

POLICY G-27 Appeal Process for Non-Academic Grievances

Policy Name: Appeal Process for Non-Academic Grievances Policy Category & Number: G27 Person Responsible: Dean Approved by: Dean Effective Date: August 31, 2021 Version: 2.0 Policy Status: Approved

I. Policy:
Appeal process for non-academic grievances.

II. Purpose:
It is the policy of the School (SOMI) 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: Complaints of sexual misconduct and sex- and gender-based discrimination by students will be investigated and resolved pursuant to S6, Bias and Hate Crimes Policy and/or S11, Title IX Sexual Harassment Policy.

III. Scope:
This policy applies to all SOMI students.

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Explanation

Due to the relationship between Bon Secours Memorial College of Nursing (BSMCON) and Bon Secours St. Mary's Hospital School of Medical Imaging (SOMI), coordinated efforts have been established to allow both educational programs be represented on the Student Grievance Committee.

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 remote conferencing technology. Students are encouraged to contact the Program Coordinator if assistance is needed in understanding this policy. In addition, the Program 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 School 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 Dean/supervisor of the person whose decision he or she is grieving. A typical non-academic grievance would occur in the following order:

Level I	Level II	Level III
School personnel/office whose actions are being grieved (copied to Dean)	Dean (SOMI)	Chair of BSMCON Hearing Committee
	Vice President (HEI) (copied to Dean)	
		BSMCON Administrative Cabinet Member

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2. The school personnel has a maximum of ten (10) business days from the date the grievance is received to schedule a meeting with the student. The Dean/supervisor should follow up in order to ensure the meeting is held. In the event that school personnel are unavailable, the Dean/supervisor has the discretion to move to Level II or postpone the hearing until the school personnel is available; any such decision by the Dean/supervisor will be communicated to the student in writing. The Dean/supervisor must document his or her efforts to contact the school 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 school 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 school 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.
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.
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 school personnel's Dean/Vice President (HEI) 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 Dean or Vice President, as appropriate, will fully investigate the grievance. This investigation may include review of material submitted by both parties.

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Within this ten (10) business day investigation period, the Dean or Vice President 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 Dean or Vice President, as appropriate, is to chair the meeting, facilitate the discussion, seek to mediate a resolution between the parties, ensure that School policies have not been violated, and render a decision concerning the matter. The School 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 School 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.
3. Within ten (10) business days after receipt of the grievance or completion of the conference if called, the Dean or Vice President, as appropriate, shall prepare a report of the disposition of the matter. 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.

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/Vice President or Dean, the student may file a written appeal to the appropriate Administrative Cabinet member. Students are encouraged to contact the Program Coordinator for help determining the name and contact information of the appropriate BSMCON 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-

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- 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 BSMCON 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 BSMCON 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 final action shall be communicated to the student, the instructional or non-instructional party, and all other parties as appropriate. In addition, a

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copy of the report and the official grievance letters (Level I, Level II, and Level III) must be forwarded to the Dean.

9. This is the final decision by the institution/program officials.

10. The student must first attempt to resolve the grievance directly with the institution/program officials by following the grievance procedures provided by the institution/program officials. After following the aforementioned procedures, the student is still not satisfied, the student may, as a last resort, contact any or all of the agencies listed at the end of this document to file a complaint.

Final Disposition of Records:

All materials and decisions related to the appeal will remain confidential and will be retained by the Dean.

External Complaints:

In the event of a formal grievance/complaint alleging the program is not in compliance with one or more of the Joint Review Committee on Education in Radiologic Technology (JRCERT) Standards for an Accredited Program in Radiology, the complainant may file an allegation of non-compliance with the JRCERT. The allegation procedure is available at www.jrcert.org

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 resolution of the deficiency in order to maintain accreditation. The Dean is expected to respond to the agency in the time frame provided outlining the resolution/plan for resolution of the issue addressed.

Contact Information for these agencies:

State Council of Higher Education for Virginia (SCHEV)

James Monroe Building
101 North Fourteenth Street
Richmond, Virginia 23219
Phone: (804) 225-2600
Fax: (804) 225-2604
Website: www.schev.edu
E-mail: communications@schev.edu

The Accrediting Bureau for Health Education Schools (ABHES)

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7777 Leesburg Pike, Suite 314 N. Falls Church, VA 22043
Tel (703) 917-9503
Fax (703) 917-4109
Website: <https://www.abhes.org>
E-mail: 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

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:

- 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 BSMCON Student Affairs

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Committee. Committee composition includes: the appropriate Administrative Cabinet member, one (1) BSMCON faculty member, one (1) BSMCON student, and one (1) BSMCON 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 above. 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.

VI. Attachments: N/A

VII. Related policies:

S6 – Bias and Hate Crimes Policy

S11 – Title IX Sexual Harassment Policy

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 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
2.0	7/2021	Revisions	Dean