STUDENT GRIEVANCE PROCEDURES

Academic Senate Policy Recommendation #S82-85

At its meeting of December 15, 1981, the Academic Senate approved the Student Grievance Procedures (#F81-85). Amendments to this policy were approved by the Senate on May 18, 1982.

1. GENERAL PROVISIONS

These procedures are to be used for the processing of student complaints about actions (with the exception of grade appeals) taken on behalf of San Francisco State University.

A grievance must be filed within six months of the date the wrong occurred, regardless of the date of discovery. Formal procedures shall normally be initiated no later than five weeks before the first day of finals in the semester to allow sufficient time for a possible hearing. Compliance with this limitation on filing shall be determined by the Coordinator of Student Grievance, and that determination shall be final. Grievances not meeting this time limit, complaints and grievances previously resolved by informal means, and grievances arising out of previous grievances shall not be processed under these procedures.

A student may not utilize these procedures if a remedy is being sought by any other means for all or any part of the matter grieved.

II. DEFINITIONS

1. ?Attorney? means a person admitted to the practice of law before any state or federal court.

2. ?Grievance? means a written complaint by a student arising from an action taken on behalf of San Francisco State University by one or more members of the faculty, administration, or staff which allegedly affects the student adversely and which allegedly is either unreasonable or violates a university regulation or policy.

3. ?Grievant? means a student presently enrolled at San Francisco State University or one who has been enrolled there within the preceding six months who has filed a grievance.

4. ?Instructional day(s)? means any day(s) on which regularly scheduled classes or examinations are held at San Francisco State University.

5. ?President? means the President of San Francisco State University or any person designated by the President.

6. ?Respondent? means the university administrator, faculty, or staff member (or designee as determined by the coordinator) most directly responsible for the alleged official action(s) which caused the complaint.
7. ?Shall? is mandatory and ?may? is permissive.

III. INFORMAL PROCEDURES

1. Before a student may invoke the formal grievance procedures specified in Section IV, the following requirements must be satisfied:

   a. The student shall meet first with the grievance coordinator and then with the San Francisco State University administrator, faculty or staff member whom the student feels is most directly responsible for the official action(s) which caused the complaint and attempt to settle the matter informally. If, in the opinion of the grievance coordinator, the person chosen by the student is not the person most directly responsible for the official action(s) which caused the complaint, or is not available, in the interest of reaching an informal settlement the Coordinator may require that the student additionally meet with the San Francisco State University representative whom the coordinator feels is most directly responsible. The coordinator has the authority to deviate from the following procedures if circumstances dictate.

   b. If, after satisfying Section 1.a. (above), the matter remains unsettled to the satisfaction of the student, the student shall meet with the appropriate unit head and attempt to settle the matter informally.

   c. If, after satisfying Sections 1.a. and 1.b. (above), the matter remains unsettled to the satisfaction of the student, the student shall discuss the matter with the appropriate supervising administrator. The appropriate person for these purposes shall be determined by the coordinator.

   d. If the supervising administrator is unable to informally settle the matter to the satisfaction of the student, the student may then invoke the formal grievance procedures in Section IV (below).

IV. FORMAL PROCEDURES

1. At any point in the proceedings, the grievant may move to withdraw the grievance or accept an informal solution.

2. Initial Steps

   a. To invoke formal grievance procedures, the grievant shall first consult with the coordinator concerning all aspects of pursuing a grievance, including these procedures. To initiate a grievance, the grievant shall deliver the required written complaint to the coordinator who shall transmit sealed copies to the respondent, and the respondent?s immediate supervisor. This grievance shall specify the following:

      1) that it is a grievance;

      2) the name and current address and telephone number of the grievant;

      3) The name and position of the campus office or employee whom the grievant feels is most directly involved or responsible for the alleged actions which prompted the grievance;
4) the wrong alleged, the action from which the alleged wrong arises, and the dates of the occurrence, and discovery by the grievant, of that action;

5) the remedy sought; i.e., what the grievant hopes to attain as the result of the grievance.

b. The coordinator shall inform grievant and respondent of their rights under these procedures and shall initiate the steps necessary for selection of the Grievance Hearing Committee (Committee). The coordinator will also notify all other concerned parties that a grievance has been instituted. The selection of the committee shall normally occur within ten instructional days after the coordinator has determined that all informal means for resolving the complaint have been exhausted. The coordinator shall be available to both the grievant and the respondent for instruction in or interpretation of these procedures. Interpretations of specific provisions of the grievance procedures by the coordinator shall be final for all purposes.

c. The respondent shall provide the grievant with a written answer to the grievance, with a copy to the coordinator within five instructional days of receipt of the grievance by the respondent.

d. The respondent and the grievant shall notify the coordinator in writing prior to the drawing for the hearing committee if an open hearing is desired.

e. The grievant and the respondent may each name a representative from the campus to accompany them in the grievance hearing, except that those who were involved in the informal attempts to resolve the grievance may not serve as a representative. The name of the representative must be given to the coordinator prior to the grievance hearing. Normally, attorneys may not appear in the proceedings. However, if either the grievant or the respondent is an attorney, the other party may be represented by an attorney.

3. Selection of the Grievance Hearing Committee

a. The coordinator shall notify the grievant and the respondent in advance of the date, time, and place of the selection of the committee. Both parties may be present at this meeting with or without a representative. At the selection, only the opposing parties and their representatives, if any, and the coordinator shall be present.

b. The committee shall consist of three members; one student, one faculty member and one professional staff member. Those who have first-hand information on, or direct involvement with, the subject of the grievance shall be ineligible to serve on the committee. Determinations of eligibility for the committee shall be made by the coordinator and shall be final for all purposes.

c. The coordinator shall draw three names from the student list. This list will be composed of an annual panel of 40 students willing to serve, selected by the coordinator from 100 students drawn at random from the entire student body.

d. The coordinator shall draw three names lists composed of faculty and staff according to the selection procedures for their respective grievance panels.

e. At the drawing, the coordinator shall provide an opportunity for both the grievant and the respondent to excuse without cause one person from each group (students, faculty, staff). If more than one name in any group is left, the coordinator will select one name from each
f. Similarly, an opportunity shall be provided to both the grievant and the respondent to request that any of the persons drawn be excused for cause. The coordinator shall grant or deny such requests, and these decisions shall be final for all purposes. Those excused shall be replaced by the same method as the original selections.

g. Faculty, staff, or students unable to serve shall be replaced by the same method as the original selections.

h. Hearings shall be closed unless both parties request an open hearing. Whether the hearing will be open will be announced by the coordinator at the drawing for the hearing committee.

4. Grievance Hearing Procedures

a. Formal grievance hearings shall be held only during the fall and spring semesters unless both the grievant and the respondent, as well as the committee, can be present and witnesses, if any, are available. If the grievance was filed later than five weeks before the first day of finals, the hearing may be held early in the following semester.

b. When the committee has been selected, the coordinator shall inform all parties to the grievance of the time, date, and location of the hearing, as well as decisions on other matters which affect the hearings.

c. The committee shall normally convene within ten instructional days of its selection. The committee shall normally be convened by the Coordinator of Student Grievance one-half hour before the hearing to select from among its own members a chair and to discuss hearing procedures.

d. Two of the three members of the committee shall constitute a quorum.

e. At a closed hearing, attendance shall be limited to the grievant and representative, the respondent and representative, witnesses while giving evidence, the coordinator, and members of the committee. The content of the proceedings in a grievance hearing closed to the public and the committee recommendations resulting there from shall not be made public by any participant in the hearing. In the event these matters should become public, however, such public statements as are appropriate may be made by the university. This policy of confidentiality shall not preclude discussion of the case with others as necessary to prepare for the hearing, nor shall it preclude subsequent action following appropriate procedures on the basis of evidence developed at the hearing. At an open hearing, all witnesses except for the grievant, the respondent, and their representatives, if any, shall be excluded except while giving evidence.

   The chair has the authority to close an open hearing at any time if, in the judgment of the chair, the conduct of the audience or the participants is so disruptive that the only viable means of conducting a fair session is through a closed hearing.

f. Subject to 4.h. (below), both the grievant and the respondent may offer evidence, with the grievant doing so first.

   g. Within the guidelines of these procedures, and subject to overrule by the committee, the chair may establish necessary rules for the conduct of the hearing and decide procedural
issues presented.

h. The hearing shall not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted, if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, except that evidence which is merely repetitious or cumulative shall be excluded.

i. Both parties or their representatives may make an opening statement. The grievant has the burden of persuasion and shall demonstrate by a preponderance of the evidence that the grievant was directly wronged by the action that gave rise to the grievance. After the opening statements, if any, both parties shall answer questions the committee may have regarding the case. Both parties and their representatives may then question each other, as well as all witnesses concerning any aspect of the grievance. Both parties and their representatives shall have access to all documents presented to the committee and may question the other party about those documents.

j. Both parties or their representatives may present a closing statement with the grievant going first and then being allowed the final word. Any closing statements shall be limited to the evidence presented. There shall be no questioning of the parties during or after the closing statements.

k. By majority vote of those present and based only on evidence accepted at the hearing, the committee shall prepare and sign a written report containing findings of fact and recommendations respecting the grievance. In the event of a tie vote, two reports shall go to the Provost. All non-committee members shall be excluded from the deliberations. The committee shall not find for the grievant unless it finds that an official action was taken which was not generally or specifically authorized, or which was unreasonable; i.e., no reasonable person would have taken the action under the circumstances.

l. The committee report, along with the grievance and any written response thereto, shall be presented to the Provost for decision, usually within five instructional days of the end of the hearing.

m. Normally, within five instructional days following receipt of the committee report, the Provost shall furnish a written decision on the grievance to the grievant, the respondent, the coordinator, and to the committee. If the grievance concerns an area within administration, the Provost shall consult with the Vice President for Administration.

n. Decisions not implementing the recommendation of the committee shall contain reasons for that lack of implementation.

V. APPEAL PROCEDURES

1. Either the grievant or the respondent may appeal the decision of the Provost.

2. The party wishing to appeal the decision must deliver a written appeal to the President with copies to the opposing party and to the coordinator. This appeal must be so delivered within five instructional days from the date of the decision of the Provost.

3. The appeal shall specify the following:
a. that it is an appeal;

b. the name and current address and telephone number of the appellant;

c. the reasons for the appeal and the facts supporting those reasons.

4. Within five instructional days of receipt of a copy of the appeal, the coordinator shall cause all grievance materials received to be forwarded to the President.

5. Within five instructional days of receipt of the appeal, the other party may deliver a written response to the appeal to the President, with copies to the appellant and to the coordinator, setting forth the reasons why the appeal should be denied and any facts supporting those reasons.

6. Normally, within fifteen instructional days of receipt of the appeal, the President shall render a decision thereon which shall be final for all purposes.

VI. It shall be the responsibility of the coordinator to assist in implementation

*** Not to be considered policy until approved by the President ***