

## **Student Grievance Procedures**

(Senate: 1/23/68, 11/9/71, 7/15/75, 10/5/77, 2/27/79, 3/11/80; 5/13/80, 12/2/80, 3/2/99, 5/31/05;  
President: 3/26/68, 11/18/71, 12/31/75, 11/1/77, 3/8/79, 6/23/80, 12/9/80, 4/30/99, 1/11/07;  
Editorial Amendment: 9/00)

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 for 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 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 quarters 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 named 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.