

# LOS ANGELES COUNTY COLLEGE OF NURSING AND ALLIED HEALTH POLICY & PROCEDURE MANUAL

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Subject: <b>STUDENT GRIEVANCE</b>	Original Issue Date: October 1989	Policy #: <b>830</b>
	Supersedes: August 31, 2018	Effective Date: May 10, 2019
Individuals / Committees Consulted: Admissions & Promotions Associated Student Body Semester Coordinators Director, Office of Educational Services (OES)	Reviewed & Approved by: EDCOS Planning Faculty Organization SON Planning College Governance Board of Trustees	Approved by:  Provost, College of Nursing & Allied Health (Signature on File)

## **PURPOSE:**

To provide a mechanism for the timely resolution of student grievances

## **Definitions:**

**Party:** The grieving student and any persons identified as responsible for the student's alleged grievance (e.g. Faculty/instructor, student).

**Student:** The student of the College who is filing the grievance

**Ombudsperson:** The student advocate and:

- An employee of the Los Angeles County Department of Health Services but not an employee of the College
- Selected by the Division Dean along with an alternate ombudsperson
- Approved by the Associated Student Body (ASB).

**Grievance Hearing Committee:** The pool of faculty and students from which grievance hearing committee members are selected.

**Grievance Hearing Panel:** The selected group of faculty and students who give a ruling on individual preliminary and grievance hearings.

**Grievance Hearing Coordinator:** The College employee designated to coordinate the preliminary and grievance hearings.

**Grievable Acts:** Those believed to be arbitrary, capricious, prejudiced, or biased.

Arbitrary/capricious actions are willful and unreasonable actions, without consideration, and in disregard of facts or circumstances. Grievable acts may include:

- Alleged assignment of grades by mistake, fraud, bad faith, or incompetence.  
In the absence of these, grades are not grievable
- Alleged violations of the "Bill of Rights" for School of Nursing (SON) students
- Financial aid disputes
- Alleged violations of Title IX of the Higher Education Amendments of 1998 (*discrimination*).

**Informal Resolution:** a meeting between college faculty/college party(s) and student who may work together to possibly develop a new solution to the conflict/incident.

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**Formal Resolution: the process of semester faculty reviewing the submitted petition for formal resolution (form B).**

**Business Days:** Monday through Thursday 0800-1630 for the School of Nursing (SON) and all other programs Monday through Friday 0800-1630, excluding college observed holidays.

**POLICY:**

Students have the right to grieve.

The components of the grievance resolution process are:

- Informal Resolution
- Formal Resolution
- Preliminary Grievance Hearing
- Grievance Hearing
- Appeal

Disciplinary actions for violation of a policy are not grievable.

Students shall continue to attend class while the grievance is being resolved, unless deemed unsafe.

The divisional dean selects the Ombudsperson and the names shall be made available to the ASB.

The **Ombudsperson** or designated alternate shall be available to:

- Advise students of their rights and responsibilities
- Assist students in the preparation of forms
- Assist all parties in carrying out the grievance procedure.

**Confidentiality:** At no time shall any person(s) directly involved, discuss the case.

The **Grievance Hearing Coordinator** is a faculty member assigned by the divisional Dean.

The **Grievance Hearing Committee** shall be comprised of faculty and students approved by the divisional dean annually.

- Eight teaching faculty members:
  - Two faculty from each semester/program (one serves as primary and one as alternate)
  - Recommended by the semester/program coordinators
- Eight student members:
  - Two from each class/program (one serves as primary and one as alternate)
  - Selected annually by each class/program

The names of persons appointed to the Grievance Hearing Committee shall be made available to interested persons.

The **Grievance Hearing Panel** shall include an equal number of student and faculty members selected from classes/semesters not involved in the conflict.

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- No person shall serve as a member of the Grievance Hearing Panel who:
  - Has been personally involved in any matter giving rise to the grievance
  - Has made any statement on the matters at issue
  - Could not act in a neutral manner.
- Any party to the grievance may challenge for cause any member of the Grievance Hearing Panel prior to the beginning of the hearing.

**Informal Resolution:** Students who have a dispute shall make a reasonable effort to resolve the matter on an informal basis, following the chain of command, prior to requesting a grievance hearing.

**Formal Resolution:** Students who are not satisfied with the informal resolution may petition for formal resolution.

**Preliminary Grievance Hearing:** Purpose is to determine, on the basis of materials presented by the party(s), whether sufficient grounds exist for a Grievance Hearing.

The determination shall be based upon whether the Statement of Grievance, as written on the Request for Preliminary Grievance Hearing form, meets each of the following requirements:

- The statement contains facts, which if true, would constitute a grievance
- The grievant is a student of the College
- The grievant is personally and directly affected by the alleged grievance
- The grievance was filed in a timely manner.

The Preliminary Grievance Hearing is a closed session restricted to panel members. The Ombudsperson may attend the meeting but may not participate.

**Grievance Hearing**

The Grievance Hearing shall be restricted to panel members, the Ombudsperson, and the parties.

Each party to the grievance shall represent himself or herself.

Any relevant evidence shall be admitted.

The burden shall be upon the grievant to prove by a preponderance of the evidence that the facts alleged are true.

The Grievance Hearing Panel shall reach a decision based only upon the record of the hearing and shall not consider matters outside of that record.

The decision of the Grievance Hearing Panel is achieved by a majority vote and shall be final on all matters related to the conduct of the hearing.

**Witnesses**

Each party to the grievance may call witnesses to introduce oral and written testimony relevant to the issues of the grievance.

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Witnesses shall be present at the hearing only when testifying.

**Audio Recording**

All Grievance Hearings shall be recorded by the Ombudsperson. This is the only audio recording made.

- If a person called upon to give oral testimony at a hearing refuses to be taped, they may submit a written affidavit.

All recordings are secured in the office of the divisional Dean.

The recordings shall be available to the parties for their review and shall be reviewed in the presence of the divisional Dean/designee or Ombudsperson. Notes may be taken and shall become part of the official record.

Any party requesting the preparation of a transcript shall pay for the cost of the transcript and provide a complete certified copy to the other party.

**Appeals**

Preliminary Grievance Hearing Panel or Grievance Hearing Panel decisions may be appealed.

- Appeals must be made in writing to the divisional Dean within three days of the decision.
- The decision of the Divisional Dean shall be final.

**Time Frames**

Established time frames must be observed to ensure the timely resolution of any conflict or grievance.

In the event any party is not available due to mitigating circumstances, which include but are not limited to illness, bereavement, or jury duty, the Grievance Hearing Coordinator shall adjust the specified times.

**Record Maintenance**

Grievance records, forms, and recordings shall be maintained confidentially for seven years.

**PROCEDURE:**

The Grievance Hearing Coordinator:

- Notifies committee of their membership in writing
- Orients the committee to the grievance process annually or as indicated
- Provides copies of the Grievance Policy and Procedure and related forms as needed.

**Informal Resolution**

The student must attempt to informally resolve the issue by meeting:

- With the party(s) with whom they have a conflict
- Within two days of the incident on which the conflict is based or within two days of the student learning of the conflict, whichever is later.

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Faculty refers student to semester/program coordinator if issue not resolved.

The semester/program coordinator:

- Attempts to resolve student issue/complaint
- Informs student of:
  - Their right to petition/grieve and to remain in class during this process unless deemed unsafe in the clinical environment. An alternative assignment related to patient care and/or clinical experience shall be provided equivalent to the clinical hours missed.
  - The steps to initiate the formal resolution process
  - Time frame for petition
- Provides student with copies of the Student Grievance Policy and Procedure and forms
- Refers student to Director, Office of Educational Services
- Informs Director, OES of pending petition/grievance.

**Formal Resolution Petition Phase**

The student:

- Contacts the Director, OES to initiate petition within two days of informal resolution
- Contacts the Grievance Coordinator
- Completes and submits Petition for Formal Resolution to Director, OES/designee within two days

Director, OES:

- Reviews petition process with the student
- Reviews Petition for Formal Resolution (Form B)
- Submits petition to semester/program coordinator the same day) of receipt of petition
- Notifies divisional Dean and Grievance Hearing Coordinator of petition initiation
- Informs student of outcome of petition and provides copy of form.
- If petition denied:
  - Informs student of right to initiate grievance process and provides student with name, extension, and location of Ombudsperson and Grievance Hearing Coordinator
  - Notifies Ombudsperson of possible grievance and name of Grievance Hearing Coordinator

The semester/program coordinator:

- Denies or approves Petition for Formal Resolution (Form B) in consultation with faculty
- Completes College Response section
- Returns Petition to Director, OES within two days of receipt of petition
- Completes and submits Petition Tracking form (Form H) to Dean, Institutional Effectiveness, Research and Planning (IERP).

**Preliminary Grievance Hearing – Preparation**

Student:

- May initiate the grievance process, if not satisfied with the petition outcome
- Schedules meeting with Ombudsperson within two days of denial of petition

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- Completes Request for Preliminary Grievance Hearing (Form C) and submits it within two days of denial of petition to Grievance Hearing Coordinator along with:
  - Petition for Formal Resolution (Form B)
  - Any relevant documentation/information from Student Handbook, syllabus, clinical evaluation, etc.
- May challenge the participation of any member of the Grievance Hearing Panel
- Notifies the Grievance Hearing Coordinator of the reason for objection to panel member.

Ombudsperson:

- Assists student to determine whether to pursue grievance
- Assists and directs student to complete Request for Preliminary Grievance Hearing (Form C) and submission to Grievance Hearing Coordinator
- Directs student to return form to Grievance Hearing Coordinator
- Notifies Grievance Hearing Coordinator of request for preliminary grievance hearing

Grievance Hearing Coordinator:

- Schedules tentative time and room for preliminary hearing
  - Hearing must be held within three days of receipt of Request for Preliminary Grievance Hearing (Form C)
- Assigns faculty and students to the grievance panel from the semesters not involved in the conflict
  - Three faculty members
  - Three students
- Requests relevant documentation from college party(s)
- Notifies all parties of panel membership
  - Determines whether cause for disqualification exists
- Notifies panel members and Ombudsperson of date, time, and location of preliminary hearing
- Provides each member of the Preliminary Hearing Panel with a packet including:
  - Completed Petition for Formal Resolution (Form B)
  - Completed Request for Preliminary Grievance Hearing (Form C)
  - Student Grievance Policy and Procedure
  - Preliminary Hearing Decision form (Form D)
  - Any supporting/relevant documentation/information provided by the party(s) from Student Handbook, syllabus, clinical evaluation, etc.
  - Title IX, Discrimination
  - Blank sheet of paper, pencil, calendar

**Preliminary Grievance Hearing**

The Preliminary Hearing Panel:

- Selects a faculty Chairperson
- Determines whether sufficient grounds exist for a grievance hearing  
This determination shall be based upon whether the Statement of Grievance, as written on the Request for Preliminary Grievance Hearing form (Form C) and supporting documentation, fulfills each of the following requirements:
  - Grievant must be a current student of the College

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- Grievant must be personally and directly affected by the alleged grievance
- Statement of Grievance and Justification contains facts, which if true, would constitute a grievance
- Grievance was filed in accordance with time frames specified in the policy.

Faculty Chairperson:

- Does not vote
- Directs panel to review:
  - Grievance Policy sections related to definition of Grievable Acts and Confidentiality
  - Completed grievance forms:
    - Petition for Formal Resolution (Form B)
    - Request for Preliminary Grievance Hearing (Form C)
    - Other relevant documentation
- Completes the Preliminary Grievance Hearing Decision form (Form D) in conjunction with panel and returns form to Grievance Hearing Coordinator immediately after the hearing.

Request for Preliminary Hearing Denied (Grounds for grievance hearing do not exist, no grievance.)

Grievance Hearing Coordinator distributes copies of Preliminary Grievance Hearing Decision the same day of the preliminary hearing to:

- Ombudsperson
- College party(s) involved/named in grievance

Grievance Hearing Coordinator/Ombudsperson-notifies student of Preliminary Grievance Hearing outcome and process for appeal.

Request for Preliminary Hearing Accepted (Grounds for hearing exist.)

**Grievance Hearing**

Grievance Hearing Coordinator:

- Schedules possible dates for Grievance Hearing prior to adjourning preliminary hearing panel
  - Hearing must be scheduled within three days following the decision to grant a grievance hearing
- Notifies Ombudsperson, College party(s) involved/named in the grievance procedure, and the Grievance Hearing Panel members verbally and/or in writing of the date, time, and location of the Preliminary Grievance Hearing.
- Instructs party(s) to bring any additional supportive documentation to hearing – 8 copies
- Notifies and distributes copies of hearing decision the same day of the Grievance Hearing to:
  - Ombudsperson
  - Party(s) involved/named in grievance/procedure

Student:

- Notifies witnesses of the Grievance Hearing date, time, location, and process.

Grievance Hearing Coordinator:

- Is available to assist the grievance hearing panel but is not present at the hearing

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- Provides the Ombudsperson with audio recorder and extra batteries
- Ensures alternate Grievance Hearing members are available
- Provides all documentation needed to convene the hearing.

## Ombudsperson:

- Facilitates the grievance hearing
- Records the proceedings via audio recorder
  - Tests the recording equipment prior to the start of the hearing
- Introduces Grievance Hearing and panel members for audio recording
- Instructs parties, witnesses, and panel members to:
  - Identify themselves by name for the record each time they speak
  - Speak one person at a time
  - Sign Grievance Hearing Decision participant roster (Form E)
- Directs parties to adhere to the following rules:
  - Panel members and parties may not speak unless recognized by the Ombudsperson
  - Ombudsperson and panel members may ask questions for clarification at any time during the hearing
  - Witnesses are excused after they testify
- Directs parties to adhere to the following sequence:
  1. Student summarizes the issue/grievance and proposed remedy (2 minutes)
  2. Party(s) named in grievance summarizes their position (2 minutes)
  3. Student presents pertinent facts including any witnesses and/or documentation (20 minutes)
  4. Party(s) named in grievance presents pertinent facts including any witnesses and/or documentation (20 minutes)
  5. Student makes a rebuttal (5 minutes)
  6. Party(s) named in grievance makes a rebuttal (5 minutes)
- Asks if there are any further questions
- Directs parties and members to maintain confidentiality
- Concludes the hearing and turns off the audio recorder
- Submits the audio recorder to the Faculty Chairperson
- Excuses self and parties from the room so that the panel can deliberate.

## Faculty Chairperson:

- Does not vote
- Leads deliberation
  - The burden shall be upon the grievant to prove by a preponderance of the evidence that the facts alleged are true and that a grievance has been established
  - Facilitates decision making which is achieved by a majority vote
- Completes the Grievance Hearing Decision form (Form E) in conjunction with panel
- Submits written decision, supporting documentation, and audio recorder to Grievance Hearing Coordinator the same day.

## Grievance Hearing Coordinator:

- Notifies the divisional Dean, party(s), and Ombudsperson of decision the same day.



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- Submits written decision, supporting documentation, and audio recorder to divisional Dean.

Office of Educational Services maintains security of all documentation and audio recordings for seven years.

**Appeals**

Student may appeal to the divisional Dean/designee and collaborate with ombudsperson as needed.

- Appeals must be:
  - Submitted within two days of notification of Preliminary or Grievance Hearing Panel decision
  - In writing, using the Appeal of Grievance Decision (Form F), specifically stating the grounds for the appeal, and include all supportive documentation.

Divisional Dean:

- Reviews Grievance Hearing Panel decision to ensure:
  - Student was treated fairly and according to policy
  - Evidence/findings/documentation is adequate to support the decision
- Responds to student within two days of receipt of all appeals documents using Grievance Decision Appeal Response (Form G)
- Provides copies to Ombudsperson and college party(s).

**PROCEDURE DOCUMENTATION:**

Student Grievance Process Timeframes (Form A)  
 Petition for Formal Resolution (Form B)  
 Request for Preliminary Grievance Hearing (Form C)  
 Preliminary Grievance Hearing Decision (Form D)  
 Grievance Hearing Decision (Form E)  
 Request for Appeal of Grievance Decision (Form F)  
 Grievance Decision Appeal Response (Form G)  
 Petition Tracking form (Form H)

**REFERENCES:**

School of Nursing: Student Handbook and Orientation packet  
 Title IX, Discrimination

**REVISION DATES:**

October 1989  
 September 2, 2000  
 July 14, 2006  
 July 10, 2008  
 September 13, 2012  
 November 16, 2012  
 August 18, 2017  
 August 31, 2018  
 May 10, 2019