

(#15-94/95-SA)

RESOLUTION ON STUDENT GRIEVANCE PROCEDURES
(#15-94/95-SA)

WHEREAS, The Humboldt State University community seeks a reasonable process under which student grievances can be heard and resolved; and

WHEREAS, The old grievance policy at Humboldt State University was found to be cumbersome, unduly complicated, and confusing to users; and

WHEREAS, A subcommittee of past and present faculty representatives of the Academic Regulations Committee and the Student Grievance Committee, administrators, staff and students has attempted to rectify the overlap and confusion of the old processes; therefore, be it

RESOLVED: That the Academic Senate of Humboldt State University recommends the approval of the attached Draft 9 of the "Grievance Procedures by Student Against Faculty, Staff, or Administration"; and be it further

RESOLVED: That the Academic Senate of Humboldt State University recommends that this document be communicated to the President for adoption as policy beginning Fall 1995; and be it further

RESOLVED: That the Academic Senate of Humboldt State University recommends that all faculty and staff be provided with a copy of this new policy.

FORMAL GRIEVANCE PROCEDURE BY STUDENT AGAINST FACULTY, STAFF, AND ADMINSTRATOR

<u>Action</u>	<u>Category*</u>	<u>Review</u>	<u>Trib/Admin. Recommends to</u>	<u>Decision Rendered by V.P.</u>	IF THERE IS AN APPEAL.**		
					<u>Appeal to</u>	<u>Review</u>	<u>If returned, Trib/Admin. Recommends to President</u>
Student Submits a Written Grievance	Academic Issue	Academic Grievance Tribunal (Combination of previous Acad. Regs & Student Griev. Committees)	Academic V.P.	Appropriate action follows; grievance process concluded.	President	President determines if appeal is to be remanded via Academic V.P. to Tribunal for consideration.	President renders final decision
Student Submits a Written Grievance	Discrimination Issue	Appropriate Admin. in consultation with Affirmative Action Officer will assign another admin. to investigate	Appropriate V.P.	Appropriate action follows; grievance process concluded.	President	President determines if appeal is to be remanded via Appropriate V.P. to Admin for consideration.	President renders final decision
Student Submits a Written Grievance	Non-Academic Non-Discrimination Issue, including issues of misconduct	New Student Grievance Tribunal (membership yet to be determined)	Appropriate V.P.	Appropriate action follows; grievance process concluded.	President	President determines if appeal is to be remanded via Appropriate V.P. to Tribunal for consideration.	President renders final decision

*Issues of licensure, certification, credential, and accreditation remain the purview of the discipline. For appeals concerning Financial Aid eligibility, please see Financial Aid Office for appeal procedures. For appeals concerning admissions or readmission, please see Office of Admissions for appeal procedures. Student employment issues are not covered by this procedure.

**Either party may appeal based on one or both of the following: 1) New information and/or 2) Question the process.

April 25, 1995

April 25, 1995

DRAFT 9

GRIEVANCE PROCEDURES BY STUDENT AGAINST FACULTY, STAFF, OR ADMINISTRATION

INTRODUCTION

Humboldt State University strives to assure that fair treatment is maintained during the resolution of disputes. Thus, HSU is committed to impartial examination of the facts, prompt decisions, and appeal processes for review, in accordance with established and published procedures.

The HSU community recognizes that disputes may arise out of decisions or actions that are alleged to be arbitrary, capricious, or contrary to accepted procedures. In most cases, these disputes are and should be handled informally through normal academic or administrative channels, where the student discusses his or her concern directly with the individual(s) involved. For those few instances when informal resolution has not been possible, HSU has adopted the Formal Student Grievance Procedure which permits timely review and an impartial evaluation of the complaint.

The purpose of the formal Student Grievance Procedure is to provide a means through which the allegedly harmful effects of the University decisions or actions on the student(s) may be investigated and resolved. The procedure is in no way intended to serve as a disciplinary mechanism. Alternative processes are in place for disciplinary procedures.

Confidentiality of the grievance process: Any information pertaining to the grievance process is considered confidential and is governed by those laws protecting confidentiality. The disclosure, release, transfer, dissemination or other communication to unauthorized persons is a violation of state and federal law and is subject to disciplinary action. Federal Law (29 CFR 1602) requires that a record of all grievances be retained by the University for a minimum of three (3) years. A confidential record will be retained only in the Student Grievance Coordinator's office. This record will not be included in any person's personnel file or student record.

Intimidation, threat of retaliation and retaliatory behavior: Any person has the right to seek redress under these procedures, cooperate in an investigation or otherwise participate in these procedures without fear of intimidation, threat of retaliation or retaliatory behavior. Any behavior, verbal or written, considered to be intimidation, threat of retaliation or retaliatory behavior in response to one's participation in this grievance procedure is prohibited and may be regarded as the basis for disciplinary action.

INFORMAL PROCESS

A good faith effort to settle a dispute informally must be made before a formal grievance can be filed. Unless otherwise provided, the Student Grievance Coordinator (see definition on page ____ of this document) is responsible for making procedural decisions during informal resolution. *The student may choose to have another person, who must be a member of the campus community (faculty, staff, student), present during consultation with concerned parties. The role of that individual is to observe and consult with the student.*

- Step 1: The student consults with the party(ies) involved for the purpose of reaching an agreement.
- Step 2: If consultation between the parties involved does not result in agreement within ten (10) instructional days from the day of consultation in step 1, the person at the first level of supervision is to be consulted. (For example: If a meeting between an instructor and student does not result in agreement, the student may then consult with the instructor's department chair.)
- Step 3: If consultation at Step 2 does not resolve the dispute within ten (10) instructional days from the day of consultation in step 2, the student then consults the appropriate dean or director.

If the dispute pertaining to the grievant (student) and faculty/staff/administrator is not resolved to the grievant's satisfaction through informal efforts, the grievant may proceed with a formal grievance.

Some problems or disputes, such as assault, may be more appropriately handled through the formal grievance process. In these instances, the student must request approval to proceed directly to the formal level from the Student Grievance Coordinator. The Student Grievance Coordinator, in consultation with the Chairs of the Tribunals, will determine if the informal process is the appropriate mechanism for attempting to resolve the grievance. If the Student Grievance Coordinator and the Chairs of the Tribunals determine that it is appropriate to initially proceed with the formal grievance process, the student must obtain a written release from the informal process from the Coordinator prior to proceeding to the formal level. The written release will include the rationale for determining the appropriateness of initially proceeding at the formal level.

FORMAL PROCESS

JURISDICTION OF STUDENT GRIEVANCE PROCEDURE

The student grievance procedure is utilized in those cases where a student has a grievance against a faculty member(s), a staff member(s) and/or an administrator(s). There are several classifications of University business where decisions are made and actions take place that affect students. As a result, there are three (3) tribunals which exist to respond to student grievances under this procedure. The subject matter of the grievance determines which tribunal is used in responding to a student grievance.

TRIBUNALS to hear student grievances:

- A. Academic Student Grievance Tribunal (matters related to academic issues)
- B. Appropriate Administrator (matters of discrimination)
- C. Non-Academic/Non-Discrimination Student Grievance Tribunal (matters of misconduct and other issues not related to academics or discrimination)

See DEFINITIONS section of this document for further clarification of subject matter reviewed by the different tribunals.

MATTERS NOT COVERED by the Student Grievance Procedure

The student grievance procedure does not have jurisdiction in the following:

- * Issues of licensure, certification, credential and accreditation (reviewed by applicable discipline).
- *Issues of student employment.
- *Graduate/Undergraduate admission and readmission eligibility (reviewed by the Office of Admissions).
- *Financial Aid eligibility (reviewed by the Office of Financial Aid).
- *Grievances against HSU auxiliary personnel. (HSU Auxiliary organizations have separate procedures for filing grievances against auxiliary personnel.)

No one may seek to establish university policy through the grievance process.

FORMAL GRIEVANCE PROCEDURE

A student must initiate the formal grievance process. The student must initiate action by the 15th instructional day of the semester which follows the semester after the event giving rise to the grievance or not later than the 15th instructional day of the semester which follows the semester after the grievant knew or reasonably should have known of the event giving rise to the grievance. The student must file a written grievance with the Student Grievance Coordinator to initiate action via certified mail or hand delivered with documentation of receipt obtained.

Wherever a time limit is provided by this document, the participants at that level may request from the Student Grievance Coordinator an extension of the time period due to extenuating circumstances. It is understood that the purpose of this procedure is to resolve grievances promptly and that extensions shall be sought only for good cause.

STEP 1

A. The student must file a written grievance with the Student Grievance Coordinator. The written grievance must specifically include:

1. a description of the unsuccessful informal steps taken toward resolution OR the written release (described in the informal process) from the Coordinator,
2. a specific, detailed description of the grounds of the grievance which typically includes names of persons involved, witnesses, dates, places, times, and supporting documents necessary for complete understanding,
3. a concise statement of the specific remedy being sought,
4. signature of the grievant
5. date signed by grievant

The Student Grievance Coordinator shall review the student's written grievance to ensure that all of the above listed details are included in the student(s) grievance. The Student Grievance Coordinator will also contact concerned parties to confirm that informal steps toward resolution were taken.

Within three (3) instructional days of receipt of the grievance the Student Grievance Coordinator will forward the grievance to the employee(s)/department(s) named in the grievance for response. A copy of the grievance procedure will accompany the grievance.

In cases where the employee is not available for response (i.e., sabbatical leave, documented illness, vacation) the grievance will be held in abeyance until the employee is available for response. All parties shall be notified of the delay by the Student Grievance Coordinator.

B. The named employee(s)/department(s) shall respond to the grievance in writing and

submit the response to the Student Grievance Coordinator within ten (10) instructional days of receipt of the grievance. The response shall include:

1. reasons why informal compromise and/or resolution did not occur (if applicable).
2. a written narrative responding to the specific allegations.
3. other pertinent factors supporting the action/decision of the named employee(s)/department(s) which the student submitting the grievance deemed adverse.
4. name of administrator responsible for named employee(s)/department(s) action/decision.
5. signature of named employee(s)/department(s) in response to grievance.
6. date signed by employee(s)/department(s).

Upon receipt of the employee(s)/department(s) written response, the Student Grievance Coordinator will forward this response to the grievant. In the event the grievant is not satisfied with the written response of the named employee(s)/department(s), the grievant may proceed with STEP 2. The grievant must proceed with STEP 2 within (five) 5 instructional days of receipt of the employee(s)/department(s) written response.

STEP 2

- A. Upon the grievant's written request the Student Grievance Coordinator will forward the written grievance and response to the appropriate tribunal. Grievances concerning academic issues will be forwarded to the Academic Student Grievance Tribunal; grievances concerning misconduct and other issues not related to academics or discrimination will be forwarded to the Non-Academic/Non-Discrimination Student Grievance Tribunal; grievances concerning discrimination issues will be forwarded to the appropriate administrator who will work in consultation with the Affirmative Action Officer.
- B. Preliminary Examination

The Tribunal, shall meet with the grievant within ten (10) instructional days of receipt of the grievance to determine whether an investigation is warranted.

Criteria Used in Determining the Continuance of a Grievance (all of the following must be met in order for grievance continuance):

1. The grievant must show how he or she has been adversely affected by the action.
2. The grievant must show that the remedy sought will not result in (1)special favoritism for him or her and (2)prejudice against others.

1. To determine the relevancy of prospective witness testimony submitted by the parties to the grievance. When a determination is made that an interview of a witness obtained by either party is not necessary, the Tribunal shall document the rationale for such decision.
2. To admit evidence only if it is the sort which responsible persons are accustomed to rely on in the conduct of serious affairs; evidence which is repetitious or cumulative may be excluded.

Tribunal Authority

Responsibilities & Authority of the Tribunal

- (a) the burden of proof rests with the complainant
 - (b) the standard of proof is the preponderance of the evidence
 - (c) all information gathered and discussed during the investigation is confidential
 - (d) if a conflict of interest, or possible conflict of interest, arises with any Tribunal member, that person shall not serve in Tribunal capacity for as long as the conflict exists.
 - (e) in cases where the Tribunal consists of a committee, 50% plus one (1) of the voting members constitute a quorum.
- conducted under the precept that:
- Definitions section of this document for further clarification.) The investigation will be
- affirmative action officer will assign investigative responsibilities to another administrator and the allegations will take place. In cases of discrimination, the appropriate administrator and the Tribunal determines that a cause of action exists, a formal investigation of

General Provisions:

C. Formal Investigation

3. The grievant must demonstrate with reasonable certainty that a university-related action was taken which was either unreasonable or not generally or specifically authorized. In cases of discrimination/harassment, the grievant must demonstrate with reasonable certainty that the action taken was a violation of the University's discrimination/harassment policies.
4. The grievant must demonstrate with reasonable certainty that the action constitutes arbitrary, capricious, or unequal application of written campus policies or procedures. The Tribunal shall respond to the grievant, in writing, with copy to the named employee(s)/department(s), no later than ten (10) instructional days of the Tribunal/grievant meeting, with a notification regarding the status of the grievance. A notification of dismissal shall include rationale for the dismissal.

3. To interview any individual it believes has the potential to contribute to the facts of the grievance.
4. To access all documentation it believes has the potential to contribute to the facts of the grievance.
5. When the tribunal consists of a committee, the tribunal may proceed to executive session at any time during an interview with a witness.

Tribunal Responsibilities

1. To gather sufficient information during fact finding. This process may include gathering written statements from witnesses. If it is determined that a written statement needs clarification it is the responsibility of the Tribunal to call upon the author of the written statement and request an interview.
2. To consult with all appropriate parties regarding issues that arise as a result of the investigation and gather all relevant information from appropriate offices and individuals.
3. To insure that the investigation conforms to the procedures as outlined in this policy
4. To develop and implement standards and procedures that ensure orderly, fair and impartial investigation and resolution of the grievance.
5. To compile and maintain a complete record of the formal investigation, including, but not limited to: copies of all correspondence, record of meetings, documentation presented by parties to the grievance, summary of testimony of witness interviews.
6. To insure that issues of law regarding discrimination as defined by federal and state statutes or university policy are properly applied to the findings of fact.

Rights & Responsibilities of the Parties to the Grievance:

Party Rights

1. Either party to the grievance may be accompanied by a "support person" during any meetings with the Tribunal. That person must be a member of the campus community or, in situations as defined by union contract, a union representative, and may not be a practicing attorney. A member of the campus community is defined as faculty or staff currently employed or students currently enrolled in the University. Either party may consult with their "support person" during the meeting with the Tribunal; however, the "support person" may not speak for the party.

If the Vice President's final decision is not appealed, in writing, by any parties to the dispute within ten (10) instructional days of receipt of the Vice President's decision, the decision will be considered final.

Within five (5) instructional days of receipt of the Tribunal's final report and recommended action, the Vice President shall give a copy his/her decision to the parties of the grievance which must be received via certified mail or hand delivered with documentation of receipt obtained.

The Tribunal will write a final report including, when a judgement is rendered, the findings of fact and the Tribunal's recommended action. The Tribunal shall forward its findings of fact and recommended action to the appropriate Vice President.

The Tribunal shall conclude its investigation and forward results no later than the end of the semester following the semester in which the grievance was filed.

1. achieve a solution acceptable to all parties or;
2. render a judgement, including findings of fact

Following the formal investigation the Tribunal will pursue one of two avenues to resolve the dispute:

C. Tribunal Determination

STEP 3

1. Parties to the grievance are responsible for obtaining their own witnesses and documentation. Participation in this process by prospective witnesses is voluntary.
2. The unwillingness of any party to cooperate with the investigation of the Tribunal shall not prevent the Tribunal from proceeding to a conclusion of the investigation and to a decision.

Party Responsibilities

2. At any point during the investigation process, the grievant may withdraw the grievance or accept an informal resolution.
3. Either party to the grievance has the right to present his/her position in oral and written statements. Parties are not required to appear before the tribunal.
4. Each party shall have access to all correspondence and documents considered by the Tribunal.

STEP 4 (when applicable)

D. Appeal

The concern on appeal is that the judgment that was reached was entered on the basis of improperly submitted information or because of an erroneous view of the policy, procedure or law as applied to the facts of the case. (A finding in favor of the individual is not appealable unless the non-prevailing party appeals. In this case the prevailing party may respond by raising any issue that would sustain the judgment.) **An appeal is NOT a hearing de novo** (an investigation conducted for a second time on the same information).

Appellate Review by the President

- I. All appeals must be presented, in writing, to the President and must include a summary of what the student or named employee(s)/department(s) believes should be reviewed.
- II. The President shall review the record from which findings and recommendation were made by the tribunal. He/she shall review the record in accordance with the scope of appellate review as defined by this procedure.

The President shall have five (5) instructional days to determine whether the appeal will be returned for consideration to the appropriate Tribunal via the Vice President.

- a. If the President determines that the appeal will be returned to the appropriate Tribunal for consideration, the Tribunal shall have ten (10) instructional days of receipt of the appeal to reach a decision and write a report supporting its decision. The final report shall be forwarded to the President.

Within five (5) instructional days of the President's receipt of the Tribunal's findings, the President shall reach a final decision and forward his/her decision to the Student Grievance Coordinator for distribution to the appropriate parties. The President's decision shall be final.

- b. If the President determines that the grievance will not be returned for consideration to the appropriate Tribunal, the President shall, within five (5) instructional days of receipt of the appeal, forward his/her decision and rationale supporting such decision to the Student Grievance Coordinator for distribution to the appropriate parties. The President's decision shall be final.

DEFINITIONS

Appeal

Review of the findings and recommendation (the record) made by the investigating unit based on:

- 1) New information relevant to the grievance that was not considered by the tribunal. (If it is determined that such information is relevant to the final judgment in the case, the grievance will be remanded to the tribunal.)
- 2) Allegations that the investigation was not conducted in accordance with appropriate University policy and procedure. (If it is determined that appropriate policy and procedure was not applied the grievance will remand to the investigating unit only if it is determined by the appropriate Vice President that such violation was material to the judgment reached by the investigating unit.)
- 3) Allegations that the investigation lacked thoroughness, thus unfairly affecting the judgment of the case. (The complainant or named employee(s)/department(s) has the burden of producing information to the appeals officer showing evidence that the final judgment of the investigating unit was adversely affected by the investigation.)
- 4) Findings of fact by the investigating unit that are "clearly erroneous." (This appeal process presumes that the findings of fact by the investigating unit are correct.)
- 5) Allegations of a conflict of interest and/or lack of impartiality of the person(s) involved in the investigation. (The "employment status" of the individual(s) investigating the grievance will not, in itself, be considered cause for conflict of interest and/or lack of impartiality.)

Appropriate Administrator

Management personnel employee responsible for employment unit.

Categories of Grievances

Academic issue: In matters related to academic regulations, including but not limited to the following areas:

1. policy relating to academic regulation,
2. evaluating and passing upon grievances of students relating to academic regulations, such as add/drop, assignment of grade, grade change,

incompletes, course waiver/substitution.

3. to hear appeals of academic probation, and disqualification.

Discrimination issue:

Unfair treatment or denial of normal privileges to persons because of their race, color, religion, national origin, sex, sexual orientation, marital status, pregnancy, age, disability or veteran's status.

Non-academic, non-discrimination issue:

Involves rules, regulations and policies not related to grades or academic policies. Also involves conduct by faculty, staff or administrators toward a student considered to be arbitrary and unreasonable and other issues not covered by other established review committees or tribunals.

Categories of Student Grievance Tribunals

Academic Student Grievance Tribunal:

Committee which deals with grievances regarding academic issues. Committee membership consists of: Chair, Dean of Admissions and Records or designee, permanent appointment; 3 faculty members, 3-year staggered terms, appointed by the Academic Senate; 2 student members (preferably, one of the two to be a graduate student), one-year terms, appointed by the Associated Students; 1 voting staff member, 3-year term, appointed by the President.

Non-Academic/Non-Discrimination Student Grievance Tribunal:

Committee which deals with grievances regarding non-academic, non-discrimination issues as well as issues of misconduct directed toward a student(s) by faculty, staff, or administrators. Committee membership consists of: 2 faculty members, 3-year staggered terms, appointed by the Academic Senate; 2 staff members, 3-year staggered terms, appointed by the President; 2 students (preferably, one of the two to be a graduate student), one-year terms, appointed by the Associated Students. The committee shall choose a chair from among its members.

Executive Session

Any time during the Tribunal interview process of parties to a grievance or witnesses to the incident, the Tribunal may excuse all parties present that are not members of the Tribunal to convene in closed session.

Misconduct

Improper or unethical behavior (not found in the context of a specific policy/procedure or arbitrary application of a policy or procedure).

Instructional Days

The term "instructional day" shall mean any day during the academic year other than a Saturday, Sunday, academic holiday of a campus as that term is used in Section 42800 of title 5 of the California Code of Regulations. Summer Session days are not considered instructional days for purposes of this grievance process.

Investigative Responsibilities

In issues of discrimination, the appropriate administrator and affirmative action officer will assign investigative responsibilities to another administrator within the particular university unit. Assignments will be made as follows:

Discrimination Grievances against Faculty located in Academic Units will be investigated by a college dean outside of the respondent's college.

Discrimination Grievances against Staff or Administrators in Academic Units will be investigated by an administrator within an academic area but outside of the respondent's reporting unit or college.

Discrimination Grievances against Staff or Administrators in Student Services or Administrative Services units will be investigated by an administrator within the service area but outside of the respondent's reporting unit.

Student

Any person taking courses at Humboldt State University, either full-time or part-time, including summer session and Extended Education. Any person who is a student or was a student at the time that the alleged event occurred may use this Student Grievance Procedure.

Student Grievance Coordinator

Campus official assigned by the President to be in charge of the administration of these procedures and to perform the duties prescribed in these procedures. The primary responsibilities of this position are: 1) to document compliance with the procedures and deadlines established in this document, and 2) to provide clarification, when necessary, to all concerned parties regarding the Student Grievance Process.

Terms

The term "campus official" includes any person employed by a campus, performing assigned administrative or professional responsibilities.

The term "may" is used in the permissive sense.

The term "shall" is used in the mandatory sense.

Tribunal

The appropriate administrator or committee charged with the responsibility to investigate student grievances at the formal level and make recommendations for resolution to the appropriate Vice President.

DEFINITIONS

Appeal

Review of the findings and recommendation (the record) made by the investigating unit based on:

- 1) New information relevant to the grievance that was not considered by the tribunal. (If it is determined that such information is relevant to the final judgment in the case, the grievance will be remanded to the tribunal.)
- 2) Allegations that the investigation was not conducted in accordance with appropriate University policy and procedure. (If it is determined that appropriate policy and procedure was not applied the grievance will remand to the investigating unit only if it is determined by the appropriate Vice President that such violation was material to the judgment reached by the investigating unit.)
- 3) Allegations that the investigation lacked thoroughness, thus unfairly affecting the judgment of the case. (The complainant or named employee(s)/department(s) has the burden of producing information to the appeals officer showing evidence that the final judgment of the investigating unit was adversely affected by the investigation.)
- 4) Findings of fact by the investigating unit that are "clearly erroneous." (This appeal process presumes that the findings of fact by the investigating unit are correct.)
- 5) Allegations of a conflict of interest and/or lack of impartiality of the person(s) involved in the investigation. (The "employment status" of the individual(s) investigating the grievance will not, in itself, be considered cause for conflict of interest and/or lack of impartiality.)

Appropriate Administrator

Management personnel employee responsible for employment unit.

Categories of Grievances

Academic issue: In matters related to academic regulations, including but not limited to the following areas:

1. policy relating to academic regulation,
2. evaluating and passing upon grievances of students relating to academic regulations, such as add/drop, assignment of grade, grade change,

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incomplete, course waiver/substitution.

3. to hear appeals of academic probation, and disqualification.

Discrimination issue:

Unfair treatment or denial of normal privileges to persons because of their race, color, religion, national origin, sex, sexual orientation, marital status, pregnancy, age, disability or veteran's status.

Non-academic, non-discrimination issue:

Involves rules, regulations and policies not related to grades or academic policies. Also involves conduct by faculty, staff or administrators toward a student considered to be arbitrary and unreasonable and other issues not covered by other established review committees or tribunals.

Categories of Student Grievance Tribunals

Academic Student Grievance Tribunal:

Committee which deals with grievances regarding academic issues. Committee membership consists of: Chair, Dean of Admissions and Records or designee, permanent appointment; 3 faculty members, 3-year staggered terms, appointed by the Academic Senate; 2 student members (preferably, one of the two to be a graduate student), one-year terms, appointed by the Associated Students; 1 voting staff member, 3-year term, appointed by the President.

Non-Academic/Non-Discrimination Student Grievance Tribunal:

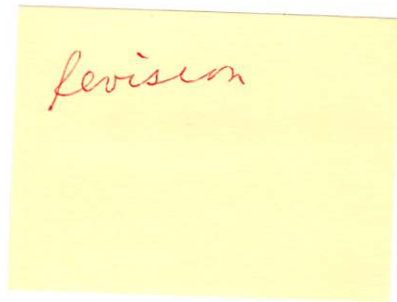
Committee which deals with grievances regarding non-academic, non-discrimination issues as well as issues of misconduct directed toward a student(s) by faculty, staff, or administrators. Committee membership consists of: 2 faculty members, 3-year staggered terms, appointed by the Academic Senate; 2 staff members, 3-year staggered terms, appointed by the President; 2 students (preferably, one of the two to be a graduate student), one-year terms, appointed by the Associated Students. The committee shall choose a chair from among its members.

Executive Session

Any time during the Tribunal interview process of parties to a grievance or witnesses to the incident, the Tribunal may excuse all parties present that are not members of the Tribunal to convene in closed session.



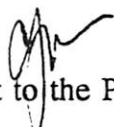
Office of the President



Hand files

January 5, 1996

TO: Deans
Directors
Department Chairs
Associated Students President

FROM: Carolyn J. Mueller 
Executive Assistant to the President

SUBJECT: Revisions to Student Grievance Procedure

During fall semester, inconsistencies internal to the Student Grievance Procedure (University Management Letter 95-09) and specifically as regards the Informal Process (page 3) and Timelines (page 5), became apparent. The Academic Senate will be considering revisions to this procedure early this spring, but in the interest of time and following consultation with Academic Senate Chair Professor John Travis, interim revisions to these two pages are attached for use pending Senate discussion and recommendation. The timelines to be used are those which were applicable under our earlier Student Grievance Procedure.

CJM:js

Enclosure

cc: University Executive Committee
John Travis, Chair, Academic Senate

INFORMAL PROCESS

A good faith effort to settle a dispute informally must be made before a formal grievance can be filed. Unless otherwise provided, the Student Grievance Coordinator is responsible for making procedural decisions during informal resolution. *The student may choose to have another person, who must be a member of the campus community (faculty, staff, student), present during consultation with concerned parties. The role of that individual is to observe and consult with the student.*

STEP ONE: The student consults with the individual or individuals with whom he/she is in conflict for the purpose of reaching an agreement.

STEP TWO: If consultation between the parties involved does not result in agreement within ten (10) instructional days from the day of consultation in Step One, the person at the first level of supervision is to be consulted. (For example: If a meeting between an instructor and student does not result in agreement, the student may then consult with the instructor's department chair. If the conflict is with the department chair, the college dean is the first level supervisor.) The student must consult with the first level supervisor prior to the last day of classes of the first semester following the semester in which the alleged incident occurred.

STEP THREE: If consultation at Step Two does not resolve the dispute within ten (10) instructional days from the day of consultation in Step Two, the student then consults the appropriate dean or director. The appropriate dean or administrator shall respond to the student, in writing, within fifteen (15) days following consultation.

If the dispute pertaining to the grievant (student) and faculty/staff/administrator is not resolved to the grievant's satisfaction through informal efforts, the grievant may proceed with a formal grievance. The student must initiate the formal grievance process within fifteen (15) days of the date of receipt by the grievant of the appropriate dean's or administrator's response in **STEP THREE**.

Some problems or disputes, such as assault, may be more appropriately handled through the formal grievance process. In these instances, the student must request approval from the Student Grievance Coordinator to proceed directly to the formal level. The Student Grievance Coordinator, in consultation with the Chairs of the Tribunals, will determine if the informal process is the appropriate mechanism for attempting to resolve the grievance. If the Student Grievance Coordinator and the Chairs of the Tribunals determine that it is appropriate to initially proceed with the formal grievance process, the student must obtain a written release from the informal process from the Student Grievance Coordinator prior to proceeding to the formal level. The written release will include the rationale for determining the appropriateness of initially proceeding at the formal level.

TIMELINES

A student must initiate the formal grievance process. ~~The student must initiate action by the 15th instructional day of the semester which follows the semester in which the event giving rise to the grievance occurred or not later than the 15th instructional day of the semester which follows the semester in which the grievant knew or reasonably should have known of the event giving rise to the grievance.~~ The student must file a written grievance with the Student Grievance Coordinator to initiate action via certified mail or hand delivered with documentation of receipt obtained. The student must initiate the formal grievance process within fifteen (15) days of the date of receipt by the grievant of the appropriate dean's or administrator's response in STEP THREE.

Wherever a time limit is provided by this document, the participants at that level may request from the Student Grievance Coordinator an extension of the time period due to extenuating circumstances. It is understood that the purpose of this procedure is to resolve grievances promptly and that extensions shall be sought only for good cause.

FORMAL GRIEVANCE PROCEDURE

LEVEL I

The student must file a written grievance with the Student Grievance Coordinator. The written grievance must specifically include:

1. a description of the unsuccessful informal steps taken toward resolution OR the written release (described in the informal process) from the Student Grievance Coordinator,
2. a specific, detailed description of the grounds of the grievance which typically includes names of persons involved, witnesses, dates, places, times, and supporting documents necessary for complete understanding,
3. a concise statement of the specific remedy being sought,
4. signature of the grievant
5. date signed by grievant

The Student Grievance Coordinator shall review the student's written grievance to ensure that all of the above listed details are included in the student(s) grievance. The Student Grievance Coordinator will also contact concerned parties to confirm that informal steps toward resolution were taken.

Within three (3) instructional days of receipt of the grievance, the Student Grievance Coordinator will forward the grievance to the employee(s)/department(s) named in the grievance for response. A copy of the grievance procedure will accompany the grievance.

In cases where the employee is not available for response the grievance shall be delayed until the employee can be contacted by the Student Grievance Coordinator. All parties shall be notified of the delay by the Student Grievance Coordinator.