

(#02-91/92-EX)

RESOLUTION ON STUDENT GRIEVANCE PROCEDURE

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- WHEREAS, The University Student Grievance Procedure (Appendix R.1 to the Faculty Handbook) was adopted by the Academic Senate on March 8, 1979; and
- WHEREAS, The policies and procedures established in the University Student Grievance Procedure (Appendix R.1 to the Faculty Handbook) are unclear in some particular procedural matters; and
- WHEREAS, The language contained in the University Student Grievance Procedure (Appendix R.1 to the Faculty Handbook) is gender biased; therefore, be it
- RESOLVED: That the Academic Senate of Humboldt State University adopts the attached version of Appendix R.1 to the Faculty Handbook and recommends to the President the approval thereof.

UNIVERSITY STUDENT GRIEVANCE PROCEDURE

The grievance procedure described herein has been established by the university to ensure that, when all other attempts at resolution have failed, a final, formal channel remains available for students. However, no rule, regulation, policy, or formal procedure should substitute for open, honest communication. This grievance procedure is but one channel for solving problems. Good faith efforts for informal resolution of grievances are recommended and preferred to formal process. In no case should this grievance procedure be used to avoid the personal communication that is considered basic to the academic process.

Information regarding procedures for filing a grievance may be obtained from the Office of the Vice President of Student Affairs, the Affirmative Action Officer, the Ombudsperson or other person or office designated by the president of the university. Department heads and supervisors should be prepared to refer students to these sources.

Every aspect of university life must be free from discrimination because of race, color, gender, marital status, creed, national origin, religion, age, sexual preference, or disability. Student housing, organizations, athletics, classes, and university facilities are open to all qualified students who desire to participate. It is the responsibility of all members of the university community to insure through word and action that discrimination is not present in university activities or in the community. Grievances that relate to matters of discrimination should be presented initially to the Office of Affirmative Action.

1. Purposes and Definition

- a. The purpose of Appendix R.1 is to set forth the procedures by which students may seek redress of grievances concerning actions of the university and/or faculty, staff, administrators, and officers of the university. Further, the purpose is to establish standardized procedures and safeguards which shall be followed for the adjudication of grievances.
- b. Before attempting to initiate a formal grievance as described in Section 2 of this document, the student is encouraged to consult the party involved (staff or faculty member or administrator). After consulting the party involved, the student is encouraged to discuss the matter with the Office for the Vice-President of Student Affairs for clarification of further steps in this procedure and for advice on possible means for resolving the problem without the need for pursuing the additional steps indicated in this formal procedure.
- c. A grievance is a formal allegation by a student that an action of the university and/or faculty, staff, administrators and/or officers of the university, has unjustly injured the student in a manner which adversely affects the status, rights, or privileges of the student. Grievances include alleged violations of Section 504 of the Rehabilitation Act of 1973, as amended, gender discrimination prohibited by Title IX, age discrimination prohibited by the Age Discrimination Act of 1975, and discrimination prohibited by Title VI of the Civil Rights Act of 1964.

- d. The Student shall have the right to use this grievance procedure for redress of grievances, including, but not limited to, grievances arising from alleged denial of rights guaranteed in this statement.
- e. The burden is upon the grievant to demonstrate that he/she has been unjustly injured.

2. Grievance Procedures

Steps toward redress must begin with informal discussion between the concerned parties. Attempts to establish open communication and understanding should always precede the initiation of the formal grievance process. If attempts to resolve the problem at this level fail, the student shall have the right to initiate the grievance procedure.

A confidential file shall be compiled by the chair of the University Student Grievance Committee that contains copies of all correspondence and evidence presented at each level. This file shall be available for review solely by the involved parties (see Section 4 a. for definition) at each level of the grievance process. The Title IX Coordinator will maintain the file on Title IX grievances and have access to all records on Title IX grievances.

The following steps shall be taken, in order, by the student who decides to initiate a formal grievance. Failure, by the grievant, to act in a timely manner, as set forth below, shall result in the dismissal of the grievance. At any state in the grievance proceedings, a student has the right to withdraw the grievance and grievance proceedings shall immediately terminate.

a. The student must transmit a written statement of grievance (see "Written Statement of Grievance" below) to the department chair or supervisor of the person whose action is alleged to have injured unjustly the student. This notification must occur prior to the last day of classes of the first semester following the semester in which the alleged incident was discovered. Failure to file timely shall result in dismissal of the grievance, unless the student can show serious and compelling reasons for not having filed timely. A grievance shall not be honored if it is filed more than one calendar year after the date of the action being grieved, regardless of the date of the discovery. In addition to this written statement of grievance, the student may consult with the chair or supervisor in person.

STEP TWO

The student shall notify, in writing, the person allegedly committing the injury. This notification can occur by presenting the "Written Statement of Grievance" to the immediate supervisor of the person allegedly committing the injury. Said supervisor then must promptly present the "Written Statement of Grievance" to the person allegedly committing the injury. If said person cannot be contacted by reasonable efforts (for example, when the person is on leave, on sabbatical, or no longer at the university), the student may proceed to the next step. Formal consultation at this step may be initiated with the concerned parties. If the problem is not resolved within fifteen (15) calendar days of the date of contacting the person allegedly committing the injury, the student may go to the next formal step.

STEP ONE

- b. The chair or supervisor shall consult with the faculty member involved and may choose to refer the matter to a department committee and shall respond to the student in writing within fifteen (15) calendar days of receipt, by the chair or supervisor, of the written statement of a. above. Such response shall contain the chair's or supervisor's findings, if any, on the complaint, the action the chair will take, and the justification for that action. If a response is not received within fifteen (15) calendar days of receipt by the chair, the student may proceed to Step Three.

STEP THREE

- a. If the student is not satisfied with the results of Step Two, or if the grievance is against a department chair or supervisor, the student must next transmit the written statement of grievance to the appropriate dean or administrator. This written notification by the student must occur within fifteen (15) calendar days of receipt of the chair's response to Step Two b. (In cases where the chair or supervisor does not respond within the period specified in Step Two b., the initiation of Step Three must occur within fifteen (15) calendar days of the time the chair or supervisor was required to respond.) In addition to this written notification, the student may consult with the dean in person.
- b. The dean or administrator shall consult with the faculty or staff member involved and may choose to refer the matter to a college or area committee and shall respond to the student, in writing, within

fifteen (15) calendar days of receipt of the written statement of Step Three a. Such a response shall contain the findings on the complaint, the action (if any) the dean or administrator will take, and the justification for that action. If a response is not received within said fifteen (15) days, the student may proceed to Step Four.

STEP FOUR

If a student is not satisfied with the results of Step Three, or if the grievance is against a dean of the college or a university administrator of equivalent or higher rank, the student may next file a written statement of grievance with the University Student Grievance Committee. If the grievance involves the classroom performances of such an administrator, however, Step One and Step Two may not be bypassed.

The written statement of grievance must include specifically the following information, and should be on a standard form. See Attachment A:

- a) Names and positions of person(s) as a result of whose actions the grievance is filed.

- b) Cause of action: What right has been denied, and/or what unjust injury has been done?

- c) Facts: What evidence supports the grievance allegation? How may these be verified?

- d) History: What steps have previously been taken to remedy this situation, who has been consulted and when?

- e) Remedy: What relief, if any, does the student request?

- f) Identification: Name, signature, local and forwarding address, telephone, and social security number of student making the grievance.

- g) A statement to show efforts at reconciliation of the grievance at Steps One, Two, and Three.
- h) Proof of notification of grievance to all parties.

If any item (a-h) is not provided, the grievance shall be returned by the Committee to the grievant without further hearing. The Grievant then may re-submit the grievance, in a timely manner, containing all information.

This written statement must be filed within fifteen (15) calendar days of the date of receipt by the grievant of the dean's or administrator's response in Step Three b. (In cases where the dean or administrator does not respond with the period specified in Step Three b., the initiation of Step Four must occur within fifteen (15) calendar days of the time the dean/administrator was required to respond.) No grievance may be filed within thirty (30) calendar days prior to the end of Spring semester (but must be filed at the beginning of the next Fall semester), unless the grievant provides a compelling reason to allow such filing.

3. The University Student Grievance Committee

- a. Membership: The University Student Grievance Committee is a committee of the Academic Senate with the following member composition:
 - * Three faculty members from separate colleges or divisions appointed by the Senate Appointments Committee, one of whom shall be designated as a voting chair.
 - * Two students appointed by the Associated Student's President.
 - * One Student Services representative appointed by the Vice President of Student Affairs.
 - * One staff member appointed by the President.

Each member shall serve a one-year term, but may be reappointed if still associated with HSU in a full-time capacity. In no case may any member serve more than three consecutive terms. The Student Services and staff representatives shall be nonvoting members in grievances about grades.

b. Authority. Committee authority is limited to actions which are consistent with other campus and system policy.

c. Conflict of interest. In the event of any conflict of interest or possible conflict of interest among any of the members, or if any member is a faculty member, student, or administrator from the same department as the grievant or the person against whom the grievance is filed, a replacement shall be appointed by the appointer of the original excused member, in order to hear this grievance only. This replacement shall be appointed within ten (10) calendar days of the date the grievance was received by the committee.

d. Related grievances. In the event that identical or closely related grievances are separately submitted by two or more students, these grievances may be considered at the same hearing, provided these grievances are received within ten (10) calendar days of the first grievance and provided that the person about whose actions the grievance is filed approves.

4. Confidentiality of Grievances

a. At every level, a grievance shall be considered confidential, and information relating to a grievance shall not be divulged to individuals or organizations not party to the grievance. Parties to a

grievance may include a grievant, the person about whose actions the allegations are made, advisor for either of the former, witnesses, members of any grievance committee receiving the grievance, administrators processing the grievance, and those staff members with designated responsibilities for handling grievance materials.

- b. No materials or information shall be placed in any student's academic files or records which relate to a grievance filed by her/him or any other student.
- c. No materials or information shall be placed in any faculty member's personnel file which relate to a student grievance.

5. Hearing Procedures, Findings and Recommendations

The grievance process is intended to find facts and to recommend relief for unjust injuries if such occurred.

- a. A meeting of the Student Grievance Committee shall be held, without the presence of any involved party, to determine whether a prima facie case exists. Such determination shall be based upon the "Statement of Grievance". If the determination is made that no prima facie case exists, the grievance shall be returned to the grievant and the committee will notify the President and all involved parties. The grievant may correct any deficiency in the grievance and re-submit the grievance to the committee in a timely manner.
- b. A hearing then shall be held if the committee finds there is a prima facie case, and if it is requested by the grievant or by the person whose alleged actions have caused the grievance, or by the committee itself.

- c. Any hearing shall be closed to persons who are not party to the grievance, although either party to the dispute may bring witnesses for purposes of testimony and/or an advisor with 48-hours' prior notice to the committee and to the other party. No party may be advised at any hearing by any person who is admitted to practice law before any state or federal court.
- d. Electronic tape recording or written transcriptions may be used by the committee to record hearings. Such recordings or transcriptions must be placed under the closest security. These records may not be made available to any persons other than the grievant, the faculty/ staff member involved, and the hearing committee, and then only in a special supervised place.
- e. No meeting, hearing, or other deliberation, whether formal or informal, shall be conducted by the committee with less than a quorum present. A quorum shall consist of one more than 50 percent or more of the committee.
- f. A majority of the committee members present shall be required for all voting. Only those members who have heard the entire case are eligible to vote on recommendations for remedy.
- g. Normally, the committee will hear each party separately. However, if both parties agree, they may be heard together.
- h. Whether or not a hearing is held, the person about whose actions the allegations are made shall receive, via the committee, a copy of the statement of grievance made by the student; and copies of all written allegations, charges, countercharges, defenses, etc., shall be transmitted, via the committee, to all parties concerned. The

committee should set reasonable deadlines for its receipt of responses, allegations, charges, countercharges, defenses, etc. The committee may terminate the grievance of a student who does not comply with the deadlines and procedures as set forth by the committee and this document. The Committee will notify the grievant and the President of such action.

- i. The committee shall consider only material and relevant information presented at the hearings. The burden of proof is on the grievant.
- j. Within thirty (30) calendar days of final hearing on the grievance, the committee shall transmit, in writing, a statement of its findings of fact and recommendations for action, along with a summary of the means used to find facts, to the President for action, with copies to the grievant and the person against whom the grievance is made. Findings of fact and recommendations for action shall be based solely on the allegations contained in the grievance. The President shall respond to the student in writing within ten (10) calendar days of the President's receipt of recommendation from the Grievance Committee. There is one exception to this procedure for recommendation of action to the President: Final authority in grade grievance matters rests with the Grievance Committee by virtue of the authority delegated by the Academic Senate. (See Section 6 b.)
- k. The President shall transmit, in writing, to parties of a nongrade grievance, a report of what final action the President plans to take. If that action differs from the recommendation of the committee, the President shall submit to the committee and to both parties to the grievance written reasons for that action.

1. All official records and documents of the grievance shall be placed in a file designated by the President.

6. Recommendation for Resolution and Remedy of Grievance

The student filing a grievance should be aware that there may be no equitable remedy to a justified grievance other than the finding that the student has, in fact, been unjustly injured. Nonetheless, there may be remedies for many justified grievances.

a. The Grievance Committee may recommend, and the appropriate administrative body may act, when within its authority, to effect the changing or establishment of policy or procedure, to prevent repetition of actions shown by the findings of facts to be unauthorized and/or unjustified and which adversely affects the status, rights, or privileges of the student. Where the investigation of the grievance has shown there to be a violation of federal nondiscrimination laws, the university shall take whatever corrective action is necessary to change or establish policy or procedures.

b. Grades. In the absence of compelling reasons, (such as mistake, fraud, prejudice, bad faith or incompetence), the grade determined by the instructor of record is to be considered final. In such a case of compelling reason, the committee may recommend that a grade be changed by the instructor. If the instructor does not carry out that recommendation within a reasonable deadline set by the committee, a grade may be assigned by other qualified faculty, who may choose to

remain anonymous, designated by the committee. Final authority in grade grievance matters rests with the Grievance Committee by virtue of the authority delegated to it by the Academic Senate.

This revised University Student Grievance Procedure was adopted by the Academic Senate at its meeting on October 8, 1991.

The second sentence in Section 1 b. was added by President McCrone in his communication to the Academic Senate, dated April 17, 1979.

Attachment A
HUMBOLDT STATE UNIVERSITY
STUDENT GRIEVANCE FORM

NAME _____ SS# _____ PHONE _____

ADDRESS _____

DESCRIPTION OF PROBLEM Please describe specifically. Attach additional pages if more space is required. Please refer to "Written Statement of Grievance" contained in the University Student Grievance Procedure.

Signature

Date

GRIEVANCE REVIEW - FIRST LEVEL (Instructor)
DECISION:

DATE RECEIVED _____

Signature

Date

GRIEVANCE REVIEW - SECOND LEVEL (Department Chair)
DECISION:

DATE RECEIVED _____

Signature

Date

GRIEVANCE REVIEW - THIRD LEVEL (College Dean or Division Chair)
DECISION:

DATE RECEIVED _____

Signature

Date

GRIEVANCE REVIEW - FOURTH LEVEL (Student Grievance Committee)

DATE RECEIVED _____

DECISION Formal "findings of facts and recommendations" will be prepared by the Committee and submitted to the President, with copies to the grievant and to the person against whom the grievance is filed.

Signature

Date