

- 1) Discrimination & Misconduct separate: *Student & Faculty Affairs representative*
 2) No graduate Dean as *Comm Chair* *same procedure for everyone*
 3) *Timeline page 2*
 August 5, 1999 4) *Forms actually complete*
 5) *If resolved at level One Student Grievance Coordinator has no case report*

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

INTRODUCTION

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 of HSU for an alleged violation of campus policy or to appeal a grade. 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.) **Matters not covered** by the Student Grievance Procedure include:

- Issues of licensure, certification, credential and accreditation (reviewed by applicable discipline).
- Allegations of scientific misconduct (see University Management Letter 92-2).
- 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).
- Allegations of student, staff or faculty misconduct or discrimination, which potentially could lead to disciplinary action. (See appropriate administrator.)

The HSU 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 his or her concern directly with 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 is not possible, the student may utilize the Student Grievance Procedure, which permits timely review and an impartial evaluation of the student's complaint.

Confidentiality of the grievance process: Any information pertaining to the grievance process is considered confidential and is governed by those laws, university and California State University

policies protecting confidentiality. The disclosure, release, transfer, dissemination or other communication to unauthorized persons by members of the campus community who participate in the grievance process is a breach of confidentiality, and may subject them to disciplinary action. A record of the grievance will be retained in the Student Grievance Coordinator's office.

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.

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 Title 5, California Code of Regulations.

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

JURISDICTION OF STUDENT GRIEVANCE PROCEDURE

The Student Grievance procedure is utilized in those cases where a student initiates a grievance against a faculty member(s), a staff members(s) and/or an administrator(s).

A grievable action is an action that:

- (a) is in violation of a written campus policy or procedure, or an established practice, or
- (b) constitutes arbitrary, capricious, or unequal application of a written campus policy or procedure or an established practice.

TIME LIMITS

Internal procedures

The student must initiate the grievance process no later than thirty (30) calendar days after the last day of the semester in which the alleged incident occurred by meeting with the appropriate administrator in accordance with Level I below.

Once a grievance is timely filed, the processing of that grievance shall be held in abeyance when the respondent is unavailable due to leave-of-absence, sabbatical leave, etc. The appropriate administrator 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 5 days of receipt of the notification from the appropriate administrator or committee chair.

External Procedures

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.

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

The grievant and respondent may each choose to have a representative who must be a member of the campus community and is not a person admitted to practice law before any state or federal court. The role of the grievant's representative 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 representative is limited to observing and consulting with the respondent during the respondent's interviews associated with the grievance process.

LEVEL I: ADMINISTRATIVE CONSULTATION

At this level, the grievant meets with the appropriate administrator. Any student who believes he or she has 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.)

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.

Within thirteen (13) working days following the meeting with the grievant, the appropriate administrator shall inform the parties to the grievance, in writing and utilizing the Level I Student Grievance Form, whether or not resolution was reached.

If the dispute pertaining to the grievant and faculty/staff/administrator is not resolved to the grievant's satisfaction through Level I, the grievant may proceed to 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 by completing and submitting to the Student Grievance Coordinator a Level II Student Grievance Form.

LEVEL II: PRELIMINARY REVIEW

At this level, the student must file a Level II Student Grievance Form with the Student Grievance Coordinator. The form must specifically include:

1. The dean or other administrator's Level I Student Grievance Form regarding the disposition of the Level I grievance process;
2. 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;
3. Signature of the grievant; and
4. Date signed by grievant.

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.

The Student Grievance Coordinator shall review the student's written grievance to ensure that all of the above listed details are included in the student(s) grievance. The Student Grievance Coordinator 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) 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.**

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).

Preliminary Examination

The 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, i.e., establish prima facie case.
3. The grievant must describe the adverse effect on himself/herself caused by the alleged violation of university policy, procedure, or practice.

The committee chair shall respond to the grievant, in writing, with a copy to the named employee(s)/department(s) and the Student Grievance Coordinator, within ten (10) working days of receipt of the grievance form. The committee chair shall inform the student 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.

LEVEL III: ADMINISTRATIVE REVIEW

A. General Provisions:

In cases where the 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. At least 5 of the 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. If the grievance is against a Dean or Director, the President shall appoint an administrator as an *ad hoc* member of the committee. 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.

The investigation will be conducted under the following precepts:

1. The 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.
2. In the investigation of a grade appeal, the standards articulated in Chancellor's Executive Order No.320 shall be followed including the presumption that grades assigned are correct, and it is the responsibility of anyone appealing an assigned grade to demonstrate otherwise.

B. Formal Procedure

1. Respondent Answer

If it has been determined by the committee chair that a grievance has been stated, then 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:

- a. A written narrative responding to the specific allegations;
- b. 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;
- c. Signature of named employee(s)/department(s) responding to grievance; and
- d. Date signed by employee(s)/department(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 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.

2. Committee Investigation

The committee investigation shall 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 will be 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. Materials gathered by the committee shall be shared with the grievant and the respondent.

3. 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 was applied in an arbitrary, capricious, or unequal manner. The report shall not include a recommended remedy. The report with accompanying documents will be forward by the committee 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 committee.

4. Vice President Determination

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

Within ten (10) working days of receipt of the committee's final report, the Vice President shall give a copy of his/her decision and proposed remedy, if any, if there is a finding for the grievant, to the parties to the grievance. This material must be received by the parties via certified mail or hand delivered with documentation of receipt obtained. The Vice President will forward the entire file to the Student Grievance Coordinator.

LEVEL IV: 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.

The appeal must be based on one or both of the following grounds:

1. that 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. that the investigation was not conducted in accordance with this procedure.

Student Grievance Coordinator Review

All appeals must be presented, in writing, to the Student Grievance Coordinator. The appeal must state with particularity the material unavailable during the investigation or not considered in the original deliberation, or the specific section of this procedure that the committee failed to follow. The Student Grievance Coordinator shall notify the opposing party that an appeal has been filed. 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 President or designee for review, with a copy sent to the parties. If the Student Grievance Coordinator determines that a basis for appeal is not stated under the criteria listed in Level IV above, he/she will notify both parties that the appeal has been procedurally rejected. A procedural rejection shall be final, and is itself not subject to appeal.

Appellate Review by the President

The President or designee shall review the grievance and undertake additional investigation if he or she believes it necessary.

The President or designee shall normally respond within fourteen (14) working days from the date of receipt of the appeal with a decision; however, a later response shall not be considered a violation of these procedures. The President or designee shall forward the decision to the Student Grievance Coordinator for distribution to the appropriate parties. The decision shall be final.

DEFINITIONS AND TERMS

Appropriate Administrator

Management Personnel Plan employee responsible for employment unit.

Executive Session

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

Instructional Day

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 procedure.

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 responsibilities of this position include:

1. documenting compliance with the procedures and deadlines established in this document; and
2. providing clarification, when necessary, to all concerned parties regarding the Student Grievance Process.

Student Grievance Committee

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

Chair, Dean of Undergraduate Studies, permanent appointment. The Chair is a voting member;

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.

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.

Working Day

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

Humboldt State University

STUDENT GRIEVANCE FORM: LEVEL I

DATE:

TO:

Student Grievant

Respondent

FROM:

Appropriate Administrator

RE:

Outcome of Student Grievance, Level I

This is to verify that I met with _____ **on**

Student Name

_____ **regarding a grievance against the action/decision of**

Date

_____ **on** _____

Respondent Name

Date of Action/Decision

Resolution:

If resolution was not achieved, the above named student has ten (10) instructional days from receipt of copy of this memorandum to proceed to Level II of the student grievance process.

Humboldt State University

STUDENT GRIEVANCE FORM: LEVEL II

DATE:

TO: Student Grievance Coordinator

FROM:

Name of Student

Address

Telephone

Message Phone

RE: Complaint Alleging Violation of a Campus Policy, Procedure or Practice

I wish to proceed to Level II of the HSU Grievance Procedures for Students Filing Complaints Against Faculty, Staff or Administrators. My complaint is against the action/decision of:

Name

Department or Administrative Unit

Specific Campus Policy, Procedure or Practice Violated:

Narrative data and factual support (include names of persons involved, departments, witnesses, dates, times, records, and supporting documents). Attach data sheets to this form.

Attached please find a copy of the Level I Student Grievance Form submitted by:

Name of Appropriate Administrator

on

Date Level I form submitted

Remedy sought (optional):

Signature of Student submitting this form

Date