

DEPARTMENT: Administration
NAME: Due Process
POLICY NUMBER: BOT 1.3.2b
ORIGINATOR: MSOM, Inc. Board of Directors
ORIGINATION: 1/10/23

POLICY & PROCEDURE STATEMENT:

The MSOM Inc. Board of Directors provides and supports a system to ensure that all employees, including but not limited to faculty, non-faculty, managers, and executives whether full-time or part-time status, and students are afforded due process during times of disciplinary review and/or action based on all local, state, and federal employment laws.

Every employee and student has the duty and the responsibility to be aware of and abide by existing rules and policies. Employees also have the responsibility to perform their duties to the best of their ability and to the standards as set forth in their job description or as otherwise established. The SOM supports the use of progressive discipline to address issues such as poor work performance or misconduct. The progressive discipline policy is designed to provide a corrective action process to improve and prevent a recurrence of undesirable behavior and/or performance issues. The progressive discipline policy has been designed consistent with our organizational values, HR best practices and employment laws.

Outlined below are the steps of the progressive discipline policy and procedure. The SOM reserves the right to combine or skip steps in this process depending on the facts of each situation and the nature of the offense. The level of disciplinary intervention may also vary. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling and/or training; the employee's work record; and the impact the conduct and performance issues have on the organization. The following outlines the SOM's progressive discipline process:

Verbal warning:

A supervisor verbally counsels an employee about an issue of concern, and a written record of the discussion is placed in the employee's file for future reference.

Written warning:

Written warnings are used for behavior or violations that a supervisor considers serious or in situations when a verbal warning has not helped change unacceptable behavior. Written warnings are placed in an employee's personnel file. Employees should recognize the grave nature of the written warning.

Performance improvement plan:

Whenever an employee has been involved in a disciplinary situation that has not been readily resolved or when he/she has demonstrated an inability to perform assigned work responsibilities efficiently, the employee may be given a final warning or placed on a

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performance improvement plan (PIP). PIP status will last for a predetermined amount of time not to exceed 90 days. Within this time period, the employee must demonstrate a willingness and ability to meet and maintain the conduct and/or work requirements as specified by the supervisor and the organization. At the end of the performance improvement period, the performance improvement plan may be closed or, if established goals are not met, dismissal may occur.

If at any time throughout the progressive disciplinary process an employee believes that he or she is being treated in an unfair or unprofessional manner, the employee may request a meeting with the next level supervisor within the SOM's organizational structure and chain of authority to review the employee's grievance. This process may continue up to and including the highest level of management authority within the SOM. The SOM reserves the right to determine the final and appropriate level of discipline for any inappropriate conduct, including oral and written warnings, suspension with or without pay, demotion and discharge.

The disciplinary process for student issues, whether academic or professional, escalates through progressive actions and appeals as described below:

Student Performance Committee:

The student is referred to the Student Performance Committee by any of the Assistant or Associate Deans. The Student Performance Committee evaluates the issues and may meet with the student. A recommendation for action is brought before the Dean of the SOM.

Dean: The Dean reviews the recommendation of the Student Performance Committee and may uphold the decision, return the issue to the Student Performance Committee for re-review, or may reverse the decision of the Committee. The Dean reserves the right to review all documentation associated with the student's time at the COM.

Chief Executive Officer: A decision to decelerate the educational program, suspend, or dismiss the student from the SOM may be appealed to the Chief Executive Officer. The CEO will review the student's appeal, along with all documentation from the student's time at the SOM. The CEO may uphold or reverse the decision of the Dean. Grounds for reversal of a decision include bias, failure to follow process, or the availability of new evidence that materially changes the facts leading to the decision. Decisions of the CEO are final. Details of the student appeals process will be published annually in the SOM Handbook and Catalog