

Grievances by Medical Students Policy

Owner Department: Office of Student Affairs

Owner: Associate Dean of Student Affairs

Affected Department(s) or Parties: All enrolled students at Carle Illinois College of Medicine. All former medical students of Carle Illinois College of Medicine provided they meet the timeliness requirements specified herein.

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Purpose: All members of Carle Illinois College of Medicine (Carle Illinois) community are expected to observe high standards of professional conduct and ethical behavior in graduate education. In any scholarly community, problems may emerge among students, faculty, and administrators. The purpose of this policy document is to outline the process by which medical students can constructively address concerns about the decisions or behaviors of faculty, administrators, or committees that the students believe have adversely affected their status as a medical student.

Processes/Procedures/Guidelines:

1. **Applicability.** This policy applies when a medical student believes that an incorrect or inappropriate decision or behavior of a Carle Illinois faculty member, administrator, or committee has adversely affected the student's status. Examples include, but are not limited to:
 - Failure to follow a Carle Illinois policy in a manner that results in significant prejudice against the student;
 - Failure to follow Carle Illinois procedures for assessing degree milestones such as examinations, promotions, etc.;
 - Improper termination from a program;
 - Requiring personal services unrelated to academic duties;

Retaliation for exercising grievance rights. This policy does not apply in cases involving:

- Challenges to Carle Illinois Petition decisions;
- The exercise of professional judgment in evaluating student academic performance/progress;
- Student-to-student conflicts (see www.conflictresolution.illinois.edu);
- Academic misconduct such as breaches of academic integrity in research and publication see https://www.vpaa.uillinois.edu/UserFiles/Servers/Server_420372/File/Integrity-Policy.pdf);
- Employment specific issues, including those covered by collective bargaining agreements (i.e. teaching assistantships and administrative graduate assistantships) (see www.ahr.illinois.edu/employees/ler.html);
- Cases that arise under the *Student Code*, including academic integrity or capricious grading claims (see www.admin.illinois.edu/policy/code);
- Cases involving alleged discrimination or sexual harassment (see the Campus Administrative Manual).

2. **Non-exclusivity.** This policy does not override or supersede any other policies or procedures as established in the University Statutes and campus policies.
3. **Duty to Cooperate.** Students availing themselves of the grievance process, and all faculty, administrators, and committee members have a duty to cooperate and provide information and materials relevant to the investigation of a grievance. It shall at all times be the responsibility of the Parties to ensure that Carle Illinois has accurate contact information to facilitate communications as described in these procedures.

Definitions:

1. **Business Day.** Monday through Friday, excluding University and campus holidays and reduced service days.
2. **Conflict of Interest.** A conflict of interest is a significant professional or personal involvement with the facts or the Parties to a dispute. Any party who has a conflict of interest in a dispute under this policy or a concern about a conflict on the part of another shall promptly report it to the Intake Officer. The Intake Officer shall refer the matter to the Dean, who shall decide how to address any conflict of interest, unless the conflict lies with the Dean, in which case, the alleged conflict will be referred to the Office of the Provost for resolution.
3. **Consultant.** A person intended to provide advice to a Grievant or the Subject of a grievance. The Consultant shall not directly participate in any proceedings, but may be consulted during the process. If any party's consultant at any meeting is an attorney, all

participants must be informed at least three (3) business days prior to such a meeting.

4. **Dean.** The Dean of Carle Illinois College of Medicine at Urbana-Champaign or his/her designee. The Dean has responsibility for Carle Illinois programs and related policies and procedures. The Dean is the final arbiter of disputes under this policy. In the event a grievance is filed against the Dean, these responsibilities shall be referred to the Office of the Provost for handling and any appeals will be to the Chancellor or his/her designee.
5. **Grievant.** The student in the College of Medicine who has filed a grievance pursuant to this policy.
6. **Intake Officer (IO).** A person who has been identified by the Dean to handle a particular dispute; usually an assistant or associate dean in the College of Medicine. The Intake Officer will, as appropriate, facilitate informal discussions and/or mediation of disputes, receive information and facilitate discussions and/or mediation after a grievance has been filed at the administrative action stage, prepare a written report of the efforts to resolve the matter and provide this and other relevant background information as needed to the Review Officer, if different from the Intake Officer.
7. **Parties.** Refers to the Grievant and all Subjects named in a grievance collectively.
8. **Review Officer (RD).** A person who the Dean may identify to oversee the formal review process is usually an assistant or associate dean in Carle Illinois; may be the same person as the Intake Officer. The Review Officer is responsible for providing administrative support for the Review Panel, maintaining documentation, and keeping the Parties informed as to the status of a grievance.
9. **Subject(s).** The person or persons named in the grievance. If a grievance generally references a department or unit, the Subject shall be the Director or Head of the department or unit.

Alternative Avenues for Resolution

General Campus Resources. University policy strongly encourages all students who believe they have a dispute or conflict to use all appropriate avenues for informal resolution before initiating Carle Illinois grievance process described herein. Students may seek advice about how to address their situation informally from their faculty advisers, mentors of their choice, and other campus resources before pursuing a formal Carle Illinois grievance.

Procedures for Pursuing a College of Medicine Grievance

1. **Informal Resolution.** A medical student wishing to initiate Carle Illinois grievance process must start with an Intake Officer. The student will meet with an Intake Officer who will review the matter and materials and attempt to assist the student in resolving the issue at

the informal level through discussion or mediation. This process must be initiated within **sixty (60) business days** of the decision or behavior resulting in the grievance. The Intake Officer may attempt to mediate a resolution for matters that do not meet the deadline, but such matters will not be submitted for a formal review.

2. **Administrative Action.**

- a. **Written Grievance.** A student may file a written grievance:
 - i. if an informal resolution is unsuccessful, provided the written grievance is filed within **ten (10) business days** of the date the Intake Officer advises the Grievant and the Subject that no further efforts will be made at the informal stage; or
 - ii. to appeal a departmental grievance decision, provided the written grievance is filed within **ten (10) business days** of the date of the departmental grievance decision being appealed.

- b. **Content and Submission of Grievance.** The signed and dated written grievance should include at least the following:
 - i. a statement by the student summarizing the concern(s);
 - ii. the name(s) of the faculty, or administrators involved;
 - iii. the date(s) of the alleged incident(s);
 - iv. a statement concerning the specific remedy or resolution requested;
 - v. efforts taken to date to resolve the concern(s).

The grievance should be delivered to Carle Illinois's Dean.

- c. **Handling.** Once a written grievance has been submitted and reviewed, the Intake Officer will contact the student to arrange a meeting to discuss it. The Intake Officer will review the written grievance and supporting documentation provided by the Grievant and may conduct further inquiries and/or solicit additional information as warranted. The Intake Officer may also facilitate additional discussions between the Parties to try to resolve the matter at the administrative level.

- d. **Outcomes.**
 - i. **Agreed Disposition.** If the Intake Officer is successful in resolving the matter by agreement, the Intake Officer shall prepare a report which includes: 1) the grievance(s), 2) the response(s), 3) the finding(s), and 4) the resolution.
 - ii. **Unresolved Grievance.** If the Intake Officer is unsuccessful in resolving the matter by agreement, the Intake Officer shall prepare a report which includes: 1) the grievance(s), 2) the response(s), 3) the findings, and 4) what efforts were taken or proposed to resolve the matter administratively.
 - iii. **Report Distribution.** The reports referenced under i & ii will be submitted to the Dean with copies to the Grievant and the Subject(s) of the Grievance.

- e. Request for Formal Review. The Grievant or the Subject(s) may request a formal review of unresolved grievances by submitting the Request within **ten (10) business days** from the date of the Intake Officer's Report to the Dean.

3. **Formal Review of Unresolved Grievances.**

- a. Summary Judgement by Dean. Upon receipt of a request for formal review, the Dean will review the request along with the Intake Officer's Report of Administrative Action and other relevant materials to consider whether any issues merit further investigation and review. If the grievance is declined, the Dean will notify the person seeking review in writing and explain the decision. The Dean's decision is final.
- b. Appointment of Review Panel. If the Grievance is accepted, the Dean shall appoint a panel of five (5) people to investigate the matter and provide recommendations. The Panel shall consist of: 1) one member of Carle Illinois Executive Committee; 2) one faculty member from the unit in which the matter originated; 3) one faculty member at large; and 4) two active Medical students at large. The faculty member at large will chair the Panel.
- c. Written Charge.
 - i. In General. The Dean shall define the subject matter of the review in a written charge. The charge may, but need not address every allegation contained in the request for Formal Review. The charge may also include additional matters that, in the opinion of the Dean, warrant investigation. The charge shall be provided to the Panel, Review Officer (who may or may not be the same person as the Intake Officer), and the Parties to the Grievance.
 - ii. Content. The written charge shall also include:
 - a) The identities of the Panel members and a statement that either party may challenge a Panel member on the grounds of a Conflict of Interest within **five (5) business days** of receipt of the Written Charge;
 - b) A statement that Parties may submit any additional materials relevant to the Written Charge that they want considered by the Panel within **ten (10) business days** of receipt of the Written Charge; and
 - c) A statement that a Party must make a written request for a meeting with the Panel within **ten (10) business days** of receipt of the Written Charge if such a meeting is desired, and that the Panel will decide if a meeting is warranted.
 - iii. Conflict of Interest. If the Dean believes a legitimate Conflict of Interest exists, the Dean will appoint a replacement Panel member as appropriate.
- d. Preliminary Review Panel Session(s). After the time granted to the Parties to provide additional materials, the Review Officer shall convene the Panel Members to:

- i. Review the process, discuss the Written Charge and review the materials received during the Administrative Action and pursuant to IV.c.
 - ii. Review any requests for a meeting and decide if a meeting would be helpful in making findings and recommendations regarding the Written Charge;
 - iii. Provide direction on whether to request the Review Officer to seek any additional information relevant to the Written Charge from any of the Parties or other sources; and
 - iv. Confirm that the Review Officer has provided copies of written materials received by the Panel to all Parties to the Grievance.
- e. Meeting Notice. If the Panel concludes a requested meeting is necessary, the Review Officer shall send notice of a meeting no fewer than **five (5) business** days prior to the meeting. The notice must include the date, place and time of the meeting and a statement that each party may have a Consultant present at the meeting. Continuances may be granted by the Panel Chair with good cause shown.
- f. Meeting Attendance. Attendance is restricted to the Grievant, Subject(s) and their respective Consultants, Panel members, the Review Officer, and if necessary, a representative from the Office of University Legal Counsel. If oral statements from witnesses will be received, the witness may be present only while making the statement or responding to questions. Both Parties shall be permitted to be present throughout the meeting but are not required to attend. Any person, including a Party, who disrupts a meeting or who fails to adhere to the directives of the Chair may be removed from the meeting.
- g. Meeting Purpose and Structure. The purpose of a meeting under this policy is to allow the Panel to hear directly from the Grievant, Subject(s), and witnesses in order to better attempt to resolve the dispute. While there may be adversarial components, the meeting is not a trial. Formal rules of evidence shall not apply. All Parties shall treat each other with dignity and respect. Parties may each make a brief opening statement, and then respond to questions from the Panel. The Parties may suggest questions to be asked of each other. The Chair shall decide whether or not to pose the questions. If witnesses will be called, each Party may ask questions directly of his/her witness, but it will be in the Chair's discretion whether or not questions to another's party's witnesses will be through the Chair or directly by the Party. The confidentiality of all information shall be preserved.
- h. Deliberations. The deliberations of the Panel are confidential. All Parties shall be excluded during the Panel's deliberations. The conclusions and recommendations of the Panel must be agreed to by a simple majority of the Panel hearing the matter. The conclusions and recommendations of the Panel must be based on a preponderance of the evidence (more probably true than not true).

- i. Panel Report. The Panel shall submit a written report to the Dean as soon as practical that includes at least the following:
 - i. a copy of the Written Charge from the Dean;
 - ii. a statement of the relief sought by the Grievant;
 - iii. the response of the Subjects;
 - iv. general description of the investigative process;
 - v. a citation of relevant policies;
 - vi. findings of facts that support the Panel's conclusions;
 - vii. a recommendation of appropriate redress for the Grievant(s), if applicable; and
 - viii. any recommended changes in policies and procedures to minimize the probability of recurrence, if applicable.

- j. Opportunity to Comment. Copies of the Report shall be provided to the Parties. A party may submit written comments to the Dean of Carle Illinois concerning the Report to the Dean within **five (5) business** days of receipt of the Panel Report.

- k. Action and Disposition of the Grievance; Disclosures. As soon as practical following the receipt of the Panel Report and all written comments concerning the Panel Report, the Dean shall determine the disposition of the case.
 - i. If the Dean concludes that the grievance has not been proved, the grievance will be deemed not sustained and dismissed.
 - ii. If the Dean concludes that the grievance has been sustained, the Dean will proceed in accordance with the University Statutes and relevant University rules and regulations. The Dean may prescribe redress for the grievant, recommend modification of policies, or recommend changes in the procedures for implementation of such policies, as appropriate.
 - iii. If the Dean concludes that these procedures have not been followed, or the interests of fairness or thoroughness require further investigation, the Dean may direct the Panel to revisit any relevant issues and submit a revised Report within a certain time frame. The Dean shall identify the specific errors or concerns and provide direction to the Panel as to appropriate corrective measures. The Panel will only address the issues raised by the Dean and submit a supplemental report to the Dean for consideration.

The Final Disposition shall be provided to the Parties in writing. The Dean's disposition is final unless appealed as provided for herein. The Dean may authorize the release of a copy of the Disposition on a need to know basis with due regard for privacy rights of employees and students under federal and state law and University policy (see also, V.6).

- l. Appeal. A party may file an appeal to the Urbana-Champaign Provost within **ten (10) business days** from the date of the Dean's Written Disposition. The sole grounds for

appeal are material violations of these procedures that have resulted in significant prejudice against the Party appealing. The appeal must be in writing and must specify the nature of the procedural error. The Provost's decision on appeal shall be final.

General Provisions

1. **Record Keeping; Reporting.** After completion of a grievance review and exhaustion of available appeals, the Review Officer shall return any original documents and materials to the persons who furnished them. Carle Illinois grievance file is subject to destruction on a date six (6) years beyond the Grievant's time limit for completion of the degree.
2. **Interim Action.** At any time after a grievance has been filed and before final disposition of the case, the Dean, with the approval of the Provost, may take interim administrative action determined to best serve the interest of the Grievant, other students in the same academic unit or the Subject, to protect the best interest of the University, to preserve evidence, or to protect resources.
3. **Consultation with Legal Counsel.** Carle Illinois may consult the Office of University Legal Counsel at any time during the informal or formal processing of a grievance.
4. **Timeliness and Procedural Changes.** All actions prescribed in this document should be conducted expeditiously. Every effort should be made to resolve a grievance within one year of the beginning of Administrative Action. Extensions of time periods specified in this document may be granted by the Intake Officer, Panel Chair, or Dean as the case may be, with good cause shown. The Dean may make other reasonable alterations of the procedures set forth in this document, provided that the alteration does not impair the ability of a Grievant to pursue a grievance or the Subjects to respond. Any alterations of these procedures must be communicated to the Parties.
5. **Failure to Participate, Withdrawal, Termination.** The grievance may proceed regardless of the failure of the Grievant or Subject(s) to participate, so long as all required notices have been given. The Grievant may submit a written request to withdraw the grievance at any time; however, the Dean shall have the sole discretion to decide whether to grant or deny the request. Withdrawal from the University by the Grievant or termination of employment by the Subject at the University shall not necessarily terminate the proceedings.
6. **Confidentiality.** All persons involved in administering this policy shall exercise diligent efforts to keep information received or learned during the course of a grievance confidential. Nothing in these provisions alters privacy rights of employees and students provided in federal and state laws and University policies and procedures. Notwithstanding the foregoing, in the event the Dean concludes that a student has knowingly filed a false

grievance, the Dean may authorize the release and use of all materials submitted in this process for use in any disciplinary proceedings.

Exceptions: None

Contact: Office of Student Affairs 217-300-5700

Governing Body: Student Progress and Promotions Committee

History:

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Approved By/Date:

Student Progress and Promotions Committee, October 10, 2019

Student Progress and Promotions Committee, May 14, 2020