

AUC STUDENT CONDUCT COMPLAINT AND APPEAL POLICY

Definitions

“Administrative Review Committee” is the committee of AUC faculty or staff members who may be chosen to evaluate 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 (Respondent, Complainant, or Witness) who agrees to provide support to the student during the ARC or Appeal process. The advisor may be an attorney. The advisor may not speak on behalf of the student or answer any questions on behalf of the student during the hearing.

“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, AUC Professional Conduct Policy, or other published rule or regulation.

“Complainant” shall mean a person filing a Complaint under this policy and includes alleged violations of [AUC’s Non-Discrimination Policy](#). This policy does not include alleged violations of the Sexual Misconduct or [AUC’s Title IX Policy](#).

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

“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.

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

“Misconduct” is defined as any violation of the Student Honor Code, Professional Conduct Policy, 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. AUC's Title IX policy can be found [here](#).

Policy Statement

The American University of the Caribbean School of Medicine ("AUC") has established an Honor Code and Professional Conduct Policy. These are found in the Student Handbook and are intended to set a professional standard of conduct for all medical students.

AUC's Honor Code and Professional Conduct Policy were developed jointly by faculty, students, and administration. As future physicians, all students are expected to meet the standards set out in and comply with the Honor Code, Professional Conduct Policy, and all other published policies that can be found in AUC's Student Handbook. Any violation of the Honor Code, Professional Conduct Policy, and/or other published policies is defined as misconduct. Repeated minor violations of expected conduct of physicians-in-training may also rise to the level of misconduct. These include matters pertaining to professionalism such as, but not limited to, timeliness, communication style, attention to detail, professional engagement, and professional conduct.

The Complaint process as well as the Appeal process are provided to allow for alleged misconduct by students to be investigated and resolved by the University. Because no policy is one-size-fits-all, though, AUC reserves the right to deviate from this policy if the circumstances of a particular complaint or investigation call for additional flexibility.

Complaints

Student Judiciary Committee

Students submitting a complaint against another student may elect to submit the Complaint to the Student Judiciary Committee (SJC) rather than the Complaint Coordinator. The SJC is comprised of medical and clinical sciences students who may be permitted to review some types of Complaints made by students against other students. Each party to this process may present evidence and witness testimony for consideration by the SJC. Student may submit complaints to the SJC via this [link](#).

The SJC must notify the Complaint Coordinator of all complaints received. If approved by the Complaint Coordinator, the SJC may review Complaints between students that occur either on or off campus. Complaints that the SJC are not permitted to review are: (1) Complaints that arise under the AUC Non-Discrimination policy; (2) Complaints that allege any violations of the Title IX and/or Sexual Misconduct Policy; (3) Complaints concerning acts of academic misconduct; or (4) any Complaint brought forth by a faculty member or administrator.

The SJC 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 SJC may not impose disciplinary actions.

The Complaint Coordinator or the SJC may determine at any point in the process of mediating a Complaint that the Complaint should be referred for Administrative Review.

Complaint Coordinator

Students, faculty, or staff wishing to file a Complaint against a student may do so by submitting a written Complaint directly to the Complaint Coordinator which is the [Assistant Dean for Student Affairs](#) (SXM Campus), the [Associate Dean for Student Affairs](#) (Clinical Sciences), or via this [link](#). In cases where one

or both Student Affairs Deans are directly involved in the concerns, the Complainant may contact the [Chief Academic Officer](#). At a clinical site, the Complaint may be filed directly with the Associate Dean of Student Affairs; alternatively, the Clerkship Director or Site Director may be the intake point for the Complaint, and in turn, that Director will forward the complaint to the Associate Dean for Student Affairs. Complaints regarding sexual misconduct, including sexual harassment, domestic violence, dating violence, sexual assault, stalking and rape or acquaintance rape, may be reported directly to AUC's [Title IX Coordinator](#).

AUC will respect the privacy of parties to the fullest extent possible. Information will be reviewed and investigated to provide for a prompt evaluation of the incident. All Complaints will be reviewed by the Complaint Coordinator to determine the course of action need to ensure a professional and optimal learning environment.

- Submitting Anonymously: Your contact information will not be collected. The information in the Complaint will be collected for reporting purposes per federal reporting purposes but no further action will be taken unless details in the complaint can be substantiated by the Complaint Coordinator. For Complainants wishing to report anonymously, name, email, and other contact information is not required; however, please keep in mind that requesting complete anonymity will limit the institution's ability to investigate the concern, and the ability to inform the Complainant about any outcome or follow-up investigation.

The Complaint should be submitted as soon as possible after the conduct occurred, but no later than 30 Calendar Days from the day the basis of the Complaint arose or that the conduct leading to the Complaint was discovered by the Complainant. AUC may investigate any claim and will investigate certain claims, such as allegations of sex or gender-based misconduct and targeted 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 Complaint on behalf of the individual who would be considered the Complainant in the case.

If a student is hesitant or unwilling to report a Complaint alleging discrimination, harassment (including sexual misconduct) or other unlawful conduct in writing, the student is encouraged to discuss their concerns with the Complaint Coordinator. Similarly, if a student feels that changes to academic or other situations are appropriate or necessary to preserve their safety or well-being as a result of the circumstances involved in a Complaint, they are encouraged to request assistance from the Complaint Coordinator.

Upon receipt of the Complaint, the Complaint Coordinator will provide the Complainant with a written notice acknowledging its receipt and will review the Complaint. The Complaint Coordinator will determine if the allegations made indicate a potential violation of any provision of the AUC Student Handbook or other AUC policy and/or whether the allegation may be indicative of a repeated pattern of unprofessionalism. In cases indicating a possible pattern of allegations or behavior set out in combined Complaints, the Complaint Coordinator may elect to file their own Complaint regarding the potential pattern and initiate an Administrative Review.

Investigation

Once a Complaint is received, the Respondent will be informed by the Complaint Coordinator of the allegations against them and given the opportunity to deny or admit the charges. If the Respondent admits to the charges, the Complaint Coordinator or designee will issue the appropriate sanction(s).

Admitting to the charges does not preclude a student from appealing the sanction(s). Generally, Respondents who admit to the charges will not have a hearing before an Administrative Review Committee unless deemed necessary by the Complaint Coordinator. If the Respondent denies the charges, the Complaint Coordinator or their designee will initiate an investigation. The extent and components of the investigation will vary depending on the allegations and circumstances.

For purposes of illustration, an investigation may include the following steps, as appropriate:

- Reviewing the written complaint
- Gathering additional information or statements from the Complainant as needed
- Gathering information from any witnesses or other people (e.g., faculty, staff or other students) with potentially relevant information
- Reviewing relevant documentation and policies
- Obtaining a response or written statement and other information from the Respondent
- Attempting a resolution of the complaint between the Complainant and Respondent, if appropriate
- Convening an Administrative Review Committee as appropriate
- Assessing the information gathered and determining findings and resolution for the student

Complaints under investigation may be withdrawn by the Complainant subject to the confidentiality provisions noted below and with the understanding that, depending on the nature of the allegations, AUC may be obligated to investigate the complaint with or without the Complainant's involvement.

For the St. Maarten campus, 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 AUC CARE Team, the Campus Incident Commander and the Office of Safety and Security. Where there are allegations of sexual misconduct, protective measures may be appropriate.

Administrative Review Process

Notification of Initiation of Administrative Review

The Parties to an Administrative Review (AR) will receive a letter from the Complaint Coordinator notifying them of the initiation of the AR process. The Administrative Review Committee (ARC) may choose to hold virtual 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 and Sanctioning will be rendered. The ARC shall use the standard of "more likely than not" when rendering a final determination on a Complaint.

Respondents have a right to:

- Bring an advisor or support person of their choice and at their own expense to the hearing. The advisor may be an attorney. The advisor or support person may not speak on behalf of the student or answer any questions on behalf of the student during the hearing. The name of the advisor/support person and their relationship to the student must be provided to the Complaint Coordinator or designee at least one business day prior to the hearing. At the discretion of the Complaint Coordinator or designee, the hearing may proceed without the advisor if the attendance of the advisor delays the hearing. The Complaint Coordinator reserves the right to

remove an Advisor from any proceedings, including a hearing, if they are disruptive to the process.

- Be notified of the names of the ARC members in advance of the hearing.
- If a conflict of interest is present, a request for a replacement ARC member can be made prior to the hearing.
- Submit questions for the ARC to ask any party who will be interviewed as part of the hearing. The Complaint Coordinator or designee has the authority to determine whether the questions are relevant and appropriate. The parties involved are not permitted to question one another directly.
- Present information and witnesses to the ARC. The Complainant is permitted to present information and witnesses regardless of their level of participation in the resolution. The Complaint Coordinator or designee should be made aware of any witnesses by the Complainant when initiating the Complaint. The Respondent must identify any witnesses within three (3) business days of receipt of notice of initiation of an Administrative Review. Only witnesses who have relevant information pertinent to the case will be interviewed or allowed to provide written statement for the committee's consideration.
- Review any written information prior to the hearing which will be presented to the ARC. The Complaint Coordinator or designee may redact information as required by state or federal law or to protect confidential or private information of the complainant, respondent and/or witnesses.
- Have the right to privacy in that only individuals who must know the facts of the case to assist in the resolution will be made aware of information pertaining to the case. Information may be shared with other parties, such as law enforcement as required by local, state or federal laws.

Respondents have the following responsibilities:

- Represent themselves in a truthful, professional and ethical manner when responding to allegations. Providing false or misleading information may result in a violation of the professional conduct policy.
- Respond in a timely manner to request for information, including but not limited to:
 - Accepting or denying charges
 - Presenting witnesses
 - Providing a statement or additional information to the ARC
- To not engage in retaliatory behavior. Engaging in such behavior is a violation of the professional conduct policy.

Timeline for Complaint Resolution

AUC considers a timely response for conducting an Administrative Review 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.

Interim Suspension

In certain circumstances, the University may impose an interim suspension prior to the hearing or administrative review to a) ensure the safety and well-being of members of the AUC community or preservation of AUC's property or b) if the University deems that the Respondent poses a threat of disruption of or interference with the normal operation of the University . During the interim

suspension, the respondent may be denied access to AUC premises (including online and on-site classes) and/or all other AUC activities or privileges for which the respondent might otherwise be eligible, as the University may determine to be appropriate. In appropriate cases, the Complaint Coordinator may notify the complainant of a Respondent's interim suspension status.

Sanctioning

Sanctions imposed by the ARC may be a combination of disciplinary, educational, and or restorative. The examples below are meant to be a general overview of types of sanctions that may be applicable, but this list is not exhaustive.

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 for a designated amount of time 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.
- Loss of Privileges – Denial of specific privileges for a designated amount of time. Examples include removal from extra-curricular activities and/or clubs and organization, including SGA and Honor and Service Society.
- Fines – Monetary penalties may be imposed.

- Restitution – Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- Revocation of degree – Revocation of a previously conferred degree. Students whose degree award conferrals are revoked remain responsible for fulfilling financial obligations to AUC; federal, state, and local governments; and to private loan providers.
- Rescinding admission – Rescinding admission to the University is generally a permanent decision.

Educational and Restorative Actions

- Completion of an Educational Program - Attendance and completion of a class or workshop that will assist the student gaining insight and avoiding future non-compliance with the Professional Conduct Policy. Educational program attendance may be virtual.
- Service - Performance of a task, or tasks, designed to benefit the community and that also assists the student in gaining insight and avoiding future non-compliance with the Professional Conduct Policy.

Notification of Findings

Once the ARC has reached a Final Determination, the Chair will notify, in writing, the Complainant and Respondent of the results of the Administrative Review. The Chair may inform the Complainant if any sanctions have 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.

Deviations from prescribed procedures shall not necessarily invalidate a decision, unless significant prejudice to a Respondent, Complainant, or AUC result.

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.

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 the Office of Professional Development at OSPD@aucmed.edu.

Appeal Procedures

An Appeal to an ARC decision must be made within five (5) semester days of the date the ARC Final Determination was provided to the Parties. Appeals must be submitted in writing to the [Chief Academic Officer](#) (CAO) and must explicitly state the reason for the appeal. The Complainant or Respondent 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 CAO will render a determination as to whether the Appeal meets one of the three stated bases for Appeal. If it does, the CAO may convene an Appeal Committee to consider the merits of the appeal and render a decision on the appeal within thirty (30) semester days from the date the student was notified that an Appeal Committee has been convened. In their absence, the CAO 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.

Confidentiality

AUC wishes to create an environment in which individuals feel free to discuss concerns. AUC understands that students, witnesses, and others involved in the investigation process may be concerned about the confidentiality of information they are sharing. In some cases, however, AUC may be obligated to take action when it becomes aware of information relating to a complaint. Confidentiality will be maintained to the extent possible and consistent with AUC's obligations in investigating complaints.

Once an individual discloses identifying information to AUC through the processes described above, they will be considered to have filed a complaint with AUC. While the confidentiality of information received, the privacy of individuals involved and compliance with the wishes of the student or witnesses cannot be guaranteed, they will be respected to the extent possible and appropriate.

Retaliation

AUC prohibits retaliation against anyone who reports an incident of alleged harassment, discrimination or other unlawful conduct, or any person who assists or participates in a proceeding, investigation or hearing relating to such allegations. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment. All complaints of retaliation should be reported in accordance with the complaint procedures outlined above.

Submission of a good-faith complaint or report of harassment, discrimination or other unlawful conduct will not adversely affect the student's future grades, learning or academic environment. AUC will discipline or take appropriate action against anyone who retaliates against any person who reports an incident of alleged harassment, discrimination, or other unlawful conduct, or who retaliates against any person who testifies, assists or participates in a proceeding, investigation or hearing related to such allegations.