Yale School of Management Dean’s Procedure for Student Complaints

The Dean’s Procedure for Student Complaints governs any case in which a student has a complaint, including but not limited to a complaint of sexual harassment or a complaint of discrimination on the basis of race, sex, color, religion, national or ethnic origin, disability or sexual orientation, against a member of the faculty or administration of the School of Management. Since an instructor's evaluation of the quality of a student's work is final, this procedure does not apply in any dispute about a grade assigned to a student by a member of the faculty, unless it is alleged that the determination of the grade resulted from discrimination based on race, sex, color, religion, national or ethnic origin, disability or sexual orientation. Similarly, this procedure does not apply to any matter inherent in the academic freedom of an instructor, such as, for example, in regard to the syllabus or contents of a course of instruction. It is also not a procedure that may be used when there is a complaint about the quality of a course or the quality of instruction in a course; such concerns may be addressed directly to the Deputy Dean for Curriculum Development. If a student believes that he or she has been retaliated against as a result of filing a grievance under this procedure, a separate complaint charging retaliation can be pursued by means of this procedure.

I. Informal resolution

If at all possible, the complainant is encouraged to bring a problem directly to the attention of the person whose actions he or she has found to be objectionable. Whether or not this is done, the student may seek assistance and advice on how to secure an equitable solution of the problem from the Director of Student and Academic Services or any other administrator or faculty member of any School.

II. Filing a written complaint

If the problem cannot be resolved by informal discussion or if the student has chosen not to discuss the matter informally, the student should submit a letter to the dean of the School of Management or the dean’s designee describing the complaint and the facts upon which it is based (insofar as the facts are known to the complainant), specifying the issue or issues in question, and indicating what redress or resolution of the grievance is sought. The complaint should be brought to the attention of the dean or the dean’s designee as soon as possible after the action giving rise to it, but in no case may the complaint be submitted later than 45 days after the action upon which
it is based. If a complaint is in some manner associated with the conduct of a course, the complaint must also be submitted within 45 days after the action upon which it is based, but the student may request that no action be taken on the complaint until after the conclusion of the term in which the course has been offered.

The dean or the dean's designee will appoint an investigator who, within the first three weeks after the submission of the complaint, may try to resolve the complaint informally. At the complainant’s request, the investigator may agree to discuss the complaint informally with the person complained against without identifying the student making the complaint; however, further investigation will not be undertaken until the student is ready to be identified. If the complaint has not been resolved within this three-week period, the investigator will refer it to the Dean’s Advisory Committee on Student Grievances unless the complainant indicates to the investigator that he or she does not desire such a referral.

III. Review by the Dean’s Advisory Committee on Student Grievances

1. Composition of the Committee. The Dean’s Advisory Committee on Student Grievances will be composed of five members appointed by the dean. There will be three faculty members, one of whom will be appointed as chair, and two student members, one from each class.

The investigator will serve as an ex officio nonvoting member of the committee and will participate fully in the committee’s deliberations. The investigator will be available to conduct such further investigation as the committee deems appropriate.

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1 A complaint of racial or ethnic harassment can, alternatively, be lodged in accordance with the President's Procedure for Addressing Student's Complaints of Racial or Ethnic Harassment. In a case where more than one procedure is available, a student may pursue his or her complaint by means of only one procedure; that is, procedures for redress of a complaint may not be used simultaneously or seriatim. Complaints of sex discrimination or discrimination on the basis of a handicap will be addressed in accordance with the requirements of Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973, respectively. The federal regulations implementing these two laws are published in Title 34 of the Code of Federal Regulations, Parts 104 and 106.
Members of the committee who may be directly involved in the subject matter of any complaint are to excuse themselves during the review of that complaint. The complainant and the person against whom the complaint is lodged will have the right to challenge individual members of the grievance committee where such challenge is based on cause (e.g., close personal contact with one of the parties), but peremptory challenges will not be entertained. Challenges must be presented to the chair of the committee prior to the commencement of the committee's review of the case. The committee, excluding that person being challenged, will decide the disputed issues in cases of challenge, and its decision will not be subject to appeal. When members are excused or are otherwise unavailable to participate in the deliberations or have been successfully challenged for cause, the Dean will designate appropriate substitues to serve for the duration of the pending case.

2. *Deliberations of the Committee.* The Dean’s Advisory Committee on Student Grievances will inform both parties in writing that it is reviewing the complaint. The person against whom the complaint has been lodged will be given a copy of the letter to the dean describing the complaint if this has not already been done. Reasonable time (at least one week but ordinarily within two weeks) is to be allowed between the receipt of the written notification and the date of the commencement of the review in order to provide the participants time to prepare for a meeting with the committee if either of the parties or the committee wishes it.

In meetings with the grievance committee, the complainant and the person complained against may each be accompanied by a member of the Yale community (i.e., student, faculty, dean, administrator, or other employee of the University) who can provide advice, counsel, and guidance during the meetings. The proceedings are in their nature non-adversarial, and the role of the adviser is to counsel the individual he or she accompanies. The adviser may not participate directly in the proceedings.

The student and the person complained of will have the opportunity to present information and witnesses, but the names of witnesses and copies of documents must be presented to the chair in advance of the commencement of the review. The grievance committee, however, will determine which witnesses it will hear and which evidence it will consider. The usual expectation is that the committee will hear all witnesses and consider all evidence that is presented to it. The committee, however, reserves the right to restrict witnesses and evidence, as it sees appropriate.
All documents considered by the grievance committee that relate to the actions of the person against whom the complaint has been filed may be inspected by that person; and the student bringing the complaint will be permitted to inspect those documents or parts of documents directly relating to the student's specific complaint that the committee deems relevant and concludes were not written under a presumption of confidentiality. Ordinarily both parties may be present when either party or any witness is being interviewed; however, the committee may enter into closed session with or without one or both parties upon the vote of a majority of the members of the committee (except that when any witness is being interviewed either both or none of the parties will be present as the committee deems appropriate).

The student may challenge the appropriateness of the dean as the final arbiter of the complaint but must do so before the committee's investigation has concluded. If it is shown by the complainant to the committee's satisfaction that the dean cannot fairly decide the matter, then the committee shall so inform both the parties and the dean, and the committee shall submit its report to the provost, who will substitute for the dean in the resolution of the complaint.

The Dean’s Advisory Committee on Student Grievances having thus conducted its inquiry and having interviewed whatever further witnesses it deems necessary, will then deliberate without the presence of the parties and will prepare a written report (i) stating its findings of fact and the conclusion, if any, it has drawn from these facts and (ii) including a summary of the substance of testimony that the committee has relied on in reaching its conclusions and that was heard in closed session. In a separate section of the report, the committee may outline what actions, if any, it would recommend that the dean undertake. The report of the committee will be adopted only upon the majority vote of the members of the committee who participated in the committee's inquiry.

IV. Final resolution of the complaint by the dean
The committee will submit its report to the dean ordinarily within two months of the receipt of the complaint by the committee. The dean will permit the complainant and the person complained against to inspect the committee's findings of fact, conclusions and summary of testimony in the report, and to indicate in writing to the dean what clarifications each party believes appropriate. At the dean's discretion the grievance committee's recommendations for action, if any, may be revealed to the two parties in the complaint. Since the report is a confidential document advisory to the dean, only the dean and neither of the parties is entitled to a copy of it.
The dean shall accept the committee's findings of fact unless the dean believes that the findings are not substantiated by the evidence presented to the committee. The dean may accept, modify or reject the conclusions of the committee and any recommendations it might have made. In any case where the dean disagrees with the committee's conclusions or recommendations for action, the dean will discuss the matter with the committee and explain the reasons for the disagreement. The dean will then make a decision on the matter and convey his or her decision in writing to the complainant, the person against whom the grievance was lodged, and the committee; the dean's decision will include his or her conclusions about the issues raised in the complaint and the remedies and sanctions, if any, to be imposed.

The dean's decision shall be final. The dean's decision may be to take any actions as may be within his or her authority (e.g., issue an oral or written warning or reprimand to the individual against whom the complaint was lodged; permit a student to participate in an educational program or activity; institute academically appropriate procedures whereby a student's grade may be reviewed). If the remedy deemed appropriate by the dean is beyond the authority of the dean, the dean will recommend the initiation of such action (disciplinary or otherwise) in accordance with applicable University practices and procedures.

The Dean's decision should ordinarily be rendered within one month after the dean receives the committee's report.

V. Time guidelines
If the School of Management is not in session during part of these proceedings or in instances where additional time may be required because of the complexity of the case or unavailability of the parties or witnesses, any of the time periods specified herein may be extended by the dean. If a period is extended, the complainant and the person against whom the complaint has been filed will be so informed.