

Appendix A

The Dean's Procedure for Student Complaints

This procedure governs any case in which a student has a complaint, including but not limited to a complaint of discrimination on the basis of race, sex, sexual orientation, color, religion, national or ethnic origin, or disability, against a member of the faculty or administration of Yale College, a teaching fellow, or freshman counselor.¹ 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, sexual orientation, color, religion, national or ethnic origin, or disability.² 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 department in question. The procedure may not be used to appeal a decision of the Yale College Executive Committee. If a student believes that he or she has been retaliated

¹A complaint of racial or ethnic harassment can, alternatively, be lodged in accordance with the President's Procedure for Addressing Student Complaints of Racial or Ethnic Harassment; see chapter XI, section C, "Complaints of racial or ethnic harassment." A complaint of sexual harassment by a student in Yale College against a member of the Faculty of Yale College or an administrator or employee of Yale College or another undergraduate student must be pursued in accordance with the Grievance Procedure for Complaints of Sexual Harassment; see chapter XI, section D. In a case in which 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 or disability discrimination 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.

²Cf. Yale College Programs of Study, Chapter II, "Academic Regulations": "A grade, once submitted by the instructor of a course to the registrar, may not be changed except by vote of the Yale College Committee on Honors and Academic Standing on petition of the instructor, unless it is the result of a clerical error."

against as a result of filing a grievance under this procedure, a separate complaint charging retaliation can be pursued by means of this procedure.

A 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 any administrator or faculty member of any School.

B Filing of 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 Yale College 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 as soon as possible after the action giving rise to it, but in no case may a 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.

C Review by the Dean's Advisory Committee on Student Grievances

- 1 Composition of the Dean's Advisory Committee. The Dean's Advisory Committee on Student Grievances will be composed of five members appointed by the dean. The Dean's Advisory Committee for Yale College will be a standing committee and the members will be appointed annually. There will be one

student member and at least two faculty members appointed to the committee. The remaining two members may be administrators, faculty members, or other individuals employed by the University.

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.

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 Advisory 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. The Advisory 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 substitutes to serve for the duration of the pending case.

- 2 Deliberations of the Dean's Advisory 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 (in no case less than one week and 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 committee, the complainant and the person complained against may each be accompanied by a member of the Yale community (i.e., student, faculty member, dean, administrator, or other employee of the University); however, these advisers may not be persons with legal training. These proceedings are in their nature nonadversarial and the advisers, while they may counsel the individual whom they are accompanying, may not participate directly in the proceedings.

The student and the person complained of will have the opportunity to present information and witnesses deemed relevant by the committee. All documents considered by the 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 (1) stating its findings of fact and the conclusion, if any, it has drawn from these facts and (2) 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.

D 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 against whom the complaint was lodged 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. 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. However, in any case where the dean does not believe it is appropriate to follow the recommended actions of the committee, the dean will discuss the matter with the committee and explain the reasons for not doing so. 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 any 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.

E Time guidelines

If Yale College 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.