

**RESOLUTION ON STUDENT GRIEVANCE PROCEDURES
(#20-98/99-SA)**

WHEREAS, Individual cases brought under the Student Grievance Procedures have demonstrated the need to revise timelines in order to ensure due process, and

WHEREAS, The procedures with regard to Student Grievances of Faculty Misconduct do not reflect policy or practice as recommended by the AAUP; therefore, be it

RESOLVED: That the Academic Senate of Humboldt State University recommend the adoption of the Revised Appendix R: Grievance Procedures for Students Filing Complaints Against Faculty, Staff or Administrators.

FACULTY HANDBOOK

APRIL 19, 1999

APPENDIX R

GRIEVANCE PROCEDURES FOR STUDENTS FILING COMPLAINTS AGAINST
FACULTY, STAFF OR ADMINISTRATORS

INTRODUCTION

Humboldt State University strives to assure fair treatment of all parties 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 handled informally through normal academic or administrative channels, where the student discusses his or her concern directly with the individual(s) involved. The student is encouraged to discuss the matter with one of the following: their faculty advisor, the University Ombudsperson, the Student Grievance Coordinator, a representative from the Office of the Vice President for Student Affairs, or a representative from the Office of the Dean for Undergraduate Studies for clarification of further steps in this procedure and for advice on possible means for resolving the problem without the need for pursuing the steps indicated in this procedure. For those few instances when informal resolution has not been possible, HSU has adopted the Student Grievance Procedure, which permits timely review and an impartial evaluation of the complaint.

The purpose of the Student Grievance Procedure is to provide a means through which the allegedly harmful effects of University decisions or actions on the student(s) may be investigated and resolved. This procedure is not a disciplinary process. Other mechanisms are in place for disciplinary actions. (Please refer to appropriate Memoranda of Understanding and other pertinent documents.)

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 by those members of the campus community who are acting on behalf of the University in the grievance process is a breach of confidentiality a violation of state and federal law and is may subject them 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 student has the right to seek redress under these procedures and to cooperate in an investigation or otherwise participate in these procedures without fear of intimidation, threat of retaliation or retaliatory behavior. Any such behavior, verbal or written, considered to be intimidation, threat of retaliation or retaliatory behavior in response to one's participation in this the grievance procedure process is prohibited and may be regarded as the basis for disciplinary action.

Frivolous Claims/Abuse of Process/Malicious Complaints: A student must proceed with a complaint in good faith. Frivolous claims, abuse of process and/or malicious complaints may be grounds for disciplinary action in accordance with sections 41301 through 41304 of article 11, Title 5, California Code of Regulations.

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

JURISDICTION OF STUDENT GRIEVANCE PROCEDURE

The Student Grievance procedure is utilized in those cases where a student has initiates 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 two avenues~~ which exist to respond to student grievances under this procedure.

The subject matter of the grievance determines which ~~tribunal~~ ~~avenue~~ is used in responding to a student grievance.

~~Academic~~ The Student Grievance Tribunal responds to matters related to academic and other issues NOT related to discrimination or misconduct. (See Section One)

~~The appropriate administrator responds to matters of~~ discrimination or misconduct. (See Section Two)

~~Investigating Administrator, in consultation with the Affirmative Action Officer,~~ responds to matters of discrimination.

~~Non-Academic/Non-Discrimination Student Grievance Tribunal responds to 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:

When the grievance is against an administrator who reports directly to the President, the President shall appoint a designee to investigate the allegations and provide a recommendation. If the grievance is concerning an academic issue or other issue not related to discrimination or misconduct and is against a Dean or Director, the President shall appoint an administrator as an *ad hoc* member of the appropriate tribunal.

MATTERS NOT COVERED by the Student Grievance Procedure include:

Issues of licensure, certification, credential and accreditation (reviewed by applicable discipline).

Issues of student employment other than allegations of discrimination (reviewed by appropriate administrator; see Student Grievance Coordinator for guidance).

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).

Grievances against Public Safety personnel (Complaints filed against Public Safety personnel must adhere to state mandated guidelines. These guidelines are available from the Office of Public Safety).

~~No one may seek to establish University policy through the grievance process.~~ [moved to first page]

GRIEVANCE PROCESS

~~The student or grievant and respondent may each choose to have another person, who must be a member of the campus community (faculty, staff, student, union representative), present during consultation with concerned parties; any proceedings associated with the grievance process. The role of that individual is to observe and consult with the student or employee.~~

TIME LIMITS

Internal procedure

The student must initiate the grievance process no later than twenty (20) instructional days from the first day of the semester following the semester in which the alleged incident occurred; thirty (30) calendar days after the last day of

At this level the appropriate administrator is consulted. (For example: If the conflict is with an instructor or department chair the college dean is the appropriate administrator; if the conflict is with a college dean, the Provost Vice President for Academic Affairs is the appropriate administrator.) It is the responsibility of the appropriate administrator to notify parties and make a good faith effort to resolve a dispute at this level of the procedure. This may include bringing the parties together for discussion for purposes of reaching agreement, if all parties agree to such a meeting.

LEVEL I: ADMINISTRATIVE CONSULTATION

SECTION ONE: GRIEVANCE PROCEDURES FOR ACADEMIC AND OTHER ISSUES NOT RELATED TO DISCRIMINATION OR MISCONDUCT

[The above paragraph was edited and moved to the previous page under the heading Grievance Process.]

The student or respondent 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 or employee.

GRIEVANCE PROCEDURE

Actions filed by a student with civil courts, criminal courts or with the Office for Civil Rights are independent of any internal complaints processed through the University. Complaints filed through the Office for Civil Rights must be filed within 180 days following the incident leading to a complaint. The statutes of limitations for civil or criminal actions vary depending on the nature of the incident.

External Procedures

A grievance may be pursued through only one of the available processes. This decision is to be made by the Student Grievance Coordinator.

Administrator

A grievance shall be held in abeyance when a grievant or respondent is unavailable due to leave-of-absence, sabbatical leave, etc. The Tribunal Chair/Appropriate Administrator shall notify the Student Grievance Coordinator of the anticipated time when the grievance process shall resume. The Student Grievance Coordinator will distribute this information to the involved parties within 3 days of receipt of the notification from the Tribunal Chair/Appropriate Administrator.

Notice of a time extension shall be forwarded to the grievant and respondent when an individual acting on behalf of the University in the grievance process is unavailable. The appropriateness of such a decision shall be determined in consultation with appropriate administrators. The rationale for the extension of time shall be forwarded to the Student Grievance Coordinator for placement in the grievance file.

Compelling Reasons

Wherever a time limit is provided by this document, the participants grievant or respondent at that level may request from the Tribunal Chair(s) or appropriate administrator an extension of the time period due to serious and compelling reasons. The participants grievant or respondent shall submit requests for time extensions with accompanying rationale in writing to the Student Grievance Coordinator who will then forward the request to the Tribunal Chair or administrator as appropriate for a determination. Requests submitted during Level I of the process will be forwarded to the appropriate administrator; requests submitted during Level II of the process will be forwarded to the appropriate Tribunal Chair(s) or Investigating Administrator in cases of discrimination. The Tribunal Chair/Appropriate Administrator shall forward the determination of time extension to the Student Grievance Coordinator for distribution to involved parties within 3 days of receipt of request. The Coordinator will inform in writing all parties involved at the appropriate level of the time extension. It is understood that the purpose of this procedure is to resolve grievances promptly and that extensions shall be granted only for good cause, serious and compelling reasons.

the semester in which the alleged incident occurred.

Within thirteen (13) instructional days following receipt notice of concern by the grievant, complaint, the appropriate administrator shall inform the parties to the grievance, in writing, whether or not resolution was reached. Such correspondence shall include date of consultation with student as well as date of notification of complaint to respondent and what was done in an attempt to resolve the grievance. A copy of this document shall be forwarded to the Student Grievance Coordinator.

At the conclusion of the Level I process, the appropriate administrator shall send notification of the outcome to the Student Grievance Coordinator using Grievance Reporting Form.

If the dispute pertaining to the grievant (student) and faculty/staff/administrator is not resolved to the grievant's satisfaction through Level I, the grievant may proceed with Level II. The student must initiate the Level II process within ten (10) instructional days of the date of receipt by the grievant of the appropriate administrator's response in Level I.

LEVEL II: PRELIMINARY REVIEW

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

1. ~~a description of the steps taken at Level I toward resolution that proved unsuccessful and the written statement of the dean or other administrator's correspondence regarding the disposition of the Level I grievance process prepared in Level I of the grievance process;~~
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; [section moved below]~~
4. signature of the grievant; and
5. date signed by grievant.

A concise statement of the specific remedy redress being sought may also be included. Redress refers to action that directly affects the student. Inclusion of recommended actions directed toward the respondent will not be accepted. Inclusion of this material will result in returning the complaint to the student for deletion. Failure to comply with this directive will prevent the grievance from going forward.

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. Within three (3) instructional days of receipt of the grievance, the Student Grievance Coordinator will forward the grievance to the Student Grievance Tribunal Chair who Chairs and Affirmative Action Officer to determine to which appropriate tribunal(s) the grievance shall be forwarded. The appropriate tribunal; or in cases of discrimination/harassment the Affirmative Action Officer will conduct a preliminary investigation examination.

Preliminary Investigation

The main purpose of a preliminary examination is to determine whether the information submitted by the complainant would constitute a violation of University policy. This policy inquiry assumes that all information submitted by the complainant is true. There are occasions when, even if what the complainant says is true, a violation of University policy will not exist. Only if a policy violation determination is made will it be necessary for the process to continue the tribunal to conduct a full investigation where issues of fact are addressed, requiring information to be submitted by the respondent.

The Tribunal, or Affirmative Action Officer in cases of discrimination/harassment, shall meet with the grievant within

ten (10) instructional days of receipt of the grievance to determine whether an investigation is warranted.

Preliminary Examination

The Tribunal Chair shall review the complaint to determine whether a cause of action exists under this procedure warranting an investigation. This review shall include meeting with the grievant within ten (10) instructional days of receipt of the grievance.

Criteria used in determining whether an investigation is warranted (~~all~~ both of the following must be met in order for grievance to proceed to formal investigation):

1. The grievant must show how he or she has been adversely affected by the action: describe the adverse effects of the alleged action.
2. ~~The grievant must show that the remedy sought will not result in (1) special favoritism for him or her and/or (2) prejudice against others.~~
- 2.3. The grievant must produce information which, if uncontradicted found to be true, is sufficient to support a violation of university policy, i.e., establish prima facie evidence.
4. ~~The grievant must demonstrate with reasonable certainty that the action constitutes arbitrary, capricious, or unequal application of written campus policies or failure to apply written campus policies/procedures.~~

The Tribunal Chair or ~~Affirmative Action Officer~~ shall respond to the grievant, in writing, with copy to the named employee(s)/ department(s) and the Student Grievance Coordinator, no later than ten (10) instructional days of the Tribunal Chair or ~~Affirmative Action Officer~~ /grievant meeting, with a written notification regarding the status of the grievance. A notification of dismissal of the grievance shall include rationale for the dismissal.

LEVEL III: ADMINISTRATIVE REVIEW

A. General Provisions:

In cases where the Tribunal Chair or ~~Affirmative Action Officer~~ determines that further investigation is warranted, a formal investigation of the allegations will take place. ~~In cases of discrimination, the appropriate administrator and Affirmative Action Officer will assign investigative responsibilities to another administrator within the area. (Please see Investigative Responsibilities for Discrimination/Harassment Issues under the Definitions section of this document for further clarification.)~~ The investigation will be conducted under the following precepts that:

1. the burden of proof rests with the complainant;
2. the standard of proof is the preponderance of the evidence;
3. all information gathered and discussed during the investigation is confidential;
4. 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; it is the responsibility of the Tribunal Chair, or his or her designee, to contact the appropriate representative body for a temporary replacement;
5. the Tribunal shall interview or depose all available, relevant witnesses to obtain findings of fact;
6. ~~the Tribunal and the parties to the grievance carry with them rights and responsibilities as outlined in Responsibilities and Authority of the Tribunal and Rights and Responsibilities of the Parties to the Grievance under the "Definitions" section of this document;~~

5.6. in cases where the Tribunal consists of a committee, (50) percent plus one (1) of the voting 5 of the 8 tribunal members shall constitute a quorum and this quorum must include one student representative and one faculty representative. Only those members who have heard the entire case may vote and at least 5 tribunal members must hear the entire case. A vote of 50 percent plus one (1) of those who have heard the entire case shall constitute a judgment.

B. Formal Investigation Procedure

1. Respondent Answer

The Student Grievance Coordinator will forward the grievance and any accompanying documents to the employee(s)/department(s) named in the grievance for response. A copy of the grievance procedure will accompany the grievance.

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. have ten (10) instructional days to reply to the grievance in writing. The response shall be submitted to the Student Grievance Coordinator and include:

1. ~~reasons why informal compromise and/or resolution did not occur (if applicable);~~
- a.2. a written narrative responding to the specific allegations;
- b.3. a description of other pertinent factors and documentation 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);~~
- c.5. signature of named employee(s)/department(s) in response to grievance; and;
- d.6. date signed by employee(s)/department(s).

~~The Student Grievance Coordinator will forward the written grievance and response to the appropriate tribunal.~~

Within three (3) instructional days of receipt of the respondent's answer, the Student Grievance Coordinator shall forward all materials to the Tribunal (via the Tribunal Chair) for investigation. A copy of the respondent's answer shall be forwarded to the complainant at this time with notification that all materials are being forwarded to the Student Grievance Tribunal for investigation.

2. Tribunal Investigation

The Tribunal investigation shall include testimony, retrieval of material documentation, interrogatories and any other material deemed necessary for the Tribunal to make an informed decision. The investigation shall include identification and understanding of university policies potentially being violated. Testimony must include testimony of the complainant and testimony of the respondent. The complainant must be called for testimony within ten (10) instructional days after the Tribunal Chair has received materials from the Student Grievance Coordinator. Any material evidence retrieved by the Tribunal shall be shared with the grievant and the respondent. The affected party(ies) shall have an opportunity to respond to such evidence. The Tribunal shall determine the appropriate mode of delivery of the response. Deadlines for response shall be determined by the Tribunal on a case-by-case basis with clear communication of the deadline to the affected party.

C. ~~Tribunal Determination~~

3. Tribunal Report

1. Allegations That the investigation lacked thoroughness, thus unfairly affecting the judgment of the case:

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 were not applied, the grievance will remain 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.)

1. That new information relevant to the grievance is available that was not available to or not considered by the Tribunal at the time of their original deliberations, 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.)

Review of the record from which findings and recommendations for remedial action were made by the Tribunal is based on: An individual may file an appeal ONLY if that individual supplies documentation to the Student Grievance Coordinator that would support one or more of the following three allegations:

An appeal is NOT a hearing de novo (an investigation conducted for a second time on the same information).

Appeal Within ten (10) instructional days of receipt of the Vice President's decision, either party to the grievance may file an appeal through the Student Grievance Coordinator.

LEVEL IV: APPEAL

If the Vice President's final decision is not appealed, in writing, by any parties to the dispute within ten (10) working days of receipt of the Vice President's decision, the decision will be considered final. The Vice President shall forward a copy of the material received by the parties of the grievance to the Student Grievance Coordinator.

Within ten (10) working days of receipt of the Tribunal's final report and recommended action, the Vice President shall give a copy of his/her decision and accompanying rationale and action to be taken to the parties of the grievance via the Student Grievance Coordinator. The accompanying rationale shall include findings of fact and action to be taken. This material must be received by the parties of the grievance via certified mail or hand delivered with documentation of receipt obtained. The Vice President will forward the entire file to the Student Grievance Coordinator.

The Vice President shall review the committee report and relevant material and make a determination.

4. Vice Presidential Determination

The Tribunal will write a final report including, when a judgment 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. No meeting, hearing, or other deliberation, whether formal or informal, shall be conducted by the Tribunal with less than a quorum present. A quorum shall consist of at least one more than 50 percent of the committee. Committee members must be physically present to vote. Only those members who have heard the entire case are eligible to vote on recommendations for remedy.

Following the formal investigation the Tribunal shall write a report that render a judgement, including findings of fact, or document a settlement if one is reached. The Tribunal's findings of fact and a decision as to whether a violation has occurred. The Tribunal, or investigating administrator in cases of discrimination/harassment, shall conclude its investigation and forward the report with accompanying documentation results will be forwarded by the Tribunal to the appropriate Vice President and the parties to the grievance no later than forty (40) instructional days after the grievance was submitted to the Tribunal or in cases of discrimination/harassment, to the Affirmative Action Officer.

Following the formal investigation the Tribunal shall write a report that render a judgement, including findings of fact, or document a settlement if one is reached. The Tribunal's findings of fact and a decision as to whether a violation has occurred. The Tribunal, or investigating administrator in cases of discrimination/harassment, shall conclude its investigation and forward the report with accompanying documentation results will be forwarded by the Tribunal to the appropriate Vice President and the parties to the grievance no later than forty (40) instructional days after the grievance was submitted to the Tribunal or in cases of discrimination/harassment, to the Affirmative Action Officer.

(The complainant or named employee(s)/department(s) has the burden of producing information to the President showing evidence that the final judgment of the investigating unit was adversely affected by the investigation.)

4. Findings of fact by the Tribunal that are "clearly erroneous." (This appeal process presumes that the findings of fact by the investigating unit are correct.)
5. Allegations that the remedial action taken is unreasonable. The appeal will be dismissed unless the complainant can demonstrate that the remedial action is not appropriate.
6. That Allegations of a conflict of interest exists on the part of the person(s) involved in the investigation acting on behalf of the University in the grievance process.

Student Grievance Coordinator Review

1.

All appeals must be presented, in writing, via to the Student Grievance Coordinator. to the President and Appeals must include a summary of what the appellant student or named employee(s)/ department(s) believes should be reviewed specifically as it relates to one or more of the three allegations stated above. The Student Grievance Coordinator shall notify the opposing party to the grievance of an appeal being filed. The Student Grievance Coordinator shall determine whether the material submitted contains information addressing one or more of the three six factors required for an appeal as outlined above in this document. If the material submitted meets the above stated criteria, the Student Grievance Coordinator will, within ten (10) working days from the date of receipt of the appeal, forward the appeal to the President or designee for his/her review, with a copy sent to the parties.

Appellate Review by the President

2.

The President, or designee, shall review the record from which findings and recommendation for remedial action were made by the Tribunal. He/she shall review the record grievance, and undertake additional investigation when necessary, in accordance with the scope of appellate review as defined by this procedure.

The President, or designee, shall have ten (10) fourteen (14) working days from the date of receipt of the appeal to make a decision. determine whether the appeal will be returned for consideration to the appropriate tribunal via the Vice President. The President, or designee, shall reach a decision and forward his/her the decision with accompanying rationale and action to be taken to the Student Grievance Coordinator for distribution to the appropriate parties. The President's decision shall be final.

1. 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 from 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 ten (10) fourteen (14) working days of the President's receipt of the Tribunal's findings, The President shall reach a decision and forward his/her decision with accompanying rationale to the Student Grievance Coordinator for distribution to the appropriate parties. The President's decision shall be final.

2. If the President determines that the grievance will not be returned for consideration to the appropriate tribunal, the President shall, within ten (10) fourteen (14) working days of receipt of the appeal completion of review of the record, 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.

SECTION TWO: GRIEVANCE PROCEDURES FOR DISCRIMINATION OR MISCONDUCT ISSUES

LEVEL I- PRELIMINARY EXAMINATION

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

1. A description of attempts made at informal resolution or rationale as to why such attempts were not feasible.
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 redress being sought (optional). Redress refers to action that directly affects the student. Inclusion of recommended actions directed toward the respondent will not be accepted. Inclusion of this material will result in returning the complaint to the student for deletion. Failure to comply with this directive will prevent the grievance from going forward.
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. Within three (3) instructional days of receipt of the grievance, the Student Grievance Coordinator will forward the grievance to the appropriate administrator who will conduct a preliminary investigation, including providing a copy of the written grievance to possible respondents.

The appropriate administrator shall review the complaint to determine whether a cause of action exists, warranting an investigation. This review shall include meeting with the grievant within ten (10) instructional days of receipt of the grievance.

Criteria used in determining whether an investigation is warranted (both of the following must be met in order for grievance to proceed to formal investigation):

1. The grievant must describe the adverse effects of the alleged action
2. The grievant must produce information which if found to be true, is sufficient to support a violation of university policy, i.e., establish prima facie evidence

The appropriate administrator shall respond to the grievant in writing, with copy to the named employee(s)/department(s) and the Student Grievance Coordinator, no later than ten (10) instructional days after the Level I meeting, with written notification regarding the status of the grievance. A notification of dismissal of the grievance shall include rationale for the dismissal.

LEVEL II: FORMAL ADMINISTRATIVE REVIEW

A. General Provisions:

In cases where the appropriate administrator determines that investigation is warranted, a formal investigation of the allegations will take place. The investigation will be conducted under the following precepts:

1. The burden of proof rests with the complainant
2. The standard of proof is the preponderance of the evidence

Any material evidence reviewed by the appropriate administrator shall be shared with the grievant and the respondent. The affected party(ies) shall have an opportunity to respond to such evidence. The appropriate administrator shall determine the appropriate mode of delivery of the response. Deadlines for response shall be

The Administrative Investigation shall include testimony, retrieval of material documentation, interrogatories and any other material deemed necessary for the appropriate administrator to make an informed decision. The investigation shall include identification and understanding of university policies potentially being violated. Testimony must include testimony of the complainant and testimony of the respondent. The complainant must be called for testimony within ten (10) instructional days after the appropriate administrator as received materials from the Student Grievance Coordinator. In cases where the administrator convenes a faculty panel, the complainant must be called for testimony within (7) instructional days after the appropriate administrator as received materials from the Student Grievance Coordinator.

2. Administrative Investigation

In cases where the complaint is against a faculty member or an academic department involving faculty members, the appropriate administrator shall convene a three member panel consisting of faculty members to engage in the administrative investigation. For purposes of investigation the three member panel shall be the appropriate administrator's designee.

Within three (3) instructional days of receipt of the respondent's answer the Student Grievance Coordinator shall forward all materials to the appropriate administrator for investigation. A copy of the respondent's answer shall be forwarded to the complainant at this time with notification that all materials are being forwarded to the appropriate administrator for investigation.

- d. Date signed by employee(s)/department(s)
- e. Signature of named employee(s)/department(s) in response to grievance and
- f. A description of other pertinent factors and documentation supporting the action/decision of the named employee(s)/department(s) which the student submitting the grievance deemed adverse
- g. A written narrative responding to the specific allegations

The named employee(s)/department(s) shall have ten (10) instructional days to reply to the grievance in writing. The response shall be submitted to the Student Grievance Coordinator and include:

The Student Grievance Coordinator will forward the grievance and any accompanying documents to the employee(s)/department(s) named in the grievance for response. A copy of the grievance procedure will accompany the grievance.

I. Respondent Answer

B. Formal Procedure

- 3. All information gathered and discussed during the investigation is confidential
- 4. If a conflict of interest, or possible conflict of interest, exists for the appropriate administrator conducting the administrative review that person shall recuse him/herself from participation. A replacement shall be determined by the appropriate administrator's immediate supervisor.
- 5. The appropriate administrator shall interview or depose all available, relevant witnesses to obtain findings of fact.

All appeals must be presented, in writing, to the Student Grievance Coordinator. Appeals must include a summary of what the appellant believes should be reviewed specifically as it relates to one or more of the three allegations stated above. The Student Grievance Coordinator shall notify the opposing party to the grievance of an appeal being filed. The Student Grievance Coordinator shall determine whether the material submitted contains information addressing one or more of the three factors required for an appeal as outlined above in this document. If the material submitted meets the above stated criteria, the Student Grievance Coordinator will, within ten (10) working days from the date

Student Grievance Coordinator Review

1. That information relevant to the grievance is available to the grievance investigating body.
2. That the investigation was not conducted in accordance with appropriate University policy and procedure.
3. That a conflict of interest exists on the part of the person(s) acting on behalf of the University in the grievance process.

An individual may file an appeal ONLY if that individual supplies documentation to the Student Grievance Coordinator that would support one or more of the following allegations:

An appeal is NOT a hearing de novo (an investigation conducted for a second time on the same information)

Within ten (10) instructional days of receipt of the Vice President's decision, either party to the grievance may file an appeal through the Student Grievance Coordinator.

LEVEL III: APPEAL

If there is no appeal, the decision of the Vice President is final. Any action taken as a result of the Vice President's determination will be in accordance with the Memorandum of Understanding applicable to the affected employee. Applicable university policies will govern actions affecting non-bargaining unit employees.

Within ten (10) working days of receipt of the appropriate administrator's final report the appropriate Vice President shall give a copy of his/her decision, accompanying rationale and action to be taken to the parties to the grievance via the Student Grievance Coordinator. This material must be received by the parties to the grievance via certified mail or hand delivered with documentation of receipt obtained. The Vice President shall forward the entire file to the Student Grievance Coordinator.

The appropriate Vice President shall review the appropriate administrator's report and relevant material and make an independent determination.

4. Vice Presidential Determination

Following the formal investigation the Panel shall report their findings to the appropriate administrator for his/her review. The appropriate administrator shall write a report that includes findings of fact and a decision as to whether a violation has occurred. This report with accompanying documentation shall be forwarded to the appropriate Vice President and the parties to the grievance no later than forty-five (45) instructional days after the grievance was submitted to the appropriate administrator in cases where a panel was convened and forty (40) instructional days where a panel was not utilized.

3. Panel Report (this section only applies to those situations where the complaint is against a faculty member of an academic department involving faculty members)

determined by the appropriate administrator on a case by case basis with clear communication of the deadline to the affected party.

of receipt of the appeal, forward the appeal to the President or designee for review, with a copy sent to the parties,

Appellate Review by the President

The President, or designee, shall review the grievance, and undertake additional investigation when necessary.

The President, or designee, shall have fourteen (14) working days from the date of receipt of the appeal to make a decision. The President, or designee, shall forward the decision with accompanying rationale and action to be taken to the Student Grievance Coordinator for distribution to the appropriate parties. The decision with regard to the appeal shall be final.

Any action taken as a result of the President's determination will be in accordance with the Memorandum of Understanding applicable to the affected employee. Applicable university policies will govern actions affecting non-bargaining unit employees.

DEFINITIONS AND TERMS

Appropriate Administrator

Management Personnel Plan employee responsible for employment unit.

Categories of Grievances

Academic Issues:

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

1. evaluating and passing upon grievances of students relating to academic regulations, such as add/drop, assignment of grade, grade change, incomplete, course waiver/substitution;
2. ~~to hear appeals of academic probation, and disqualification.~~

Discrimination/Harassment Issues:

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

This includes such conduct that is directed toward a person in one of the classes cited above and has the purpose or effect of unreasonably interfering with an individual's academic performance or creates an intimidating, hostile, or offensive learning environment.

~~Non-academic, Non-discrimination Issues:~~

~~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.~~

Misconduct

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

Categories of Student Grievance Tribunals with Committee Format

Academic Student Grievance Tribunal

Committee which deals with grievances regarding academic issues ~~and other issues not related to discrimination or misconduct.~~ Committee membership consists of:

~~Ex-Officio/Chair, Dean of Enrollment Management or Director, Admissions, of Undergraduate Studies or Graduate Studies, as appropriate;~~ permanent appointment;

Three (3) voting faculty members, 3-year staggered terms, appointed by the Academic Senate Appointments Committee;

Three (3) voting student members (preferably one of the three to be a graduate student), one-year terms, appointed by the Associated Students;

One (1) voting staff member, 3-year term, appointed by the President.

Responsibilities and Authority of the Tribunal

The Chief Executive Officer of the University or his/her designee.

President

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

Misconduct

Discrimination/harassment grievance against staff or administrators in Student Services or Administrative Services units will be investigated by an administrator, in consultation with the Affirmative Action Officer, within the service area but outside of the respondent's reporting unit.

Discrimination/harassment grievance against staff or administrators in academic units will be investigated by an administrator, in consultation with the Affirmative Action Officer, within an academic area but outside of the respondent's reporting unit or college.

Discrimination/harassment grievance against faculty located in academic units will be investigated by a college dean, in consultation with the Affirmative Action Officer, the respondent's college.

In issues of discrimination/harassment, 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:

Investigative Responsibilities

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.

Instructional Day

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.

Executive Session

Two (2) voting students (preferably, one of the two to be a graduate student), one-year terms, appointed by the Associated Students.

Two (2) voting staff members, 3-year staggered terms, appointed by the President.

Two (2) voting faculty members, 3-year staggered terms, appointed by the Academic Senate Appointments Committee.

Ex-Officio/Chair, Dean of Undergraduate Studies

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:

Non-Academic/Non-Discrimination Student Grievance Tribunal

- 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.
- 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.

Party Rights

Rights and Responsibilities of the Parties to the Grievance

- 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. (See page _____)
- 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.

Tribunal Responsibilities

- 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.
- 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 Authority

~~4. Each party shall have access to all correspondence and documents considered by the Tribunal.~~

Party Responsibilities

- ~~1. Parties to the grievance are responsible for identifying witnesses and providing relevant documentation.~~
- ~~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.~~

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, within the timelines specified in the procedure.

Student Grievance Coordinator

Campus official assigned by the President to coordinate 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 the~~ committee charged with the responsibility to investigate student grievances at the level and make recommendations for resolution to the appropriate Vice President.

Working Day

The term "working day" shall mean the hours an employee is scheduled for work on any one calendar day.

NOTE: Appendix R, Grievance Procedures for Students Filing Complaints Against Faculty Staff, or Administrators, was also issued as University Management Letter 96-07.