Student Grievance Code

Rationale

The purpose of the Student Grievance Committee shall be to hear and to seek redress of student grievances concerning individual members of the faculty, administration or staff, and, when, appropriate, to make recommendations concerning disciplinary actions.

Author/Source

SAC

Responsible Unit

Student Affairs and Enrollment Management

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Policy

1.0 Purpose

1.1 The purposes of the Student Grievance Committee shall be to hear and to seek redress of student grievances concerning individual members of the faculty, administration or staff, and, when, appropriate, to make recommendations concerning disciplinary actions.
1.2 A grievance is a complaint arising out of any alleged unauthorized or unjustified act or decision by a member of the faculty, member of the administration, or member of the staff, which in any way adversely affects the status, rights, or privileges of a member of the student body. The burden of proof shall rest with the complainant.

1.3 The Student Grievance Committee shall hear complaints, investigate grievances and make final judgments regarding redress of student grievances concerning members of the faculty, administration, or staff. The Student Grievance Committee may make advisory recommendations regarding disciplinary action to appropriate administrators.

2.0 Membership

2.1 The voting members of the Student Grievance Committee shall be:

a. Five students and three alternates to be named under procedures established by the Associated Students Council. Undergraduate students serving on this committee must be regular students in good standing. Graduate students must have been admitted to an authorized advanced degree or credential program;

b. Three full-time faculty members and two alternates to be named by the Senate;

c. One full-time member of the administration and two alternates to be named by the President; and,

d. One full-time staff representative and one alternate named by the Senate.

2.2 The Chair and Vice Chair of the Student Grievance Committee shall be nonvoting ex-officio members.

2.3 Seven voting members shall constitute a quorum. Judgments shall be reached by a majority of those present and voting, except where otherwise indicated (see Section 4.2).

2.4 Each student member shall be appointed for a term of two years. Nonstudent members shall be appointed for three years. No member shall serve more than two terms consecutively.

2.5 The Chair shall be appointed for a two-year term by the President of the University. The Vice Chair shall be selected by the Associated Students Council. No member shall serve as Chair more than two consecutive terms. The Chair shall be the Committee’s administrative officer whose duties shall include the following: (a) arranging for appropriate times and places for meetings and hearings, informing members of the times and places of meetings and hearings, informing in writing all interested parties of the times and places of meetings or hearings that they are requested to attend and supplying them with a statement of alleged grievances, and informing all other interested parties that a grievance is pending and of the final disposition of the grievance; (b) securing and distributing written material appropriate for its consideration; (c) arranging for the recording of proceedings; (d) maintaining records and informing in writing the appropriate administrator of the committee’s judgments regarding redress or recommendations regarding disciplinary action.
2.6 Should any member of the Committee be unable, for any reason, to complete an appointed term, a replacement shall be appointed to fill the balance of the term by the original appointing officer or agency. Resignations shall be submitted in writing to the Chair of the Committee. The Chair of the Committee shall inform in writing the appropriate officer or agency of the vacancy and shall request the prompt appointment of a replacement.

2.7 Should a Committee member be unable to hear a particular case, an alternate shall be appointed to serve for the course of the grievance.

2.8 If a member of the Committee is granted an official leave for less time than that remaining in a term, or if because of illness or other reasons a member is judged unwilling or unable to participate in the work of the Committee, the Chair shall inform the officer or agency of the appointee and shall request the prompt appointment of a temporary replacement. When the services of a temporary appointee are no longer required, the Chair shall promptly inform the temporary appointee and the appointing officer or agency.

a. Should the Committee be involved in a specific case when an absent member returns, the replacement member shall continue as a member of the committee in all sessions dealing with that specific case until it is concluded. The returning member shall resume membership on the Committee for subsequent cases.

b. When a member of the Committee has more than three consecutive absences, the Committee may vote to remove that member and may request a replacement from the appointing officer or agency.

2.9 A member of the Committee may be reappointed upon the expiration of term if duly recommended by the designated persons as specified in 2.1, but the member may be appointed for a third term only after a break in service of no less than one year. If the Committee is involved in a case when a member's term expires, the member shall continue on the Committee only in its consideration of that case. A newly appointed member shall not be considered a member of the Committee for a prior continuing case. The new Committee member shall, however, serve for all other matters.

2.10 Any member of the Committee may choose to be disqualified permanently from the Committee, in which event a replacement for the balance of the term shall be appointed by the original appointing officer or agency.

a. A member of the Committee may choose to be disqualified from consideration of any case, in which event a replacement shall be appointed by the Chair of the Committee from the list of alternates.

b. If any member is a principal in a preliminary investigation or hearing by the Committee, that member shall be excluded from considering that case.

c. Upon the conclusion of a hearing in which a Committee member was a principal, the Committee shall determine the member's fitness to continue on the Committee. The decision shall be conveyed by the Chair to the appointing office or agency, either informing of the continuation of membership or requesting a replacement.

2.11 Either party to the hearing may request of the Chair that a Committee member be excluded from considering the case. The request shall be for cause and shall be brought to the Chair's attention as the first step in the hearing. If a member is disqualified by the Chair from consideration, a replacement shall be appointed by the Chair of the Committee from the list of alternates of the member's constituency.

3.0 Steps toward Redress
3.1 Steps toward redress should begin with informal discussions and should be resolved at the lowest level possible. If a satisfactory solution is not reached, the grievance should then be taken to the Student Grievance committee for hearing and appropriate action.

3.2 Informal Discussion

a. Informal discussion between persons directly involved in a grievance is essential in the early stages of the dispute and should be encouraged at all stages. An equitable solution to a problem should be sought before the respective persons directly involved in the case have assumed official or public positions that might tend to polarize the dispute and render a solution more difficult. But at no time shall any of the persons directly involved in the case or any other persons use the fact of such informal discussion, the fact that a grievance has been filed, or the character of the informal discussions for the purpose of strengthening the case for or against persons directly involved in the dispute or for any purpose other than the settlement of the grievance.

b. Thus, whenever a student feels aggrieved by a faculty member, an administrator, or a staff member, the student should consult with such persons as fellow students, noninvolved faculty members, the counseling staff, Department Chairs, College Deans, the Dean of Undergraduate Education & Academic Planning, the Dean of Students, or the Dean of Graduate Studies to evaluate the situation and to determine which of the following steps might best apply:

c. The student should bring the complaint to the attention of one or more of the proper departmental or college committees, or where appropriate, to the department chair, associate dean, or staff supervisor.

d. The student should bring a complaint against an administrator or staff member to that person’s supervisor.

3.3 Procedures for Hearings by the Committee

a. No student grievance can be filed with this Committee later than the last day of the semester (excluding summer session) after the semester during which the student was allegedly aggrieved.

b. Where informal recourse fails, the student may file in writing to the Committee a complaint accompanied by available documentary evidence. Simultaneously a copy of the complaint shall be given to the respondent.

c. The Committee shall establish and publish its own procedures, in accordance with provisions for academic due process and in accordance with the stipulations stated below. Present at meetings shall be only Committee members, parties to the action and their representatives, and testifying witnesses.

d. The Committee, before sitting as a whole to arrive at judgment, shall arrange for a swift and comprehensive investigation of the matter. From written statements presented by the complainant and from preliminary discussions with the complainant it shall decide whether there are sufficient grounds to hear a case and whether it will accept written statements in lieu of personal appearances by witnesses. The Committee shall review and consider documentary records of department, school, or college grievance organizations relating to the case. If the Committee closes the case, having decided that there are not sufficient grounds for a hearing, it shall notify in writing the complainant and respondent as to the reasons for its actions.
e. If the Committee determines that the case merits further consideration, the parties involved
(a) shall be informed in writing, (b) shall be consulted as to the possibility of correcting the situation, and (c) if a hearing is still required, shall be advised in writing of the scheduled time, place of the hearing, and the alleged grievance.

f. At the hearing the complainant, persons directly involved, and witnesses may testify and be questioned by the opposite party and Committee members. Written evidence presented by either party may be subject to refutation and consideration by the opposite party and Committee members. Only evidence presented in the hearings maybe considered in the final judgment.

g. A record of the hearing shall be presented for reference and review. An audio recording of the hearings shall be made and it shall be retained for at least five years.


4.0 Judgment

4.1 Committee members shall arrive at a judgment in consultation. Only those entitled to vote on the case and their alternate, the Committee Chair, and the Committee secretary may be present during consultation and voting. Only members of the Committee who have heard all testimony during the hearing relating to the alleged grievance may vote on the case.

4.2 If informal attempts at redress fail, a judgment of the Student Grievance Committee relating to redress alone shall be forwarded to the appropriate administrator. The Committee by vote of two-thirds of the members of the Committee who have heard the grievance shall forward their judgment to the Provost who shall affirm or deny the judgment of the Committee. If the Provost affirms the decision, the Provost will direct the recommended redress to the appropriate administrator.

4.3 The Committee shall transmit its judgment to the Provost who will direct final action. The committee shall transmit its judgments regarding redress for other matters to the appropriate administrator.

4.4 When in the opinion of the Committee disciplinary action may be appropriate, the Committee may recommend further action to the appropriate administrator.

4.5 The judgments reached by this Committee shall take precedence over decisions reached by student grievance committees within departments, schools, or colleges, and over decisions made by individual deans.

4.6 If redress requires a policy change or if a policy change appears advisable or necessary, the Committee shall refer its recommendations to the Senate Executive Committee or to the President, as appropriate.

4.7 Should any person, whether or not directly involved in a complaint, allegedly suffer some disadvantage, discrimination, or reprisal as the direct or indirect result of any complaint, testimony, or statement in connection with Committee action, the Student Grievance Committee shall, upon request or upon its own motion, exercise original jurisdiction and take all necessary steps to verify the facts and remedy injustice.
5.0 Exceptions

5.1 The Committee will not accept grievances that involve sexual harassment or discrimination claims. Such claims should be directed to the Title IX Coordinator and/or the University’s discrimination, harassment, retaliation administrator, who have the authority to handle such claims and redress any injustice caused by such actions. See the System wide Policy and Procedure for Addressing Discrimination, Harassment & Retaliation (inclusive of Title IX-related matters) Complaints by Students - https://www.calstate.edu/eo/E0-1097-rev-10-5-16.html

5.2 The Committee will not accept grievances that involve the following:

a. Satisfactory Academic Progress (Federal Financial Aid Eligibility) - http://financialaid.sfsu.edu/newsap
b. Scholarship Awards - http://financialaid.sfsu.edu/scholarships/Appealreques
c. Disability Accommodations Appeals Process - https://access.sfsu.edu/complaints
e. Appeal of Determination for Student Organization & Club Conduct - http://www.sfsu.edu/~sicc/conduct.html#standard
g. Grade Appeals - http://senate.sfsu.edu/policy/grade-appeal-practices-procedures

6.0 Revisions to the Code

6.1 The Committee may recommend revisions in this Code. Revisions shall be submitted for ratification by the Senate, the Associated Students Council, and the President.

6.2 This Code shall be reviewed by all parties concerned and shall be reconfirmed, amended, or terminated as necessary.

Signed Memo:
F19-283 memo