



Title: Appeal Process for Student Grievances/Complaints: Academic and Non-Academic	Policy No.: ADM 1.06	Date: 8/1/12 Rev.: 8/1/13, 8/1/14, 8/1/15, 8/1/16
Areas Affected: All BSMCON Students	Page 1 of 6	

Purpose:

The appeals policy described below is applicable to academic and non-academic student grievances as well as student complaints of unlawful discrimination or unfair treatment on the basis of:

- Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972
- Title IX of Education Amendments of 1972, as amended
- Section 504 of the Rehabilitation Act of 1973, as amended, and regulations implemented by HEW consistent therewith • Americans with Disabilities Act of 1992
- Provisions of Executive Order Number 11246 as amended 66 by 11375
- Family Educational Rights and Privacy Act of 1974 as amended
- Governor’s Executive Order Number One, Virginia Equal Employment Opportunity Plan, effective February 6, 1974

Definitions

Academic grievance: a formal process through which a student can appeal through his/her course instructor and the college’s administrative leadership the student’s final grade in a course. A final course grade appeal must be based on at least one of the following claims:

- capricious action on the part of the faculty member that affects the student’s final grade; *A capricious action is defined as one made on a whim or without justifiable reasons.*
- prejudicial treatment of the student by the faculty member with respect to the application of the course syllabus, thereby affecting the student’s final grade; *Prejudicial treatment is defined as treating the student lodging the final grade appeal differently than other students in the course with respect to the instructor’s application of the course syllabus.*
- erroneous judgment of the faculty with regard to the correct answer for exam item(s). *A claim of erroneous judgment means that the student is able to produce evidence (from textbooks, class notes provided directly from the faculty, or other valid materials) to substantiate that a different answer other than that keyed is a correct response.*
- a documented error in calculating the student’s final grade.

Non-academic grievance: a formal process through which a student or student group can appeal a non-academic decision made by a faculty or staff member that negatively affects a student/student group’s standing with the college. A non-academic grievance or complaint may include disputes

Reference Policy # _____

Approved by: Signature	Dean of Student Services Provost/VP Title	<u>8.1.2016</u> <u>08.01.2014</u> Date
Approval History: Committees and Dates: Assistant Dean of Student Services - 3/10, 7/16/12 Dean of Student Services – 7/7/13, 10/15/13, 5/30/14, 5/1/15, 3/2016, 8/1/16 Policy Committee – 4/26/10, 7/10/13, 10/21/13, 5/30/14, 5/18/15, 3/14/16, 8/1/16		
Key words: Grievance		

between a student/student group and an office of the College regarding the interpretation and/or application of the policies and procedures of the College, student governance issues, student activities, and other concerns that a student might present for redress. A non-academic grievance may be based on one of the following claims:

- arbitrary and/or capricious actions by a staff member or administrative office;
- prejudicial treatment of a student by a staff or faculty member or administrative office;
- an administrative error in the application of a policy by a staff or faculty member or administrative office.

Student: any person who is officially registered at the College during the specific academic semester or term in which the grievance occurs.

Student Grievance Committee: an ad-hoc committee established to hear a Level III grievance matter. Committee composition includes: the appropriate Administrative Cabinet member, one (1) teaching faculty member, one (1) Student Affairs Committee representative, and one (1) student.

Policy:

It is the policy of the College that appropriate processes and procedures be followed in all matters pertaining to the rights of students.

Initiation of a Grievance:

Grievances may be submitted electronically by email.

- An academic grievance must be initiated at the end of the semester no later than 48 hours (maximum of 2 business days) after the day final grades are due as published in the academic calendar.
- A non-academic grievance must be initiated no later than 48 hours (maximum of 2 business days) from the time the student identifies as becoming aware of the issue. In the event that a student is at a distance and is unable to travel to campus to meet, meetings may be facilitated by teleconference.

Students are encouraged to contact the Dean of Student Services if assistance is needed in understanding this policy. In addition, the Dean of Student Services will assist students in determining the appropriate person with whom a student must file an appeal, and providing that person's contact information.

Procedures:

Level I

1. The student with a grievance must provide in writing a formal letter/email to the instructor or non-instructional party outlining the grade or decision in which he or she is grieving, provide supporting information for the grievance and request to meet with his/her instructor or person whose actions he or she is grieving.

Academic grievances must be submitted in the following order:

Level I	Level II	Level III
Instructor (copied to Program Coordinator)	Associate Dean (copied to Program Dean)	Chair of Hearing Committee (Administrative Cabinet Member)

In the instance of a non-academic grievance, the student must submit a copy of the letter/email to the administrative unit supervisor of the person he or she is grieving. A typical non-academic grievance would occur in the following order:

Level 1	Level II	Level III
College personnel/office whose actions are being grieved (copied to Administrative Supervisor)	Administrative Supervisor (copied to Appropriate Dean) <u>or</u> Appropriate Dean (copied to Provost)	Chair of Hearing Committee (Administrative Cabinet Member)

2. The instructor/non-instructional party has a maximum of ten (10) business days from the date the grievance is received to schedule a meeting with the student. Within five (5) business days after the meeting, the instructor/non-instructional party must provide the student a letter outlining the decision of the meeting. A copy of the letter should be forwarded to the Dean of Student Services. The academic or administrative unit should follow up in order to ensure the meeting is held. In the event the instructional or non-instructional party is unavailable, the administrative supervisor has the discretion to move to Level II or postpone the hearing until the instructional or non-instructional party is available. The administrative supervisor must document his or her effort to contact the instructor or non-instructional party. The administrative supervisor will communicate his or her decision to move the Level I meeting to a Level II hearing.
3. At the meeting, the student must clearly present his or her case regarding the grieved issue and the resolution that he or she would like to occur. Every reasonable effort should be made by both parties to resolve the matter at this level. No attorneys or other advisors/counselors are allowed to be present to represent either party. No audio taping or other recording will be permitted during the conference, but both parties are encouraged to make notes as they feel appropriate. Faculty/staff members may have a silent observer in attendance at the meeting. Prior to the meeting, the student may request to have a silent observer in the meeting. Both the student and faculty/staff member must agree to the student's silent observer. If an agreement regarding the appeal is made, a copy of the agreement and other appropriate documentation, including the original grievance letter, must be forwarded to the Dean of Student Services.
4. If the student is not satisfied with the disposition of his/her grievance at Level I, he/she may continue to Level II.

Level II

1. The student may file a written appeal of the Level I grievance decision with the faculty or staff member's administrative supervisor within five (5) business days after the written decision from the Level I meeting has been communicated. The written statement provided for Level I describing the issues grieved must be part of the student's written request for the Level II hearing. Within ten (10) business days of receipt of the written grievance, the administrative supervisor will fully investigate the grievance. This investigation may include review of material submitted by both parties, and the scheduling of a meeting with the parties in an effort to resolve the grievance (the actual conference may occur after the 10 days, but its date should be established within this time frame).
2. If a meeting is called, the role of the administrative supervisor is to chair the meeting, facilitate the discussion, seek to mediate a resolution between the parties, ensure that college policies have not been violated, and render a decision concerning the matter. Faculty/staff members may have a silent observer in attendance at the meeting. Prior to the meeting, the student may

request to have a silent observer in the meeting. Both the student and faculty/staff member must agree to the student's silent observer. No attorneys or other advisors/counselors are allowed to be present to represent either party. No audio taping or other recording will be permitted during the conference, but both parties are encouraged to make notes as they feel appropriate. The administrative supervisor within ten (10) business days after receipt of the grievance or completion of the conference if called, shall prepare a report of the disposition of the matter providing copies to the student and the instructor or non-instructional party. In addition, a copy of the report and the official grievance letters (Level I and Level II) must be forwarded to the Dean of Student Services.

Level III

1. If the student is not satisfied with the disposition at Level II, within five (5) business days from the communication of the disposition from the administrative supervisor, the student may file a written appeal to the appropriate Administrative Cabinet member; students are encouraged to contact the Dean of Student Services if help is needed in determining the name and contact information of the appropriate Administrative Cabinet member. Within ten (10) business days of receipt of this appeal, the Administrative Cabinet member will set a date for a hearing for all parties involved.
2. The actual hearing should occur no later than thirty (30) business days after receipt of the appeal letter by the Administrative Cabinet member, unless reasonable circumstances prevent this meeting from occurring. However, any hearing date scheduled or rescheduled beyond the thirty-day time frame must be mutually agreed upon by the student and the Administrative Cabinet member.
3. The appropriate Administrative Cabinet member will serve as the convener and facilitator of the committee for the Level III hearing. The Administrative Cabinet member will chair the hearing but will not be able to vote. In the event the designated Administrative Cabinet member is unable to participate in the hearing due to a challenge or conflict of interest, another Administrative Cabinet member will be selected to convene and facilitate the hearing.
4. The Student Grievance Committee (see definition in "Definitions" section) will be formed in order to objectively hear the facts of the grievance and to render a decision. The committee will be chosen from a pool of committee members that are available to participate in the hearing. The available pool will consist of: one faculty member from each academic school/program, two Student Affairs representatives, and two student representatives. Non-student members on this committee pool will be appointed for two-year terms. Student members on this committee pool will be appointed for one-year terms. In addition, one alternate for each of the above members will be appointed. The committee selected to participate in the hearing must be comprised of a minimum of three (3) members.
5. At the Level III hearing, the student and the instructor/non-instructional party may bring one attorney or advisor/counselor. If an attorney or advisor/counselor is to be present, the party retaining him/her must notify the hearing chair in writing at least five (5) business days prior to the Level III hearing or the attorney or advisor/counselor will not be allowed to be present. Information regarding the name and business address of the attorney/counselor must be provided. The attorney or advisor/counselor's role is as an observer; and he/she may not speak to the committee members, the instructor or non-instructional party, or the student while the hearing is in session. The attorney or advisor/counselor can only speak to the party he or she is representing. If consultation with the attorney is needed, a request for a recess may be asked. The meeting chair can deny requests if it is deemed that they are disrupting the continuity of the

meeting. Both parties may bring persons to provide testimony that support their position. If the student intends to bring individuals to provide testimony, the student must provide names and contact information for those individuals to the chair at least five (5) business days prior to the hearing. Additionally, both parties may have no more than one other person to attend as an observer. Observers shall not testify nor present any evidence.

6. The hearing chair is responsible for collecting all pertinent documents, calling the meeting, distributing documentation, determining the issue(s) of the case to be heard, and conducting the hearing in an orderly, efficient, and equitable manner. At the beginning of the meeting, the chair will review the issues of the case to the group and establish the procedure by which testimony will be presented. He/she may decide on the length of time needed to explore an issue, set time limits for speakers, and ask for testimony by any person deemed important to the investigation of the facts. The chair may request a security officer to be present. Disruptive persons may be asked to leave the room by the chair.
7. The Student Grievance Committee shall determine the outcome of the meeting by a majority vote; the Administrative Cabinet member may not vote. Within ten (10) business days after the meeting, the Administrative Cabinet member will prepare a report of the disposition of the matter including the determined outcome. Copies of the letter will be provided to the student, the instructional or non-instructional party, and all other parties as appropriate. In addition, a copy of the report and the official grievance letters (Level I, Level II, and Level III) must be forwarded to the Dean of Student Services.
8. The finding of the Level III grievance committee is final.

Non-retaliation – Students will not be subjected to adverse actions by any school officials as a result of initiating a complaint.

Final Disposition of Records

All materials and decisions related to the appeal will remain confidential and will be retained by the Dean of Student Services for three years from the date of final decision, and not before the aggrieved student graduates, at which time all materials will be destroyed, unless the Dean of Student Services directs otherwise.

In the event of a complaint about the College, as a last resort, students may contact the Accrediting Council for Independent Colleges and Schools, American Association of Colleges of Nursing Commission on Collegiate Nursing Education, State Council of Higher Education in Virginia, or the Virginia Board of Nursing. Addresses of these agencies are listed below.

In the event of a written complaint to one of these agencies or a “Standards” non-compliance issue, and subsequent notification to the College, immediate priority will be given to resolution of the deficiency in order to maintain accreditation. The Provost is expected to respond to the agency in the time frame provided outlining the resolution/plan for resolution of the issue addressed.

Accrediting Council for Independent Colleges and Schools (ACICS)
750 First Street, Suite 980
Washington, DC 20002-4241
(202) 336-6780

Commission on Collegiate Nursing Education (CCNE)
One Dupont Circle, NW
Suite 530
Washington, DC 20036
(202) 463-6930

State Council of Higher Education in Virginia (SCHEV)
101 N. 14th Street
Richmond, VA 23219
(804) 225-2600

Virginia Board of Nursing
9960 Mayland Drive, #300
Henrico, VA 23233
(804) 367-4400

For students residing in the state of Maryland who wish to file a complaint, the institution is subject to investigation of complaints by the Office the Office of the Attorney General, or the Maryland Higher Education Commission. Complaints should be directed to:

Maryland Attorney General
Consumer Protection Division
200 St. Paul St.
Baltimore, MD 21202