

FACULTY HANDBOOK

UNIVERSITY MANAGEMENT LETTER 00-01

(Issued Concurrently as UML 00-01 and as Appendix R of the Faculty Handbook)
May, 2000

GRIEVANCE POLICY AND PROCEDURES FOR STUDENTS FILING COMPLAINTS OTHER THAN GRADE APPEALS, DISCRIMINATION OR UNPROFESSIONAL CONDUCT AGAINST FACULTY, STAFF, OR ADMINISTRATORS

(Supersedes UML 96-07)

1. GENERAL PROVISIONS

1.1 Purpose

The purpose of the Student Grievance Procedure is to provide a means by which a student may pursue a complaint against a member of the faculty, staff, or administration at Cal Poly Humboldt for an alleged violation of campus policy.

1.2 Matters covered by this policy and procedure

The Student Grievance Procedure applies to such matters (not an exhaustive list) as appeal of an advising decision; appeal of a decision by an administrator or faculty advisor regarding permitting individual or group activities; complaint of unfair application of standards applied to work required for award of a degree.

A grievable action is an action that is in violation of a written campus policy or procedure, or an established practice. The basis of the grievance is that an action constitutes arbitrary, capricious, or unequal application of a written campus policy or procedure or an established practice.

1.3 Matters not covered by the Student Grievance Procedure include:

- Grade appeals (see VPAA 22-01, Grade Appeal Policy);
- Issues of licensure, certification, credential and accreditation (reviewed by applicable discipline);
- Allegations of misconduct in scientific research (see appropriate University Management Letter);
- Graduate/Undergraduate admission and readmission eligibility (reviewed by the Office of Enrollment Management);
- Financial Aid eligibility (reviewed by the Office of Financial Aid);
- Grievances against Cal Poly Humboldt auxiliary personnel (Cal Poly Humboldt auxiliary organizations, e.g., the Cal Poly Humboldt Foundation, University Center, Associated Students, 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.); and

- Allegations of student, staff, or faculty misconduct or discrimination, which potentially could lead to disciplinary action (see appropriate administrator and/or applicable Collective Bargaining Agreement).

1.4 Informal resolution

The Cal Poly Humboldt community recognizes that a student may dispute a decision or action by a member of the faculty, staff or administration. In most cases, these disputes are handled informally through normal academic or administrative channels where the student discusses a concern directly with the University Ombudsperson, a representative from the Office of the Vice President for Student Affairs, or a representative from the Office of the Dean for Undergraduate Studies. These persons can provide 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 is not possible, the student may utilize the Student Grievance Procedure, which permits timely review and an impartial evaluation of the student's complaint.

1.5 Confidentiality of the grievance process

- (a) To protect to the maximum extent possible the privacy of individuals who in good faith file legitimate grievances, these procedures will be considered confidential throughout initial consultation, preliminary and final review, and appeal. Confidentiality will also be afforded to the respondent to avoid unwarranted damage to reputation. Breach of confidentiality by any party to the grievance is considered unethical conduct and may be subject to disciplinary action.
- (b) The complete grievance file, including materials submitted by the parties to the grievance, communications of the grievance committee and administrators, and other official documents relating to the grievance, will be maintained in the Student Grievance Coordinator's office for three (3) years after the completion of the proceedings. At that time, the grievance file will be reduced to statistical records, including no references to the identities of parties, for institutional research purposes. The contents of the file will be shredded. Work products such as the notes taken by administrators or grievance committee members will not become a part of the official grievance file, and shall be shredded at the end of the appeal process.
- (c) There may be cases where disclosure of part or all of the proceedings and final outcome must be considered to provide remedy to the student, to correct misperceptions of the reputations of parties to the grievance, or for the best interests of the institution. In these cases, if and only if deemed appropriate by majority vote of the grievance committee in concurrence by the President, public disclosure will be directed through the President's office.

1.6 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 intimidation, threat of retaliation or retaliatory behavior. Any such behavior, verbal or written, in response to participation in the grievance process is prohibited and may be regarded as a basis for disciplinary action.

1.7 Abuse of process, malicious complaints, or frivolous complaints

A student must proceed with a complaint in good faith. Abuse of process, malicious complaints, or frivolous complaints may be grounds for disciplinary action in accordance with sections 41301 through 41304 of Title 5, *California Code of Regulations*.

1.8 University policy

The grievance process applies to existing University policy, and is not a vehicle to change existing or create new University policy.

2. TIME LIMITS

2.1 Internal procedures

After a grievance is filed, the processing of that grievance may be held in abeyance when the respondent or grievant is unavailable due to leave-of-absence, sabbatical leave, etc. The appropriate administrator (the Management Personnel Plan employee responsible for student grievances in an employment unit) or committee chair shall notify the Student Grievance Coordinator of the anticipated time when the grievance process may resume. The Student Grievance Coordinator will distribute this information to the involved parties within five (5) days of receipt of the notification from the appropriate administrator or committee chair. Processing of the grievance may proceed using teleconferencing or written communications based upon a recommendation of the Student Grievance Coordinator.

2.2 External procedures

Actions filed by a student with civil courts are independent of any internal complaints processed through the University. The statutes of limitations for civil actions vary depending on the nature of the incident.

3. PROCEDURES

3.1 Representation

Grievants and respondents will be expected to represent themselves. Representation will be permitted only upon the granting of a request to the chair of the grievance committee. This does not preclude the grievant or the respondent from consulting with other individuals. The grievant and respondent may each choose to have a consultant who must be a member of the campus community and is not a person admitted to the practice of law before any state or federal court. The role of the grievant's consultant is limited to observing and consulting with the grievant during the grievant's interviews associated with the grievance process. The role of the respondent's consultant is limited to observing and consulting with the respondent during the respondent's interviews associated with the grievance process.

3.2 Level 1. Administrative consultation

- (a) The student must initiate the grievance process no later than twenty (20) instructional days after the last day of the term in which the alleged incident occurred by submitting a written statement of the grievance and requesting a meeting with the appropriate administrator (the Management Personnel Plan employee responsible for student grievances in an employment unit; if a student needs assistance in identifying an appropriate administrator to contact, the student should seek assistance from the Student Grievance Coordinator).
- (b) At this level, the grievant meets with the appropriate administrator and presents a written

statement of the grievance. Any student who believes there are grounds for a grievance will make an attempt to resolve the problem through the auspices of the appropriate administrator. (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 Vice President for Academic Affairs is the appropriate administrator.)

- (c) It is the immediate responsibility of the appropriate administrator to notify parties promptly 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.
- (d) Within thirteen (13) working days following the meeting with the grievant, the appropriate administrator shall inform the parties to the grievance and the Grievance Coordinator in writing and utilizing the Level 1 Student Grievance Form, whether or not resolution was reached.
- (e) If the dispute pertaining to the respondent(s) is not resolved to the grievant's satisfaction through Level 1, the grievant may proceed to Level 2. The student must initiate the Level 2 process within ten (10) instructional days of the date of receipt by the grievant of the appropriate administrator's response in Level 1 by completing and submitting to the Student Grievance Coordinator a Level 2 Student Grievance Form.

3.3 Level 2. Preliminary review

- (a) At this level, the student must file a Level 2 Student Grievance Form with the Student Grievance Coordinator. A copy of the administrator's Level 1 Student Grievance Form must be attached. The Level 2 form must specifically include:
 - 1. A specific, detailed description of the grievance which typically includes names of persons involved, witnesses, dates, places, times, supporting documents necessary for complete understanding and a statement of the policy, procedure or practice allegedly violated;
 - 2. Signature of the grievant;
 - 3. Date signed by grievant; and
 - 4. A concise statement of the specific remedy being sought may also be included. Excluded from redress is disciplinary action against the respondent; as noted earlier, discipline of students, staff or faculty is outside the scope of this procedure.
- (b) The Student Grievance Coordinator shall review the student's written grievance to ensure that all of the above listed details are included in the grievance. The Student Grievance Coordinator shall return the grievance form to the student if incomplete, with an explanation as to why the form was returned. The student shall have five (5) instructional days from receipt to supplement the grievance and refile it with the Student Grievance Coordinator. **Failure to refile within these five (5) days concludes the process.**
- (c) Within three (3) working days of receipt of a completed grievance form, the Student Grievance Coordinator will forward the grievance to the Student Grievance Committee Chair, who will conduct a preliminary examination. The Student Grievance Coordinator also shall provide a copy of the written grievance to the respondent(s).
- (d) The Student Grievance Committee Chair shall review the complaint to determine whether a grievance has been stated under this procedure. A grievance will be stated if

the following criteria are met:

1. The grievant must cite the campus policy, procedure or practice allegedly violated.
 2. The grievant must allege information which, if found to be true, is sufficient to support a violation of university policy, procedure or practice.
 3. The grievant must describe the adverse effect caused by the alleged violation of university policy, procedure, or practice.
- (e) The Student Grievance Committee Chair shall respond to the grievant, in writing, with a copy to the named respondent(s) and the Student Grievance Coordinator, within ten (10) working days of receipt of the grievance form. The committee chair shall inform the grievant whether a grievance has been stated under the above cited criteria, or inform the student that the grievance is rejected for failure to meet any of the above cited criteria.

3.4 Level 3. Grievance Committee review

- (a) General Provisions: In cases where the Student Grievance Committee Chair determines that a grievance has been stated, a formal investigation of the grievance will take place. The investigation will be conducted by the Student Grievance Committee (see Definition of Terms). At least five (5) of the eight (8) committee members shall constitute a quorum and this quorum must include one student representative and one faculty representative. Only those members who have reviewed the entire case may decide the matter.
- (b)
- (c) Respondent(s) Answer: The named respondent(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:
1. A written narrative responding to the specific allegations;
 2. A description of other pertinent factors and documentation supporting the action/decision of the named respondent(s) which the student submitting the grievance deemed adverse:
 3. Signature of named respondent(s) to the grievance; and
 4. Date signed by respondent(s).

Within three (3) working days of receipt of the respondent(s) answer, the Student Grievance Coordinator shall forward all materials to the committee (via the Student Grievance Committee Chair) for investigation. A copy of the respondent's answer shall be forwarded to the grievant at this time with notification that all materials are being forward to the Student Grievance Committee for investigation. Failure or refusal by the respondent to file a response within ten (10) instructional days of receipt of the committee chair's determination will not impede the process from moving forward.

- (d) The Student Grievance Committee shall conduct a fact-finding investigation, including the interview of witnesses and the review of documents. The University shall consider it a normal and reasonable duty of employees to cooperate with a committee investigation.
- (e) Committee Investigation: The committee investigation may include interviews, statements, retrieval of material documents, and any other material deemed

necessary by the committee to make an informed decision. The investigation shall include identification and understanding of university policies potentially being violated. The grievant and the respondent maybe invited to be interviewed. The grievant will normally be interviewed within ten (10) instructional days after the committee chair has received materials from the Student Grievance Coordinator.

Copies of materials submitted by the grievant to the committee will be given to the respondent. Copies of materials submitted by the respondent to the committee will be given to the grievant. Testimony gathered by the committee will be reduced to brief written summaries, and copies given to the grievant and respondent. Copies of any other materials gathered as evidence or submitted by parties to the investigation will be given to the grievant and respondent.

- (f) **Committee Report:** Following the formal investigation the committee shall write a report that includes the committee's findings of fact and a decision as to whether a violation of a specific campus policy, procedure, or practice occurred or whether a campus policy, procedure, or practice was applied in an arbitrary, capricious, or unequal manner. The committee's findings, decision, and recommended remedy shall be demonstrably based upon the written records of the investigation. The report with accompanying documents will be forwarded by the committee via read-receipt email, certified mail, or hand delivered with documentation of receipt to the parties, to the Student Grievance Coordinator, and to the administrator responsible for implementation of any recommended remedy, no later than forty (40) instructional days after the grievance was submitted to the committee.
- (g) **Implementation of Recommended Remedy:** The Student Grievance Committee Chair shall communicate the findings and recommended remedy, if any, to the parties and to the appropriate administrator. Upon the expiration of the ten-day appeal period and in the absence of the filing of any appeal, the Student Grievance Coordinator shall notify the appropriate administrator, who will proceed with implementation of the recommended remedy, if any.

3.5 Level 4. Appeal

- (a) Within ten (10) instructional days of receipt of the Student Grievance Committee's decision, the grievant, the respondent, or the administrator may file an appeal to the Student Grievance Coordinator.

The appeal must state clearly, in writing, that it is based on any combination of one or more of the following grounds:

1. Information relevant to the grievance is available that was not available to or not considered by the committee at the time of its original deliberation.
 2. The investigation was not conducted in accordance with this procedure.
 3. Implementation of the remedy proposed by the Student Grievance Committee would be illegal or constitute a violation of written university policy, procedure, or established practice.
- (b) **Student Grievance Coordinator Review:** The Student Grievance Coordinator shall notify all parties to the grievance that an appeal has been filed and will give the parties a copy of the appeal. The Student Grievance Coordinator shall review the appeal and determine if it has stated a ground for appeal. If a ground is stated, the Student Grievance Coordinator will, within ten (10) working days from the date of receipt of the appeal, forward the appeal to the Student Grievance Appellate Committee for review and notify the parties in writing. If the Student Grievance Coordinator determines that a basis for appeal is not stated under the criteria listed in Level 4 above, the Coordinator

will notify the parties that the appeal has been procedurally rejected. A procedural rejection shall be final, and is itself not subject to appeal.

- (c) Appellate Review by the Student Grievance Appellate Committee: The Student Grievance Appellate Committee shall review the grievance and undertake additional investigation if the committee decides by majority vote it is appropriate. No member of the Student Grievance Appellate Committee shall have served on the Student Grievance Committee that reached the decision under appeal.

The Student Grievance Appellate Committee shall normally respond within fourteen (14) instructional days from the date of receipt of the appeal with a decision; however, a five-day extension may be granted by majority vote of the Student Grievance Appellate Committee at the request of a party to the grievance. All parties to the grievance will be notified of the extension. The Student Grievance Appellate Committee shall forward its decision to the Student Grievance Coordinator for distribution to the parties. The decision shall be final.

DEFINITIONS AND TERMS

Appropriate Administrator

The appropriate administrator is the Management Personnel Plan employee responsible for student grievances in an employment unit. If a student needs assistance in identifying an appropriate administrator to contact, the student should seek assistance from the Student Grievance Coordinator.

Campus Official

This will include any person employed by the University performing assigned administrative or professional responsibilities.

Executive Session

At any time during the committee interview process of parties to a grievance or witnesses to the incident, the committee may excuse all parties present who are not members of the committee to convene in closed session.

Instructional Day

The term "instructional day" shall mean any day during which classes are in session, excluding Saturday, Sunday, or an academic holiday of a campus (see Section 42800 of Title 5 of the *California Code of Regulations*). Summer Session or Summer Term days are not considered instructional days for purposes of this grievance procedure.

May

In this document "may" is used in the permissive sense.

Respondent

The respondent is the party (a member of the faculty, staff, or administration at Cal Poly Humboldt) against whom a grievance is filed.

Shall

In this document "shall" is used in the mandatory sense.

Student

A student is any person taking courses offered by Cal Poly Humboldt, 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

The Student Grievance Coordinator is the campus official assigned by the President to coordinate these procedures and to perform the duties prescribed in these procedures. The responsibilities of this position include:

1. Facilitate the administrative functions of the grievance process;
2. Documenting compliance with the procedures and deadlines established in this document; and
3. Providing clarification, when necessary, to all concerned parties regarding the Student Grievance Process.

Student Grievance Committee

This committee which deals with grievances regarding academic issues and other issues not related to grade appeals, discrimination or misconduct, including but not limited to: appeal of an advising decision; appeal of a decision by an administrator or faculty advisor regarding permitting individual or group activities; or complaint of unfair application of standards applied to work required for award of a degree. Committee membership consists of persons as follows:

Three (3) voting faculty members serving 3-year staggered terms, appointed by the University Senate Appointments and Elections Committee;

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

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

Chair and Vice-Chair: The membership of the Committee will elect a Chair and Vice-Chair annually from among the faculty and staff members. The Vice-Chair serves in place of the chair if the chair is absent or if the chair must be excused for conflict of interest.

One (1) administrative member as follows: For issues related to undergraduate studies, the Dean for Undergraduate Studies (or designee); for issues related to graduate studies, the Dean for Graduate Studies (or designee); and for issues that are not level specific, this member shall be chosen by lot from these two deans.

Student Grievance Appellate Committee

Membership: One (1) senior administrator appointed by the President, usually the Academic Vice President, one (1) faculty member who has previously served at least one term on the student grievance committee, and one (1) staff member who has previously served at least one term on the student grievance committee, both to be appointed by the Chair of the University Senate, one (1) student who has preferably served on a student grievance committee, to be appointed by the President of the Associated Students.

Working Day

Any day when the campus is open.