

## Due Process: Dealing with Challenges to Academic Decisions



“ You’ll Be Hearing From My Lawyer !”



“This Is Not Fair...I Am Going To The Dean”



“I Failed Clinical Because.....”



### NURSING EDUCATION: DUE PROCESS

Learn....theory & clinical settings

Practice...labs & clinical settings

Feedback...tests, assignments, labs & clinical settings

Evaluation...remediation as needed and repeat process



### DUE PROCESS ...ACADEMIC ISSUES

Clarification of expectations

Appropriate evaluation

Fair notice of failure to meet objectives/standards

Specific remediation plan and schedule for completion

Faculty support

Reevaluation

## Courts & Matters of Academic Nature In Health Professions Education

Personal hygiene, interpersonal skills & attendance  
 Inability to handle stress, make sound judgments & set priorities  
 Incompetent clinical performance  
 Delivery of unsupervised health care  
 Failure to follow supervising faculty's directions

## "Business of Education"

Syllabus  
 Student Handbook  
 Standards of clinical practice  
 Academic policies  
 Documentation



## DUE PROCESS....NON-ACADEMIC ISSUES

Student Code of Conduct  
 Student Handbooks  
 Professional Standards  
 Collaborative Effort  
 Administrative Hearings



## Faculty Concerns: Clinical Failures

Lack of confidence in decision  
 Feeling of personal failure  
 "How did they get this far"  
 Response of others  
 Administrative support for decision  
 Impact on student's future



## Challenges to Clinical Failures

How was the problem identified?  
 What specific learning objective was not met?  
 When and how was the student notified?  
 What is the student's perspective of the problem?  
 What is the specific remediation plan?  
 What is the level of achievement expected and when?  
 Is more remediation needed, possible or appropriate?

## CASE STUDY: DISCRIMINATION

Senior Nursing Student	
Fundamentals	C+
Pathophysiology	C-
Health Promotion I	B
Health Promotion Practicum	B-
Nursing Assessment	B
Nursing Assessment Lab	B-

## CASE STUDY: DISCRIMINATION

Health Promotion II	C
Health Promotion II Practicum	B+
Pharmacology	C
Acute Care	D (changed to W)
Acute Care Practicum	F (changed to W)

## CASE STUDY: DISCRIMINATION

### Student's Claim

1. "Hostile environment" in clinical due to her race/color
2. "Treated different" than others due to her "age"
3. Denied her request to change instructors mid-semester
4. Dismissal decision made prematurely



## CASE STUDY: DISCRIMINATION

### Faculty's Claim

1. Student unsafe in basic assessments
2. Student unsafe in medication administration
3. Student repeatedly violated HIPAA
4. Student consistently unable to apply theory to practice



## EQUAL EMPLOYMENT OPPORTUNITY

Formal complaint with EEO mandated full investigation  
 Student, faculty, program director, Dean interviewed  
 Extensive review of all documentation  
 Extensive review of other student's grades, race & age



## CASE STUDY: DISCRIMINATION

### FINDINGS:

"Following an extensive investigation of this complaint, we find that the evidence does not support any violation of Nondiscrimination Policies. Student's dismissal from Nursing Program stands "



## CASE STUDY: DISCRIMINATION

### Additional concerns by student after decision:

1. Student loans of \$66,000
2. Nursing would not sign her application to take LPN State Boards
3. Did not want to complete requirements for another major
4. Followed other avenues in attempt to have decision reversed

## LESSONS LEARNED

Know & follow policies and procedures

Develop & maintain positive student relationships

Identify and document problems early

Seek administrative support as needed



## LESSONS LEARNED

Document, document, document

Use appropriate resources to address failing performance

Be respectful to all parties during complaint process



## CLINICAL FAILURES

### FACULTY CONCERNS

Patient safety  
Student's future  
Feeling of personal failure  
Lack of administrative support  
Personal professional image



## HOW DID THIS STUDENT GET THIS FAR?

Poor communication skills

Consistent unsafe clinical practice

Poor clinical judgement

Unable to apply theory to clinical practice

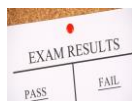


## "FAILING TO FAIL"

Role of grading inconsistencies

Experience of faculty

Ramifications of being seen as "bad guy"

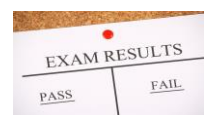


## "FAILING TO FAIL"

Institutional or department culture

Impact on workload & faculty evaluation

Fear of litigation



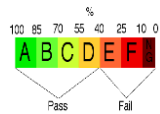
## THEORY FAILURES

Seen as more objective assessments than clinical

Due process rules apply

Grade "exceptions" often problematic

Administrative support for difficult grading decisions



## "THE STRUGGLE IS REAL" ....Jeannie Couper

Study to examine relationships between role strain, faculty stress & perceived organizational support for nursing faculty faced with the decision to assign a failing clinical grade

Nursing Education Perspectives Volume 39 Number 3 2018

## "THE STRUGGLE IS REAL"... CONCLUSIONS

1. Emotional struggle for faculty
2. Strong need for organizational support
3. Role strain



## "THE STRUGGLE IS REAL"...CONCLUSIONS

4. Clear understanding of expectations, objectives, competencies & goals for all students
5. Specific policies & procedures for students at risk for failure & remediation services

## ROLE OF FACULTY: ACADEMIC DECISIONS

GOAL: Prepare students for entry into nursing practice

Legal, moral & ethical responsibility

Professional responsibility to educational institute

Arbitrary decisions are not due process



## ROLE OF FACULTY: ACADEMIC DECISIONS

Follow departmental policies

Recognize the stress for all when a student fails

Seek assistance as needed early in the process

FACULTY & STUDENT SUCCESS....



**RN**  
Registered Nurse