

Policy Name: Appeal Process for Non-Academic Student Grievances
Policy Number: ADM 1.05
Title of Policy Owner: Dean of Student Services
Approved by: Policy Committee/Administrative Cabinet
Effective Date: 8/1/2020
Version: 1.0
Policy Status: Approved

I. Policy
Appeal Process for Non-Academic Grievances

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

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

- Title IX of Education Amendments of 1972, as amended
- Title VI of the Civil Rights Act of 1964, as amended
- Title IV of the Higher Education Act of 1965, as amended
- Section 504 of the Rehabilitation Act of 1973, as amended, and its implemented regulations
- 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
- The Age Discrimination Act of 1975
- Governor's Executive Order Number One, Virginia Equal Employment Opportunity Plan, effective February 6, 1974

Note that complaints of sexual misconduct and sex- and gender-based discrimination by students will be investigated and resolved pursuant to ADM 9.06, the Student Sexual Misconduct Policy.

III. Scope
This policy applies to all BSMCON students.

IV. Definitions

Non-academic grievance: a formal process through which a student or student group can appeal a decision made by a faculty or staff member that negatively affects a student/student group's standing with or treatment by the College. A non-academic grievance or complaint may include disputes between a student/student group and an office of the College regarding the interpretation and/or application of the policies, procedures and legal obligations 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, discriminatory, or harassing treatment of a student by a staff or faculty member or the administrative office including such conduct based on disability, age, race, color, national origin, marital status, military veteran status, or any other legally protected characteristic;
- an administrative error in the application of a policy or applicable law by a staff or faculty member or administrative office.

Student Grievance Committee: an ad-hoc committee established to hear a Level III grievance. All members of the Student Grievance Committee will be chosen from the membership of the Student Affairs Committee. Committee composition includes: the appropriate Administrative Cabinet member, one (1) faculty member, one (1) student, and one (1) additional Student Affairs Committee representative.

Peer Observer: students grieving a decision may choose to have a peer observer present at grievance meetings/hearings as outlined in the policy below. The peer observer must be another student and may not be legal counsel or any other type of advisor. Peer advisors may not speak or participate in the meetings/hearings but may take notes to share with the student after the conclusion of the meeting/hearing.

V. Policy Details

Initiation of a Grievance:

Grievances may be submitted electronically by email. A non-academic grievance must be initiated no later than ten (10) business days from the time the student knows or should have known of the issue that is the subject of the grievance. In the event that a student is at a distance and/or is unable to

travel to campus to meet, meetings may be facilitated by remote conferencing technology. Students are encouraged to contact the Student Services Coordinator if assistance is needed in understanding this policy. In addition, the Student Services Coordinator 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 must provide in writing a formal letter/email to the College personnel outlining the decision which he or she is grieving, provide supporting information for the grievance, and request to meet with the person whose actions he or she is grieving.

The student must submit a copy of the letter/email to the administrative unit supervisor of the person whose decision 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 the Administrative Supervisor)	Administrative Supervisor (copied to Appropriate Dean)	Chair of Hearing Committee (Administrative Cabinet Member)
	Dean (copied to Vice President/Provost)	
	Vice President/Provost	

The following are considered Level II proceedings subject to the Level II procedures outlined below:

- Appeal of written report under ADM 3.21 Student Rights and Responsibilities.

The following are considered Level III proceedings subject to the Level III procedures outlined below:

- Appeal of Honor Review outcome under ADM 3.17 Honor Code System
 - Appeal of Level II decision under ADM 3.21 Student Rights and Responsibilities
 - Appeals of decisions of the Vice President / Provost
2. The college personnel has a maximum of ten (10) business days from the date the grievance is received to schedule a meeting with the student. The administrative supervisor should follow up in order to ensure the meeting is held. In the event the college personnel is unavailable, the administrative supervisor has the discretion to move to Level II or postpone the hearing until the college personnel is available; any such decision by the administrative supervisor will be communicated to the student in writing. The administrative supervisor must document his or her efforts to contact the college personnel.
 3. At the meeting, the student must clearly present his or her case regarding the grieved issue and present 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. No attorneys or other professional advisors/counselors may attend the meeting; however, the College personnel may have a silent observer present at the meeting and the student may have a peer observer present at the meeting. The student must notify the College personnel if a peer observer will be present and the identity of that peer observer at least one (1) business day prior to the meeting, or the peer observer may not attend the meeting. . No audio taping or other recording will be permitted during the conference, but both parties are encouraged to make notes as they feel appropriate. 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. Within five (5) business days after the meeting, the college personnel 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.
 5. 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 College personnel's administrative supervisor within five (5) business days of the date the written decision from the Level I meeting was provided to the student. The written statement submitted by the student for the Level I meeting describing the issues grieved must be part of the student's written request for the Level II hearing. In the case of an allegation of a violation of ADM 3.21 *Student Rights and Responsibilities*, a grievance begins at Level II and is facilitated by the Dean of Student Services, with all investigations will be completed by the Student Services Coordinator. Within ten (10) business days of receipt of the written grievance, the administrative supervisor or Dean of Student Services/designee, as appropriate, will fully investigate the grievance. This investigation may include review of material submitted by both parties. Within this ten (10) business day investigation period, the administrative supervisor will schedule 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, as appropriate, 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. The College personnel may have a silent observer present at the meeting. The student may have a peer observer present at the meeting. The student must notify the College personnel if a peer observer will be present and the identity of that peer observer at least one (1) business day prior to the meeting or the peer observer may not attend. 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. In the case of an appeal of a written report of ADM 3.21 Student Rights and Responsibilities, the Dean of Student Services, or designee, may choose to meet with the student involved. The Student Services Coordinator may conduct further investigation into the matter if more information is needed.
3. Within ten (10) business days after receipt of the grievance or completion of the conference if called, the administrative supervisor or the Dean of Student Services, as appropriate, shall prepare a report of the disposition of the matter. Copies must be provided to the student and the college personnel, with a copy of the report and the official grievance letters (Level I and Level II) forwarded to the Dean of Student Services. In the

case of an appealed written report of ADM 3.21 Student Rights and Responsibilities, the Dean of Student Services, or designee, may choose to apply further sanctions at their discretion.

Level III

1. If the student is not satisfied with the disposition at Level II, a conduct violation decision (see ADM 3.21 Student Rights and Responsibilities), or an Honor Review outcome decision (see ADM 3.17, Honor Code), within five (5) business days from the communication of the disposition from the administrative supervisor or VP/Provost, the student may file a written appeal to the appropriate Administrative Cabinet member. Students are encouraged to contact the Student Services Coordinator if for help 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 “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 The Student Affairs Committee. The committee selected to participate in the hearing must be comprised of a minimum of three (3) members and must include a student representative.

5. Both parties may bring persons to provide testimony that supports 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 silent/peer observers. Observers shall not testify nor present any evidence. There will be no legal counsel present during a Level III hearing.
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 for 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 proposed 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.
8. The finding of the Level III grievance committee is final for non-academic grievances previously addressed by the Honor Code System.
9. The finding of the Level III grievance committee for all other non-academic grievances is reviewable by the Provost (or a designee). The Provost (or designee) may choose to adopt the finding of the Level III grievance committee or take alternative action he or she feels is warranted.

The final action shall be communicated 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 Student Services Coordinator.

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 for 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 for 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 outside of Virginia may alternatively choose to contact their state's education agency, which may include:

Colorado

Colorado Department of Higher Education
1600 Broadway
Suite 2200
Denver, CO 80202
<http://highered.colorado.gov/Academics/Complaints/default.html>

Florida

Florida Department of Education
325 West Gaines Street
Tallahassee, Florida 32399
<http://www.fldoe.org/policy/cie/file-a-complaint.stml>

Kentucky

Kentucky Council on Post-Secondary Education
1024 Capital Center Drive
Frankfort, KY 40601
http://cpe.ky.gov/campuses/consumer_complaint.html

Maryland

Maryland Attorney General
Consumer Protection Division
200 St. Paul St.
Baltimore, MD 21202
(for consumer protection complaints)

Maryland Higher Education Commission
6 N. Liberty Street, 10th Floor
Baltimore, MD 21201
https://mhec.maryland.gov/institutions_training/Pages/acadaff/acadaffairsdepartments.aspx
(for all other complaints)

New Jersey

New Jersey Division of Consumer Affairs
124 Halsey Street
Newark, New Jersey 07102
(for consumer protection complaints)

Office of the Secretary of Higher Education
ATTN: Complaints
P.O. Box 542
Trenton, New Jersey 08625-0542
<https://www.state.nj.us/highereducation/OSHEComplaintInstructions.shtml>
(for all other complaints)

Ohio

Ohio Department of Higher Education
25 South Front Street
Columbus, OH, 43215, US
<https://www.ohiohighered.org/students/complaints>

South Carolina

SC Commission on Higher Education
Academic Affairs
Attn: Student Complaint
1122 Lady Street, Suite 300
Columbia, SC 29201
<https://www.che.sc.gov/Students,FamiliesMilitary/LearningAboutCollege/ConsumerInformation.aspx>

West Virginia

West Virginia Office of the Attorney General
Consumer Protection Division
PO Box 1789, Charleston, WV 25326-1789
(for consumer protection complaints)

West Virginia Higher Education Policy Commission
1018 Kanawha Boulevard, East
Suite 700
Charleston, WV 25301
<http://www.wvhepc.edu/wp-content/uploads/2014/10/Student-Complaint-Process-revised.pdf>(for all other complaints)

VI. Attachments

VII. Related Policies

- ADM 3.13 Honor Code
- ADM 3.05 Student Conduct - Rights and Responsibilities
- ADM 9.06 Student Sexual Misconduct

VIII. 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.

IX. Version Control

Version	Date	Description	Prepared by
1.0	4/13/2020	Revisions and new template	Dean of Student Services

1.0	10/22/2020	Correct typographical error	Holly Pugh
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