

FREQUENTLY ASKED QUESTIONS ABOUT GRIEVANCES BY STUDENTS AND COMPLAINTS AGAINST STUDENTS UNDER THE MSRR

1. **WHAT IS THE DEFINITION OF A GRIEVANCE?**
A grievance is an allegation filed by a medical student against a faculty, academic staff or support staff member of the University community.
2. **WHAT IS THE DEFINITION OF A COMPLAINT?**
A complaint is an allegation filed by a member of the University community against a medical student.
3. **WHO IS THE GRIEVANT OR COMPLAINANT?**
The grievant is a medical student. The complainant is any member of the University community.
4. **WHO IS THE RESPONDENT?**
The respondent is the person the allegation is filed against.
5. **WHERE IS A GRIEVANCE FILED?**
Initially, a request for review of the issue is filed with the instructor of the course. Then, if it becomes unresolved, the actual grievance is filed with the CHM Senior Associate Dean for Academic Affairs. But, at anytime, the grievance can go immediately to the CHM Senior Associate Dean for Academic Affairs. The Senior Associate Dean will work on informal resolution before sending the grievance to the hearing panel. All MSRR guidelines for filing a grievance must be met.
6. **WHO EXPLAINS TO THE STUDENT AND/OR FACULTY ABOUT THE GRIEVANCE/COMPLAINT PROCESS?**
The MSU Ombudsman is available to explain procedural questions to students and/or faculty. The Ombudsman does not act as an advisor and/or witness to either party in a hearing.
7. **WHO CAN ACT AS AN ADVISOR FOR THE STUDENT OR FACULTY IN A HEARING?**
Any member of the University community (faculty, staff or students) may serve as an advisor in a hearing under the MSRR.
8. **CAN THE ADVISOR SPEAK AT THE HEARING?**
Generally, no. The advisor may be present throughout the hearing but has no voice in the hearing unless permission to participate is granted by the chair of the hearing body.
9. **CAN A LAWYER FOR EITHER SIDE BE ALLOWED AT THE HEARING?**
Generally, no. Permission may be granted to the respondent to be accompanied by an attorney only if criminal charges are pending against the respondent regarding the subject matter of the complaint/grievance. If the respondent is charged with a sex offense, the complainant also may have an attorney present. See Addendum to the MSRR on Sexual Harassment for further guidance.
10. **CAN THE HEARING BE TAPED BY ANY PARTICIPANT?**

No. In order to preserve the confidentiality of the hearing process, the parties or the panel may not tape record the proceedings or remove materials distributed at the hearing.

11. CAN THE CHAIR OF THE HEARING BODY HELP THE STUDENT OR FACULTY WITH THE GRIEVANCE OR COMPLAINT?

No. The chair of the hearing body is not an advisor to either party and may not assist with the preparation of or response to a grievance or complaint.

12. WHAT DOES THE CHAIR OF THE HEARING BODY DO?

The role of the hearing body chair is to administer the hearing process according to the MSRR and College procedures. The chair of the hearing body does not vote in the hearing unless there is a tie. The chair of the hearing body drafts and distributes the decision of the hearing body. The chair of the hearing body works with staff to ensure that the MSRR, CHM Bylaws and Faculty Rights and Responsibilities are maintained. The chair also ensures the panel members are selected each year and oriented to the work that will be done.

13. WHAT TIME OF THE DAY ARE THE HEARINGS?

Hearings are held on the earliest possible date, usually in the late afternoon or early evening.

14. IS THERE A TIMELINE FOR THE HEARING?

Yes, as stated in the MSRR. (see flowchart)

15. IS THERE AN AGENDA FOR THE HEARINGS?

Yes, as stated in the MSRR (5.5).

16. IS THERE A SET AMOUNT OF TIME FOR THE HEARING?

Usually, yes. The chair of the hearing body is responsible for setting the agenda and maintaining the hearing panel timeline.

17. HOW WILL INFORMATION (E.G., HEARING NOTICES, DECISIONS) BE TRANSMITTED TO PARTICIPANTS?

Notices regarding the hearing process are emailed to the parties involved and the final decision of the hearing body will be transmitted by both University email and US mail.

18. HOW ARE FACULTY SELECTED FOR THE HEARING?

A random list of faculty is created each fall. From that list, one available faculty member is selected, starting at the top and proceeding down the list. Each faculty member selected from this random list will serve for three years. Each year there will be four faculty from the previous year and two new faculty members, so that 2/3 of the members of the hearing panel will always have previously served on the panel. Once a faculty member has served on the hearing panel, the faculty member does not need to serve again for five years, at which time the faculty member's name will then go back into the random pool of faculty names.

19. HOW ARE STUDENTS DETERMINED FOR THE HEARING AND HOW MANY?

The Office of Student Affairs creates a random list of students. From this random list, starting at the top, the first three students in good standing will be assigned to the hearing panel. Each student will serve a two-year term, or until the student graduates

whichever comes last, with only half the students at any time being new on the hearing panel.

20. WHAT IF THERE ARE CONFLICTS OF INTEREST IN THE PROCEEDINGS?

The MSRR defines a “conflict of interest” as any academic, financial, scholarly or social relationship that would, in the judgment of the hearing body chair, impair the ability of a member to make a fair and impartial judgment. Potential or existing conflicts of interests should be disclosed promptly to the chair of the hearing body, who will decide whether a conflict exists. Simply knowing the parties involved is NOT a conflict of interest.

21. ARE ANY FACULTY OR STUDENTS EXCLUDED FROM BEING ON THE HEARING PANEL?

Department chairs, associate deans and assistant deans do not serve on hearing panels. All students in good standing may serve on a hearing panel. If a student member of the hearing panel is no longer in good standing in the College, the student will be replaced. All faculty and students are encouraged to serve on the hearing panel as part of their good citizenship and professional obligation to the College.

22. ARE THERE IMPORTANT DETAILS THAT SHOULD BE REMEMBERED AT ALL TIMES?

Yes, the following items are important in all hearings:

- a. The process as established in the MSRR, Faculty Rights and Responsibilities, and the CHM Bylaws must be followed;
- b. All information must be verified, such as the statement of facts, i.e., grades, clerkship comments, instructor of record;
- c. Verification of all applicable dates, i.e., mid-semester is determined by the University calendar;
- d. All timelines in the MSRR must be met; and
- e. During the hearing, clarification of the issues and the agenda are important to determining a resolution.
- f. The statement of the grievance or complaint must have all the elements listed in MSRR 5.3.1.

23. WHO KEEPS THE FINAL WRITTEN RECORD OF THE GRIEVANCE, INCLUDING EMAILS, MEETING RECORDS AND DECISIONS?

The designated staff will retain all relevant records in College files on a confidential basis. Members of the hearing panel, including the hearing body chair, will not retain written records past the hearing date.

24. IS THERE A DEADLINE FOR FILING A GRIEVANCE/COMPLAINT?

The deadline by MSRR guidance is mid-semester after the alleged violation. Mid-semester is determined by the University calendar (see the University website for exact date).

25. CAN I FILE A GRIEVANCE FOR A GRADE EVALUATION IF THAT EVALUATION WAS MADE ON FACTORS OTHER THAN MY ACADEMIC PERFORMANCE?

Yes, the MSRR states that a grievance may challenge an academic evaluation on the ground that the evaluation was based entirely or in part upon factors (i.e., race, sex, personal animus, etc.) other than a good faith judgment of the medical student's academic performance, including compliance with applicable professional standards.

26. CAN I FILE A GRIEVANCE IF I DISAGREE WITH THE DISMISSAL FOR ACADEMIC REASONS BY THE STUDENT PERFORMANCE COMMITTEE?
Yes, but only for alleged procedural violations.
27. IS THE HEARING BOARD DECISION FINAL OR ADVISORY TO THE DEAN?
The hearing board decision is final. The dean takes appropriate action based on the decision of the hearing board. (see MSRR 5.5.1.6)
28. IS SECURITY PROVIDED FOR THE HEARING?
The College will assess security needs at each hearing.
29. WHAT IS A CLASS DAY?
A class day is a day when classes are held or exams given. Class days are Monday through Friday from 8am to 5pm. It does not include graduation day or other special events, or University recognized holidays (i.e., Labor Day, Thanksgiving break, semester breaks by University calendar).
30. WHAT HAPPENS WHEN A LIFE IS BEING THREATENED?
The medical student will be removed immediately and fact finding will ensue. See Urgent Cases in MSRR.
31. CAN NON-MSU EMAIL ACCOUNTS BE USED BY FACULTY OR STUDENTS TO COMMUNICATE FOR A GRIEVANCE/COMPLAINT?
No, only MSU email will be accepted.
32. IF THE HEARING PANEL DENIES A GRIEVANCE FOR HEARING, CAN THE DECISION BE APPEALED?
Yes, it is appealed to the University Graduate Professional Judiciary Board in care of the Dean of the Graduate School.
33. WILL BOTH PARTIES KNOW WHO IS ON THE HEARING PANEL?
Yes, both parties will receive notification prior to the determination hearing who is on the panel. Usually the same people on the determination hearing are on the actual hearing panel for that grievance/complaint. The parties will be notified of who is on the hearing panel prior to the hearing as well.