Student Grievance Procedures

Rationale

To provide guidance to students on the procedures involved in resolving disputes through the Student Grievance Committee.

Author/Source

SAC

Responsible Unit

Student Affairs and Enrollment Management

Version Approved Revisions(s)

1 F86-85

• Original

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• Lines 33-34 Corrected wording of “Dean of Students”

2 04/23/2019 Lines 39-42 - Updated language on who to contact regarding grievances that involve sexual harassment or discrimination claims.
• Lines 38-41 Corrected information as to where students should go when they wish to file a Title IX/DHR complaint.

Table of Contents

1.0 Re-appointment
2.0 General Meetings
3.0 Appeal to the Student Grievance Committee
4.0 Proper Notification of Parties to a Grievance
5.0 Request for a Hearing
6.0 Committee Action
7.0 Hearings
8.0 Conduct of Hearings
9.0 Judgment
10.0 Type of Hearing
11.0 Emergency Procedures
12.0 Records
13.0 Confidentiality
14.0 Legal Responsibilities
15.0 Revision of the Procedures

Policy

1.0 Re-appointment

Each year, during the last month of the Spring semester and no later than the first week of classes of the Fall semester, the Chair of the Student Grievance Committee shall notify the President of the University, Chair of the Senate, and the President of the Associated Students Council, of the vacancies existing on the Student Grievance Committee and request that replacements be made no later than the end of the third week of classes and that the names be made available to the Chair by that time.

2.0 General Meetings

The Chair shall convene a meeting of the Committee, including all regular members, alternates, and the Student Grievance Committee's secretary not later than the fifth week of the Fall semester.

Current copies of the Code and Procedures shall be provided to each regular member and alternate.

a. Subsequent meetings shall be called when the Chair deems appropriate.

3.0 Appeal to the Student Grievance Committee

3.1 A formal grievance shall be made in writing to the Chair on a form provided by the Dean of Students' office or a letter to the Chair containing the required information. All grievances must be filed no later than the last day of the semester
3.2 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

3.3 The Committee will not accept grievances that involve the following:
   a. Satisfactory Academic Progress (Federal Financial Aid Eligibility) http://financialaid.sfsu.edu/newsapu
   b. Scholarship Awards - http://financialaid.sfsu.edu/scholarships/Appealrequest
   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
   f. Appeal to Reinstate Membership Privileges Campus Recreation http://campusrec.sfsu.edu/about-us/policies
   g. Grade Appeals- http://senate.sfsu.edu/policy/grade-appeal-practices-procedures

3.4 The student shall have attempted all reasonable lower levels of redress available including, at least, discussion with the individual by whom the student is aggrieved, and that person’s immediate supervisor.

3.5 The grievance shall request one of two options for investigation and resolution: arbitration (if available) or a request for a hearing by the committee. Only the grievant has the right to select the process.
   a. The standard procedure is a request for a hearing by the committee. This procedure can typically take 3-6 months (or longer) to reach a recommendation. If, however, there is urgency in resolving the case, an arbitration hearing is suggested (if that option is available).

3.6 The Chair shall provide the respondent with a copy of the Statement of Grievance and the respondent shall be advised by letter that the complete file will be available in the Dean of Students’ office. Both the student and the respondent may see all information submitted by both parties concerning the immediate case. All documents must remain in the Dean of Students’ office. These files are confidential and available for review by only the grievant, the respondent, the pertinent subcommittee, and the arbitrator.

3.7 If the student is concerned about retribution or retaliation from a faculty member or from a supervisor, the Chair can withhold informing the respondent until after the period of concern has elapsed.

4.0 Proper Notification of Parties to a Grievance

4.1 All parties to a grievance shall be notified by email under ordinary circumstances.

4.2 Current students, if non-responsive, shall be properly notified by a registered letter, return receipt requested.

4.3 Current respondents, if non-responsive, shall be properly notified by a registered letter, return receipt requested, delivered to, and signed for, by the secretary of the unit of which the respondent is a member on campus.

4.4 Any party not a current member of the campus community shall be properly notified by a registered letter, return receipt requested.

5.0 Request for a Hearing

5.1 Upon the student’s request for a hearing in filing their grievance, the Chair of the Committee shall appoint a subcommittee to conduct a preliminary investigation. This subcommittee shall consist of three members or alternate members of the Committee including at least one student and one faculty representative of the Committee.

5.2 The subcommittee may operate under special circumstances with two members, with the notification of the Chair, as long as the student member is present.
5.3 The subcommittee shall obtain permission from the principals of the case for use of any academic records or other written documents that may be pertinent to their investigation.

5.4 The principals shall be afforded the opportunity to be heard by the investigating subcommittee.

   a. If the complainant is not responsive by email, the subcommittee chairperson shall send a registered letter requesting that they contact the subcommittee chairperson for the purpose of arranging a meeting. If the complainant does not make contact, by email or by phone, within ten working days the case will be closed. If the complainant cannot arrange a meeting within thirty working days of receipt of the letter, the case will be closed.

   b. If the subcommittee judges that there are extenuating circumstances preventing an expeditious handling of the case, they may request an extension from the entire Committee. The resolution shall contain a time limit for the extension and the Committee shall decide by a simple majority of the voting members present. The subcommittee shall have the right to request further extensions of the time limit at the first meeting of the full Committee after the operating deadline.

   c. If the respondent appears unwilling or unable to respond to the subcommittee, a Request for Participation shall be sent by proper notification by the subcommittee chair. If no action is taken by the respondent within ten days, the case will continue with an advocate appointed by the Chair of the Committee in consultation with the respondent's immediate supervisor.

   d. If a complainant demonstrates no positive desire to continue the case even after positively responding to the communication indicated in 5.4a above, the subcommittee shall suspend its investigation until the complainant takes positive action through the Chair of the Committee. If no action is taken within one calendar year of the filing of the original grievance, the case will be closed.

5.5 The investigative subcommittee shall submit a written report to the Committee.

6.0 Committee Action

6.1 The Chair shall call a meeting of the Committee to receive the subcommittee's written report.

   a. If the subcommittee report is presented, following the presentation of the report and discussion, the Committee shall vote to determine if a formal hearing shall be held. A simple majority of the members present, assuming a quorum, will constitute a valid ballot.

6.2 If the Committee votes that the grievance shall not be heard, the Chair shall transmit a letter to the student and other principals, as appropriate, stating clearly the reasons why the request for hearing has been denied.

6.3 If the Committee votes to proceed with a hearing, the Chair shall properly notify the principals and schedule a hearing as soon as possible.

   a. If a current student, properly notified, fails to appear at a hearing, without notice, the hearing will be canceled. An email will be sent to the student requesting an explanation of the failure to appear. The Chair will distribute the response to the members of the entire Committee. The Committee shall, by a simple majority of the voting members present, decide to either reschedule a hearing or terminate the case. If a hearing is to be rescheduled, it shall occur within thirty working days. The Committee, by a simple majority of the voting members present, may select the option to extend this period. If the committee elects not to reschedule the hearing, this shall be construed as a termination of the case.

   b. If any other principals to the grievance or their appointed advocate, properly notified, fail to appear at the hearing, the hearing will proceed with an advocate appointed by the Chair.

6.4 If a party to the grievance is no longer a member of this academic community (when a faculty member, administrator, student, or staff member has left the University) and cannot be present, that person shall have the right to designate, by letter to the Chair, someone to act on that person's behalf regarding all matters before the Committee. Should a former member of the faculty, or any other former employee be unavailable, or when that person does not respond to letters or otherwise indicate who should act, the Chair shall determine, with appropriate consultation, who shall act as advocate for that person before the Committee.

   a. If a student who has brought a grievance to the Committee cannot be present at a hearing and that student has not designated a person to act in the matter before the Committee, the hearing shall be delayed by the Chair. If, at the end of one year, there has been no contact from the student the case will be closed. Letters shall be sent by the Chair to the principals regarding this decision.

7.0 Hearings

7.1 The Chair shall notify all regular and alternate members of the Committee, and all principals, of the date, time and place of the hearing which shall be held no sooner than three (3) working days after such notification.

7.2 A quorum consists of seven voting members (see Section 2.3 of code). Every effort shall be made to have a full panel of voting members designated and present at the hearing.
7.3 The Chair and Vice Chair shall have no vote on the decisions of the Committee.

7.4 Alternate members of the Committee may be given the floor for questions or discussion if deemed appropriate by the Chair, or if a voting member temporarily yields to an alternate member and the Chair concurs.

7.5 An audio recording of the hearing shall be made (see section 3.3a of code).

8.0 Conduct of Hearings

8.1 The Chair will call the roll to designate voting members and provide them with any additional written materials.

8.2 All speakers will be recognized by the Chair before speaking.

8.3 Any party to the grievance may request a voting member be removed for cause (Code 2.10a). The individual then becomes an alternate and may remain at the hearing.

8.4 A brief summary of the case will be presented by the Chair, or by someone designated by the Chair.

8.5 The only way the Committee can meet in private with only one of the parties to a case is with the approval of both parties. Either or both parties can be temporarily excused at the discretion of the Chair for the discussion of procedural matters.

8.6 The complainant may add to or clarify the case as appropriate.

8.7 The respondent may reply with their version of the case.

8.8 The complainant, then the respondent, may present witnesses if desired. The witnesses may be present only during their own testimony.

8.9 Each party may question the other, or any of the witnesses, when recognized. Panel members, when recognized, may question all parties. The panel shall disregard information that is not in response to a direct question.

8.10 The Chair will summarize and clarify point(s) at issue.

8.11 Both parties will be dismissed before the panel discusses the case with respect to all the evidence.

9.0 Judgment

9.1 The Chair will call upon each member of the panel for a brief final statement.

9.2 A secret written vote will be taken.

9.3 Sections 2.3 and 4.2 of the Code state "a majority of those present and voting" constitutes a decision.

9.4 In all matters, a simple majority of those voting members present is sufficient for a decision. In those cases, after the vote is tallied, the Chair shall send a letter to the principals and to any others having an interest in the matter. These others include, but shall not be limited to, the Chair of the Department, the Dean of the School or College, the Provost, and the President of the University.

9.5 If informal attempts at redress fail, a judgment of the Student Grievance Committee relating to redress alone shall be forwarded to the appropriate administrator for formal redress.

10.0 Type of Hearing

10.1 Section 3.3c of the Code stipulates that the hearings shall be closed.

11.0 Emergency Procedures

11.1 The structure and purpose of the Student Grievance Committee does not lend itself to a hurried process. The type of problem brought to the Committee requires careful and deliberate procedures. There are few matters which would warrant the circumventing of procedures.

11.2 Should any matter be brought to the Committee, which, in the opinion of the Chair, would require extraordinary action, the Chair shall contact the complainant and discuss the possible options, including arbitration. If the complainant insists on a hearing, the Chair, at his/her discretion, shall call a subcommittee together to discuss the matter and to make recommendations to the full Committee. The subcommittee shall be composed of at least one student, one faculty member, and one administrator or staff member.

11.21 Consideration shall be given to:

a) the effect on the student (i.e., a delay would cause hardship);

b) the effect on the institution;
c) identification of responsibility for the problem (i.e., did the student delay in bringing the matter to the attention of the Committee, or did some element of the institution delay in making a decision known to the student, etc.).

11.22 The subcommittee shall recommend procedures to process the case. When the subcommittee recommends extraordinary procedures it shall recommend precisely the modification of procedures to be used in the case at hand. A majority vote of the full committee to accept these procedures is required.

11.23 Should a grievance need an expedited investigation and/or hearing during the summer, and appointed members of the Committee are unavailable, emergency appointments shall be made accordingly:

a) The President of Associated Students shall appoint temporary student members.

b) The Chair of the Senate shall appoint temporary faculty members.

c) The Vice President for Student Affairs and Enrollment Management shall appoint temporary staff and administrative members.

12.0 Records

12.1 When each case is closed by the Committee, all members of the Committee shall return their copies of the documents and other information obtained on the case to the Dean of Students' office where a single, complete file of all the information will be compiled and retained as the official record on that case.

13.0 Confidentiality

13.1 No member of the Committee may discuss personal and/or pertinent information relating to a case with any persons who are non-Committee members.

13.2 No member of the Committee shall discuss the facts of a case with any of the principals of the case throughout the course of investigation and following the decision of the Committee.

14. Legal Responsibilities

14.1 Members of the Committee will not participate or testify in legal action related to the grievance.

15.0 Revision of the Procedures

15.1 The Committee may make recommendations as it deems appropriate for revisions in these Procedures.

15.2 These Procedures should be reviewed by the Committee and reconfirmed, revised or terminated as necessary.

Signed Memo:
F19-282 memo