

APPALACHIAN COLLEGE OF PHARMACY COMPLAINT/GRIEVANCE POLICY

Complaints of a general nature may be addressed to the Assistant Dean of Student and Alumni Affairs or to one of the Deans.

The Assistant Dean of Students will meet with students who have a complaint and seek to resolve the complaint informally. In the event the complaint is not resolved informally, the Assistant Dean of Students will advise the student how to file the complaint or grievance. The Assistant Dean of Student and Alumni Affairs will seek additional information as needed, and will confer with ACP administrators, faculty, and staff to seek an appropriate resolution to the complaint. Information will be conveyed to the complainant, and any parties to the complaint, regarding measures taken by the College to address the complaint.

Complaints regarding students, employees, or participants in ACP-sponsored programs or activities may be addressed to the college's Legal Counsel.

The Board of Trustees has approved the following complaint/grievance policy:

A person with a complaint or grievance against ACP or its students or employees regarding any non-academic matter, incident, or episode, including, for example, harassment (other than sexual harassment), discrimination (other than discrimination based upon sex), retaliation for filing a complaint or grievance, etc., shall make that grievance known in writing to the Legal Counsel. Complaints must be in writing.

1. ACP's Legal Counsel shall investigate the grievance and may obtain assistance with this responsibility from other appropriate persons who are not connected to the complaint.
2. The Legal Counsel and any other appropriate persons involved in the investigation of the complaint will take all reasonable steps to preserve all parties' privacy throughout the investigation; however, the investigative process itself will oftentimes require some disclosure of facts and parties in order to discuss witness accounts or seek forensic evidence such as computer-based postings or messages.
3. The Legal Counsel may impose interim measures during the pendency of the investigation when there is a need to protect the person filing the grievance from further contact with the person the complaint was filed against. These may include, but are not limited to, temporary suspensions approved by the Dean or agreements of no contact. If these measures are imposed and subsequent positive resolution of the complaint occurs, ACP may take reasonable restorative steps such as reinstatement, reassignment, promotion, training, back pay, or reinstatement of other benefits as advisable.

4. Within fifteen (15) days of receiving the complaint, the Legal Counsel shall make an initial resolution of the matter 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 fifteen (15) day timeline may be extended by ACP if all parties are provided written notice to their addresses of record.

Possible sanctions include but are not limited to warnings, fines, educational projects, additional community service, counseling, no contact orders, and the disciplinary actions available through the Honor, Ethics, and Professionalism (HEP) Board as outlined in the Student Rights and Responsibilities section of this Student Handbook.

5. If any party involved is unsatisfied with the Legal Counsel's initial resolution of the complaint, he may request that the Legal Counsel hold a hearing on the complaint within ten (10) working days of the initial resolution.
6. If a hearing is held, the following procedural rules shall apply:
 - a) The hearing shall be held within ten (10) working days of the request for the hearing. The ten-day timeline may be extended by ACP if all parties are provided written notice to their addresses of record.
 - b) The ACP Hearing Officer shall preside over the hearing. The Hearing Officer shall be an impartial ACP employee appointed annually by the Dean.
 - c) The two parties to the hearing are as follows:
 - i. The complainant, or his or her designee who shall state his or her complaint; and
 - ii. The person the complaint was brought against, the accused.
 - d) The order of the hearing shall be as follows:
 - i. Reading of the complaint.
 - ii. A statement by the complainant or designee.
 - iii. A statement by the accused or designee.
 - iv. Presentation of evidence and witnesses by both parties.
 - v. Closing comments of the complainant or designee.
 - vi. Reply by the accused or designee
 - e) A record of the hearing shall be created.
7. Upon completion of the hearing, the Hearing Officer shall make a decision in writing on the validity of the complaint and the appropriate institutional response thereto, if any, within forty-five (45) calendar days. The forty-five-day timeline may be extended

by ACP if all parties are provided written notice to their addresses of record. Absent an appeal to the President, the decision of the Hearing Officer is final.

8. Any party, if not satisfied with the decision of the Hearing Officer, may appeal that decision in writing to the President provided that notice of appeal is received by the President within ten (10) working days from the date of the Hearing Officer's written decision. The President shall review the record of the proceeding and conduct further investigations as are deemed appropriate. The President shall consider all information to ensure the outcome provided for fundamental fairness and take one of the following actions: concur with sanctions, reduce or rescind sanctions, or resubmit the complaint to the Hearing Officer with appropriate instructions. The decision of the President shall be final and shall be rendered in writing within forty-five (45) calendar days of the appeal. The forty-five-day timeline may be extended by ACP if all parties are provided written notice to their addresses of record.
9. The records of all complaint, all complaint hearings, and all final decisions on complaints will be kept by the Legal Counsel or their designee for a period of not less than five (5) years, and these records will be made available to others only with the express and specific approval of the Legal Counsel or upon a subpoena from an authorized agency.
10. If the Legal Counsel is a party to the grievance or in some other way is not capable of making a fair and impartial judgment on the complaint, the Dean shall appoint an impartial ACP employee to perform the role of the Legal Counsel in the complaint process.
11. If the Hearing Officer is a party to the complaint or in some other way is not capable of making a fair and impartial judgment on the complaint, the Dean shall appoint an impartial ACP employee to perform the role of the Hearing Officer in the complaint process.
12. If the President is a party to the complaint and in his or her opinion is not capable of making a fair and impartial judgment on the complaint, then the Chair of the Board of Trustees shall appoint a fair and impartial person to hear the appeal.
13. The procedure outlined in this Complaint/Grievance Policy shall not apply to complaints concerning grades, academic dismissals or expulsions, curricular concerns, or decisions of the Honor, Ethics, and Professionalism (HEP) Board. Any complaint concerning a grade or any grade challenge shall be governed by the appropriate provisions of the Academic Policies.
14. No student or employee shall be subjected to unfair action or retaliation as a result of

filing a complaint under this policy.

15. After utilizing the college's grievance process, any unresolved complaint may be appealed to the State Council of Higher Education for Virginia (SCHEV).

SCHEV
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