

NONGRADE GRIEVANCE RESOLUTION - SCHOOL OF PHARMACY

Policy Statement

It is the policy of the Texas Tech University Health Sciences Center School of Pharmacy to affirm the right of its students to a prompt and fair resolution of a complaint or grievance.

The purpose of the Grievance Procedure for Non-grade Complaints is to establish a process for students to express and resolve misunderstandings, concerns, or grievances that they have with any faculty member in a prompt, fair, and equitable manner. Actions that may be grieved under this procedure include but are not limited to unfair, inequitable treatment, improper application of School policy or procedure, improper disclosure of grades (i.e., FERPA violation), and unprofessional treatment. Although the procedure encourages the resolution of the concern informally, a formal grievance is available should the concern not be resolved informally.

Actions that may not be grieved under this procedure include: 1) actions by another student; 2) sexual harassment by a employee or student; 3) discrimination; 4) American with Disabilities Act (ADA) compliance complaints; and 5) grade disputes. The above can be grieved through [\(add link here\)](#). Federal, State, and local laws, rules and regulations may not be grieved. The burden of proof rests with the student.

Policy/Procedure

Complaint resolution procedures include both informal and formal processes. Students should use the formal complaint procedure only as a last resort.

Informal Process

Prior to the informal process it may be helpful for the student to consult with Assistant Dean for Student Services to clarify the issues involved.

Prior to filing a formal written grievance, students are encouraged to first address their complaint informally with the faculty or team member involved. The parties involved in the non grade grievance are encouraged to resolve the misunderstanding, concern, or grievance through discussion. If, after meeting with the faculty or team member or team leader involved in the grievance, the student remains unsatisfied, the next step in the informal process is to meet with the faculty and his/her supervisor(s). If the student is not willing to approach the instructors or the team leader to resolve the issue informally, the student should contact Assistant Dean for Student Services to initiate next step in the process.

Formal Process

The Assistant Dean for Student Services shall meet with the student and evaluate the complaint for merit; if the complaint is substantive, the student will move forward with the complaint.

- A. To file a non grade grievance, the student shall:
 - File the complaint Form, available on-line [\(add link here\)](#), within thirty (30) business days from the date of the aggrieved incident with the Assistant Dean for Student Services. The student must include in the complaint form a written statement including any information regarding attempts at resolution, and basis for the allegation that was unfair and the expected remedy or outcome by filing the grievance.
 - The Assistant Dean for Student Services will submit the complaint form and any accompanying evidence to the Department Chair responsible for the faculty member(s) involved. The Department Chair shall notify all parties to the complaint and convene an informal meeting with the faculty and

student separately and review all materials pertinent to the complaint. If two or more students are involved, the Department Chair, in his or her sole discretion, may meet with the students either separately or jointly. The role of the Department Chair is to mediate the dispute. If the Department Chair is the faculty member cited in the grievance, he/she should recuse himself/herself and the Dean should appoint a senior faculty member to mediate the facilitated discussions on the grievance.

- All parties to the complaint will be allowed to submit documentation to the Department Chair. The Department Chair will conduct an investigation of the dispute and interview each of the parties to the dispute individually or may at his/her discretion conduct a joint meeting of the parties to mediate and resolve the dispute. Neither party at this point in the process should feel the need nor is it encouraged to have external representation in any interview. The role of the Department Chair is to take evidence and try to resolve the dispute. If the student and faculty member cannot reach an agreement under mediation of the Department Chair, a request may be made for a hearing before the Student Hearing Committee. The Department Chair should submit the non-grade grievance to the Assistant Dean for Student Services to organize the Student Hearing Committee. The Department Chair will have five (5) business days to render a written report regarding the outcome of the informal process to the Assistant Dean for Student Services. The Assistant Dean for Student Services, within five (5) business days from receipt of the report form from the Department Chair, shall notify the student and faculty member via certified mail and via emailing a scanned copy of the letter. The request for hearing must be submitted to the Assistant Dean for Student Services within ten (10) business days from the postmarked date of the letter mentioned above. The procedures to request a hearing include:
 - I. File a Request for Hearing Form located under current student/faculty resources at (add link here) to convene an appeals committee.
 - II. Submit in writing six copies of all the material evidence to support the appeal. The request must include a specific statement of the student's or faculty member's complaint, an explanation of what remedy the student/ faculty member seeks, and a copy of the Department Chair's report. The Dean should appoint a senior faculty member to Chair of the Student Hearing Committee. The Assistant Dean for Student Services will forward the request for a hearing to the Chair of the Student Hearing Committee.
 - III. If the student/ faculty member files a request for a hearing, the Student Hearing Committee must convene within fifteen (15) business days unless a substitute Chair is required. A period of no more than 5 business days will be added to allow for training of the substitute Chair of the Student Hearing Committee on the conduct of student hearings.
 - IV. The Student Hearing Committee at their discretion may decide that a full hearing is not warranted if the student/instructor (a) the request was not timely; (b) the presented evidence, if true, would still not meet the requirements for a non-grade grievance, or the student/instructor withdraws his/her complaint. The Committee may also determine *a priori* that the dispute is attributable to inadequate or incomplete communication between the parties and at their discretion may arrange to meet individually or together with the student and instructor to discuss the problem. If either party requests that advisory counsel be present for any discussion with the Student Hearing Committee, the appeal will move to a formal hearing.
 - V. If the Student Hearing Committee's meeting described above is not held or, if held, such meeting does not result in a mutually agreeable solution, the Committee will proceed to schedule a formal hearing.

VI. The Student Hearing Committee is not a court of law but all discussions and deliberations will be confidential. Formal rules of evidence will not apply. The hearing is not open to the public.

B. Formation of the Student Hearing Committee

- A list of seven names, which is comprised of four faculty and three students, will be selected for the Hearing Committee by the Dean. No member of the Committee may be related by blood or marriage to any of the involved parties; further, all members of the Committee will be asked to prospectively disclose any personal relationship with the parties involved. If a personal relationship, defined as a relationship more than casual acquaintance or one expected from general classroom or collegial interactions is disclosed and the Dean determines that such a relationship could potentially influence Committee decisions, a new Committee member will be selected by the Dean. After the Committee is appointed and announced, the appealing student /faculty member and the defendant student/faculty member may choose to strike one faculty member and one student from the list for cause. The determination of the legitimacy of the request to strike will be the sole decision of the Chair of the Student Hearing Committee. His/her decision cannot be appealed. The remaining individuals will be the voting members of the Committee. The Chair of the Student Hearing Committee or the substitute will conduct the meeting, rule on challenges and will not vote unless there is a tie.
- As soon as the hearing is scheduled, a written notice will be sent to all parties involved. The notice will specify the time, place and nature of the hearing, plus a brief description of the grievance. The notice will also confirm the right of all involved parties to present witnesses and evidence and have advisory counsel should they choose.
- The student and faculty member(s) may have advisory counsel present during the formal Hearing Committee appeal. The name, title and relationship to the student/instructor must be known to all parties at least five (5) days before the scheduled hearing. If the advisory counsel is an attorney, the Hearing Chair shall notify all parties, the Dean as well as the TTUHSC Office of General Counsel. The Department Chair cannot serve as an advisor. Counsel will not be allowed to speak, argue or conduct any questioning during the proceedings.
- The hearing shall be recorded, but not the committee deliberations. The tape of the hearing shall be retained by the Dean's office for a period of one (1) year and then erased.

C. Committee Decision

- The Committee's charge will be limited to making a recommendation to the Dean.
- The Committee's written decisions will be forwarded to the Dean, student/s and faculty member/s involved within five (5) business day of the conclusion of the hearing. All Committee members shall sign the report indicating the accuracy of the vote count.
- The Committee may consider any remedies that will bring about justice for the student or instructor in the case.
- The Dean will review the recommendation and notify the parties of his decision within ten (10) business days. The Dean's decision can be to affirm the decision of the Student Hearing Committee or order a new hearing. A copy of the Committee's recommendation and Dean's decision will be inserted in the student's file but will be removed upon graduation. The Dean will also notify the Department Chair that has supervisory responsibility for the faculty member(s) about the proceedings for the Chair's information.

D. Appeal to the Dean

Within five (5) business days of receipt of the decision of the Dean, if any party believes that the conduct of the hearing procedures of the School of Pharmacy have been violated, an appeal may be made, in writing, to the Dean but only on the matter dealing with a violation of the conduct of the hearing procedures. If a written appeal is not made within five (5) business days following receipt of the Dean's letter, the right to appeal is forfeited. The Dean's decision can be to affirm the decision of the Student Hearing Committee or order a new hearing. Generally, the decision of the Dean is the final decision of the University in grievances concerning non-grade for PharmD students or violations of hearing procedures. The decision will be communicated to the Department Chair of the faculty member(s).

E. Appeal to the President

Within five (5) business days of receipt of the decision of the Dean, if any party believes that the due process procedures of the School of Pharmacy have been violated, an appeal may be made, in writing, to the President of the Health Sciences Center. The President will review the case and can either affirm the decision of the Dean or order the Dean to consider an alternative remedy. The Dean will notify the parties of the President's decision within five (5) business days. If a written appeal is not made within five (5) business days following receipt of the Dean's letter, the right to appeal is forfeited. The decision of the President is final. The decision will be communicated to the Department Chair of the faculty member(s).

Timeline

Due to documented extenuating circumstances, timelines for complaints may be altered with agreement from all parties.

***A business day is defined as a Monday-Friday, excluding university holidays, from 8:00 a.m. to 5:00 p.m. when the SCHOOL OF PHARMACY Offices are open even though students may not be attending classes or clinical assignments.