss a student in those programs concerned before completion of his or her graduation requirements for professional and/or educational reasons.
- (B) Definitions. The definitions employed in the implementation of the provisions of this rule are included in the university affirmative action plan. As used in this rule, "Person with a disability," "qualified individual with a disability," and "reasonable accommodation" as applied are defined or applied in Title II of the Americans with Disabilities Act of 1990, 28 CFR 35.
- (C) Requirements. The university shall make reasonable accommodations in its academic requirements to ensure that such requirements do not discriminate on the basis of disability against a qualified individual with a disability, whether applicant or student. However, requirements that the university can demonstrate are essential to the program of instruction of the student, or any directly related licensing requirement, or to the physical safety of students, faculty, or staff, will not be regarded as discriminatory.
- (D) Other rules may not be imposed upon students with disabilities, such as a prohibition of tape recorders or guide dogs, which have the effect of limiting the participation of students in the educational program or activity. Further, in examination or evaluations the university shall provide where possible such methods for evaluating the achievement of students with disabilities as will best insure that the results of the evaluation represent the student's achievement rather than reflecting the student's impaired sensory, manual, or speaking skills.
- (E) Department notices to students in affected programs. All programs in which nonacademic qualifications are deemed relevant to a program of study must obtain the approval of the educational policies council. The department shall furnish a general description, in writing, of such qualification to the student prior to the time the student is admitted into the program. No student shall be dismissed from such a program unless he or she has been furnished the requisite description prior to admission into the program.
- (F) Grievance procedures and appeals. The student may appeal decisions made according to this policy. Procedures to be followed are stated in departmental or school policy books.

PROPOSED REVISED POLICY COPY

Administrative policy regarding dismissal of students from programs for reasons of professionalism

- (A) Purpose. In certain programs of study in which professional success depends upon factors other than those measured by coursework and associated evaluations—and may require, for example, students to manifest a certain disposition and/or demeanor apropos of professionals in the student's field of study—the university has the right to dismiss from the program a student who is not likely to succeed professionally despite meeting academic requirements.
- (B) Criteria for recommendation and notification.
 - (1) Such expectations for professional standards must have been communicated to the student in writing at the time of admission to the program.
 - (2) Recommendations for dismissal with a written explanation of the recommendation must be transmitted by the head of the student's academic program to the chair of the department, director of the school, campus dean of a regional campus or to the dean of the academic college for colleges without departments/schools.
 - (3) The decision for dismissal from the program rests with the department chair, school director or campus dean, who is responsible for providing the student with written communication regarding the decision. In the case of colleges without departments or schools, the decision for dismissal from the program rests with the college dean, who is responsible for providing the student with written communication regarding the decision.
 - (4) A graduate student on an official leave of absence cannot be recommended for dismissal.
- (C) Dismissal procedures.
 - (1) The student is notified in writing of the dismissal and given a deadline to seek admission to a different program at Kent State University.
 - (2) A student who has not declared a different program by the stated deadline will be administratively moved to a non-degree status and removed from all applicable courses in the student's former program.
- (D) Appeal procedures. A student who is dismissed from a program has the right to appeal the decision.
 - (1) Appeal procedures for colleges with departments/schools or for regional campuses. The student may appeal in writing to the appropriate college dean for the dismissal decision made at the department, school or campus level.
 - (a) The student shall clearly state in writing to the college dean the reasons why the decision is being appealed. The written appeal submitted by the student should include the nature of the appeal, the facts and circumstances leading to the appeal, reasons in support of the appeal and the remedy or remedies requested. The appeal statement submitted by the student becomes the basis for all further consideration of the matter.
 - (b) A copy of the appeal statement must be sent to the department chair, school director or campus dean who issued the dismissal decision.
 - (c) The review by the college dean of any appeal will normally consist of the review of the written documents and may, at the discretion of the college dean, include interviewing the principal parties, discussing the matter with the department chair, school director or campus dean, and/or consultation with any others who the college dean believes may assist in the review of the appeal.

PROPOSED REVISED POLICY COPY *continued*

- (d) Upon completion of the review of the appeal, the college dean will make the final decision. The college dean shall provide a written decision to the student, with a copy sent to the department chair, school director or campus dean.
- (2) Appeal procedures for colleges without departments or schools. The student may appeal in writing to the provost for the dismissal decision made at the college level.
 - (a) The student shall clearly state in writing to the provost the reasons why the college decision is being appealed. The written appeal submitted by the student should include the nature of the appeal, the facts and circumstances leading to the appeal, reasons in support of the appeal and the remedy or remedies requested. The appeal statement submitted by the student becomes the basis for all further consideration of the matter.
 - (b) A copy of the appeals statement must be sent to the college dean who issued the dismissal decision.
 - (c) The review by the provost of any appeal will normally consist of the review of the written documents and may, at the discretion of the provost, include interviewing the principal parties, discussing the matter with the college dean, and/or consultation with any others who the provost believes may assist in the review of the appeal.
 - (d) Upon completion of the review of the appeal, the provost will make the final decision. The provost shall provide a written decision to the student, with a copy sent to the college dean.
- (E) Time limits. The following time limits pertain to all parties. If conditions or causes exist requiring a modification of the time limits, it shall be the responsibility of the college dean or provost to assess such circumstances and causes and determine the nature or extent of any such modification. If the college dean or provost determines that modification is required, the parties shall be informed immediately by the college dean or provost.
 - (1) The chair of the department, director of the school or campus dean of the regional campus will provide a written decision of dismissal from the program to the student within ten calendar days of receipt of the recommendation from the head of the student's academic program. In the case of colleges without departments/schools, the college dean will provide the written decision to the student within the same timeframe.
 - (2) If the student decides to appeal the decision, the student's appeal must be submitted in writing to the appropriate college dean (or to the provost if the dismissal decision was made by the college dean) within five days of receipt of the decision for dismissal from the student's program. A copy of the written appeal must also be sent to the department chair, school director, campus dean or college dean who issued the dismissal decision.
 - (3) Unless extensive further review is required, the college dean shall provide a written decision of the appeal to the student within fifteen days. In the case of colleges without departments/schools, the provost will provide the written decision of the appeal to the student within the same timeframe. A copy of the decision shall be sent to the department chair, school director, campus dean or college dean.
 - (4) The department chair, school director, campus dean or college dean shall notify the university registrar to remove the student from the program within five days following the deadline for the student to submit an appeal. If the student submits an appeal, and the decision to dismiss is upheld by the appropriate body, the department chair, school director, campus dean or college dean shall notify the university registrar to remove the student from the program within five days following receipt of the decision. The university registrar will move the student to a non-degree status and remove the student from all applicable courses in the student's former program.

MARKED-UP POLICY COPY

(new language, ~~removed language~~)

Administrative policy regarding dismissal ~~disqualification~~ of students from programs for ~~other than academic~~ reasons of professionalism

- (A) Purpose. In certain programs of study in which professional success depends upon factors other than those measured by coursework and associated evaluations—and may require, for example, students to manifest a certain disposition and/or demeanor apropos of professionals in the student's field of study—the university has the right to dismiss from the program a student who is not likely to succeed professionally despite meeting academic requirements. ~~students may not be effective in their chosen area because of factors other than academic qualifications, such as personality. Such programs are often designed to train students to perform guidance roles upon completion of their educational requirements. In such cases, a student's personality may be detrimental to his or her effective functioning in his or her chosen area. The university reserves the right to dismiss a student in those programs concerned before completion of his or her graduation requirements for professional and/or educational reasons.~~
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