

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

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Subject: STUDENT GRIEVANCE	Original Issue Date: October 1989	Policy #: 830
	Supersedes: July 14, 2006	Effective Date: July 10, 2008
Committees Consulted: Semester Coordinators, School of Nursing Dean, Administrative & Student Services	Reviewed & Approved by: Faculty Organization College Administration Board of Trustees	Approved by: (Signature on File) Provost, College of Nursing and Allied Health

PURPOSE:

To provide a mechanism for the resolution of student grievances.

Definitions:

Party: The grieving student or any persons identified as responsible for the student's alleged grievance.

Student: The person filing the grievance and:

- A student of the College or
- An applicant for admission to the College.

Ombudsperson: The student advocate and:

- An employee of the Los Angeles County + University of Southern California Healthcare Network but not an employee of the College
- Selected by the Division Dean along with an alternate ombudsperson
- Approved by the Associated Student Body
- Appointed yearly.

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

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

Grievance Hearing Committee: The selected group of faculty and students who give a ruling on individual 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*).

Days: Dates during which the College is in session and regular classes are held.

Subject:

STUDENT GRIEVANCE**POLICY:**

Students have the right to grieve.

The components of the grievance resolution process are:

- Informal resolution
- Petition
- Preliminary Grievance Hearing
- Grievance Hearing
- Appeal

A grievance filed by an applicant to the College shall be limited to a complaint regarding denial of admission.

Disciplinary actions for violation of policy are not grievable.

Students shall continue to attend class while the grievance is being resolved.

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.

The name of the Ombudsperson shall be made available to interested parties.

Confidentiality: At no time shall any persons directly involved in the case discuss the case outside of the hearing room.

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

The **Grievance Hearing Panel** shall be comprised of faculty and students.

The names of persons appointed to the grievance hearing panel shall be made available to interested persons.

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

- No person shall serve as a member of the Grievance Hearing Committee 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 Committee 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.

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Petition: 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 Grievance Hearing form, meets each of the following requirements:

- The statement contains facts, which if true, would constitute a grievance
- The grievant must be a student of the College or an applicant
- 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 committee members. The Ombudsperson may attend the meeting but may not participate.

Grievance Hearing

The Grievance Hearing shall be restricted to committee 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 Committee 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 Committee 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.

Witnesses shall be present at the hearing only when testifying.

Audio Recording

The Ombudsperson shall record all Grievance Hearings.

- This shall be the only audio recording made.
- All tapes recorded shall be secured in the Office of the divisional Dean.

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No one shall be recorded without his or her consent.

- If a person called upon to give oral testimony at a hearing refuses to be taped, they may not testify nor may they provide a deposition.

The tapes 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.

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 Hearing Committee or Grievance Hearing Committee 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 shall not be limited to illness, bereavement, or jury duty, the Grievance Hearing Coordinator will adjust the specified times.

Record Maintenance

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

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STUDENT GRIEVANCE**PROCEDURE:**

The divisional Dean will annually:

- Assign a faculty member to function as the **Grievance Hearing Coordinator**
- Select an Ombudsperson and alternate
- Approve the faculty members of the Grievance Hearing Panel.

Grievance Hearing Panel Membership

The Grievance Hearing Coordinator:

- Identifies faculty and student panel members annually
 - Eight teaching faculty members:
 - Two faculty from each semester/program
 - Recommended by the semester/program coordinators
 - Eight student members:
 - Two from each class/program
 - Selected annually by each class/program
- Notifies panel of their membership in writing
- Orients the panel to the grievance process annually or as indicated
- Provides copies of the Grievance Policy and Procedure and related forms if 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 five days of the incident on which the conflict is based or within five days of the student learning of the conflict, whichever is later

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
 - The steps to initiate the petition/grievance process
 - Time frame for petition
- Provides student with copies of the:
 - Student Grievance Policy and Procedure
 - Petition for Formal Resolution
 - Request for Grievance Hearing
- Refers student to Dean, Administrative and Student Services
- Informs Dean, Administrative and Student Services of pending petition/grievance

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STUDENT GRIEVANCE

Petition Phase

The student:

- Meets with the Dean, Administrative and Student Services to initiate petition
- Completes Petition for Formal Resolution
- Submits Petition to semester/program coordinator/designee within two days of informal resolution meeting.

Dean, Administrative and Student Services:

- Reviews petition process with the student
- Reviews Petition for Formal Resolution
- Notifies divisional Dean and Grievance Hearing Coordinator of petition initiation
- Provides student with name, extension, and location of Ombudsperson and Grievance Hearing Coordinator
- Notifies Ombudsperson of possible grievance and name of Grievance Hearing Coordinator
- Informs student of outcome of petition and provides copy of form.

The semester/program coordinator:

- Denies or approves Petition for Formal Resolution in consultation with faculty
- Completes College Response section
- Returns Petition to Dean, Administrative and Student Services within two days of receipt of petition.

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STUDENT GRIEVANCE**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
- Completes Request for Grievance Hearing and returns it immediately to Grievance Hearing Coordinator along with:
 - Petition for Formal Resolution
 - Any relevant documentation/information from Student Handbook, syllabus, clinical evaluation, etc.
- May challenge the participation of any member of the Grievance Hearing Committee
- Notifies the Grievance Hearing Coordinator of the reason for objection to committee member

Ombudsperson:

- Assists student to determine whether to pursue grievance
- Assists student to complete Request for Grievance Hearing
- Directs student to return form to Grievance Hearing Coordinator
- Notifies Grievance Hearing Coordinator of request for grievance hearing
- Notifies student of grievance committee membership
 - Discusses whether cause for disqualification exists and notifies grievance hearing coordinator

Grievance Hearing Coordinator:

- Schedules tentative time and room for preliminary hearing
 - Hearing must be held within three days of receipt of Request for Grievance Hearing
- Assigns faculty and student committee members from the semesters not involved in the conflict
 - Three faculty members
 - Three students
 - Alternate student and faculty member
- Requests relevant documentation from faculty/party(s)
- Notifies all parties of committee membership
 - Determines whether cause for disqualification exists
- Notifies committee members and Ombudsperson of date, time, and location of preliminary hearing
- Provides each member of the Preliminary Hearing Committee with a packet including:
 - Completed Petition for Formal Resolution
 - Completed Request for Grievance Hearing
 - Student Grievance Policy and Procedure
 - Preliminary Hearing Decision form
 - Any supporting/relevant documentation/information provided by the party(s) from Student Handbook, syllabus, clinical evaluation, etc.

Subject:

STUDENT GRIEVANCE**Preliminary Grievance Hearing**

The Preliminary Hearing Committee:

- 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 Grievance Hearing form and supporting documentation, fulfills each of the following requirements:
 - The grievant must be a current student of the College or an applicant
 - The grievant is personally and directly affected by the alleged grievance
 - The statement contains facts, which if true, would constitute a grievance
 - The grievance was filed in a timely manner.

Faculty Chairperson:

- Does not vote
- Directs committee to review:
 - Grievance Policy sections related to definition of Grievable Acts and Confidentiality
 - Completed grievance forms:
 - Petition for Formal Resolution
 - Request for Grievance Hearing
 - Other relevant documentation
- Completes the Preliminary Hearing Decision form in conjunction with committee.

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

Faculty Chairperson distributes copies of Preliminary Hearing Decision within 24 hours of the preliminary hearing to:

- Ombudsperson
- College party(s) named in grievance
- Grievance Hearing Coordinator (original – including supporting documents).

Ombudsperson notifies student of Preliminary Hearing outcome and process for appeal.

Request for Hearing Accepted (Grounds for hearing exist. Grievance hearing must be held within three days.)

Faculty Chairperson:

- Schedules possible dates for Grievance Hearing prior to adjourning preliminary hearing committee
 - Hearing must be scheduled within three days following the decision to grant a grievance hearing
- Notifies Grievance Hearing Coordinator immediately of possible dates and times for Grievance Hearing
- Distributes copies of hearing decision within 24 hours of the Preliminary Hearing to:
 - Ombudsperson
 - College party(s) named in grievance
 - Grievance Hearing Coordinator (original – including all supporting documents).

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Grievance Hearing Coordinator:

- Notifies Ombudsperson, College party(s), and the Grievance Hearing Committee members verbally and in writing of the date, time, and location of the Grievance Hearing.
 - Notification shall be given within 24 hours of preliminary hearing decision.
- Instructs party(s) to bring any additional supportive documentation to hearing – 8 copies

Ombudsperson notifies:

- Student of Preliminary Hearing decision
- Student and witnesses of the Grievance Hearing:
 - Date, time, and location
 - Process.

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STUDENT GRIEVANCE**Grievance Hearing**

Grievance Hearing Coordinator:

- Is available to assist the grievance hearing committee but is not present at the hearing
- Provides the Ombudsperson with audio recorder and blank tapes
- Ensures alternate Grievance Hearing Committee 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 committee members for audio recording
- Instructs parties, witnesses, and committee members to:
 - Identify themselves by name for the record at the time the audio recorder is first turned on
 - Speak one person at a time
 - Identify themselves each time they speak
- Directs parties to adhere to the following rules:
 - Members and parties may not speak unless recognized by the Ombudsperson
 - Ombudsperson and committee 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. College party(s) named in grievance summarizes their position (2 minutes)
 3. Student presents pertinent facts including any witnesses and/or documentation (20 minutes)
 4. College party(s) named in grievance presents pertinent facts including any witnesses and/or documentation (20 minutes)
 5. Student makes a rebuttal (5 minutes)
 6. College 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 tape recorder
- Submits the audio recorder and tapes to the Faculty Chairperson
- Excuses self and parties from the room so that the committee can deliberate.

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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
 - Based only upon the record of the hearing and does not consider matters outside of that record
 - Achieved by a majority vote
- Completes the Grievance Hearing Decision form in conjunction with committee
- Submits written decision, supporting documentation, and grievance hearing recordings to Grievance Hearing Coordinator within two days of conclusion of hearing.

Grievance Hearing Coordinator:

- Notifies the divisional Dean, College party(s), and Ombudsperson immediately of decision
- Submits written decision, supporting documentation, and grievance hearing recordings to divisional Dean.

Ombudsperson notifies student of decision immediately.

Divisional Dean maintains security of all documentation and audio recordings for seven years.

Subject:

STUDENT GRIEVANCE**Appeals**

Student may appeal to the Divisional Dean/designee

- Appeals must be:
 - Submitted within three days of notification of Preliminary or Grievance Hearing Committee decision
 - In writing, state specifically the grounds for the appeal, and include all supportive documentation.

Divisional Dean:

- Reviews Grievance Hearing Committee decision to ensure:
 - Student was treated fairly and according to policy
 - Evidence/findings/documentation is adequate to support the decision
- Responds to student within five days of receipt of all appeals documents using Grievance Decision Appeal Response
- Provides copies to ombudsperson and college parties

PROCEDURE DOCUMENTATION:

Petition for Formal Resolution

Request for Grievance Hearing

Preliminary Hearing Decision

Grievance Hearing Decision

Grievance Decision Appeal Response

REFERENCES:

School of Nursing: Student Handbook and Orientation packet