Appendix

GRIEVANCE PROCEDURE FOR ALLEGED DISCRIMINATION

The University of Arkansas is committed to the policy of providing educational opportunities to all qualified students regardless of their economic or social status and will not discriminate on the basis of disability, race, color, sex, creed, veteran’s status, age, marital or parental status, or national origin. The Office of Human Relations acts on a campus-wide basis for all students, faculty and employees regarding such matters and within each college or school there is an associate or assistant dean designated to assist students of that college in utilizing a special grievance procedure.

Any student who alleges the existence of any policy, procedure, or practice prohibited by Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Executive Order 11246, the Rehabilitation Act of 1973 (Sections 503 and 504), Titles I and II of the Americans with Disabilities Act of 1990 and Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974, which prohibit discrimination on the basis of race, sex, color, national origin, religion, age, marital status, ethnic origin, disability and/or disabled veterans and veterans of the Vietnam Eras, should contact Dr. Richard Wheeler, Associate Dean for Academic Affairs in the College of Medicine Dean’s Office (501-686-5348) for assistance in addressing such grievances. The specific UAMS grievance procedure for issues such as this as follows:

GRIEVANCE PROCEDURES RELATING TO SECTION 504, TITLE II, TITLE IX AND OTHER DISCRIMINATION COMPLAINTS BROUGHT BY STUDENTS AT THE UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCES (UAMS)

I. PURPOSE AND SCOPE

A. Policy Statement: UAMS prohibits discrimination on the basis of race, color, national origin, disability, sex, or age.

B. Purpose: The purpose of this procedure is to provide the process for addressing student grievances alleging discrimination based on race, color, national origin, disability, sex, or age.

II. DEFINITIONS


B. Procedure: The steps set out in this procedure shall constitute the grievance procedure for discrimination complaints brought by students based on race, color, national origin, disability, sex, or age.

C. Grievant: Grievant means a student who submits a grievance alleging violation of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 and their implementing regulations.

D. UAMS: UAMS means any college, department, sub-unit, or program operated by the University of Arkansas for Medical Sciences. When used in this Agreement, the term “college” shall be deemed to include the Graduate School.

E. Coordinator: The person serving as the designated Title IX and/or Section 504/Title II Coordinator.

F. Respondent: Respondent means a person alleged to be responsible for the violation alleged in a grievance. The term may be used to designate persons with direct responsibility for a particular action or those persons with supervisory responsibility for procedures and policies in those areas covered in the grievance.

G. Associate Dean Responsible for Student and Academic Affairs: Refers to the Associate Dean in the college where the grievant is enrolled as a student. Since there is no Associate Dean for the Graduate School, reference to Associate Dean shall be deemed to include the Assistant Dean for Graduate Studies and Institutional Reporting, where applicable.

H. Dean: Refers to the Dean of the college where the grievant is enrolled as a student.
III. FILING OF GRIEVANCE

A. Eligibility for Filing: Any UAMS student may file a grievance alleging discrimination on the basis of race, color, national origin, disability, sex, or age.

B. Pre-Grievance Meeting: Prior to the filing of a written grievance, the grievant(s) should first consult with the appropriate Associate Dean responsible for student and academic affairs, who shall attempt to resolve the grievance informally by agreement between the grievant and the respondent alleged to be directly responsible for the possible violation and/or persons with immediate supervisory authority related to the grievance.

If the matter cannot be resolved at this level, a written grievance should be submitted to the appropriate Associate Dean responsible for student and academic affairs for subsequent processing in accordance with the procedures for formal grievances outlined below.

C. Filing a Grievance: Grievances filed with the appropriate Associate Dean shall be in writing and shall provide the following information:
   - name and address of the grievant(s);
   - nature, date and description of alleged violation;
   - name(s) of persons responsible for the alleged violation;
   - requested relief for corrective action; and
   - any background information that the grievant believes to be relevant.

D. Time Limit for Grievance Filing: A grievance must be filed within twenty (20) calendar days of the occurrence of the alleged violation or within twenty (20) calendar days of the date the grievant became aware of the alleged violation. If the last day for filing a grievance falls on a Saturday, Sunday, or a day on which the University is closed for business, then the grievance may be filed on the first day following the Saturday, Sunday, or date when the University is closed.

E. Notification of Respondent(s): Immediately upon receipt of a formal grievance, the appropriate Associate Dean will give the respondent a copy of the grievance and will direct the respondent to submit a written response to the charges within (10) calendar days. If the last day for filing a response falls on a Saturday, Sunday, or a day on which the University is closed for business, then the response may be filed on the first day following the Saturday, Sunday, or date when the University is closed. The respondent will be specifically warned not to retaliate against the grievant in any way. Retaliation will subject the respondent to appropriate disciplinary action.

F. Response: The response should include any denial, in whole or in part, of the charges. Failure to respond may subject the respondent to disciplinary action by the Dean of the appropriate college or other appropriate UAMS official.

G. Notification of Appropriate Administrative Officers: The appropriate Associate Dean will notify the appropriate administrative officers to whom the respondent reports of the existence of the complaint. However, all administrative officers will attempt to maintain the confidentiality of the information during the grievance process.

H. Role of the Associate Dean Responsible for Student and Academic Affairs in Discrimination Grievances Filed by Students: The appropriate Associate Dean responsible for student and academic affairs must conduct a preliminary investigation of the complaint and take one of the following steps within thirty (30) calendar days after its receipt:

1. dismiss the grievance on the grounds that the evidence submitted in support of the complaint or developed in the preliminary investigation does not warrant a detailed investigation or a formal hearing (for example: grievant failed to articulate the factual basis for his or her belief that discrimination occurred; the grievance is so weak, attenuated, or insubstantial that it is without merit, or so replete with incoherent statements that the grievance, as a whole, cannot be considered to be grounded in fact; the grievance anticipates discrimination that has not yet occurred);
2. refer the grievance to a hearing before the Grievance Panel; or
3. allow the parties to sign a written statement resolving the grievance. It should be understood that without the approval in writing by the appropriate Associate Dean, any agreement between the parties does not preclude further action by the University against either party.

It is the responsibility of the Associate Dean responsible for student and academic affairs of each College to insure the effective implementation, maintenance, processing, record keeping and notifications required by the grievance procedures.
If an appeal of a dismissal of a grievance is filed, (see Section I below), the Associate Dean will forward a copy of the investigative report and determination to the Dean. If the Associate Dean refers a grievance to a hearing before the Grievance Panel, the Associate Dean will forward a copy of the investigative report to the Panel.

I. Appeal of Grievance Dismissal: A student may appeal the dismissal of his/her grievance by submitting a written request for review with his/her Dean. The request for review must be submitted within five (5) calendar days of receipt of the decision to dismiss. Upon receipt of an appeal of the dismissal of a grievance, the Dean shall carefully consider the relevant information contained in the appeal as well as the investigative report and determination of the Associate Dean, to ascertain that the evidence either submitted in support of the complaint or developed in the preliminary investigation did not warrant a detailed investigation or a formal hearing. The Dean will notify the student of his/her decision in writing within ten (10) calendar days of receipt of the request for review. The decision of the Dean will be final.

J. Notification of Dean: Upon receipt of a formal grievance from a student, the appropriate Associate Dean shall send a copy of the grievance to the Dean of the appropriate College. The Associate Dean or his/her designated representative shall be notified of any hearing and shall be required to attend all student grievance hearings pertaining to alleged discrimination on the basis of race, color, national origin, disability, sex, or age to serve as a University resource person. This individual shall not have a vote at the hearing, nor be present during deliberations of the Grievance Panel.

IV. PREHEARING PROCEDURES

A. Selection of Grievance Panel: When a grievance is referred to the Grievance Panel, the appropriate Associate Dean shall forward a copy of his/her investigative report to a six member Grievance Panel. The Grievance Panel shall be selected as follows: A Grievance Committee will be appointed by each College Dean, consisting of nine (9) faculty and nine (9) students. For every hearing held under this procedure, the person filing the grievance and the appropriate Associate Dean or designee jointly will meet within ten (10) calendar days after the decision to refer the grievance to the Grievance Panel and review the members of the Grievance Committee, removing from consideration any member who may with reason be considered inappropriate for the hearing (e.g., a faculty member directly involved in the issue being grieved should not sit on the Panel for that grievance). The names of the remaining members will then be written on tabs of paper, folded, placed into separate containers for faculty and students and randomized by mixing. The grievant will draw three names from each container. The first six names will constitute the Grievance Panel, which shall be composed of three faculty and three students. The remaining name shall be drawn alternatively from each container until all names are drawn in order to develop a list of alternate members. Should a Panel member be removed for any reason during the process, that member shall be replaced by an alternate having the same status (faculty or student).

B. Scheduling of Hearing of Grievance: Hearings before the Grievance Panel will be conducted no sooner than ten (10) calendar days and not later than twenty (20) calendar days after the selection of the Grievance Panel. The date of the hearing must be adhered to except for unusual circumstances which must be reported in writing as soon as possible to the appropriate Associate Dean. The hearing shall be conducted in accordance with the procedure set forth in Section V, A through G of this procedure.

C. Representation: The grievant and the respondent have the right to be assisted by no more than two representatives, including attorneys, at any point during the initiation, filing, processing, or hearing of the formal grievance; however, no representative may examine witnesses or otherwise actively participate in a hearing. The Panel may also be assisted and advised by an attorney or other representative at its discretion.

D. Evidence: The grievant and respondent shall provide the appropriate Associate Dean with all documents to be used and relied on at the hearing and with the name, address and telephone number of their representative(s) and witnesses no later than seven (7) calendar days prior to the date of the hearing. There will be a simultaneous exchange of this information between the parties, which will be facilitated by the Associate Dean five (5) calendar days before the date of the hearing.

V. HEARING PROCEDURES

A. Record of Hearing: The hearing will be recorded by recording devices supplied by UAMS. These recordings shall be maintained for a period of three years after resolution of the grievance. The grievant or respondent may obtain a copy of the tapes from any recorded hearing, at the requesting party's expense. The deliberations of the Grievance Panel will not be recorded.
B. Counsel: The grievant and respondent shall have the right to advice of counsel of his/her choice; however, counsel may not examine witnesses or otherwise actively participate in any hearing.

C. Private Hearing: The hearing shall be conducted in private. Witnesses shall not be present during the testimony of any party or other witness. Witnesses shall be admitted for testimony only and then asked to leave. The parties may hear and question all witnesses testifying before the Grievance Panel.

D. Presentation of Case: The grievant and respondent shall be afforded reasonable opportunity for oral opening statements and closing arguments and/or presentation of witnesses and pertinent documentary evidence, including sworn, written statements.

E. Grievance Panel Rights: The Grievance Panel shall have the right to question any and all witnesses, to examine documentary evidence presented and to summon other witnesses or review other documentation as the Panel deems necessary.

F. Grievance Panel Deliberation: After the hearing is concluded, the Grievance Panel shall convene to deliberate in closed session and arrive at a majority recommendation.

G. Transmittal of the Recommendation: Within five (5) calendar days after the hearing is concluded, the Grievance Panel shall transmit a written copy of its recommendation to the appropriate Associate Dean responsible for student and academic affairs, who will then mail, by certified mail, return receipt requested, a copy of the written document to the grievant and respondent at addresses previously provided by the grievant and the respondent.

H. Appeal of Recommendations of the Grievance Panel: If no appeal is received by the appropriate Associate Dean within seven (7) calendar days of receipt of the recommendation by the grievant and the respondent, any recommendations by the Grievance Panel shall be forwarded to the appropriate Dean for consideration. The Dean may accept the Grievance Panel recommendation, reverse it, or refer the grievance back to the Panel for reconsideration. If the last day for filing an appeal falls on a Saturday, Sunday, or a day on which the University is closed for business, then the appeal may be filed on the first day following the Saturday, Sunday, or date when the University is closed.

If the grievant or respondent wishes to appeal the recommendation of the Grievance Panel, the respondent and/or grievant shall, within seven (7) calendar days of the receipt of the recommendation, appeal the grievance recommendation to the Dean through the Associate Dean. The appeal shall be in writing.

If an appeal is submitted, it will be transmitted to the appropriate Dean. The Dean shall review the appeal and notify the parties of his/her determination within ten (10) calendar days from the date of his/her receipt of the appeal. The decision of the Dean is final and may not be appealed further.

The Dean’s review is the final institutional step in matters of discrimination grievances. However, nothing precludes the grievant or respondent from filing a complaint with any external agency that handles discrimination complaints.

VI. OTHER

A. Grievances Involving a Grievant and Respondent from Different Units of UAMS: Whenever a grievance is instituted by a student grievant in one college against a respondent in another college or unit, the grievance shall proceed through the Associate Dean, Dean and Grievance Committee from the college in which the student is enrolled.

B. Maintenance of Written Grievance Records: Records shall be kept of each grievance process. These records shall be confidential to the extent allowed by law and shall include, at minimum: the written grievance complaint filed by the grievant, the written response filed by the respondent, the investigative report of the Associate Dean, the recording and documents of the hearing, the written recommendation of the Grievance Panel, the results of any appeal, the decision of the Dean and any other material designated by the Associate Dean responsible for Student and Academic Affairs. A file of these records shall be maintained in the Office of the Associate Dean responsible for Academic Affairs for each college.

For purposes of the dissemination of grievance precedents, separate records may be created and kept which indicate only the subject matter of each grievance, the resolution of each grievance and the date of the resolution. These records shall not refer to any specific individuals and they may be open to the public in accordance with the Arkansas Freedom of Information Act or pertinent Federal laws.

C. Retaliation: No person shall be subjected to retaliation for having utilized or having assisted others in the utilization of the grievance process.

Adopted by UAMS Deans on 4/9/97