

POLICY G27 Appeal Process for Non-Academic Grievance

Policy Name: Appeal Process for Non-Academic Grievance
Policy Category & Number: G27
Person Responsible: Dean
Approved by: Dean
Effective Date: August 29, 2022
Version: 1.0
Policy Status: Approved

I. Policy:

It is the policy of Bon Secours St. Mary's Hospital School of Medical Imaging (SOMI) 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 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 student complaints of sexual misconduct and sex- and gender-based discrimination will be investigated and resolved pursuant to policy S11 – Title IX Sexual Harassment. Cases pertaining to student conduct and academic integrity are subject to policy G24 – Student Conduct – Rights and Responsibilities.

III. Scope:

This policy applies to all SOMI students.

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IV. 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 conferencing technology. Students are encouraged to contact the Director of Student and Alumni Affairs if assistance is needed in understanding this policy. In addition, the Director of Student and Alumni Affairs 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 School personnel outlining the decision which they are grieving, provide supporting information for the grievance, and request to meet with the person whose actions they are grieving.

The student must submit a copy of the letter/email to the administrative unit supervisor of the person whose decision they are grieving. A typical non-academic grievance would occur in the following order:

Level 1	Level II	Level III
School personnel/office whose actions are being grieved (copied to the Administrative Supervisor)	Administrative Supervisor (Dean of Academic Affairs)	Chair of Hearing Committee (RHEI Leadership Team member)
	Dean of Academic Affairs (copied to Vice President RHEI)	

2. appeal The administrative supervisor should follow up in order to ensure the meeting is held. In the event the School personnel is unavailable, the administrative supervisor has the discretion to move to Level II or postpone

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the meeting until the School personnel is available; any such decision by the administrative supervisor will be communicated to the student in writing. The administrative supervisor must document their efforts to contact the School personnel.

3. At the meeting, the student must clearly present their grievance and present the resolution that they are seeking. Every reasonable effort should be made by both parties to resolve the matter at this level. If an agreement regarding the grievance is made, documentation of the agreement and other appropriate supporting information, including the original grievance letter, must be forwarded to the Dean of Student Affairs.

4. Within five (5) business days after the meeting, the School 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 Affairs.

5. If the student is not satisfied with the decision of their grievance outcome at Level I, they may continue to Level II.

Level II

1. The student may file a written appeal of the Level I grievance decision with the School personnel's administrative supervisors 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. 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. 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. The role of the administrative supervisor is to chair the meeting, facilitate the discussion, seek to mediate a resolution between the parties, ensure that

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School policies have not been violated, and render a decision concerning the matter.

3. Within ten (10) business days after the completion of the conference, the administrative supervisor shall prepare a report of the Level II decision. Copies must be provided to the student and the School personnel, with a copy of the report and the official grievance letters (Level I and Level II) forwarded to the Dean of Student Affairs.

Level III

1. If the student is not satisfied with the decision 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 RHEI Leadership Team member. Students are encouraged to contact the Director of Student and Alumni Affairs for help determining the name and contact information of the appropriate RHEI Leadership Team member. Within ten (10) business days of receipt of this appeal, the Leadership Team 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 RHEI Leadership Team 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 RHEI Leadership Team member.

3. The appropriate RHEI Leadership Team member will serve as the convener and facilitator of the committee for the Level III hearing. The RHEI Leadership Team member will chair the hearing but will not be able to vote. In the event the designated RHEI Leadership Team member is unable to participate in the hearing due to a challenge or conflict of interest, another RHEI Leadership Team member will be selected to convene and facilitate the hearing.

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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 as established below.

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 chairperson at least five (5) business days prior to the hearing.

6. The hearing chairperson 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 chairperson will review the issues of the case for the group and establish the procedure by which testimony will be presented. They 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 chairperson may request a security officer to be present. Disruptive persons may be asked to leave the room by the chairperson.

7. The Student Grievance Committee shall determine the proposed outcome of the meeting by a majority vote; the RHEI Leadership Team member may not vote. Within ten (10) business days after the meeting, the RHEI Leadership Team member will prepare an official letter that includes the final determined outcome.

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 Dean of Student Affairs.

Final Disposition of Records

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

Grievance Meetings

At each level of the grievance process, the involved student will meet with a School associate. No attorneys or other professional advisors/counselors may attend these meetings; however, the School associate 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 School associate 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. The peer observer will not provide testimony at Level III grievance hearings. No audio taping or other recording will be permitted during these meetings, but both parties are encouraged to make notes as they feel appropriate.

External Complaints

In the event of a complaint about the School, as a last resort, students may contact the Accrediting Bureau of Health Education Schools (ABHES), the Joint Review Committee on Education in Radiologic Technology (JRCERT), or the State Council of Higher Education for Virginia (SCHEV). 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 School, immediate priority will be given to the resolution of the deficiency in order to maintain accreditation. The Dean of Academic Affairs/Campus Director 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)

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7777 Leesburg Pike, Suite 314 N.
Falls Church, Virginia 22043
Phone: (703) 917-9503
Fax: (703) 917-4109
Website: www.abhes.org
Email: info@abhes.org

Joint Review Committee on Education in Radiologic Technology (JRCERT)

20 N. Wacker Drive
Suite 2850
Chicago, IL 60606-3182
Phone: (312) 704-5300
Fax: (312) 704-5304
Website: www.jrcert.org
E-mail: mail@jrcert.org

State Council of Higher Education for Virginia (SCHEV)

James Monroe Building
101 N. 14th Street
Richmond, VA 23219
Phone: (804) 225-2600
Fax: (804) 225-2604
Website: www.schev.edu
Email: communications@schev.edu

V. 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 School. A non-academic grievance or complaint may include disputes between a student/student group and an office of the School regarding the interpretation and/or application of the policies, procedures, and legal obligations of the School, 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:

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- 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 race/ethnicity, religion, age, marital status, national origin, gender, sexual orientation, military veteran status, disability or other legally protected status;
- 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 Bon Secours Memorial College of Nursing (BSMCON)/School of Medical Imaging Student Affairs Committee. Committee composition includes: one (1) faculty member, one (1) student, and one (1) additional Student Affairs Committee representative.

In support of the rights of students, coordinated efforts have been established between SOMI and BSMCON to allow both institutions to be represented on the BSMCON Student Affairs Committee and the Student Grievance Committee.

Peer Observer: students grieving a decision may choose to have a peer observer present at grievance meetings/hearings as outlined in the policy above. The peer observer must be another student and may not be legal counsel or any other type of advisor. Peer observers 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.

RHEI: Richmond Higher Education Institutions

VI. Attachments:
N/A

VII. Related Policies:
G24 – Student Conduct – Rights and Responsibilities
S11 – Title IX Sexual Harassment

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VIII. Disclaimers:

- a. Nothing in this policy creates a contractual relationship between Bon Secours St. Mary's Hospital School of Medical Imaging (SOMI) and any party. SOMI, 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 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	6/30/2022	New Template & Revisions	Dean of Student Affairs