

POLICY NAME: Grievance Policy

AUTHOR: Institutional

APPROVED BY: Board of Trustees

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CROSS-REFERENCED POLICIES: Title IX/Sexual Misconduct Policy; Academic Standards



## Grievance Policy

The Board of Trustees has adopted the following statement on grievances:

A “grievance” is a cause for complaint based on the violation of a rule or policy of ASL. Not all causes for complaint are handled by this Grievance Policy: (a) complaints regarding sex discrimination/harassment/violence are governed by the Title IX/Sexual Misconduct Policy; (b) complaints involving Academic Standards (including Violations of the Code of Academic Conduct) are governed by that Policy; (c) complaints concerning violations of the ABA Standards for the Approval of Law Schools shall be governed by the appropriate provisions of "Student Grievances, Violations of ABA Standards." Therefore, this Grievance Policy is limited to grievances not involving one of those categories. Examples of behavior that may form the basis for a grievance include: harassment (excluding sexual harassment), discrimination (excluding sex-based discrimination), or treatment of a student that is unfair/violative of policies or general standards of professionalism. Complaints that are filed under the wrong policy or standard will be transferred to the correct process. Complaints involving the same alleged acts may be addressed under only one process (i.e., “one bite at the apple”).

Grievances may be filed by a student, faculty, or staff member (“ASL parties”), and may be against any student, faculty, staff member, volunteer or other visitor/participant in ASL-sponsored program or activities.

Grievances must be submitted in writing to the Grievance Coordinator. Grievances may be filed anonymously, but the person filing an anonymous grievance should be aware that while ASL will investigate the grievance to the fullest extent possible, anonymity may hinder the investigation or resolution of the grievance.

Filing a grievance is typically not the recommended first step in resolving a conflict. ASL parties are encouraged to take steps to resolve the issue on their own, without resorting to the grievance process. However, such resolution may not be possible or advisable under certain circumstances, especially in situations where the aggrieved party is subject to the supervision or control of the person being accused (i.e., student grievance against a faculty member, staff grievance against his/her supervisor). In that case the person is encouraged to talk with the Grievance Coordinator about the best way to resolve the issue.

Retaliation against any person for filing a grievance or participating in the grievance process (as a party, witness or advisor) is strictly prohibited. If such retaliation occurs, the retaliating party may be subject to an appropriate disciplinary process (i.e., Code of Academic Conduct for students, etc.). A grievance that is found during the grievance process to have been intentionally dishonest or maliciously made will subject the person to further disciplinary proceedings in accordance with the appropriate School policy.

### Grievance Process:

1. The aggrieved party meets with the Grievance Coordinator to discuss the concern, and follows up by filing a written statement of the grievance.
2. The Grievance Coordinator shall investigate the grievance. The Grievance Coordinator may obtain assistance with this responsibility from other appropriate persons who are not connected to the grievance.
3. Information regarding the grievance will be kept on a “need to know” basis. The Grievance Coordinator may review the grievance, proposed investigatory steps, proposed interim measures, proposed resolution, and/or proposed sanctions with the Associate Dean or the Assistant General Counsel.
4. The Grievance Coordinator may impose interim measures for the pendency of the investigation when there is a need to protect the aggrieved person from further contact with the person the grievance was filed against. In rare but serious circumstances, these interim measures may include, but are not limited to, no-contact orders or even temporary suspension. The Dean shall review and approve any suspensions from school or employment prior to their implementation. If these measures are imposed and subsequent positive resolution (in favor of the accused) occurs, ASL may take reasonable steps such as reinstatement, reassignment, promotion, training, back pay, or reinstatement of other benefits as necessary.
5. Within three weeks of receiving the grievance, the Grievance Coordinator shall make an initial resolution of the grievance and will inform the parties of this resolution. The initial resolution will consist of a determination of fact, determination of the merits of the allegation, imposition of sanctions (if appropriate), and any other appropriate information regarding the investigation. The three week timeline may be extended by ASL if all parties are provided notice by email to their ASL email addresses.
6. Possible sanctions include but are not limited to:
  1. Students: warning, fines, educational projects, additional community service, counseling, no contact order, or recommendation to the Dean for disciplinary probation, disciplinary suspension, administrative hold, or expulsion.
  2. Employee: counseling, or recommendation to the Dean for suspension with or without pay or termination.
  3. Non-Law School Employees or Non-Law School Students will be sanctioned as appropriate and practical. Sanctions may include no trespass orders or other limitations on attendance at ASL functions and reporting to appropriate bar and/or governmental authorities.
7. If any party involved is unsatisfied with the Grievance Coordinator's initial resolution of the grievance, he or she may request an appeal hearing on the matter.

### Appeal Hearing process:

Appeals of decisions involving student probation, suspension or expulsion shall be conducted pursuant to the Appeals process for Violations of the Code of Academic Conduct. Appeals of decisions involving suspension (with or without pay) of faculty members, or suspension/termination of employment of staff shall be decided by reconsideration by the Dean. Appeals of decisions involving termination of employment of faculty members shall be conducted pursuant to the process for Appeals of termination decisions found in the Faculty Policies & Guidelines. Appeals of all other decisions are handled pursuant to the provisions below. Note that all timelines may be extended by the Associate Dean for good cause shown.

1. The hearing shall be held within 10 working days of the request for the hearing.
2. The Associate Dean for Academic Affairs shall conduct the appeal hearing. If the Associate Dean was consulted by the Grievance Coordinator during the initial resolution process, or was otherwise involved with the matter, the Associate Dean may appoint an alternate hearing officer for the appeal.
3. The hearing shall begin with the Grievance Coordinator presenting an overview of the grievance, the investigatory process, the results, and the decision and recommended sanctions.
4. The aggrieved party and the person against whom the grievance was brought shall then have the opportunity to make a statement to the hearing officer. Either party has the right to bring an advisor to the hearing; the party may elect to have their advisor make the statement on his/her behalf. The advisor may be any person of the party's choosing, including an

attorney, who is not otherwise a party or a witness. No advisor shall be permitted to unreasonably disrupt or otherwise interfere with the hearing process, which shall be determined in the sole discretion of the hearing officer.

5. The parties may present witnesses or other evidence.
  - a. The process is intended to be informal, and no formal rules of evidence shall be observed.
  - b. The hearing officer has the discretion to decide what evidence to allow or consider, the manner in which the witness testimony is presented, and what weight to give evidence.
  - c. The hearing officer may decide how much time to allot for presentation of evidence/witness statements, or any other part of the hearing process.
6. The hearing officer may call other witnesses, or adjourn the hearing to allow for additional witness statements.
7. The parties may then make brief closing statements.
8. A record of the hearing shall be created.
9. Upon completion of the hearing, the hearing officer shall make a decision in writing within 10 calendar days and distribute the decision to the parties. The decision may concur with or overturn any part of the initial resolution determination or sanctions; uphold, reduce or rescind any sanctions; or remand the grievance to the Grievance Coordinator for further investigation and resolution.

Either party may appeal the decision of the hearing officer to the Dean using the following process:

1. The party seeking appeal to the Dean shall give written notice to the Dean of the appeal within 10 calendar days of receipt of the hearing officer's decision. The notice of appeal shall be a short and plain statement of the desire for a review of any portion of the hearing officer's decision.
  2. The Dean's review shall be limited to review of the record of the proceeding before the hearing officer.
  3. The Dean shall consider all information to ensure the outcome provided for fundamental fairness and take one of the following actions: concur with or overturn any part of the hearing officer's decision and uphold, reduce, or rescind any sanctions.
  4. The decision of the Dean shall be final and shall be rendered in writing within 10 calendar days of receipt of the student's written notice of appeal. This timeline may be extended by the Dean for good cause.
- Any deadline herein may be extended by ASL for good cause if all parties are provided notice to their ASL email addresses.
  - The records of all grievances, hearings, and all final decisions on grievances or appeals will be kept by the Dean, Associate Dean, or their designee for a period of not less than five years, and these records will be available to other people only with the express and specific approval of the Dean or Associate Dean.
  - If the Grievance Coordinator is a party to the grievance or in some other way is not capable of making a fair and impartial judgment on the grievance, the Associate Dean shall appoint a faculty member to perform the role of the Grievance Coordinator in the grievance process.
  - If the Dean is a party to the grievance or is deemed by the chair of the Board of Trustees to have a conflict of interest or otherwise incapable of making a fair and impartial judgment on the grievance, the chair or his or her designee from among the members of the Board of Trustees shall perform the role of the Dean in this grievance process.
  - The Policy may be amended from time to time by the Dean, in keeping with the statement on grievances as adopted by the Board of Trustees.