

Policy Name: Appeal Process for Academic Grievances: Grade Appeal
Policy Number: ACA 1.06
Title of Policy Owner: Dean of Academic Affairs
Approved by: Policy Committee/Administrative Cabinet
Effective Date: 8/1/2020
Version: 1.0
Policy Status: Approved

I. Policy

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

II. Purpose

The appeals policy described below is applicable to academic student grievances.

III. Scope

This policy applies to all students and faculty at Bon Secours Memorial College of Nursing (BSMCON).

IV. 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.
- Extenuating circumstance(s) that significantly impacted the student’s performance and grade in a course.

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

V. Policy Details

Initiation of a Grievance:

Academic grievances may be submitted electronically by email.

An academic grievance must be initiated at the end of the semester, no later than two (2) business days after the day final grades are due as published in the academic calendar. Students are encouraged to contact their Advisor if assistance is needed in understanding this policy. In addition, the Advisor will assist students in determining the appropriate person with whom a student must file an appeal, and providing that person’s contact information.

Academic grievances must be submitted according to the following order:

Level I	Level II	Level III
Faculty (copied to Program Chair)	Program Chair (copied to Dean of Academic Affairs)	Dean of Academic Affairs

VI. Procedures:

Level I

Student

1. The student with an academic grievance must provide in writing a formal letter/email to the faculty member, with a copy to the Program Chair including the following:
 - a. Description of the grade the student is grieving
 - b. Supporting information for the grievance
 - c. Request to meet with the faculty member

2. Silent observer: Prior to the meeting, the student may request to have a silent observer in the meeting. Both the student and faculty 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 meeting, but both parties are encouraged to make notes as they feel appropriate.
3. At the meeting, the student must clearly present his/her case regarding the grieved grade 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.
4. If the student is not satisfied with the disposition of his/her grievance at Level I, he/she may continue to Level II.

Faculty Member

1. The faculty member has a maximum of ten (10) business days from the date the grievance is received to schedule a meeting with the student. The meeting may be conducted in person, virtually or by phone.
2. Silent observer: The faculty member may have a silent observer in attendance at the meeting. 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 meeting, but both parties are encouraged to make notes as they feel appropriate.
3. Within five (5) business days after meeting with the student, if an agreement regarding the appeal is made, a copy of the agreement and other appropriate documentation, including the original grievance letter, is sent to the student and forwarded to the Program Chair.
4. If the faculty member and student do not have agreement a copy of the original grievance letter and reason for the faculty decision is sent to the student and Program Chair. If the student chooses to elevate the grievance to Level II, the faculty member will provide the student with guidance on initiating a Level II grievance, and inform the Program Chair of this outcome.

Program Chair

1. The Program Chair ensures the Level 1 meeting between faculty member and student is held.

2. In the event the faculty member is unavailable, the Program Chair has the discretion to move to Level II, or postpone the hearing until the faculty member is available.
3. The Program Chair will communicate his/her decision to move the Level I meeting to a Level II hearing, or to postpone the hearing until the faculty member is available to the student and faculty member.

Level II

Student

1. The student may file a written appeal of the Level I grievance decision with the respective Program Chair within five (5) business days after the written decision from the Level I meeting has been communicated.
2. The written statement provided for Level I describing the grade being grieved must be part of the student's written request for the Level II meeting.
3. Silent observer: If the Program Chair convenes a meeting to discuss the grievance; prior to the meeting, the student may request to have a silent observer in the meeting. Both the student and faculty 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.
4. At the meeting, the student must clearly present his/her case regarding the grieved grade and the resolution that he/she would like to occur. Every reasonable effort should be made by both parties to resolve the matter at this level.
5. If the student is not satisfied with the disposition of his/her grievance at Level II, he/she may continue to Level III.

Faculty Member

1. Faculty member provides information to the Program Chair as requested for the investigation.
2. Silent observer: If a meeting is called, the faculty member may have a silent observer in attendance at the meeting. 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 meeting, but both parties are encouraged to make notes as they feel appropriate.

Program Chair

1. Within ten (10) business days of receipt of the Level II written grievance, the Program Chair will fully investigate the grievance.
2. This investigation may include review of material submitted by both parties, and the scheduling of a meeting with the parties if needed, 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). The meeting may be held in person, virtually or by phone.
3. If a meeting is called, the role of the Program Chair 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.
4. Silent observers: Prior to the meeting, the student may request to have a silent observer in the meeting. Both the student and faculty member must agree to the student's silent observer. The faculty member may also have a silent observer in the meeting. 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.
5. Within ten (10) business days after receipt of the grievance, or completion of the meeting if called, the Program Chair shall prepare a report of the disposition of the matter providing copies to the student and the faculty member.
6. A copy of the report and the official grievance letters (Level I and Level II) must be forwarded to the Dean of Academic Affairs.

Level III

Student

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 Program Chair, the student may file a Level III written appeal to the Dean of Academic Affairs.
2. The written appeal describing the grade being grieved, and reasons for the grievance must be part of the student's written request for the Level III hearing.
3. Silent observers: 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 meeting.

Dean of Academic Affairs

1. Within ten (10) business days of receipt of this appeal, the Dean of Academic Affairs will fully investigate the grievance and schedule a meeting with the student, Program Chair and faculty member, either together or separately. The meeting may take place after the ten (10) business days but must be established in this time frame. The meeting may be held in person, virtually or by phone.
2. The role of the Dean of Academic Affairs 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.
3. Silent observers: 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. The faculty member may also have a silent observer in attendance at the meeting. 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 meeting, but both parties are encouraged to make notes as they feel appropriate.
4. Within ten (10) business days after the meeting, the Dean of Academic Affairs shall prepare a report of the disposition of the matter providing copies to the student and the instructor.
5. Level III outcome decisions are final.

Note:

All appeals of Honor Review outcomes (See ADM 3.13, Honor Code System) are automatically classified as a Level III proceeding and are subject to Level III Procedures as detailed in ADM 1.05 Appeal Process for Non-Academic Grievances.

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.

External Complaints

In the event of a complaint about the College, as a last resort, students may contact the Accrediting Bureau of Health Education 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 or the appropriate agency from other states as listed below. 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 Bureau of Health Education Schools (ABHES)

7777 Leesburg Pike, Suite 314 North
Falls Church, Virginia 22043
(703) 917-9503

Commission on Collegiate Nursing Education (CCNE)

655 K Street, NW, Suite 750
Washington, DC 20001
P: (202) 887-6791
F: (202) 887-8476

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

Students residing or located outside of Virginia may alternatively choose to contact their state’s education agency or board of nursing.

VII. Attachments

VIII. Related Policies

- ADM 1.05 Appeal Process for Non-Academic Grievances
- ADM 3.13 Honor Code System
- ADM 4.07 Establishing Principles of Excellence - Military

IX. Disclaimers

- a. Nothing in this policy creates a contractual relationship between Bon Secours Memorial College of Nursing (BSMCON) and any party. BSMCON, in its sole discretions, reserves the right to amend, terminate or discontinue this policy at any time, with or without advance notice.
- b. Non-retaliation – Students will not be subjected to adverse actions by any school officials as a result of initiating or participating in the investigation of a complaint.
- c. Decision Standard - Decisions made in grievance/appeal cases are determined on a preponderance of the evidence. A preponderance of the evidence is evidence that as a whole shows that the fact sought to be proved is more probable than not.

X. Version Control

Version	Date	Description	Prepared by
1.0	5/27/2020	Revisions and new template	Dean of Academic Affairs