

DSON - Grievance Procedure

Preamble:

In accordance with our humanistic philosophy, effective interpersonal communication based on mutual trust and respect is an essential part of nursing. The Decker School of Nursing (DSON) strongly supports a climate in which attempts to understand differences are guided by these principles. We believe that most issues can be mutually resolved at the informal level, and that learning can be enhanced through the use of this process.

The following procedure shall be utilized to resolve an academic grievance brought by students or faculty at the Decker School of Nursing. A grievance involves a case in which one party believes another party has harmed him or her directly and seeks some redress or resolution of a perceived harm. Possible cases may include, but are not limited to: disagreements over course or program requirements, the process by which a grade was determined, intellectual property, unfair treatment, or whether due process was followed. Interpersonal conflicts that do not affect a student's grades, academic progress, intellectual property, and the like cannot be grieved.

The formal grievance procedure is preceded by an informal process for seeking resolution and an informal mediation process. The DSON strongly supports that all efforts to resolve the issue at the informal level are exhausted prior to resorting to the formal process. The informal or mediated process must be completed prior to beginning the formal process.

1. Informal Process for Seeking Resolution

- A. The complainant first must attempt to find resolution by discussing the issue with the person against whom the complaint is directed. This action constitutes the beginning of the informal process.

2. Informal Mediation Process

- A. If no mutually agreeable resolution is reached during stage 1A, the complainant must next seek resolution from the Course Coordinator, if the course has one.
- B. If no mutually agreeable resolution is reached during stage 2A, the complainant must then seek resolution from the appropriate Program Director.
- C. If a mutually agreeable resolution is not reached in the informal mediation process, the individual may proceed to the formal process of review by the Formal Grievance Committee.
- D. If the complainant feels that meeting with any person will involve reprisals or other unpleasant consequences, then he/she should meet directly with the appropriate Program Director. Following this meeting, the Director must inform the person against whom the complaint is made about the complaint and the issues involved. The Director shall attempt to mediate the dispute through discussions with each of the persons, together or separately.

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3. Formal Grievance Procedure

If there is no informal resolution as outlined above, the formal grievance process is the next step for redress. Any individual who feels that she/he has an unresolved grievance may request the case be heard by the Grievance Committee. The individual must write a chronology of events leading up to the specific grievance. This chronology should describe the informal ways redress was sought, and detail the specific complaint, i.e. what issue, event, or circumstance is being grieved. This detailed signed charge will be submitted to the Deans Designee who will review it and ensure that all means of resolution through the informal process have been exhausted. If the Deans Designee deems that the informal process has not been completed, she/he will direct the grievant to return to the informal process.

Upon receipt of this detailed, signed charge, the Deans Designee will notify in writing all parties involved including the Chairperson of the Voting faculty. Voting Faculty will appoint the members of the Grievance Committee and notify the Dean's Designee of the composition of the committee. The Grievance Committee shall convene at the earliest convenient time

- A. Committee: The Deans Designee will initiate the formal process by convening the Grievance Committee. Composition of the Committee shall include:
 1. Three faculty members elected by Voting Faculty Committee. At least one of the faculty members must be tenured.
 2. Two student members appointed by the Voting Faculty Committee.
 3. The membership shall select the chairperson from among the tenured faculty.
 4. Before a hearing begins, if anyone involved in that case accuses a member of being biased, the other members of the Committee shall decide, by a secret ballot, whether that member shall be disqualified from the committee.
 5. A Committee quorum shall consist of three Committee members with the proviso that at least one of those be a student and two be faculty.
- B. Functions: The Grievance Committee is not a legal or judicial body but an advisory one. The Committee hears and deliberates cases involving grievances but renders no binding verdicts, judgments, or decisions. After evaluating a case, the Committee sends to the Deans Designee of the DSON non-binding findings and recommendation(s) as to the action that might be taken. If the Deans Designee is a party to the case, the Dean will appoint another designee to decide the case. The parties in the case will also be informed of the committee's recommendation(s) by the Deans Designee with the final disposition. The final disposition of a case is not within the authority of this Committee.
- C. Notification of Parties Involved: The Deans Designee's office shall notify all parties of the charges under consideration not less than 7 working days prior to the scheduled hearing. This notification shall be in writing and shall become a part of the grievance record. The notice should be delivered by hand, and a signed receipt obtained. If that is not possible, it should be sent by certified mail. If the return receipt is delayed, then the campus or U.S. mail should be used with the most recent address. This notification shall inform all parties, with sufficient particularity and in sufficient time to ensure opportunity to prepare for the hearing. All parties will be informed of the following:

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1. The specific charges brought against him/her (allegation, time, place, and a brief description of the circumstances of the occurrence and parties involved).
 2. The time and place to appear before the Committee for a hearing.
 3. His/her right to review documents before a hearing is available or during the hearing.
 4. His/her privilege to have one person of one's own choosing appear with him/her in a support capacity. This support person cannot directly address the committee or parties involved in the grievance.
 5. His/her right to be present at any portion of the meeting when evidence is heard with respect to the case.
 6. His/her right to bring questions to the committee or address the committee, but not the other party.
 7. His/her right to bring witnesses and/or present evidence with respect to the case.
 8. His/her right to request that any person involved in the case be present at the time he/she appears before the Committee.
 9. His/her right to challenge the impartiality of any member of the Committee, in accordance with Article 3, A, 4.
 10. His/her right, after the Deans Designee has made a decision, to appeal the decision.
 11. The procedures and policy of the Grievance Committee as outlined in the present document.
 12. The fact that proceedings will be taped and tapes will be forwarded to the Deans Designee for his/her review only.
- D. Hearing of the Grievance: The hearing shall consist of at least three parts:
1. The initial presentation of evidence and all relevant information, and discussion with parties bringing evidence.
 2. Discussion of the committee members with the involved parties, the grievant's adviser(s), and witnesses, if appropriate.
 3. The deliberations of the evidence by the Committee and the formulation of its recommendation to the Deans Designee.
- All parties and their adviser(s) have the right to attend and participate in the presentation and discussion phases of the Committee hearing. If a named party is not present at the hearing, then the hearing is conducted with the party absent. As soon as a named party appears before the Committee, the chairperson shall review the named party's rights and privileges and the chairperson will acquaint the named party with the purpose of the meeting which is to assess the evidence in light of the full context in which the grievance occurred and to render a fair and equitable recommendation to the Deans Designee. During the deliberation phase, no one other than Committee members shall be present and no new evidence may be introduced at that time.
- E. Decision of the Committee
1. A record of the hearing, usually a tape recording, shall be made to allow for review by the Deans Designee of the DSON only. This recording will not include the deliberation phase of the hearings.

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2. All other supporting documentation will be forwarded to the Deans Designee along with the report of the committee.
3. The recommendation is at the discretion of the Committee based on the circumstances of the case.
 - a. The findings and the recommendation(s) of the Committee will be based on the majority of the members in an open vote by all members hearing the charge.
 - b. A tally of the vote will be submitted with the recommendation(s) to the Deans Designee.
 - c. Those members of the Committee who do not concur with the majority decision have the right to append a minority report to the recommendations.
 - d. In the case of a tie vote, the two recommendations will be put forth to the Deans Designee.
4. The Committee shall forward its written findings and recommendation(s) to the Deans Designee or the Dean's designee within 7 working days of the conclusion of the hearings.

F. Deans Designee's Review. The Deans Designee will carefully review the Committee's recommendation(s) and determine a final conclusion. He/she will notify all parties and the Committee members in writing of the disposition and rationale for the case within 10 working days after receiving the Committee's written findings and recommendation. The recommendation section(s) of the Grievance Committee Report will be attached to the Deans Designee's decision. The grievant is apprised of the appeal process. If the Deans Designee is a party in the case, the Dean will appoint another designee to decide the case.

G. Appeal Procedure

1. The grievant may file an appeal of ruling with the Dean within 5 working days of receipt of the hearing outcome from the Deans Designee.
2. Grounds for appeal may include, but are not limited to, procedural error, new evidence, additional information, action unsupported by evidence, or review of sanction.
3. All documents submitted as part of the grievance, the tapes of the hearings, the report of the Grievance Committee, and the Deans Designee's written decision will be forward to the Dean. The actual conduct of the appeal is at the Dean's discretion.
4. The Dean will notify the appellant within 10 working days of receipt of request, whether the appeal is denied or accepted. If the appeal is accepted, the Dean will also notify the appellant about the course of events to follow, whether there will be modification of the original disposition, an appeal hearing, or a new hearing.

H. Grievance Records

The Grievance Committee shall keep a confidential file in the Dean's Office to maintain records of case proceedings. Nothing regarding Grievance cases will be placed in a faculty member's personnel or student's file.

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