

Policy Name:	Appeal Process for Non-Academic Student Grievances
Policy Number:	ADM 1.05
Title of Policy Owner:	Executive Council
Approved by:	Executive Council
Effective Date:	8/15/2021
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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 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 Title IX Sexual Harassment Policy.

III. Scope

This policy applies to all students and faculty of Southside College of Health Sciences (SCHS).

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. Committee composition includes: the appropriate Executive Council member, one (1) faculty member, one (1) student, and one (1) additional college official.

V. Policy Details

Initiation of a Grievance:

Grievances may be submitted electronically by email. A non-academic grievance must be initiated no later than five (5) business days from the time the student knows or should have known of the issue that is the subject of the grievance. If 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 may contact the Director of Student Services if assistance is needed in understanding this policy.

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.
2. 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 Director)	Director (copied to Vice President) Vice President	Hearing Committee Chair (Executive Council member)

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

- Appeal of written report under ADM 3.05 Student Conduct - Rights and Responsibilities

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

- Appeal of Academic Integrity Review outcome under ADM 3.13 Academic Integrity
- Appeal of Level II decision under ADM 3.05 Student Conduct - Rights and Responsibilities
- Appeals of decisions of the Vice President

3. College personnel have a maximum of five (5) business days from the date the grievance is received to schedule a meeting with the student. The administrative director should follow up in order to ensure the meeting is held. In the event the college personnel is unavailable, the administrative director has the discretion to move to Level II or postpone the hearing until the college personnel is available; any such decision by

the administrative director will be communicated to the student in writing. The administrative director must document his or her efforts to contact the college personnel.

4. 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. 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 Director of Student Services.
5. 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 Director of Student Services.
6. 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 Director 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 3.05 *Student Conduct - Rights and Responsibilities*, a grievance begins at Level II and is facilitated by the Director of Student Services. Within five (5) business days of receipt of the written grievance, the Director or designee, will fully investigate the grievance. This investigation may include review of material submitted by both parties. Within this five (5) business day investigation period, the Director will schedule a meeting with the parties in an effort to resolve the grievance (the actual conference may occur after the 5 days, but its date should be established within this time frame).

2. If a meeting is called, the role of the Director 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. 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 3.05 Student Conduct - Rights and Responsibilities, the Director of Student Services, or designee, may choose to meet with the student involved.
3. Within five (5) business days after receipt of the grievance or completion of the conference if called, the Director or designee, 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 Vice President. In the case of an appealed written report of ADM 3.05 Student Conduct - Rights and Responsibilities, the Director 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 3.05 Student Conduct - Rights and Responsibilities), or an Academic Integrity Review outcome decision (see ADM 3.13, Academic Integrity), within five (5) business days from the communication of the disposition from the Director or Vice President, the student may file a written appeal to the appropriate Executive Council member. Students are encouraged to contact the Director of Student Services for help determining the name and contact information of the appropriate Executive Council member. Within five (5) business days of receipt of this appeal, the Executive Council member will set a date for a hearing for all parties involved.
2. The actual hearing should occur no later than ten (10) business days after receipt of the appeal letter by the Executive Council member unless reasonable circumstances prevent this meeting from occurring. However, any hearing date scheduled or rescheduled beyond the ten-day time frame must be mutually agreed upon by the student and the Executive Council member.

3. The appropriate Executive Council member will serve as the convener and facilitator of the committee for the Level III hearing. The Executive Council member will chair the hearing but will not be able to vote. In the event the designated Executive Council member is unable to participate in the hearing due to a challenge or conflict of interest, another Executive Council 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 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 Executive Council member may not vote. Within five (5) business days after the meeting, the Executive Council 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 Academic Integrity System.

9. The finding of the Level III grievance committee for all other non-academic grievances is reviewable by the Vice President or designee. The Vice President 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 Director of Student Services.

Final Disposition of Records

All materials and decisions related to the appeal will remain confidential and will be retained by the Director 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 Director 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 (ABHES), State Council of Higher Education in Virginia (SCHEV), Virginia Board of Nursing (VBON), Accreditation Commission for Education in Nursing (ACEN), Joint Review Committee on Education in Radiologic Technology (JRCERT), Commission on Accreditation of Allied Health Education Programs (CAAHEP) via the Joint Review Committee on Education in Diagnostic Medical Sonography (JRC-DMS), or the Joint Review Committee on Education in Diagnostic Medical Sonography (JRC-DMS). Contact information for the 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 Vice President 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
www.abhes.org

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

Virginia Board of Nursing (VBON)
9960 Mayland Drive, Suite 300
Henrico, VA 23233
(804) 367-4400
www.dhp.virginia.gov/Boards/Nursing/

Accreditation Commission for Education in Nursing (ACEN)
3390 Peachtree Road NE, Suite 1400
Atlanta, Georgia 30326
(404) 975-5000
www.acenursing.org

Joint Review Committee on Education in Radiologic Technology (JRCERT)
20 N. Wacker Drive Suite 2850
Chicago, IL, 60606-3182
(312) 704-5300
www.jrcert.org

Commission on Accreditation of Allied Health Education Programs (CAAHEP)
via the Joint Review Committee on Education in Diagnostic Medical
Sonography (JRC-DMS)
9355-113th St. N, #7709
Seminole, Florida 33775
(727) 210-2350
www.caahep.org

Joint Review Committee on Education in Diagnostic Medical Sonography
 (JRCDMS)

6021 University Boulevard, Suite 500

Ellicott City, MD 21043

(443) 973-3251

www.jrcdms.org

VI. Related Policies

ADM 3.13 Academic Integrity

ADM 3.05 Student Conduct - Rights and Responsibilities

ADM 9.06 Title IX Sexual Harassment

VII. Disclaimers

Nothing in this policy creates a contractual relationship between Southside College of Health Sciences (SCHS) and any party. SCHS, in its sole discretions, reserves the right to amend, terminate or discontinue this policy at any time, with or without advance notice.

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.

Decision Standard - Decisions made in grievance/appeal cases are determined on a preponderance of the evidence. A preponderance of the evidence is evidence that shows that the fact sought to be proved is more probable than not.

VIII. Version Control

Version	Date	Description	Prepared by
1.0	8/1/2021	Revisions and new template	Executive Council