DATE: 16 September 2019

FROM: Deborah Won, Chair
Student Policy Committee

TO: Veena Prabhu, Chair
Academic Senate

CC: N. Wada-McKee, R. Chavez, R. Roquemore

SUBJECT: Recommended modification to the Student Grievance Procedures

The Office of Student Life brought to our attention that students have found the student grievance procedures, as currently written in the faculty handbook, confusing. In collaboration with Student Life, the SPC reviewed the policy and agreed that the verbosity would likely dissuade students from filing grievances, and that in order to clarify the procedures and simplify the wording, the policy should also be revised to have consistency with the process implemented by the Office of Student Life. Other CSU Student Grievance Procedures were researched, and that of CSU Monterey Bay was identified as a model of balancing brevity and simplicity with clarity.

In an effort to clarify the procedures, simplify the wording, update the procedure to account for changes in positions that have been created since the last modification, and promote consistency with the student-facing version of the procedure, the SPC has carefully reviewed the policy and proposed to re-write the existing policy while keeping the essential procedures in place. At our meeting dated May 7, 2019, SPC voted to recommend the following modifications:

Lines 427-771: The existing policy (Lines 1-424) was re-written and re-organized to be more concise and clear. Non-essential or redundant details were removed. The total number of lines was reduced by 20% from 425 to 370.

In addition to editorial amendments, SPC recommends the following substantial modifications to the policy:

Lines 430-440: The preamble (lines 7-15) were removed, and instead concisely stated in the section describing the purpose of the student grievance policy. Here, it is emphasized that while the policy lays out guidelines for the grievance procedure, open and honest communication are fundamentally required. Any procedures that are open to interpretation must be in accordance with the University’s mission statement and core values.

Lines 442-487: The scope of the student grievance procedure is provided at the beginning of the document. Such a definition was lacking in the existing policy. The section also clearly defines the rights of all parties involved in the process.

Lines 488-540: An updated section on terminology replaced lines 25-78 to reflect current positions, procedures, and policies at the university. For example, the office of the Assistant Dean of Students: Engagement and Wellness did not previously exist and is now included and serves as the coordinator of the grievance committee.

Lines 541-553: Eligibility of student to file a claim was described in the definition of “student” in the terminology
section of the existing policy (lines 73-75). A new section was created to clarify the academic standing required for a student to file a grievance and outlines the timeframe in which the grievance can be filed. This section also clearly states that a student is protected against retaliation filing a grievance or participating in the process.

Lines 554-558: Added language to protect the confidentiality of the grievant, respondent, and all those involved in the case.

Lines 559-569: Added section to clarify the role of support persons during the grievance process as well as reaffirm the non-participation by lawyers. This section also discusses the role of the Director of Student Support in the process. This position did not previously exist.

Line 570-595: Support for guiding the student during the informal process was clarified and wording simplified (lines 79-138). Alternate channels for attempting to resolve the issue through the informal process were enumerated.
The grievant is more clearly guided through the steps of filing a grievance, and is referred to an online link to the Statement of Student Grievance form on the Student Conduct Office website.

Line 597-622: Implemented a clear screening process to determine whether the case may be considered for a hearing; existing policy is vague regarding how the case moves from an informal process to the formal process (lines 127-184). Removed chronological detail and detail on what reports coordinator needed to find (lines 163-189); instead, outlining the next steps that students can anticipate after submitting a student grievance form.
Defined the role of the Dean of Students in this process. Added that students waive their FERPA rights to the committee in the case that investigation of the grievance requires review of the student’s academic records.

Lines 650-674: Instead of detailing the precise chronology of the hearing process (Lines 163-349), the major guidelines that should be followed, which will be facilitated by the Coordinator, is clearly stated in a bulleted list. Further information was provided regarding the committee hearing process in a step-by-step presentation.

Lines 675-691: A section was added to explain the committee recommendation process. To ensure the fair process of the grievance procedures and hearing cannot be bypassed by the appropriate administrator (VP of the division of the respondent, or designee), it was made explicit that the recommendation of the hearing panel must be implemented unless an explanation is provided.
Student Grievance Procedures


It is believed by the makers of this statement that adequate safeguards have been included to protect the rights of all concerned parties and to insure that Grievances are handled fairly. However, no rule, regulation, or policy should substitute for open, honest communication; nor should any Grievance procedure take the place of negotiating in good faith. The Grievance procedure described herein is but one channel for solving problems. It should not be used to avoid the personal communication that is necessary to the academic process.

Information regarding procedures for filing a Student Grievance may be obtained from the Office of the Vice President for Student Affairs.

Purpose:
The purpose of the Student Grievance Policy and Procedure is to enable students to seek redress for complaints or grievances (referred to as “grievances”) that allegedly resulted in injury to the student. A grievance arises from any alleged unauthorized or unjustified act or decision by a member of the faculty, staff, and/or management employee which adversely affects the status, rights, or privileges of a student.

Policy:
The Student Grievance process is intended to resolve grievances that are not addressed by more specific policies or investigative processes. It applies to existing University policy and is not a vehicle to change existing or create new University policy.

Definitions/Responsibilities:

A. Appropriate Administrator – The Vice President of the Division (or the Division Vice President’s designee) in which the named employee works. In the case of a faculty employee, the dean of the appropriate college may be the appropriate administrator. The appropriate administrator will work with the named employee and the student to attempt to resolve the grievance to the satisfaction of both.

B. Appropriate Supervisor – The immediate superior to whom the named employee reports on the date of the action or event being grieved. For purposes of this Grievance Procedure, a faculty employee’s appropriate supervisor is his/her department/division chair or school director. The appropriate supervisor will work with the named employee and the student to attempt to resolve the grievance to the satisfaction of both.

C. Business Day – All days of the week, excluding Saturdays, Sundays, and days on which California State University, Los Angeles is closed.

D. Committee – The University Student Grievance Committee. The Committee, through its panel, will conduct grievance hearings, deliberate, and issue findings of fact and recommendations for action fairly and expeditiously.

E. Coordinator – The Coordinator of the Committee. The Coordinator shall be a University administrator, appointed by the President. The Coordinator shall serve at the pleasure of the President, with no set term of office. The Coordinator shall serve as Chair of the Committee and
advise the Committee and any panels on rules and procedures. The Coordinator shall not vote
and the Coordinator shall remain neutral on the merits of the grievance. The Coordinator will
select panels from the Committee, chair, coordinate, and monitor the activities of the panels,
schedule hearings, and meet with the Committee and panels as necessary. The Coordinator will
ensure that grievances are processed in accord with this Grievance Procedure and assist students
in submitting grievances to the Committee.
F. Faculty Unit Employee – An employee who is a member of Bargaining Unit 3 at the University.
G. Grievance – A complaint by a student, which is not subject to another investigation process, that
a named employee has treated the student unfairly or has violated the California State University,
Los Angeles policy, resulting in an injury to the student. Grievances may not be brought against
the University President under this procedure.
H. Investigation Process – Any grievance resolution process, formal investigation process, or
discipline process administered by the University, other than the student grievance process,
which more appropriately and effectively resolves the issues raised in the student’s grievance.
I. Management Employee – An employee with management/supervisory responsibilities working
under the Management Personnel Plan (Title 5, Article 2.2).
J. Named Employee – An employee of the California State University, Los Angeles (including a
faculty unit employee) who is the focus of the student’s grievance. The named employee will
attempt, when possible, to resolve the grievance informally with the student.
K. Panel – A subset of the Committee assigned to consider a grievance, consisting of one faculty
member, one student, and one President’s appointee. The Coordinator may serve as an advisory,
non-voting member of the panel.
L. President – The President of California State University, Los Angeles. The President will
consider timely appeals of the President’s Designee’s decision, consult with other persons as
necessary, and issue decisions on appeals and corrective orders.
M. President’s Designee – A management employee designated by the President.
N. Student – A person who, at the time that the event or action which is the subject of the grievance
occurred, was a continuing undergraduate or graduate student, or enrolled in an Extended
Education or Open University course.
O. Vice President – The Vice President of the division of the University in which the named
employee works.

Informal Grievance Resolution:
Because timely resolution of complaints or grievances is in the best interests of students, faculty,
administration, and the University as a whole, all parties are expected to actively seek resolution to these
complaints or grievances within the time frame and through the procedures set forth by this
policy. Although they are informal, the first three steps of the grievance process must be completed
within ninety days of the event/action (or the last date of a related series of events/actions) upon which
the grievance is based, unless the student and the appropriate administrator enter an extension of time in
writing. All parties have the responsibility to make themselves aware of these procedures and act in a
manner which allows the process to work efficiently and fairly.

Step One
Discussion with Named Employee
Before commencing any formal proceedings under the Student Grievance Process, a student should
normally attempt to discuss with the named employee the student’s concerns or complaints about the
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named employee’s conduct. This may not be possible in all cases, particularly if the student believes
that he/she is or will be the victim of discrimination, harassment, or retaliation. Barring these concerns,
however, the student should make the effort to speak to the named employee.
A student is not required to discuss his/her grievance with the named employee and may proceed
directly to step two. However, the panel may consider unwarranted avoidance of the named employee
in evaluating the credibility of the student’s grievance and the severity of the named employee’s
conduct.
If the grievance is resolved at step one, no further action under this policy will be taken.
Step Two
Discussion with Appropriate Supervisor
If the grievance is not resolved at step one, the student should discuss it with the appropriate
 supervisor. This discussion is a prerequisite to proceeding to steps three and four. The appropriate
 supervisor’s role at this stage is that of mediator. The appropriate supervisor shall reasonably attempt to
 mediate a resolution to the grievance. This stage of the grievance process shall be considered informal
 and the involved parties are strongly encouraged to participate and cooperate with the appropriate
 supervisor’s attempt to resolve the dispute. If the named employee is a unit three employee, the
 supervisor may consult an appropriate department/division/school committee that has been designated
 by the department/division/school to hear student grievances. This department/division/school
 committee shall recommend a resolution to the Supervisor who will share this information with the
 student and the employee. If the appropriate supervisor or named employee believes that the student did
 not reasonably attempt to resolve the grievance, the panel may consider this in evaluating the credibility
 of the student’s grievance and the severity of the named employee’s conduct.
If the grievance is resolved at step two, no further action under this policy will be taken.
If the appropriate supervisor is the named employee against whom the student has grieved, the student
may bypass step two and proceed directly to step three.
Step Three
Discussion with the Appropriate Administrator
If the grievance is not resolved at step two, the student should discuss it with the appropriate
 administrator. This discussion is a prerequisite to proceeding to step four. The appropriate
 administrator shall reasonably attempt to mediate a solution to the grievance. If the appropriate
 administrator believes that the student or named employee did not reasonably attempt to resolve the
 grievance, the panel may consider this in evaluating the credibility of the student’s grievance and the
 severity of the named employee’s conduct.
If the grievance is resolved at step three, no further action under this policy will be taken.
If the appropriate administrator is the named employee against whom the student has grieved, the
 student may bypass steps two and three and proceed directly to step four.
Committee Formation Procedures:

The committee shall consist of nine members, each serving a one-year term commencing on July 1. Three members shall be students, three members shall be unit three faculty, and three members shall be staff employees.

Student members shall be appointed by the governing board of the Associated Students, no later than April 15 of each year. No more than one student in any major may be appointed. To be eligible for appointment, a student must have completed at least two semesters at the University and at the time of appointment be in good academic standing. Within five business days of appointing student members, the Associated Students shall notify the President of their names and majors.

Faculty shall be appointed by the Nominations Committee of the Academic Senate no later than April 15 of each year. No more than one faculty member may be appointed from any college. To be eligible for appointment, a faculty member must be tenured or tenure-track. The faculty member may not be on sabbatical, a difference-in-pay leave, or be serving a terminal year during his/her year of service. Within five business days of making appointments, the Nominations Committee shall notify the President of the names and departments of the selected faculty members.

Staff members shall be appointed by the President no later than April 15 of each year.

If, for any reason, a committee member leaves the committee, the appropriate appointing authority shall replace him/her as soon as possible. If the departing member is on one or more panels that have not completed their cases, the coordinator shall select an alternate panel member by lot.

Formal Grievance Resolution:

Step Four

Presenting Grievance to the Committee

Within one hundred days of the event/action (or the last date of a related series of events/actions) upon which the grievance is based, a student must complete an approved grievance form and present it to the coordinator if he/she desires formal review of the grievance, notwithstanding any action taken by the appropriate administrator. If the student and the appropriate administrator had entered an extension of time in writing permitting the first three levels of the grievance process to be completed in more than ninety days, then this deadline for completing an approved grievance form shall be automatically extended by the same number of days as set forth in the extension document. The student shall have first completed the informal processes, in a time and manner that will permit the timely filing of the grievance form.

The coordinator shall assist the student in submitting allegations and identifying physical evidence and witnesses on the grievance form. The coordinator shall determine whether findings have been made as to facts alleged in the grievance through another investigation process and obtain a copy of such findings if they exist and are not confidential.

Within five business days of receiving a grievance, the coordinator shall select a panel from the committee.
The coordinator shall select by lot a panel of three members, consisting of one member each from three groups of appointees. If a panel member can not serve because of unavailability, conflict of interest, or other reason beyond his/her control, a replacement shall be selected by lot from that panel member’s group.

For purposes of panel selection, a conflict of interest exists for a potential panel member if he/she is:

a. the named employee against whom the grievance is brought;
b. a student who was in the class that is a subject of the grievance;
c. a witness to any of the events that are the subject of the grievance or the name employee’s response;
d. a parent, child, grandparent, grandchild, sibling, first cousin, spouse, ex-spouse, son-in-law, daughter-in-law, brother-in-law, sister-in-law, niece, nephew, or domestic partner of, or who has cohabited with the student or the named employee; and
e. from the same department or unit as the named employee.

A panel member who has conflict shall immediately notify the coordinator, so that a replacement may be selected. A knowing failure to disclose a conflict of interest shall be grounds for disciplinary action against the panel member by the University and shall be grounds for permanent removal of the individual from the committee.

Within five business days of selecting a panel, the coordinator shall notify the student, in writing, that he/she has received the grievance and that the panel has been formed. The names of the panel members shall be provided in the notice. A copy of this policy and procedure shall also be included with the notice.

Within two business days of selecting the panel, the coordinator shall notify the named employee, in writing, that a grievance has been filed against him/her. The notice shall include a copy of the completed grievance form and the names of the panel members. The notice shall inform the named employee that he/she has ten business days in which to deliver to the coordinator a written response to the grievance and that no facts, physical evidence or witnesses will be permitted at the hearing if they are not identified in the written response. A copy of this policy and procedure shall be included with the notice.

A student or named employee must notify the coordinator, in writing, of any objections to a member of the panel within five business days of receiving notice of the panel members’ names. Objections to the composition of the panel must be based on at least one of the grounds set forth in the section on conflict of interest. The coordinator shall immediately contact the panel member in question. If the panel member denies that a conflict exists, the coordinator shall decide whether a conflict exists, within five business days of receiving the objection. If the panel member is removed or admits a conflict, a new panel member shall be selected and all parties shall be notified in writing of the replacement within five business days.

If the coordinator receives written findings made in another investigation process stemming from the same events/actions as the grievance prior to a decision by the panel, and those findings are not confidential, he/she shall give copies of the findings to the panel, the student and the named employee within five days.
Within five business days of receiving the response from the named employee, the coordinator shall give a copy of the response to the student.

Initial Consideration of Grievance:

Within five business days of selecting the panel, the coordinator shall provide each panel member a copy of the completed grievance form. The panel members shall meet with the coordinator within five business days after the coordinator provides the grievance form to the panel to discuss the allegations, determine, based on the preliminary information available at that point, whether a case for misconduct has been stated, and notify the coordinator of its conclusion in writing. For the purposes of this policy a potential case for misconduct exists only if:

a. the alleged conduct, if true, would constitute unfair treatment or a violation of policy by the named employee against the student, and

b. a hearing on the allegations would reasonably permit the panel to determine the truth or falsity of the facts alleged.

The named employee’s response is not relevant and shall not be considered by the panel members at this stage. Similarly, findings from another investigation process shall not be considered at this stage. A panel member may not abstain from voting on whether or not a case for misconduct exists.

If the panel concludes that a case for misconduct does not exist as to one or more allegations, the coordinator shall provide the written conclusion and a copy of the grievance to the President’s Designee within five business days of receipt, of the conclusion from the panel. Within five business days of receipt, the President’s Designee shall adopt the panel’s conclusion as to the allegations in question and notify the student in writing or reject it in whole or in part and direct the panel to conduct a hearing. If the President’s Designee directs the panel to hear the grievance as to the allegations in question, he/she shall identify in writing those allegations for which he/she believes a case for misconduct exists, and provide a copy to the coordinator.

If the panel concludes that a case for misconduct exists in some or all of the allegations, the panel shall identify in writing those allegations and provide a copy to the coordinator.

Within five business days of receiving a decision to conduct hearing, the coordinator shall provide a copy of the decision to the student and the named employee and schedule a hearing date no later than 20 business days after his/her receipt of the decision. The hearing may be scheduled on a later date only for extraordinary reasons, which shall be limited to the availability of the student, the named employee, a panel member, or a witness deemed by a majority of the panel as material to the hearing. A person is available unless he/she is legally required to be elsewhere or has previously planned travel or activity that will make him/her physically unavailable. If the coordinator subsequently receives a directive from the President’s designee to conduct a hearing on other allegations, the coordinator shall provide a copy of the directive to the panel, the student, and the named employee.

If the coordinator believes that multiple grievances are sufficiently related, he/she may schedule a single hearing in which all related grievances shall be presented provided the named employee approves. Where such grievances have been assigned to different panels, the coordinator shall choose one of these panels by lot to hear the grievances. Within five business days of selecting the panel, the coordinator shall notify in writing the affected students, employees, and panel members of the consolidation and provide the names of the panel members in writing to the affected students and
employees. The coordinator shall send copies of the grievance forms to the panel members.

Grievance Hearing:

The coordinator shall provide to the student and named employee written notice of the date, time, and location of the hearing, at least ten business days before the date of the hearing. Shorter notice may be provided only if all parties to the hearing have agreed to accept shorter notice. The coordinator shall include with the notice to the President’s Designee or panel’s identification of pertinent allegations. It is the duty of the student and the named employee to provide notice to and secure attendance of their witnesses at the hearing.

No person who is or ever has been licensed to practice law may participate in the hearing process, unless that person is the student, the named employee, a panel member, or a witness. A student or named employee may be represented by any other person. The representative may assist in the presentation of evidence and arguments to the panel, but may not also be a witness. The panel may receive legal advice from the University Legal Counsel regarding procedural or legal questions, but not about the merits of the grievance.

The burden of proof in a hearing rests with the student, who must prove that it is more likely than not that the alleged actions/events occurred and that they constituted unfair treatment or a violation of policy.

Each party shall provide all evidence necessary to support his/her claims or defenses. In instances where relevant evidence is in the custody of another student or named employee, the party who wishes to use the evidence may ask the panel to order that person to provide it to the panel prior to the hearing. The panel shall have the authority to order any University employee or student to appear and/or produce evidence. No University employee employed by the Campus Police shall be required to appear and/or produce evidence if doing so is not permitted by law or recognized public policy. The panel shall, where necessary, delete or obscure appropriate portions of evidence to protect the privacy of non-parties.

The student and the named employee may be present at all times during the hearing. The hearing shall be closed to all persons except the student, the named employee, their respective representatives, the witness who is presently testifying, the coordinator, the student’s support person, and the panel members. The hearing shall proceed only when all three panel members are present. The formal rules of evidence shall not govern grievance hearings. However, the rules set forth in this section are necessary to ensure that evidence offered at a hearing is appropriately received and considered.

Prior to the hearing, the coordinator shall give to each panel member a copy of the named employee’s response to the grievance and any relevant findings made in another investigation process. Unless the panel deems it necessary to accommodate the schedules of witnesses, the panel shall receive all other evidence in the following order:

a. The student shall present all evidence in support of the grievance. The student is limited to presenting evidence that is referred to in or relevant to the allegations made in the grievance form.
b. The named employee shall present all evidence refuting the allegations. The named employee is limited to presenting evidence that is referred to in or relevant to the allegations and defenses raised by the named employee in the response to the grievance form.

c. The student shall present all evidence that rebuts the named employee’s evidence that does not simply restate the student’s earlier evidence.

d. The named employee shall present all evidence that rebuts the student’s rebuttal evidence that does not simply restate the named employee’s earlier evidence.

Evidence that is solely about the character of a student, named employee, or witness shall not be permitted. This shall not preclude evidence that, for reason other than character, bears on the credibility of a student, named employee, or witness, or tends to show a relevant trait or practice.

Hearsay statements may be considered, but the panel should consider the existence or lack of corroborating evidence and the reason for the absence of the person to whom the statement is attributed. Cross-examination of witnesses shall not be permitted. However, panel members may ask questions of any witness. A student or named employee may, at the conclusion of a witness’ testimony, request that the panel ask other questions of the witness. The panel may honor or disregard such requests.

To expedite a hearing, the student and named employee may agree to the existence of any fact. Where possible such agreements should be entered onto the record at the beginning of the hearing. The panel shall consider proven all facts for which there are such agreements.

Either party may object to evidence at the time it is introduced on the ground that it is impermissible under the grievance procedure. The panel shall rule on all objections. The panel may record the hearing. Such recording shall exist solely for use by the panel while making its findings of fact and recommendations, and shall be used for no other purpose. Recordings will be destroyed five years after the conclusion of the hearing.

Decision of the President’s Designee:

Within ten business days after the hearing concludes, the panel shall deliberate and make findings of fact in writing. The panel shall convey its findings and any recommendations for remedial action in writing to the President’s Designee. The findings shall summarize the testimony of each witness, identify each piece of physical evidence presented during the hearing, and describe how the panel made its findings. Copies of all documents placed in evidence shall be included.

In making its findings, the panel shall defer to and adopt any relevant findings made in an earlier investigation process, unless the evidence presented at the hearing clearly compels a different finding. Within five business days of receiving the panel’s findings and recommendations, the President’s Designee shall issue a written decision. The decision shall state whether each finding has been accepted or rejected. The President’s Designee shall accept each finding made by the panel unless he/she concludes that no evidence was presented that, if true, would support a finding. The President’s Designee may adopt, reject, or modify any recommendation by the panel. The President’s Designee shall address his/her decision to the student, with copies to be sent to the named employee, the coordinator, and the appropriate administrator. Absent a timely appeal, the President’s Designee’s decision shall be final.
Appeal Procedures:

The student or named employee may appeal the President’s Designee’s decision. The student or named employee must deliver a written appeal to the President within ten business days of the receipt of the President’s Designee’s decision.

Appeals may be taken only for the following reasons:

a. The grievance was not submitted in a timely manner at step four.

b. A panel member had a conflict of interest and was not removed after an objection was raised in a timely manner.

c. A panel member had a conflict of interest that was discovered subsequently to the time during which objections could be made.

d. The procedure set forth in this grievance procedure was not followed, to the detriment of the appealing party.

e. A panel member was biased against the appealing party.

The letter shall describe in detail the facts that support one or more of the reasons set forth in this section. Appeals based on bias must state facts that, if true, indicate bias.

The President may make inquiries of any person he/she believes has information relevant to the appeal, and shall issue a written decision rejecting or accepting the appeal within fifteen business days of receipt of the appeal. The President’s decision shall be addressed to the appealing party, with copies to be sent to the other party, the coordinator, and the appropriate administrator.

If the President rejects an appeal, the President’s Designee’s decision is final.

If the President concludes that the appeal is meritorious, he/she shall refer the matter back to the level at which the error occurred, with corrective instructions. If a panel member was biased or in conflict, the instructions shall include an order to assign a new panel. The grievance shall proceed from the level to which it was referred.

General Guidelines:

Any decision or action by a panel is, unless otherwise indicated, made by majority vote. If the date to take some action under this policy falls on a day that is not a business day, the action may be taken on the next following business day. The date on which an action is to take place may also be extended by the coordinator, the President’s Designee, or the President, as deemed necessary to the fair consideration of a grievance.

Except as necessary to process a grievance, the coordinator and the members of the committee shall maintain strict confidentiality as to all grievance matters and materials.

No student or named employee, or witness should suffer adverse academic or employment consequences as a result of attendance at a grievance hearing, provided he/she has given prior notice of his/her anticipated absence from class or work to his/her instructor or supervisor. The coordinator shall certify, upon request by any person, the date(s) and time(s) during which that person participated in a grievance hearing. Supervisors and instructors are required to excuse any absence that is so certified, instructors shall permit a student to turn in work or take test at an alternate time if necessary to accommodate the student’s appearance at the grievance hearing.
All documents that are required to be sent to a student, or named employee are deemed received on the date that a document is personally delivered or faxed, or two days after it is placed in the mail.
The President or President’s Designee may consult any person in performing their duties and may delegate their duties to any management employee who is not the subject of the grievance.
The student or named employee may have a support person present at all levels of review, including the grievance hearing.

Organizations Affected:
All University departments.

STUDENT GRIEVANCE PROCEDURE

PURPOSE
THE PURPOSE OF THIS PROCEDURE IS TO SET OUT THE GUIDELINES AND STANDARDS FOR THE FILING OF A GRIEVANCE BY A STUDENT. THIS PROCEDURE IS INTENDED TO REFLECT THE UNIVERSITY’S COMMITMENT TO THE PRINCIPLES, GOALS, AND IDEALS DESCRIBED IN CAL STATE LA’S MISSION STATEMENT AND TO ITS CORE VALUES. IT ESTABLISHES DUE PROCESS AND SAFEGUARDS THAT WILL BE FOLLOWED BY THE UNIVERSITY IN THE RESOLUTION OF GRIEVANCES.

THIS PROCEDURE PLACES FIRST PRIORITY ON OPEN, HONEST COMMUNICATION. NO GRIEVANCE PROCEDURE SHOULD TAKE THE PLACE OF NEGOTIATING IN GOOD FAITH.

SCOPE
A STUDENT GRIEVANCE IS A FORMAL COMPLAINT BY A STUDENT ARISING OUT OF AN ALLEGED ACTION OF THE FACULTY, ADMINISTRATIVE UNITS, OR STAFF OF CAL STATE LA. SUCH ACTION IS ALLEGED BY THE STUDENT TO BE:

1. AN UNAUTHORIZED, UNJUSTIFIED, OR UNETHICAL ACTION(S), WHICH ADVERSELY AFFECTS THE STATUS, RIGHTS, OR PRIVILEGES OF THE STUDENT AND/OR
2. IN VIOLATION OF OFFICIAL CAMPUS POLICIES OR PROCEDURES AND/OR
3. THE ARBITRARY, CAPRICIOUS, AND/OR UNEQUAL APPLICATION OF OFFICIAL CAMPUS POLICIES OR PROCEDURES

THIS STUDENT GRIEVANCE PROCEDURE IS NOT INTENDED FOR ISSUES THAT CAN BE ADDRESSED BY MORE SPECIFIC POLICIES, PROCEDURES AND/OR INVESTIGATIVE PROCESSES. EXAMPLES INCLUDE, BUT ARE NOT LIMITED TO:
1. AN ACADEMIC DECISION OR GRADE APPEAL. STUDENTS SHALL FOLLOW THE PROCESS OUTLINED IN CAL STATE LA’S GRADE APPEALS/ACADEMIC GRIEVANCE POLICY.

2. A STUDENT ALLEGATION OF HARASSMENT AND/OR DISCRIMINATION BASED ON A LEGALLY PROTECTED STATUS, AND/OR RELATED RETALIATION. SUCH COMPLAINTS SHALL BE DIRECTED TO THE CAMPUS DHR (DISCRIMINATION, HARASSMENT, OR RETALIATION) ADMINISTRATOR. THE DHR ADMINISTRATOR WILL DETERMINE THE STATUS OF THE COMPLAINT.

3. FRIVOLOUS CASES WHICH ARE ABUSIVE OF THE PROCESS OR SEEK RETALIATION.

4. STUDENT APPEALS RELATING TO FINANCIAL AID DECISIONS, RULES, AND REGULATIONS. THESE SHALL BE DIRECTED TO THE FINANCIAL AID OFFICE.

5. CHALLENGES TO STUDENT RECORDS THROUGH THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA). THE UNIVERSITY REGISTRAR SHALL BE RESPONSIBLE FOR HANDLING SUCH CONCERNS.

6. GRIEVANCE BASED ON A STUDENT’S JUDGMENT OF AN INSTRUCTOR’S OR ADMINISTRATOR’S COMPETENCE; SUCH JUDGMENTS ARE SOLELY THE PROVINCE OF THE ACADEMIC DEPARTMENT INVOLVED OR OF THE ADMINISTRATOR’S SUPERVISOR.

7. COMPLAINTS REGARDING THE PERFORMANCE OF A MEMBER OF THE FACULTY, STAFF, OR ADMINISTRATION. THESE CONCERNS SHOULD BE BROUGHT TO THE ATTENTION OF THE APPROPRIATE SUPERVISOR.

THE OFFICE OF THE DEAN OF STUDENTS WILL HELP STUDENTS UNDERSTAND THE SCOPE AND DETAILS OF THE GRIEVANCE PROCEDURE AND MAY BE CALLED UPON FOR ASSISTANCE.

THE STUDENT MAY WITHDRAW THE GRIEVANCE AT ANY STAGE, AT WHICH POINT THE PROCESS WILL IMMEDIATELY TERMINATE. DURING ALL STAGES OF THE GRIEVANCE, THE BURDEN OF PROOF WILL BE ON THE STUDENT.

TERMINOLOGY


DAY(S): DAYS THE CAMPUSS IS OPEN AND THE UNIVERSITY IS IN OPERATION

GRIEVANCE: A GRIEVANCE IS A FORMAL COMPLAINT BY A STUDENT ARISING OUT OF AN ALLEGED ACTION OF THE FACULTY, ADMINISTRATIVE UNITS, OR STAFF OF CAL STATE LA. SUCH ACTION IS ALLEGED BY THE STUDENT TO BE:

1. AN UNAUTHORIZED, UNJUSTIFIED OR UNETHICAL ACTION(S), WHICH ADVERSELY AFFECTS THE STATUS, RIGHTS, OR PRIVILEGES OF THE STUDENT.
2. IN VIOLATION OF OFFICIAL CAMPUS POLICIES OR PROCEDURES.
3. THE ARBITRARY, CAPRICIOUS, OR UNEQUAL APPLICATION OF OFFICIAL CAMPUS POLICIES OR PROCEDURES.

GRIEVANT: THE STUDENT(S) WHO FILE(S) A GRIEVANCE.

PANEL: THE SUBSET OF THE COMMITTEE WHO WILL CONDUCT THE HEARINGS. MUST INCLUDE 1 FACULTY, 1 STUDENT, 1 STAFF, AND 1 ADMINISTRATOR. IN ADDITION, THE COORDINATOR AND MPP REPRESENTATIVE FROM HUMAN RESOURCES SHALL BE PRESENT AS A NON-VOTING EX-OFFICIO MEMBER.

PARTIES: PARTIES TO A GRIEVANCE INCLUDE THE GRIEVANT(S), RESPONDENT(S), ADVISORS FOR EITHER OF THE FORMER, MEMBERS OF THE STUDENT GRIEVANCE COMMITTEE, ADMINISTRATORS PROCESSING THE GRIEVANCE, AND THOSE STAFF MEMBERS WITH DESIGNATED RESPONSIBILITIES FOR HANDLING GRIEVANCE MATERIALS.

RESPONDENT(S): THE PERSON(S) OR UNIT WHOSE PERCEIVED ACTIONS OR OMISSIONS GAVE RISE TO THE GRIEVANCE, OR ANY PERSON(S) DESIGNATED BY THE UNIVERSITY TO RESPOND TO THE GRIEVANCE.

UNIT: ANY SPECIFIED OFFICIAL INSTITUTIONAL ORGANIZATION, E.G., A COMMITTEE, PROGRAM, ADMINISTRATIVE OFFICE, DEPARTMENT OR COLLEGE.

STANDING TO FILE A GRIEVANCE
ANY PERSON, WHO WAS AN UNDERGRADUATE OR GRADUATE STUDENT, OR
ENROLLED IN AN EXTENDED EDUCATION OR OPEN UNIVERSITY COURSE AT CAL STATE LA, AT THE TIME THAT THE EVENT OR ACTION WHICH IS THE SUBJECT OF THE GRIEVANCE OCCURRED, MAY FILE A GRIEVANCE. NO STUDENT SHALL BE PENALIZED FOR SUBMITTING OR PROCEEDING WITH A GRIEVANCE. NO RESTRAINING, COERCIVE, DISCRIMINATORY, AND/OR RETALIATORY ACTION SHALL BE TAKEN AGAINST A PERSON BECAUSE OF INITIATING OR PARTICIPATING IN A GRIEVANCE.

A GRIEVANCE SHALL BE FILED NO MORE THAN ONE HUNDRED EIGHTY DAYS AFTER THE ALLEGED OCCURRENCE OF THE ACTION ON WHICH IT IS BASED, REGARDLESS OF THE DATE OF THE DISCOVERY OF THE ACTION.

CONFIDENTIALITY OF GRIEVANCES

EXCEPT AS NECESSARY TO PROCESS A GRIEVANCE, THE COORDINATOR AND THE MEMBERS OF THE COMMITTEE SHALL MAINTAIN STRICT CONFIDENTIALITY AS TO ALL GRIEVANCE MATTERS AND MATERIALS.

ADVICE & COUNSEL

EACH PARTY TO A GRIEVANCE MAY DESIGNATE ONE PERSON TO BE PRESENT FOR SUPPORT DURING ALL STAGES OF THE GRIEVANCE PROCESS, INCLUDING THE GRIEVANCE HEARING, BUT MAY NOT SPEAK FOR THE GRIEVANT OR RESPONDENT. NO PERSON WHO IS OR EVER HAS BEEN LICENSED TO PRACTICE LAW MAY PARTICIPATE IN THE HEARING PROCESS, UNLESS THAT PERSON IS THE STUDENT OR THE RESPONDENT. THE UNIVERSITY’S DIRECTOR OF STUDENT SUPPORT MAY SERVE AS AN ADVISOR TO THE STUDENT THROUGHOUT THE GRIEVANCE PROCESS, AND PROVIDE INFORMATION TO THE STUDENT ABOUT THE GRIEVANCE PROCESS AND FORM PRIOR TO SUBMITTING A GRIEVANCE.

INFORMAL PROCESS

PRIOR TO INITIATING FORMAL GRIEVANCE PROCEDURES, THE STUDENT(S) IS REQUIRED TO MAKE A GOOD FAITH EFFORT TO INFORMALLY RESOLVE THE DISPUTE WITH THE RESPONDENT. THE DIRECTOR OF STUDENT SUPPORT WILL PROVIDE GUIDANCE TO THE STUDENT ON PURSUING THE INFORMAL SUPPORT PROCESS. IF THE STUDENT(S) IS NOT SATISFIED WITH THE OUTCOME OF COMMUNICATIONS WITH THE RESPONDENT, THE STUDENT IS THEN REQUIRED TO ATTEMPT TO INFORMALLY RESOLVE THE GRIEVANCE THROUGH EITHER OF THE FOLLOWING CHANNELS:


2. IN THE CASE OF SUPPORT STAFF OR ADMINISTRATIVE PERSONNEL: THROUGH THE EMPLOYEE’S SUPERVISOR, AND IF RESOLUTION CANNOT BE ATTAINED, THE
ADMINISTRATOR OF THE UNIT OR THE MANAGEMENT PERSONNEL PLAN
EMPLOYEE RESPONSIBLE FOR THE STAFF MEMBER’S UNIT.

FORMAL GRIEVANCE PROCESS
IF THE STUDENT FEELS THAT THE INFORMAL PROCESS HAS NOT RESOLVED THE
GRIEVANCE ISSUES SATISFACTORILY, THE STUDENT MAY THEN ENTER INTO A
FORMAL GRIEVANCE PROCESS. THE STUDENT SHALL OBTAIN THE FORMAL STUDENT
GRIEVANCE FORM FROM THE OFFICE OF THE DEAN OF STUDENTS OR AN ELECTRONIC
COPY FROM THE WEBSITE REFERENCED BELOW, COMPLETE IT, AND SUBMIT AN
ORIGINAL HARD COPY TO THE DEAN OF STUDENTS.

THE STATEMENT OF GRIEVANCE FORM MAY BE FOUND ON THE STUDENT CONDUCT
OFFICE’S WEBSITE UNDER THE NON-ACADEMIC GRIEVANCES SECTION.

SUBMISSION PROCESS
THE DEAN OF STUDENTS SHALL RECEIVE ALL STUDENT GRIEVANCE FORMS AND
DETERMINE WHETHER:
1. THE GRIEVANT MEETS STANDING TO FILE A GRIEVANCE, AS DEFINED IN SEC. 4.0
2. THE GRIEVANCE FALLS WITHIN THE SCOPE DEFINED IN SECTION 2.0
3. THE GRIEVANCE IS NOT A RESUBMISSION OF A PREVIOUSLY SUBMITTED OR
   DECIDED GRIEVANCE.

IF THE DEAN OF STUDENTS DETERMINES THE GRIEVANCE SHOULD NOT GO FORWARD
FOR ANY OF THE ABOVE REASONS, AND THE STUDENT DISAGREES, THE STUDENT MAY
APPEAL THE DECISION TO THE APPROPRIATE VICE PRESIDENT.

IF THE DEAN OF STUDENTS DETERMINES THAT THE GRIEVANCE SHOULD GO
FORWARD, THE COMPLETED STUDENT GRIEVANCE FORM SHALL BE DELIVERED TO
THE COORDINATOR OF THE STUDENT GRIEVANCE COMMITTEE. NEXT STEPS ARE
DESCRIBED BELOW IN SECTION 8.30.

THE OFFICE OF THE DEAN OF STUDENTS MAY ASSIST THE STUDENT IN PREPARING ANY
NECESSARY FORMS TO ENSURE CLARITY AND COMPLETENESS. IN THE EVENT THAT A
STUDENT FILES A GRIEVANCE THAT REQUIRES A REVIEW OF HIS/HER STUDENT
RECORDS, THE STUDENT WAIVES HIS/HER RIGHTS UNDER THE FERPA STATUTES TO
THE EXTENT THAT THOSE RECORDS ARE RELEASED TO THE COMMITTEE. THE OFFICE
SHALL ALSO CONVENE THE MEETING OF THE COMMITTEE, PROVIDE THE
ADMINISTRATIVE SUPPORT TO IMPLEMENT THIS POLICY, AND MONITOR ALL
DECISIONS FOR THE APPROPRIATE ADMINISTRATOR TO ASSURE ACTIONS ARE
IMPLEMENTED IN A TIMELY FASHION.

CONSIDERING A GRIEVANCE
UPON RECEIVING A FORMAL GRIEVANCE (STUDENT GRIEVANCE FORM) FROM THE
OFFICE OF THE DEAN OF STUDENTS, THE COORDINATOR OF THE STUDENT GRIEVANCE
COMMITEE SHALL FORWARD THE GRIEVANCE TO THE WHOLE COMMITTEE, AND THE
COMMITEE SHALL MEET AND DETERMINE WHETHER THERE IS ADEQUATE CAUSE FOR
HEARING. DELIBERATION BY THE COMMITTEE AND ANY CONSEQUENT HEARINGS
SHALL BEGIN WITHIN TEN (10) WORKING DAYS OF THE FILING OF THE GRIEVANCE
WITH THE DEAN OF STUDENTS.

THE GRIEVANT WILL BE NOTIFIED BY THE COORDINATOR REGARDING THE DECISION
TO DISMISS THE CASE OR TO PROCEED TO A HEARING.

THE COORDINATOR OR ASSIGNED PARTY SHALL RESERVE THE APPROPRIATE FACILITY
AND NOTIFY ALL PARTIES INVOLVED OF THE HEARING DATE(S) AND LOCATION.

HEARING PROCESS
A HEARING PANEL IS DESIGNATED BY THE COORDINATOR BASED ON AVAILABILITY,
PROVIDED THERE ARE NO CONFLICTS OF INTEREST. FOR A FORMAL GRIEVANCE
HEARING TO PROCEED, THE HEARING PANEL MUST HAVE ONE (1) MEMBER EACH OF
THE FOLLOWING REPRESENTATIVE REGROUPS MAKING UP THE COMMITTEE: STUDENTS,
FACULTY, STAFF, AND ADMINISTRATION. THERE MUST BE AT LEAST FOUR (4)
COMMITTEE MEMBERS PRESENT. IN ADDITION, THE COORDINATOR OF THE
COMMITTEE AS CHAIR, AND AN MPP REPRESENTATIVE FROM HUMAN RESOURCES OR
DESGINEE, SHALL ALSO BE PRESENT.

THE HEARING IS CONSIDERED A FACT-FINDING/INFORMATION GATHERING
PROCEEDING, NOT A JUDICIAL PROCESS.

THE HEARING PROCESS SHALL PROCEED AS FOLLOWS:

- THE COMMITTEE SHALL DETERMINE WHO SHALL BE INVOLVED IN THE HEARING
  PROCESS. A CONFLICT OF INTEREST EXISTS FOR A POTENTIAL PANEL MEMBER IF
  HE/SHE IS THE RESPONDENT, A WITNESS TO ANY OF THE EVENTS, A RELATIVE
  OF ANYONE INVOLVED, AND OR WORKS IN THE SAME DEPARTMENT OR UNIT AS
  THE NAMED EMPLOYEE. A PANEL MEMBER WHO HAS A CONFLICT OF INTEREST
  SHALL IMMEDIATELY NOTIFY THE COORDINATOR, SO THAT A REPLACEMENT
  MAY BE SELECTED.
- THE GRIEVANT AND THE RESPONDENT MAY BE PRESENT FOR THE HEARING
  PROCESS.
- THE COMMITTEE MAY SEEK ADVICE FROM EXPERTS FROM THE APPROPRIATE
  AREA.
- THE COMMITTEE MAY INVITE PERSONS HAVING INFORMATION RELATED TO THE
  GRIEVANCE TO PARTICIPATE IN THE HEARING.
- THERE SHALL BE NO CONFRONTATION OR CROSS-EXAMINATION OF WITNESSES.
  COMMITTEE MEMBERS POSSESS THE SOLE RIGHT TO ASK QUESTIONS. THE
  GRIEVANT AND RESPONDENT MAY PROVIDE A LIST OF QUESTIONS FOR THE
  PANEL TO CONSIDER.
ONLY THE PANEL, THE GRIEVANT, THE RESPONDENT, AND THOSE CURRENTLY PROVIDING INFORMATION MAY BE PRESENT DURING THAT PORTION OF THE HEARING.

THE COORDINATOR SHALL PRESIDE AT THE HEARING. THE COORDINATOR SHALL SELECT A RECORDER TO TAKE MINUTES. THOSE MINUTES SHALL BE THE OFFICIAL RECORD AND SHALL RESIDE IN THE OFFICE OF THE DEAN OF STUDENTS.

RECOMMENDATION

THE COMMITTEE SHALL DELIVER A WRITTEN REPORT FOR EACH GRIEVANCE TO THE APPROPRIATE ADMINISTRATOR WITHIN TEN (10) BUSINESS DAYS OF COMPLETING ITS HEARING. THE REPORT SHALL INCLUDE BOTH A FINDING OF FACT AND THE RECOMMENDATION OF THE COMMITTEE FOR AN APPROPRIATE REMEDY, IF FOUND NECESSARY.

DECISION


IT IS EXPECTED THAT THE APPROPRIATE ADMINISTRATOR SHALL GIVE GREAT WEIGHT TO THE RECOMMENDATIONS OF THE COMMITTEE. HOWEVER, IF THESE RECOMMENDATIONS ARE NOT IMPLEMENTED, AN EXPLANATION OF THIS DECISION SHALL BE PROVIDED TO ALL OF THE AFOREMENTIONED PARTIES.

IMPLEMENTATION


APPEALS

WITHIN TEN (10) DAYS OF THE DECISION OF THE APPROPRIATE ADMINISTRATOR, EITHER PARTY TO THE GRIEVANCE MAY APPEAL THE DECISION TO THE PRESIDENT OR HIS/HER DESIGNATED REPRESENTATIVE. THE NOTICE OF APPEAL SHALL CLEARLY STATE THE GROUNDS FOR APPEAL. THE APPEAL MUST DESCRIBE A SUBSTANTIAL PROCEDURAL ERROR OR SOME OTHER SIGNIFICANT FACTOR THAT SERIOUSLY PREJUDICED THE OUTCOME OF THE HEARING.
THE PRESIDENT MAY ACCEPT, REJECT, OR MODIFY THE RECOMMENDATIONS FROM
THE APPROPRIATE ADMINISTRATOR BASED SOLELY ON PROCEDURAL IMPROPRIETIES,
CALIFORNIA STATE UNIVERSITY POLICY, OR STATE OR FEDERAL LAW. THIS DECISION
SHALL BE IN WRITING AND BASED ON THE RECORD OF THE HEARING. THERE SHALL BE
NO NEW HEARING OR NEW EVIDENCE PRESENTED. THIS DECISION IS FINAL AND SHALL
CONCLUDE THE UNIVERSITY’S REVIEW OF THE MATTER.

MAINTENANCE OF RECORDS/ANNUAL REPORTING
THE OFFICE OF THE DEAN OF STUDENTS SHALL BE RESPONSIBLE FOR MAINTAINING
ALL RECORDS AND MATERIALS DEVELOPED IN THE COURSE OF THE GRIEVANCE
INVESTIGATION AND HEARING. THESE FILES ARE CONFIDENTIAL AND SHALL NOT BE
DIVULGED OR RELEASED UNLESS REQUIRED BY LAW OR CALIFORNIA STATE
UNIVERSITY POLICY. THE RECORDS FOR EACH GRIEVANCE SHALL BE MAINTAINED
FOR A PERIOD OF FOUR YEARS AFTER THE FINAL ACTION HAS BEEN RENDERED.

THE OFFICE OF THE DEAN OF STUDENTS SHALL SUBMIT AN ANNUAL REPORT TO THE
PRESIDENT’S CABINET ON THE NUMBER OF CASES HEARD AND THE DISPOSITION OF
THE CASES, TAKING ALL NECESSARY STEPS TO PROTECT CONFIDENTIALITY. THE
REPORT MAY CONTAIN RECOMMENDED CHANGES IN CAMPUS POLICY DESIGNED TO
PREVENT REPETITION OF ACTIONS THAT ARE SHOWN BY THE FINDINGS OF FACT TO BE
UNAUTHORIZED AND/OR UNJUSTIFIED AND THAT ADVERSELY AFFECT THE STATUS,
RIGHTS, OR PRIVILEGES OF THE STUDENTS.