

**American University of the Caribbean
School of Medicine**

**Policy and Procedures
for
Student Conduct Complaints**

**Van Wormer Judiciary Committee
And
Administrative Review**

Effective date: May 1, 2015



Definitions

“Administrative Review Committee” is the committee of AUC faculty or staff members who are chosen to evaluate Formal Complaints and render a final determination, including, when applicable, disciplinary action. This committee is also referred to as the “ARC.” One member of each ARC committee is designated as the “Chair.”

“Advisor” is an individual selected by the student who agrees to provide support to the student during the ARC or Grievance Appeal process.

“Appeal” is the process by which a written request is submitted by a party to an Administrative Review for reconsideration of the final determination made by the ARC.

“Complaint,” for purposes of this policy, shall mean a written statement submitted by a member of the AUC community alleging misconduct by an AUC student that purportedly violates the AUC Student Handbook, Student Honor Code, or other published rule or regulation.

- Informal Complaint – a complaint brought voluntarily before the Van Wormer Judiciary Council.
- Formal Complaint– a complaint submitted to the Complaint Coordinator and subject to Administrative Review.

“Complainant” shall mean a person filing a Formal or Informal Complaint under this policy. This may also refer to a person on whose behalf AUC has filed a complaint based on alleged violations of the Sexual Misconduct or Non-Discrimination policies

“Complaint Coordinator” is the designated AUC administrator who receives written complaints. This is typically the Assistant Dean for Student Affairs for medical sciences or the Associate Dean for Clinical Student Affairs for clinical sciences.

“Covered Matter” is the type of complaint, as further defined below under Informal Complaints, which may be brought before the Van Wormer Judiciary Committee.

“Discrimination” is conduct or behavior that is defined in the University’s Non-Discrimination Policy. Refer to the University’s Non-Discrimination Policy for additional information. Contact information for the Title IX Coordinator is contained in this policy. This policy can be found [here](#).

“Harassment” is conduct or behavior that is defined in the University’s Non-Discrimination Policy, Refer to the University’s Non-Discrimination Policy for additional information. Contact information for the Title IX Coordinator is contained in this policy. This policy can be found [here](#).

“Honor Code” shall refer to the AUC Student Honor Code.

“Misconduct” is defined as any violation of the AUC Student Handbook, Student Honor Code, or other published rule or regulation.

“Respondent” shall mean an AUC student who is the subject of a Conduct Complaint.

“Semester Day” shall mean any day on which classes are held or tests are administered at AUC’s St. Maarten campus.

“Title IX” - Title IX of the Education Amendments of 1972 prohibits sex and gender based discrimination. Examples of the types of discrimination that are covered under Title IX include sexual harassment inclusive of sexual violence, stalking and interpersonal relationship violence; gender based harassment; and discrimination based on pregnancy.

Policy Statement

The American University of the Caribbean School of Medicine (“AUC”) has established an Honor Code, which is intended to set a professional standard of conduct for all medical students. The Honor Code can be found in the Student Handbook.

AUC’s Honor Code was developed jointly by Faculty, Students and Administration. As future professionals, all students are expected to meet the standards set out in and comply with the Honor Code and all other published policies that can be found in AUC’s Student Handbook. Any violation of the Honor Code or other published policies is considered to be misconduct. The Complaint process as well as the Appeal process, is provided to allow for alleged misconduct by students to be investigated and resolved by the University.

Informal Complaints

Students who elect to file Informal Complaints may do so by submitting a written and signed Complaint to the Van Wormer Judiciary Committee (VWJC). No anonymous Complaints will be considered. Each party to this process may present evidence and witness testimony for consideration by the VWJC.

The VWJC is comprised of current students and is permitted to review Conduct Complaints made by student(s) against other student(s) that occurred while on the island of Sint Maarten. The VWJC is an optional forum. Students may, but are not required to, bring a matter to the attention of the VWJC in lieu of, or prior to, filing a Formal Complaint.

The VWJC may review Complaints between students that occur either on or off campus. Complaints that the VWJC are permitted to review are considered covered matters. The following types of Complaints are NOT covered matters: (1) Complaints that arise under the AUC Non-Discrimination policy; (2) Complaints that allege any violations of the Sexual Misconduct Policy; (3) Complaints concerning acts of academic misconduct; or (4) any Complaint brought forth by a faculty member or administrator. Any Complaints that are not covered matters must be brought forth in accordance with the AUC policy and procedure governing that specific type of Complaint.

The VWJC may facilitate mediation on covered matters and issue non-binding resolutions that have been mutually agreed upon by the Parties. All Parties to the Complaint must agree in order for the resolution to be implemented. The VWJC may not impose disciplinary actions.

At its sole discretion, the VWJC may also determine at any point in the process of mediating a Complaint, that the Complaint should be referred for Administrative Review.

Formal Complaints

In order to file a Formal Complaint a written and signed Complaint must be submitted to the Assistant Dean for Student Affairs or the Associate Dean for Clinical Student Affairs (the “Complaint

Coordinator”), depending on the location of the alleged violation. At a clinical site, the Clerkship Director or Site Director shall be the intake point of contact for all complaints, and in turn, that Director will forward the complaint to the appropriate Complaint Coordinator, typically the Associate Dean for Clinical Student Affairs.

The Complaint should be submitted as soon as practicable after the conduct occurred, but no later than 90 Calendar Days from the day the basis of the Complaint arose or that the conduct leading to the Complaint was discovered. No anonymous or unsigned statements will be accepted. However, AUC will investigate certain claims, such as allegations of sexual misconduct, harassment or discrimination, and may take appropriate action even if the allegations were not made in writing or if they were submitted anonymously. This action may include, if necessary, filing a Formal Complaint on behalf of the individual who would be considered the Complainant in an Administrative Review.

Once a Conduct Complaint is filed, the Complaint Coordinator will review the Complaint and determine if the allegations made indicate a potential violation of any provision of the AUC Student Handbook or other AUC policy.

- If the Complaint Coordinator determines that allegations made in the Complaint meet the above stated criteria, in his/her sole discretion on a case by case basis, the Complaint Coordinator will determine whether they will convene an Administrative Review Committee. The Complaint Coordinator may serve as the Chair of any ARC.
- If the Complaint Coordinator determines that allegations made in the Complaint meet the above stated criteria and does not convene an ARC, the Complaint Coordinator may still investigate the complaint. In this situation the Complaint Coordinator may, after investigation, decide to convene an ARC.
- If the Complaint Coordinator does not find that the allegations in the Complaint meet the above stated criteria the Complaint Coordinator may still investigate the complaint.

Additionally, if two or more signed Complaints are received concerning the same student, even if those Complaints did not or would not have independently resulted in an Administrative Review, the Complaints may be collectively referred by the Complaint Coordinator to the appropriate AUC personnel, as determined by the Complaint Coordinator, who may elect to file his or her own Complaint based on a pattern of allegations or behavior set out in the combined Complaints, and thereby initiate Administrative Review.

If a Complainant has been subjected to, or fears actual or threatened bodily harm, or the Complaint submitted indicates an imminent or substantive security risk to the Complainant, the AUC campus or community, the Complaint Coordinator shall immediately notify the Campus Incident Commander to conduct a threat assessment and, if necessary, suggest immediate actions that may be necessary to preserve the security of the Complainant, the AUC campus and/or community. The Campus Incident Commander can be reached through the AUC Office of Safety and Security. The threat assessment and any recommendations are then submitted to the Dean of the Medical Science Campus while on Sint Maarten. In the event the Complainant while assigned to a clinical rotation notifies the Complaint Coordinator of such a risk, the Associate Dean for Clinical Student Affairs may conduct the threat assessment and take appropriate action, as described above. Where there are allegations of sexual misconduct, protective measures may be appropriate even without a threat assessment. Please refer to the Sexual Misconduct Policy for more information.

The Parties to an Administrative Review will receive a letter from the Complaint Coordinator notifying them of the initiation of the AR process. The ARC may choose to hold telephone or in person hearings

with the Parties to the Complaint, but is not required to. After all appropriate action has been taken to investigate the allegations made, as determined in the sole discretion of the ARC, a Final Determination regarding the Complaint will be rendered. The ARC shall use the standard of “more likely than not” when rendering a final determination on a Complaint.

The Parties to an Administrative Review may, but are not required to, invite someone to serve as an Advisor during the course of the Administrative Review. Advisors shall be identified to the Chair of the Administrative Review Committee as soon as they consent to serve. They will be instructed regarding the confidential nature of the proceedings. The role of the Advisor is to assist and consult off the record with the party they are supporting. An Advisor will not participate actively in any part of the Administrative Review, including during any appeal that may be filed. The Administrative Review Committee reserves the right to ask an Advisor to remove him- or herself from any in person or telephonic proceedings, including a hearing, in the event that they are disruptive to the process.

Origination of Complaint and Specific Reporting/Filing Procedures

A student may be either on St. Maarten or at another location while on clinical rotations when a Complaint arises. The Administrative Review process provides for specific procedures based on the location of the student at the time the incident occurred, which gave rise to the Complaint.

- Complaints originating on St. Maarten (on or off campus)
 - Complaints should be submitted to the Assistant Dean of Student Affairs (the “ADSA”) or his or her designee.
 - In the event the ADSA is submitting the Complaint, he or she shall submit the Complaint to the Chief Academic Officer (“CAO”) or his or her designee.
- Complaints originating when students are assigned to a Clinical Clerkship or elective (on or off site)
 - At clinical sites, complaints can be submitted to the Clerkship Director, Elective Director, or Site Director, or his or her designee.
 - Clerkship and Elective Directors should submit any complaints they receive to the Site Director.
 - The Site Director will submit any complaints they receive or initiate to the Associate Dean for Clinical Student Affairs (the “ADCSA”) or his or her designee.

Timeline for Complaint Resolution

AUC considers a timely response for conducting an investigation and rendering a Final Determination to be six (6) weeks from receipt of a Complaint, unless the ARC requires additional time to investigate the claim, wishes to take into account the outcome of third-party proceedings, or has other good reason to extend the review process. In the event of a delay in the process, the parties will be notified.

Notification of Findings

Once the ARC has reached a Final Determination, the Chair will notify, in writing, all Parties to the Complaint of the results of the Administrative Review. The Chair may inform the Complainant if any disciplinary action has been taken, but is not required to disclose the specifics of the action taken. Complainants are entitled to the details of the disciplinary measures taken in cases of sexual misconduct. Notification of the final determination shall be sent to the Parties in any way the Chair deems appropriate, including but not limited to, email and regular mail.

Disciplinary Actions

The ARC may impose one or more of the following disciplinary actions as part of the final determination for a Complaint:

Written Warning – a written censure regarding the misconduct, which indicates that further violations could result in disciplinary action.

Financial Restitution – an amount required to be paid by the responsible Party in order to make another Party whole as a result of physical damage, theft or similar circumstance.

Non-Academic Probation - Probation may last up to one year and may require completion of specific requirements determined on a case-by-case basis. For example, the ARC may impose, as a condition of probation, any of the following: counseling; medical and/or psychological evaluation; substance abuse treatment and/or testing or; additional healthcare services. This is not intended to be an exhaustive list. Probation may also include the loss of student privileges, use of AUC facilities, and attendance at AUC functions. During Non-Academic Probation, the student may be permitted to engage in some or all educational activities. Prior to return to full status, the student may be required to complete a formal, independent fitness-for-duty evaluation.

Suspension – A set period of time, lasting up to one year, during which the privilege of participating in educational or other activities such as attending classes and/or being on campus or clinical sites is withdrawn. While suspended, a student may be required to comply with certain requirements, including, but not limited to: counseling; medical and/or psychological evaluation; substance abuse treatment and/or testing or; additional healthcare services. This is not intended to be an exhaustive list. Suspended students may not be eligible for refunds of tuition/fees.

Dismissal – Withdrawal of the privilege of attending AUC. A student who has been dismissed from AUC for disciplinary reasons is not eligible for readmission.

Failure to Comply with Disciplinary Action or Specific Sanctions

In the event a student disregards or fails to comply with any disciplinary actions or remediation, in whole or in part, imposed as the result of the outcome of the ARC process, the AUC Administration may act upon those violations without convening another ARC. The AUC Administration in this situation may, at its sole discretion, determine whether additional disciplinary action is warranted as a result of such a violation, up to and including dismissal from AUC. The result of such additional action will also become a part of the Respondent student's file. Additionally, when the AUC Administration makes a determination of additional action to be taken in accordance with this provision with regard to a complaint of Sexual Misconduct, the Complainant(s) to the original complaint will be notified of any additional action taken.

Disciplinary Proceedings and Permanent Educational Records

The reporting requirements for the Educational Commission for Foreign Medical Graduates (ECFMG) and the Medical Student Performance Evaluation (MSPE) vary depending on the type of conduct reported and the disciplinary action taken. For additional information on ECFMG or MSPE reporting requirements, please contact Mr. Dave Jones in the Office of Student and Professional Development at: djones@aucmed.edu.

Appeal Procedures

An Appeal to an ARC decision must be made within ten (10) semester days of the date the ARC Final Determination was provided to the Parties. Appeals must be submitted in writing to the Dean of the Medical Sciences Campus or Senior Associate Dean, Clinical Sciences, depending on where the complaint originated and must explicitly state the reason for the appeal. Any Party to an Administrative Review may appeal the final determination. The only acceptable bases for filing an Appeal are:

1. There is new evidence that was unavailable at the time of the original investigation that would affect the outcome of the original decision.
2. There were procedural irregularities in the complaint process that affected the outcome.
3. The Final Determination from the Administrative Review was not reasonable based on the evidence compiled during the investigation.

Within ten (10) calendar days the Dean of the Medical Sciences Campus or Senior Associate Dean, Clinical Sciences will render a determination as to whether the Appeal meets one of the three stated bases for Appeal. If it does, the Dean will convene an Appeal Committee to consider the merits of the appeal and render a decision on the appeal within thirty (30) calendar days from the date the student was notified that a Grievance Committee has been convened. In their absence, the Dean of the Medical Sciences Campus or Senior Associate Dean Clinical Sciences may designate another person to fulfill these responsibilities.

The Appeal Committee may accept, amend (by reducing, increasing, adding or removing disciplinary measures in whole or in part) and/or reject all or part of the final determination rendered by the ARC. The decision rendered on any Appeal is final and may not be further appealed.