

**Policy of the University of Arkansas for Medical Sciences - Division of Academic Affairs**  
**Subject: Grievance Procedure for Students Alleging Discrimination**  
**Number: 2.2.1**  
**Date Approved (Council of Deans): June 19, 2013**  
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**A. Background**

The University of Arkansas for Medical Sciences is committed to the policy of providing educational opportunities to all qualified students regardless of economic or social status, and will not discriminate on the basis of race, ethnicity, color, sex, creed, age, marital or parental status, pregnancy, national origin, genetic information, gender identity, gender expression, sexual orientation, religion, ethnic origin, disability or veteran status including disabled veterans and veterans of the Vietnam Era.

From time to time, a student may allege that one or more of the University's policies, procedures or practices are discriminatory. In those cases, it is imperative that clear steps to a common system of inquiry, resolution and appeal be established, and that these steps are communicated and accessible to all parties.

The UAMS Office of Human Resources 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 access and understand the special grievance procedure defined in this policy.

**B. Purpose and Scope**

UAMS prohibits discrimination as defined by state and federal laws & regulations, which prohibit discrimination on the basis of race, ethnicity, color, sex, creed, age, marital or parental status, pregnancy, national origin, genetic information, gender identity, gender expression, sexual orientation, religion, ethnic origin, disability or veteran status including disabled veterans and veterans of the Vietnam Era.

This policy outlines internal procedures to be followed by any student who wishes to submit a grievance alleging the existence of a discriminatory policy, procedure or practice prohibited by either state or federal law/regulation or by UAMS policy. This policy does not address external routes of redress such as those available in the state or federal courts.

## C. Definitions

1. **Grievance:** Grievance means a complaint of discrimination by a student alleging occurrence or existence of any policy, procedure, or practice prohibited by UAMS policy and/or anti-discrimination laws and regulations.

2. **Grievance Panel:** Those individuals selected by the college Deans and Vice Chancellors, from which grievance committees will be formed, as needed. At the request of the Associate Vice Chancellor for Human Resources, each vice chancellor and dean will nominate one individual from his or her area to serve on the panel. Should any panel member not be able to serve a full term, the Associate Vice Chancellor for Human Resources will request a replacement be nominated to serve out the remainder of the excused member's term. Panel members may serve no more than two consecutive terms of two years.

3. **Grievance Committee:** Three neutral staff employees shall be selected by blind lots from the grievance panel to hear all evidence in a grievance and make a recommendation to the chancellor for resolution. Any panel member from the grievant's division will automatically be excluded from the selection process to establish the committee. For good cause shown, a selected committee member may be removed and replaced at the direction of the Title IX Coordinator.

4. **Procedure:** The steps set out in this policy shall constitute UAMS's grievance procedure for discrimination complaints brought by students, who allege violations of UAMS policy and/or anti-discrimination laws and regulations.

5. **Grievant:** Grievant means a student who submits a grievance alleging a violation of UAMS policy and/or anti-discrimination laws and regulations.

6. **UAMS:** UAMS means any college, department, subunit, or program operated by the University of Arkansas for Medical Sciences. When used in this policy, the term "college" shall be deemed to include the Graduate School.

7. **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.

8. **Associate Dean:** Refers to the Associate Dean who is responsible for addressing allegations of discrimination in the college where the grievant is enrolled as a student.

9. **Dean:** Refers to the Dean of the college where the grievant is enrolled as a student.

10. **Working Days:** Monday through Friday, excluding official UAMS holidays.

11. **Evidence:** As used in this policy, the term evidence includes all materials, documents, or testimony which will aid the Grievance Committee in making a fair and impartial determination. The Federal and State Rules of Evidence do not apply.

## D. Step I: Initial Attempt at Resolution

1. The grievant must submit a written statement to the Associate Dean specifying the violation alleged, the reason for the grievant's belief that he or she is aggrieved, and the remedy sought. This written statement must be received by the Associate Dean within ten (10) working days following the incident which forms the basis for the grievance. The Associate Dean will make an official judgment on each student grievance to determine whether the grievance is an academic challenge (e.g., contesting a grade), an allegation of discrimination or another type of complaint. Based on the determination, the Associate Dean will refer the student to the appropriate process for redress, and make sure that the student has the necessary information to pursue the grievance. The Associate Dean will maintain an official log of all grievances made and the categorization of each as either an academic challenge, discrimination allegation or other complaint (noting specifics). The Associate Dean will provide a report annually to the Campus Title IX Coordinator of the discrimination grievances made and the disposition of each.
2. If the Associate Dean determines the grievance is a complaint of discrimination, the Associate Dean will attempt to resolve the grievance by a discussion (individually or jointly) with the grievant and the respondent within ten (10) working days of receipt of the written statement.
3. If the grievance is satisfactorily resolved by this discussion, the terms of the resolution shall be reduced to writing and shall be signed by the grievant, the Associate Dean, and the respondent (if the respondent has participated in any discussions with the Associate Dean in an effort to resolve the grievance and is affected by the resolution).
4. This initial attempt of resolution must conclude within ten (10) working days of the Associate Dean's initial discussion with the grievant. At the end of this ten-day period, if the grievance cannot be resolved, the grievant can immediately proceed to Step II, presentation of a formal grievance to the Dean.

**E. Step II: Formal Grievance to the Dean**

1. Filing a grievance:

a. The grievant must submit a written statement to the Title IX Coordinator, Office of Human Resources, which shall contain the following information: name of the grievant; nature, date, and description of the alleged violation(s); name(s) of person(s) responsible for the alleged violation(s); requested relief for corrective action; and any background information and supporting documentation the grievant believes to be relevant.

b. A grievance must be submitted to the Title IX Coordinator within ten (10) working days of the completion of the initial attempt of resolution, outlined in Step I above.

c. Immediately upon receipt of a formal grievance, the Title IX Coordinator will give the Dean a copy of the grievance and will request a written response be made to the Title IX Coordinator within ten (10) working days. The Dean is encouraged to meet with the grievant during this step in an effort to resolve the grievance.

d. Following receipt of the written response, the Title IX Coordinator may elect to review and decide the issue, or the Title IX Coordinator may refer the issue to the Grievance Committee for a hearing. If the Title IX Coordinator decides the issue, the decision shall

be final, and there shall be no appeal. If the Title IX Coordinator refers the issue to the Grievance Committee, the grievance will be heard pursuant to the procedures listed below. The Title IX Coordinator has the discretion to designate an alternate Human Resources Director to serve in his/her stead during the hearing process. Should a designee be appointed, references to Title IX Coordinator would be replaced with his/her designee.

**F. Step III Grievance Hearing Procedures:**

1. Pre-Hearing Procedures:

- a. Selection of Grievance Committee: Within 5 days of determination that a grievance hearing should take place, the Title IX Coordinator shall draw the names of the three committee members.
- b. Schedule of Hearing: The Hearing will be conducted no sooner than 10 working days and no later than 15 working days after the names are drawn, unless the Title IX Coordinator determines there is a specific reason why another time must be selected.
- c. Representation: The grievant and the respondent may have one (1) person to assist in the initiation, filing, processing, or hearing of the formal grievance. This person may be an attorney, but may not address the Grievance Committee, speak on behalf of the grievant or respondent, question witnesses, or otherwise actively participate in the hearing. The Grievance Committee may also be assisted and advised by University counsel at its discretion.
- d. Evidence (as herein defined): No later than 8:00 am, five (5) working days prior to the hearing, the grievant and respondent shall provide the Title IX Coordinator all documents to be used and relied upon prior to the hearing. The grievant and respondent shall provide five copies of all documents to be used and relied upon during the hearing including the name, address, and telephone number of any representative and witnesses, and a summary of the witnesses relevant testimony. Once all documentation and copies have been provided to the Title IX Coordinator, a copy will be provided to the grievant and respondent, no later than 5:00 pm five (5) working days prior to the hearing. Failure of grievant or respondent to provide the information in a timely fashion could result in exclusion of that information during the hearing.
- e. Information to the Grievance Committee and Election of Chairperson: No later than three (3) working days prior to the hearing, the Title IX Coordinator shall meet with the Committee to provide a copy of all documents and information submitted (as specified in paragraph 4 above), confirm the date and location of the hearing and withdraw from the room. The Grievance Committee will then convene briefly for the sole purpose to elect a chairperson and to decide whether the Committee requests the assistance of University counsel. The substance of the grievance shall not be discussed at this initial meeting and only the Committee is permitted to attend.

2. Hearing Procedures

- a. Record of the Hearing: The hearing will be recorded by recording devices supplied by UAMS. These recordings shall be maintained for a period of five years after resolution of the grievance. The grievant or respondent may obtain a copy of the recordings from any recorded hearing, at the requesting party's expense.
  - b. Title IX Coordinator: At the beginning of the hearing, the Title IX Coordinator will announce the date, time, place, and purpose of the hearing, and will ask the members of the Grievance Committee to identify themselves by name and department. The grievant and the respondent will then identify themselves by name and department. Finally, any representative accompanying the grievant or the respondent shall identify himself or herself by name and title. The Title IX Coordinator will then give the Grievance Committee its charge. The Title IX Coordinator duty at that point is only to keep the investigation focused on the issue(s) for which the grievance was filed.
  - 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 grievant and the respondent may hear and question all witnesses testifying before the Grievance Committee. The representatives of the grievant and respondent may attend, but shall not question witnesses or address the Committee.
  - e. Presentation of Case: This is a non-adversarial process, the witnesses are not sworn, the grievant and respondent shall be afforded reasonable opportunity for oral opening statements, closing arguments, their own testimony, and presentation of witnesses and pertinent documentary evidence, including written statements. Witnesses are not compelled or subpoenaed to appear and are to appear on their own accord, employees of UAMS are permitted to participate in the grievance process without suffering loss of compensation or leave time for the time spent during the process.
5. Grievance Committee Rights: The Grievance Committee shall have the right to question any and all witnesses, to examine documentary evidence presented, and to request the appearance of other witnesses or review other documentation as the Grievance Committee deems necessary. The Grievance Committee has the right to limit testimony and presentation of other evidence to that which is relevant to the violation(s) alleged and to further limit testimony and other evidence that is cumulative and unnecessary.
  6. Grievance Committee Deliberation: After the hearing is concluded, the Grievance Committee shall convene to deliberate in closed session and arrive at a majority recommendation. The Grievance Committee shall make its determination of whether a rule, procedure or policy was not followed or was applied in an inequitable manner based upon the evidence presented at the hearing, which is relevant to the issue(s) before the Grievance Committee. The Grievance Committee may make recommendations for resolution of the dispute. No one else is to be present during the Grievance committee's deliberations, except when clarification about policy, procedures or rules is requested by the Grievance Committee from the Title IX Coordinator or University Counsel.
  7. Transmittal of the Recommendation: Within seven (7) working days after the hearing is concluded, the Grievance Committee shall transmit its recommendation in writing to the Title IX Coordinator.

8. Within five (5) days, the Title IX Coordinator shall transmit the grievance record and the Grievance Committee's recommendation, to the Provost.
9. The Provost may decide to accept the recommendation, amend it, reverse it, or refer the grievance back to the Grievance Committee for further deliberations and reconsideration. Within ten (10) working days of receipt of the Grievance Committee's recommendation, the Provost shall prepare and send a written statement addressed to the grievant containing the Provost's decision for resolution of the grievance and the reason for the decision. A copy of the Provost's decision will be sent to the Title IX Coordinator and the respondent. The Provost's decision is considered final and no further administrative review shall be available to the grievant.
10. The Title IX Coordinator shall inform the grievant's dean and of the action required to carry out the Provost's decision.

**G. Other**

1. **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, as applicable: the written grievance complaint filed by the grievant, the written response filed by the respondent, Associate Dean's written resolution, the recording and documents of the hearing, the written recommendation of the Grievance Committee, the results of any appeal, the decision of the Provost, and other material designated by the Title IX Coordinator. A file of these records shall be maintained in the Office of the Title IX Coordinator.

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.

2. **Retaliation:** No person shall be subjected to retaliation for having used or assisting others to use the grievance process.