



STUDENT GRIEVANCE POLICY

1. Introduction

The Sanford Burnham Prebys Medical Discovery Institute (SBP) Graduate School of Biomedical Sciences (GSBS) is committed to mutual respect among all constituents of the institute community. This commitment includes students, faculty, staff, and administration alike. In all concerns about fair treatment, we seek to work together to understand and address those concerns without having to resort to formal grievance procedures. When that is not possible, we are at all levels committed to a fair and reasonable resolution of issues through a formal grievance process guided by the information and documentation provided in the process. The regulation described below guides the orderly procedure of grievance, and attempts at resolution.

2. What May Be Grieved

2.1 This procedure is to be used to resolve grievances against decisions or actions that were made by employees or agents of SBP.

2.2 An action or decision is grievable only if it involves a misapplication or misinterpretation of GSBS policy, regulation, or rule, or a violation of state or federal law. Grievances may not be used to challenge policies or procedures of general applicability.

2.3 In addition, this procedure may not be used to grieve:

2.3.1 Claims based on purchases or contracts;

2.3.2 Claims against an employee on matters that are unrelated to the employee's job or role at the institute;

2.3.3 Disciplinary decisions, since there is a separate procedure for them; or

2.3.4 Formal complaints of harassment, since there is a separate procedure for them (administered by HR); or

2.3.5 Where another SBP procedure could have been used for the matter being grieved

3. Who May Grieve

The procedures set forth below may be used by grievants who are enrolled as GSBS students, or who are participating in the GSBS program, at the time of the incident being grieved. The person filing the grievance must be the alleged victim of unfair treatment; a grievance cannot be filed on behalf of another person.

4. Other Remedies

The existence of this procedure does not bar grievants from also filing claims in other forums to the extent permitted by state or federal law.

5. Time Limits

The formal resolution process described below must be initiated within 10 business days of the decision, action, or events giving rise to the grievance. The Dean may extend this time limit with jurisdiction over the

grievance, if the grievant makes the request for extension within the 10 business day period, for good cause shown.

6. Informal Resolution, Generally

6.1 The grievant should first discuss the issue with the person(s) responsible for the action or decision being grieved, and with that person's supervisor (or higher administrative authority), if feasible. This is not required in cases where the grievant believes that efforts at informal resolution may result in retaliation or other unfair treatment. The parties may also confer with Human Resources about the use of mediation as part of an informal resolution process.

6.2 On those occasions where contact between the Dean and the student is inevitable or deemed potentially useful, the Dean should clarify for the student the difference between his/her role at the informal stage of resolution and what it would be at the formal stage of resolution.

7. Informal Resolution, Civil Rights Grievances

If a student believes that he or she has been discriminated or retaliated against based upon race, color, religion, sex, age, national origin, or disability, s/he should notify the Dean. The Dean may discuss the issue with all parties and attempt to facilitate an informal resolution. The Dean shall make efforts to resolve the issue as soon as practical, and shall maintain a record of all communications and documents. This record shall be kept confidential to the extent required and allowed by law.

8. Grade Grievances - Formal Resolution

8.1 Students should first pursue informal resolution of grade grievances. If informal resolution is not satisfactory or the time limit for filing a formal grievance is about to expire, then the student may proceed as follows.

8.2 If a student grieves a grade on the basis that it was given in violation of state or federal law, the formal resolution procedures set out in sections 9 through 14 below will apply.

8.3 Otherwise, grade grievances must be presented in writing to the Dean for resolution. The Dean shall inquire into the matter and send a written decision to the student and faculty member. If the student remains unsatisfied, (s)he may grieve in writing to the Executive Committee. The EC shall review the written grievance, any written response the instructor submits within a time limit to be decided by the EC. The EC may designate another administrator, or a panel, and may include a student on the panel, to fulfill this duty. The EC may meet with the student and/or instructor together or separately to discuss the matter. A detailed record of such discussions shall be written. The EC shall prepare a written decision and send it to the student and faculty member. All documents and any tape recordings that are part of the EC's review will be compiled into a record of the grievance. Note: These procedures are laid out to guide the formal grievance of final grades only. Test grades and partial grades are not deemed appropriate for formal grievance.

8.4 In no event shall persons who review a grade grievance substitute their subjective judgment about academic quality for the judgment of the instructor. However, grievances may be substantiated if it is determined on the basis of the evidence that the grade was based on a factor other than academic merit, or if there has been a clear error in grading based on objective criteria.

9. Graduate Student Grievances related to Termination from the Graduate School for Failure to Meet Academic Performance Standards

9.1 Any graduate student who believes that he or she has valid grounds for a complaint must within 10 business days of receipt of the notice of termination attempt to pursue informal resolution of the complaint by a conference with the student's thesis committee. If the Committee has not responded satisfactorily to the student within 10 days of receipt of the complaint, the student must submit a written complaint to the Dean. The Dean shall investigate the complaint and respond in writing to the student.

9.2 If the matter is not resolved by the Dean to the student's satisfaction, the student may file within 10 business days a written grievance with the Executive Committee. The grievance shall contain the information specified in section 10.1.2 except that the respondents shall be the members of the graduate student's thesis committee and the Dean. If it is clear on the face of the written grievance that the grievance has not been timely filed in accordance with section 9.1 or 9.2 or pertains to a matter that is not grievable, or is from a person without grievance rights, the EC shall so indicate in a letter to the grievant and the grievance shall be dismissed.

9.3 If the grievance is not dismissed the EC shall appoint a grievance panel of four graduate faculty members to hear the grievance who do not have a conflict of interest. The EC shall provide the committee with a copy of the grievance and these procedures.

9.4 Once the EC has appointed a Grievance Panel to hear the grievance, the procedures set forth in section 10.2 through 10.5 shall be followed. Sections 11 and 12 shall also apply to Graduate Student Grievance Committee hearings and appeal rights shall be as specified in sections 13 and 14.

10. Other Grievances - Formal Resolution

10.1 Step One

10.1.1 If informal resolution is not successful, the student may file a grievance by sending a request for hearing along with the following information to the Dean with supervisory authority over the person(s) named in the grievance as causing harm to grievant. Notwithstanding the foregoing, if the grievance relates to a graduate student's graduate program or status as a graduate student, the grievance must be filed with the Dean and conducted in accordance with the procedure set forth in section 9.

10.1.2 The grievance must:

10.1.2a be in writing;

10.1.2b state how the decision or action is unfair and harmful to the grievant and list the GSBS policies or state or federal laws that have been violated, if known;

10.1.2c name the respondent parties (the person(s) against whom the grievance is filed);

10.1.2d state how the respondents are responsible for the action or decision,

10.1.2e state the requested remedy; and

10.1.2f state whether the grievant will bring an observer to the hearing and, if so, whether the observer will be an attorney.

10.1.3 If it is clear on the face of the written grievance that the grievance has not been filed within the time limit, or pertains to a matter not grievable under this procedure, or is from a person without grievance rights under this grievance, the Dean shall so indicate in a letter to the grievant and the grievance shall be dismissed. If the grievance is not dismissed, the Dean, or a designee, shall appoint a panel of four persons to hear the grievance and shall provide them with a copy of these procedures and the written request for hearing. Panel members shall include four faculty or staff members who have no conflict of interest with the respondent(s).

10.1.4 If the respondent is a Dean, the grievance process should be administered by President of SBP.

10.1.5 Panel members should have no personal interest in the outcome of the proceeding, and should not have any personal involvement in earlier stages of the matter.

10.2 Step Two:

The panel shall meet, elect a chair, and send the grievant's hearing request to the respondent(s), all within ten institute business days of being appointed. The chair shall offer respondent(s) an opportunity to provide a written response to the allegations within 10 institute business days to the panel chair. The chair may also instruct the parties that they have 10 institute business days to provide each other and the panel with (i) copies of any exhibits they wish to introduce as evidence, and (ii) a list of witnesses that each party will call. The chair may extend the deadlines for submitting a response and for exchanging proposed exhibits upon a showing of good cause.

10.3 Step Three

10.3.1 The chair shall notify the parties of the hearing date, time, and place at least 10 institute business days in advance of the hearing. (The panel may schedule additional days for hearing, if needed, after the hearing is underway, so long as all parties receive reasonable advance notice of the additional dates.). The response to the grievance must be distributed to the panel and all parties at least 10 institute business days prior to the hearing.

10.3.2 The hearing must be tape recorded so that all persons can be clearly heard, or recorded by a court reporter.

10.3.3 Each party may choose to have one observer present who is not a witness. Observers may not provide representation or otherwise participate in the proceeding, but may speak to their respective parties off the record so long as it does not interfere with the hearing.

10.3.4 The panel may request procedural advice from an attorney. If the grievant has an attorney as an observer, the respondent(s) may request an attorney, other than the one advising the panel, to act as their observer. Respondents may not otherwise have an attorney for their observer.

10.3.5 The panel has the authority to rule on procedural matters not otherwise addressed in GSBS policies and procedures. The panel may decline to consider evidence for reasons of excessive redundancy, immateriality, irrelevance, and other good cause.

10.3.6 Formal rules of evidence will not apply, and the panel may consider any evidence it believes to be relevant and reliable.

10.3.7 Each party may make an opening and closing statement (grievant first and respondent(s) second in opening; grievant first, respondent(s) second, and grievant last in closing) of a time duration to be determined by the panel. After any opening statements, the grievant shall present his/her testimony and exhibits, and present any witness testimony. The respondent(s) shall have an opportunity to ask questions of the grievant and witnesses. The next step is for the respondent(s) to present any testimony, exhibits, and witnesses, to be followed by questioning from the grievant. Rebuttal and other follow-up testimony is at the discretion of the panel. Closing statements from each party conclude this step of the hearing process. Panel members may ask questions or request additional information, documents, or witnesses at any time prior to adjournment. At the conclusion of this step of the procedure, the parties and witnesses shall be excused.

10.4 Step Four

10.4.1 The panel shall deliberate and reach a decision on the grievance in closed session. Deliberations are not tape recorded or transcribed. The decision must be based solely on material presented in the grievance. The panel should be careful not to substitute its judgment for that of the respondent(s). Rather, the panel should decide if the decision being grieved was the result of a misapplication or misinterpretation of university policies, regulations, or rules or a violation of state or federal law. The burden is on the grievant to establish by a preponderance of the evidence that the grievant has experienced an injury that would entitle the grievant to relief and that such injury is

remediable.

10.4.2 The chair of the panel shall compile an official record of the proceeding that includes a copy of all correspondence with the parties, all evidence submitted to the panel (documentary evidence that the panel declined to consider must be so marked and segregated), the recording or transcript of the hearing, and anything else considered by the panel in reaching its recommendation. The chair of the panel shall be responsible for ensuring that a written report is prepared that addresses and resolves all material factual issues in dispute, that states a conclusion as to whether the student was subjected to misapplication or misinterpretation of GSBS policy or state or federal law, and if so recommends remedies as appropriate. The report and official record shall be delivered to Dean, with copies of the report to be sent to the parties, within 30 calendar days after the hearing. A dissenting panel member may file a minority report at the same time.

10.5 Step Five

The Dean (or designee) who appointed the panel shall issue a written decision within 10 institute business days of receipt of the panel's report and official record. The decision may either adopt the panel report in whole, modify it in part, or reject the report and reach different findings or conclusions for reasons expressly stated. The Dean (or designee) may also remand the matter if clarification of the panel's report is necessary or additional proceedings to clarify the record or cure procedural error are required. This decision shall be sent to the parties (certified mail return receipt, or personal delivery with a signed and dated receipt, to the grievant) and may be shared with the panel members.

11. Confidentiality

Panel members, witnesses, parties, and all other persons involved in the grievance proceeding are expected to maintain strict confidentiality regarding the proceeding. State and federal laws govern the privacy rights of students and employees. Any questions about the disclosure of information should be directed to the panel in writing, and the panel may consult with an attorney.

12. Ex Parte Contacts

Once a hearing (formal resolution) has been requested, there should be no ex parte communication between parties and panel members concerning the merits of the case. An ex parte contact or communication is one sided; it occurs when one person shares information with a panel member without including all other parties. To prevent this from occurring, all communications that (a) occur outside the recorded hearing, and (b) are between one or more parties and one or more panel members, should be in written form and distributed simultaneously to all parties and panel members. Discussion of the merits of the case or presentation of evidence outside the hearing should be avoided. The rule against ex parte contacts also applies to communication with the final decision-maker and everyone who is responsible for deciding appeals.

13. Appeal Routes

Grievance decisions may be appealed as follows:

13.1 Except for grievances related to termination of a graduate student's academic program, grievances over receipt of academic degrees or assignment of grades may be appealed to the Associate Dean of Student Affairs.

13.2 Grievances over matters of organized institutionally recognized student activities, or government may be appealed to the Dean.

13.3 All other grievances may be appealed to the Associate Dean of Student Affairs.

13.4 Grievances that relate to the termination of a graduate student's graduate program may be appealed to the Dean who will consult with the Executive Committee prior to issuing a decision.

14. Appeal Procedures

14.1 The aggrieved party may appeal by delivering written notice of appeal to the applicable GSBS administrator specified in Section 13, with a copy to the person whose decision is being appealed, within 10 institute business days after receipt of the decision. Appeals received more than 10 days after the decision was received (or delivery of the decision was attempted) will not be allowed.

14.2 Written notice of appeal must (i) identify the person whose decision is being appealed, (ii) provide a brief statement of the grounds for appeal, which at minimum should contain a list of alleged errors in the decision or decision-making process, (iii) to the extent possible, state which law(s), SBP policy(ies), or GSBS policy(ies) has been violated by each of the alleged errors, (iv) indicate what remedy is requested, (v) be signed by the appellant and dated, and (vi) include a copy of the decision being appealed.

14.3 Once notice of appeal has been delivered, the responsible GSBS administrator whose decision is being appealed shall forward the record of the case to the GSBS administrator hearing the appeal. The record shall consist of all information considered in the decision-making process, the panel's recommendation, and the decision(s) of the Dean or EC. The record shall be compiled in chronological order to the extent feasible, and shall include a table of contents for ease of reference.

14.4 The administrator hearing the appeal may ask the parties to submit written statements of their positions for purposes of appeal. The administrator hearing the appeal will render a decision based on review of the record of the case and any written appeal statements submitted by the parties. There is no right to a hearing or oral presentation in appeals.

15. Modification

The Executive Committee may approve modification of the foregoing procedures in a particular case if the modification (a) is for good cause, and (b) does not violate due process rights, policies of SBP, or policies and rules of the GSBS.