

1 Student Grievance Procedures

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3 (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;  
4 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  
5 Amendment: 9/00, 1/21/15)  
6

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

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14 Information regarding procedures for filing a Student Grievance may be obtained from the Office of the  
15 Vice President for Student Affairs.  
16

17 **Purpose:**

18 The purpose of the Student Grievance Policy and Procedure is to enable students to seek redress for  
19 complaints or grievances (referred to as “grievances”) that allegedly resulted in injury to the student. A  
20 grievance arises from any alleged unauthorized or unjustified act or decision by a member of the faculty,  
21 staff, and/or management employee which adversely affects the status, rights, or privileges of a student.  
22

23 **Policy:**

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

28 **Definitions/Responsibilities:**

- 29 A. Appropriate Administrator – The Vice President of the Division (or the Division Vice  
30 President’s designee) in which the named employee works. In the case of a faculty employee,  
31 the dean of the appropriate college may be the appropriate administrator. The appropriate  
32 administrator will work with the named employee and the student to attempt to resolve the  
33 grievance to the satisfaction of both.  
34 B. Appropriate Supervisor – The immediate superior to whom the named employee reports on the  
35 date of the action or event being grieved. For purposes of this Grievance Procedure, a faculty  
36 employee’s appropriate supervisor is his/her department/division chair or school director. The  
37 appropriate supervisor will work with the named employee and the student to attempt to resolve  
38 the grievance to the satisfaction of both.  
39 C. Business Day – All days of the week, excluding Saturdays, Sundays, and days on which  
40 California State University, Los Angeles is closed.  
41 D. Committee – The University Student Grievance Committee. The Committee, through its panel,  
42 will conduct grievance hearings, deliberate, and issue findings of fact and recommendations for  
43 action fairly and expeditiously.  
44 E. Coordinator – The Coordinator of the Committee. The Coordinator shall be a University  
45 administrator, appointed by the President. The Coordinator shall serve at the pleasure of the  
46 President, with no set term of office. The Coordinator shall serve as Chair of the Committee and

47 advise the Committee and any panels on rules and procedures. The Coordinator shall not vote  
48 and the Coordinator shall remain neutral on the merits of the grievance. The Coordinator will  
49 select panels from the Committee, chair, coordinate, and monitor the activities of the panels,  
50 schedule hearings, and meet with the Committee and panels as necessary. The Coordinator will  
51 ensure that grievances are processed in accord with this Grievance Procedure and assist students  
52 in submitting grievances to the Committee.

- 53 F. Faculty Unit Employee – An employee who is a member of Bargaining Unit 3 at the University.  
54 G. Grievance – A complaint by a student, which is not subject to another investigation process, that  
55 a named employee has treated the student unfairly or has violated the California State University,  
56 Los Angeles policy, resulting in an injury to the student. Grievances may not be brought against  
57 the University President under this procedure.  
58 H. Investigation Process – Any grievance resolution process, formal investigation process, or  
59 discipline process administered by the University, other than the student grievance process,  
60 which more appropriately and effectively resolves the issues raised in the student’s grievance.  
61 I. Management Employee – An employee with management/supervisory responsibilities working  
62 under the Management Personnel Plan (Title 5, Article 2.2).  
63 J. Named Employee – An employee of the California State University, Los Angeles (including a  
64 faculty unit employee) who is the focus of the student’s grievance. The named employee will  
65 attempt, when possible, to resolve the grievance informally with the student.  
66 K. Panel – A subset of the Committee assigned to consider a grievance, consisting of one faculty  
67 member, one student, and one President’s appointee. The Coordinator may serve as an advisory,  
68 non-voting member of the panel.  
69 L. President – The President of California State University, Los Angeles. The President will  
70 consider timely appeals of the President’s Designee’s decision, consult with other persons as  
71 necessary, and issue decisions on appeals and corrective orders.  
72 M. President’s Designee – A management employee designated by the President.  
73 N. Student – A person who, at the time that the event or action which is the subject of the grievance  
74 occurred, was a continuing undergraduate or graduate student, or enrolled in an Extended  
75 Education or Open University course.  
76 O. Vice President – The Vice President of the division of the University in which the named  
77 employee works.

78  
79 Informal Grievance Resolution:

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

88  
89 Step One

90  
91 Discussion with Named Employee

92 Before commencing any formal proceedings under the Student Grievance Process, a student should

93 normally attempt to discuss with the named employee the student's concerns or complaints about the  
94 named employee's conduct. This may not be possible in all cases, particularly if the student believes  
95 that he/she is or will be the victim of discrimination, harassment, or retaliation. Barring these concerns,  
96 however, the student should make the effort to speak to the named employee.

97  
98 A student is not required to discuss his/her grievance with the named employee and may proceed  
99 directly to step two. However, the panel may consider unwarranted avoidance of the named employee  
100 in evaluating the credibility of the student's grievance and the severity of the named employee's  
101 conduct.

102  
103 If the grievance is resolved at step one, no further action under this policy will be taken.

104  
105 Step Two

106  
107 Discussion with Appropriate Supervisor

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109 If the grievance is not resolved at step one, the student should discuss it with the appropriate  
110 supervisor. This discussion is a prerequisite to proceeding to steps three and four. The appropriate  
111 supervisor's role at this stage is that of mediator. The appropriate supervisor shall reasonably attempt to  
112 mediate a resolution to the grievance. This stage of the grievance process shall be considered informal  
113 and the involved parties are strongly encouraged to participate and cooperate with the appropriate  
114 supervisor's attempt to resolve the dispute. If the named employee is a unit three employee, the  
115 supervisor may consult an appropriate department/division/school committee that has been designated  
116 by the department/division/school to hear student grievances. This department/division/school  
117 committee shall recommend a resolution to the Supervisor who will share this information with the  
118 student and the employee. If the appropriate supervisor or named employee believes that the student did  
119 not reasonably attempt to resolve the grievance, the panel may consider this in evaluating the credibility  
120 of the student's grievance and the severity of the named employee's conduct.

121 If the grievance is resolved at step two, no further action under this policy will be taken.

122 If the appropriate supervisor is the named employee against whom the student has grieved, the student  
123 may bypass step two and proceed directly to step three.

124  
125 Step Three

126  
127 Discussion with the Appropriate Administrator

128  
129 If the grievance is not resolved at step two, the student should discuss it with the appropriate  
130 administrator. This discussion is a prerequisite to proceeding to step four. The appropriate  
131 administrator shall reasonably attempt to mediate a solution to the grievance. If the appropriate  
132 administrator believes that the student or named employee did not reasonably attempt to resolve the  
133 grievance, the panel may consider this in evaluating the credibility of the student's grievance and the  
134 severity of the named employee's conduct.

135  
136 If the grievance is resolved at step three, no further action under this policy will be taken.

137 If the appropriate administrator is the named employee against whom the student has grieved, the  
138 student may bypass steps two and three and proceed directly to step four.

139 Committee Formation Procedures:

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

144  
145 Student members shall be appointed by the governing board of the Associated Students, no later than  
146 April 15 of each year. No more than one student in any major may be appointed. To be eligible for  
147 appointment, a student must have completed at least two semesters at the University and at the time of  
148 appointment be in good academic standing. Within five business days of appointing student members,  
149 the Associated Students shall notify the President of their names and majors.

150  
151 Faculty shall be appointed by the Nominations Committee of the Academic Senate no later than April 15  
152 of each year. No more than one faculty member may be appointed from any college. To be eligible for  
153 appointment, a faculty member must be tenured or tenure-track. The faculty member may not be on  
154 sabbatical, a difference-in-pay leave, or be serving a terminal year during his/her year of service. Within  
155 five business days of making appointments, the Nominations Committee shall notify the President of the  
156 names and departments of the selected faculty members.

157  
158 Staff members shall be appointed by the President no later than April 15 of each year.  
159 If, for any reason, a committee member leaves the committee, the appropriate appointing authority shall  
160 replace him/her as soon as possible. If the departing member is on one or more panels that have not  
161 completed their cases, the coordinator shall select an alternate panel member by lot.

162  
163 Formal Grievance Resolution:

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165 Step Four

166  
167 Presenting Grievance to the Committee

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

177  
178 The coordinator shall assist the student in submitting allegations and identifying physical evidence and  
179 witnesses on the grievance form. The coordinator shall determine whether findings have been made as  
180 to facts alleged in the grievance through another investigation process and obtain a copy of such findings  
181 if they exist and are not confidential.

182  
183 Within five business days of receiving a grievance, the coordinator shall select a panel from the  
184 committee.

185 The coordinator shall select by lot a panel of three members, consisting of one member each from three  
186 groups of appointees. If a panel member can not serve because of unavailability, conflict of interest, or  
187 other reason beyond his/her control, a replacement shall be selected by lot from that panel member's  
188 group.

189  
190 For purposes of panel selection, a conflict of interest exists for a potential panel member if he/she is:

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

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

203  
204 Within five business days of selecting a panel, the coordinator shall notify the student, in writing, that  
205 he/she has received the grievance and that the panel has been formed. The names of the panel members  
206 shall be provided in the notice. A copy of this policy and procedure shall also be included with the  
207 notice.

208  
209 Within two business days of selecting the panel, the coordinator shall notify the named employee, in  
210 writing, that a grievance has been filed against him/her. The notice shall include a copy of the  
211 completed grievance form and the names of the panel members. The notice shall inform the named  
212 employee that he/she has ten business days in which to deliver to the coordinator a written response to  
213 the grievance and that no facts, physical evidence or witnesses will be permitted at the hearing if they  
214 are not identified in the written response. A copy of this policy and procedure shall be included with the  
215 notice.

216  
217 A student or named employee must notify the coordinator, in writing, of any objections to a member of  
218 the panel within five business days of receiving notice of the panel members' names. Objections to the  
219 composition of the panel must be based on at least one of the grounds set forth in the section on conflict  
220 of interest. The coordinator shall immediately contact the panel member in question. If the panel  
221 member denies that a conflict exists, the coordinator shall decide whether a conflict exists, within five  
222 business days of receiving the objection. If the panel member is removed or admits a conflict, a new  
223 panel member shall be selected and all parties shall be notified in writing of the replacement within five  
224 business days.

225  
226 If the coordinator receives written findings made in another investigation process stemming from the  
227 same events/actions as the grievance prior to a decision by the panel, and those findings are not  
228 confidential, he/she shall give copies of the findings to the panel, the student and the named employee  
229 within five days.

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231 Within five business days of receiving the response from the named employee, the coordinator shall give  
232 a copy of the response to the student.

233  
234 Initial Consideration of Grievance:

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

- 242 a. the alleged conduct, if true, would constitute unfair treatment or a violation of policy by the  
243 named employee against the student, and  
244 b. a hearing on the allegations would reasonably permit the panel to determine the truth or falsity of  
245 the facts alleged.

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

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

257  
258 If the panel concludes that a case for misconduct exists in some or all of the allegations, the panel shall  
259 identify in writing those allegations and provide a copy to the coordinator.

260  
261 Within five business days of receiving a decision to conduct hearing, the coordinator shall provide a  
262 copy of the decision to the student and the named employee and schedule a hearing date no later than 20  
263 business days after his/her receipt of the decision. The hearing may be scheduled on a later date only for  
264 extraordinary reasons, which shall be limited to the availability of the student, the named employee, a  
265 panel member, or a witness deemed by a majority of the panel as material to the hearing. A person is  
266 available unless he/she is legally required to be elsewhere or has previously planned travel or activity  
267 that will make him/her physically unavailable. If the coordinator subsequently receives a directive from  
268 the President's designee to conduct a hearing on other allegations, the coordinator shall provide a copy  
269 of the directive to the panel, the student, and the named employee.

270  
271 If the coordinator believes that multiple grievances are sufficiently related, he/she may schedule a single  
272 hearing in which all related grievances shall be presented provided the named employee  
273 approves. Where such grievances have been assigned to different panels, the coordinator shall choose  
274 one of these panels by lot to hear the grievances. Within five business days of selecting the panel, the  
275 coordinator shall notify in writing the affected students, employees, and panel members of the  
276 consolidation and provide the names of the panel members in writing to the affected students and

277 employees. The coordinator shall send copies of the grievance forms to the panel members.

278

279 Grievance Hearing:

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281 The coordinator shall provide to the student and named employee written notice of the date, time, and  
282 location of the hearing, at least ten business days before the date of the hearing. Shorter notice may be  
283 provided only if all parties to the hearing have agreed to accept shorter notice. The coordinator shall  
284 include with the notice to the President's Designee or panel's identification of pertinent allegations.

285 It is the duty of the student and the named employee to provide notice to and secure attendance of their  
286 witnesses at the hearing.

287

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

294

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

298

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

305 The panel shall, where necessary, delete or obscure appropriate portions of evidence to protect the  
306 privacy of non-parties.

307

308 The student and the named employee may be present at all times during the hearing. The hearing shall  
309 be closed to all persons except the student, the named employee, their respective representatives, the  
310 witness who is presently testifying, the coordinator, the student's support person, and the panel  
311 members. The hearing shall proceed only when all three panel members are present.

312 The formal rules of evidence shall not govern grievance hearings. However, the rules set forth in this  
313 section are necessary to ensure that evidence offered at a hearing is appropriately received and  
314 considered.

315

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

320 a. The student shall present all evidence in support of the grievance. The student is limited to  
321 presenting evidence that is referred to in or relevant to the allegations made in the grievance  
322 form.

- 323 b. The named employee shall present all evidence refuting the allegations. The named employee is  
324 limited to presenting evidence that is referred to in or relevant to the allegations and defenses  
325 raised by the named employee in the response to the grievance form.  
326 c. The student shall present all evidence that rebuts the named employee's evidence that does not  
327 simply restate the student's earlier evidence.  
328 d. The named employee shall present all evidence that rebuts the student's rebuttal evidence that  
329 does not simply restate the named employee's earlier evidence.

330 Evidence that is solely about the character of a student, named employee, or witness shall not be  
331 permitted. This shall not preclude evidence that, for reason other than character, bears on the credibility  
332 of a student, named employee, or witness, or tends to show a relevant trait or practice.  
333

334 Hearsay statements may be considered, but the panel should consider the existence or lack of  
335 corroborating evidence and the reason for the absence of the person to whom the statement is attributed.  
336 Cross-examination of witnesses shall not be permitted. However, panel members may ask questions of  
337 any witness. A student or named employee may, at the conclusion of a witness' testimony, request that  
338 the panel ask other questions of the witness. The panel may honor or disregard such requests.  
339

340 To expedite a hearing, the student and named employee may agree to the existence of any fact. Where  
341 possible such agreements should be entered onto the record at the beginning of the hearing. The panel  
342 shall consider proven all facts for which there are such agreements.  
343

344 Either party may object to evidence at the time it is introduced on the ground that it is impermissible  
345 under the grievance procedure. The panel shall rule on all objections.  
346 The panel may record the hearing. Such recording shall exist solely for use by the panel while making  
347 its findings of fact and recommendations, and shall be used for no other purpose. Recordings will be  
348 destroyed five years after the conclusion of the hearing.  
349

350 Decision of the President's Designee:  
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352 Within ten business days after the hearing concludes, the panel shall deliberate and make findings of fact  
353 in writing. The panel shall convey its findings and any recommendations for remedial action in writing  
354 to the President's Designee. The findings shall summarize the testimony of each witness, identify each  
355 piece of physical evidence presented during the hearing, and describe how the panel made its  
356 findings. Copies of all documents placed in evidence shall be included.  
357

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

415 All documents that are required to be sent to a student, or named employee are deemed received on the  
416 date that a document is personally delivered or faxed, or two days after it is placed in the mail.  
417 The President or President's Designee may consult any person in performing their duties and may  
418 delegate their duties to any management employee who is not the subject of the grievance.  
419 The student or named employee may have a support person present at all levels of review, including the  
420 grievance hearing.

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422 Organizations Affected:

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424 All University departments.  
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## 428 STUDENT GRIEVANCE PROCEDURE

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### 430 PURPOSE

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

437

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

440

### 441 SCOPE

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

- 445 1. AN UNAUTHORIZED, UNJUSTIFIED, OR UNETHICAL ACTION(S), WHICH  
446 ADVERSELY AFFECTS THE STATUS, RIGHTS, OR PRIVILEGES OF THE STUDENT  
447 *AND/OR*  
448 2. IN VIOLATION OF OFFICIAL CAMPUS POLICIES OR PROCEDURES  
449 *AND/OR*  
450 3. THE ARBITRARY, CAPRICIOUS, AND/OR UNEQUAL APPLICATION OF OFFICIAL  
451 CAMPUS POLICIES OR PROCEDURES

452

453 THIS STUDENT GRIEVANCE PROCEDURE IS NOT INTENDED FOR ISSUES THAT CAN BE  
454 ADDRESSED BY MORE SPECIFIC POLICIES, PROCEDURES AND/OR INVESTIGATIVE  
455 PROCESSES. EXAMPLES INCLUDE, BUT ARE NOT LIMITED TO:

- 456 1. AN ACADEMIC DECISION OR GRADE APPEAL. STUDENTS SHALL FOLLOW THE  
457 PROCESS OUTLINED IN CAL STATE LA'S GRADE APPEALS/ACADEMIC GRIEVANCE  
458 POLICY.
- 459 2. A STUDENT ALLEGATION OF HARASSMENT AND/OR DISCRIMINATION BASED ON  
460 A LEGALLY PROTECTED STATUS, AND/OR RELATED RETALIATION. SUCH  
461 COMPLAINTS SHALL BE DIRECTED TO THE CAMPUS DHR (DISCRIMINATION,  
462 HARASSMENT, OR RETALIATION) ADMINISTRATOR. THE DHR ADMINISTRATOR  
463 WILL DETERMINE THE STATUS OF THE COMPLAINT.
- 464 3. FRIVOLOUS CASES WHICH ARE ABUSIVE OF THE PROCESS OR SEEK  
465 RETALIATION.
- 466 4. STUDENT APPEALS RELATING TO FINANCIAL AID DECISIONS, RULES, AND  
467 REGULATIONS. THESE SHALL BE DIRECTED TO THE FINANCIAL AID OFFICE.
- 468 5. CHALLENGES TO STUDENT RECORDS THROUGH THE FAMILY EDUCATIONAL  
469 RIGHTS AND PRIVACY ACT (FERPA). THE UNIVERSITY REGISTRAR SHALL BE  
470 RESPONSIBLE FOR HANDLING SUCH CONCERNS.
- 471 6. GRIEVANCE BASED ON A STUDENT'S JUDGMENT OF AN INSTRUCTOR'S OR  
472 ADMINISTRATOR'S COMPETENCE; SUCH JUDGMENTS ARE SOLELY THE  
473 PROVINCE OF THE ACADEMIC DEPARTMENT INVOLVED OR OF THE  
474 ADMINISTRATOR'S SUPERVISOR.
- 475 7. COMPLAINTS REGARDING THE PERFORMANCE OF A MEMBER OF THE FACULTY,  
476 STAFF, OR ADMINISTRATION. THESE CONCERNS SHOULD BE BROUGHT TO THE  
477 ATTENTION OF THE APPROPRIATE SUPERVISOR.

478  
479 THE OFFICE OF THE DEAN OF STUDENTS WILL HELP STUDENTS UNDERSTAND THE  
480 SCOPE AND DETAILS OF THE GRIEVANCE PROCEDURE AND MAY BE CALLED UPON FOR  
481 ASSISTANCE.

482  
483 THE STUDENT MAY WITHDRAW THE GRIEVANCE AT ANY STAGE, AT WHICH POINT THE  
484 PROCESS WILL IMMEDIATELY TERMINATE. DURING ALL STAGES OF THE GRIEVANCE,  
485 THE BURDEN OF PROOF WILL BE ON THE STUDENT.

486

#### 487 TERMINOLOGY

488 APPROPRIATE ADMINISTRATOR: THE VICE PRESIDENT OF THE DIVISION (OR THE  
489 DIVISION VICE PRESIDENT'S DESIGNEE) IN WHICH THE NAMED EMPLOYEE WORKS. IN  
490 THE CASE OF A FACULTY EMPLOYEE, THE DEAN OF THE APPROPRIATE COLLEGE (OR  
491 THE DEAN'S DESIGNEE). THE APPROPRIATE ADMINISTRATOR WILL WORK WITH THE  
492 NAMED EMPLOYEE AND THE STUDENT TO ATTEMPT TO RESOLVE THE GRIEVANCE TO  
493 THE SATISFACTION OF BOTH.

494 COMMITTEE: THE UNIVERSITY'S STUDENT GRIEVANCE COMMITTEE (COMMITTEE). AS  
495 APPOINTED BY THE VICE PRESIDENT FOR STUDENT LIFE, THE ASSISTANT DEAN OF  
496 STUDENTS: ENGAGEMENT AND WELLNESS SHALL SERVE AS THE COORDINATOR OF  
497 THE COMMITTEE. THE COMMITTEE WILL CONDUCT GRIEVANCE HEARINGS,  
498 DELIBERATE, AND ISSUE FINDINGS OF FACT AND RECOMMENDATIONS FOR ACTION

499 FAIRLY AND EXPEDITIOUSLY.

500

501 COORDINATOR OF THE COMMITTEE: THE ASSISTANT DEAN OF STUDENTS: WELLNESS  
502 AND ENGAGEMENT SHALL SERVE AS COORDINATOR OF THE COMMITTEE. THE  
503 COORDINATOR SHALL SERVE AS CHAIR FOR AND ADVISE THE COMMITTEE AND  
504 ANY PANELS ON RULES AND PROCEDURES. THE COORDINATOR SHALL NOT VOTE  
505 AND THE COORDINATOR SHALL REMAIN NEUTRAL ON THE MERITS OF THE  
506 GRIEVANCE. THE COORDINATOR WILL SELECT PANELS FROM THE COMMITTEE;  
507 COORDINATE, AND MONITOR THE ACTIVITIES OF THE PANELS; SCHEDULE AND  
508 CHAIR PANEL HEARINGS; AND MEET WITH THE COMMITTEE AND PANELS AS  
509 NECESSARY. THE COORDINATOR WILL ENSURE THAT GRIEVANCES ARE  
510 PROCESSED IN ACCORD WITH THIS GRIEVANCE PROCEDURE AND ASSIST  
511 STUDENTS IN SUBMITTING GRIEVANCES TO THE COMMITTEE.

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

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

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

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

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

526

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

532

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

536

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

539

540 STANDING TO FILE A GRIEVANCE

541 ANY PERSON, WHO WAS AN UNDERGRADUATE OR GRADUATE STUDENT, OR

542 ENROLLED IN AN EXTENDED EDUCATION OR OPEN UNIVERSITY COURSE AT CAL  
543 STATE LA, AT THE TIME THAT THE EVENT OR ACTION WHICH IS THE SUBJECT OF THE  
544 GRIEVANCE OCCURRED, MAY FILE A GRIEVANCE. NO STUDENT SHALL BE PENALIZED  
545 FOR SUBMITTING OR PROCEEDING WITH A GRIEVANCE. NO RESTRAINING, COERCIVE,  
546 DISCRIMINATORY, AND/OR RETALIATORY ACTION SHALL BE TAKEN AGAINST A  
547 PERSON BECAUSE OF INITIATING OR PARTICIPATING IN A GRIEVANCE.  
548

549 A GRIEVANCE SHALL BE FILED NO MORE THAN ONE HUNDRED EIGHTY DAYS AFTER  
550 THE ALLEGED OCCURRENCE OF THE ACTION ON WHICH IT IS BASED, REGARDLESS OF  
551 THE DATE OF THE DISCOVERY OF THE ACTION.  
552

### 553 CONFIDENTIALITY OF GRIEVANCES

554 EXCEPT AS NECESSARY TO PROCESS A GRIEVANCE, THE COORDINATOR AND THE  
555 MEMBERS OF THE COMMITTEE SHALL MAINTAIN STRICT CONFIDENTIALITY AS TO ALL  
556 GRIEVANCE MATTERS AND MATERIALS.  
557

### 558 ADVICE & COUNSEL

559 EACH PARTY TO A GRIEVANCE MAY DESIGNATE ONE PERSON TO BE PRESENT FOR  
560 SUPPORT DURING ALL STAGES OF THE GRIEVANCE PROCESS, INCLUDING THE  
561 GRIEVANCE HEARING, BUT MAY NOT SPEAK FOR THE GRIEVANT OR RESPONDENT. NO  
562 PERSON WHO IS OR EVER HAS BEEN LICENSED TO PRACTICE LAW MAY PARTICIPATE  
563 IN THE HEARING PROCESS, UNLESS THAT PERSON IS THE STUDENT OR THE  
564 RESPONDENT. THE UNIVERSITY'S DIRECTOR OF STUDENT SUPPORT MAY SERVE AS AN  
565 ADVISOR TO THE STUDENT THROUGHOUT THE GRIEVANCE PROCESS, AND PROVIDE  
566 INFORMATION TO THE STUDENT ABOUT THE GRIEVANCE PROCESS AND FORM PRIOR  
567 TO SUBMITTING A GRIEVANCE.  
568

### 569 INFORMAL PROCESS

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

- 577 1. IN THE CASE OF FACULTY: THROUGH THE DEPARTMENT CHAIR, AND IF  
578 RESOLUTION CANNOT BE ATTAINED, THE COLLEGE DEAN OR THE  
579 MANAGEMENT PERSONNEL PLAN (MPP) EMPLOYEE RESPONSIBLE FOR THE  
580 FACULTY MEMBER'S UNIT.
- 581 2. IN THE CASE OF SUPPORT STAFF OR ADMINISTRATIVE PERSONNEL: THROUGH  
582 THE EMPLOYEE'S SUPERVISOR, AND IF RESOLUTION CANNOT BE ATTAINED, THE

583 ADMINISTRATOR OF THE UNIT OR THE MANAGEMENT PERSONNEL PLAN  
584 EMPLOYEE RESPONSIBLE FOR THE STAFF MEMBER'S UNIT.

585

### 586 FORMAL GRIEVANCE PROCESS

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

593

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

596

### 597 SUBMISSION PROCESS

598 THE DEAN OF STUDENTS SHALL RECEIVE ALL STUDENT GRIEVANCE FORMS AND  
599 DETERMINE WHETHER:

- 600 1. THE GRIEVANT MEETS STANDING TO FILE A GRIEVANCE, AS DEFINED IN SEC. 4.0
- 601 2. THE GRIEVANCE FALLS WITHIN THE SCOPE DEFINED IN SECTION 2.0
- 602 3. THE GRIEVANCE IS NOT A RESUBMISSION OF A PREVIOUSLY SUBMITTED OR  
603 DECIDED GRIEVANCE.

604

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

608

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

613

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

623

### 623 CONSIDERING A GRIEVANCE

624 UPON RECEIVING A FORMAL GRIEVANCE (STUDENT GRIEVANCE FORM) FROM THE  
625 OFFICE OF THE DEAN OF STUDENTS, THE COORDINATOR OF THE STUDENT GRIEVANCE

626 COMMITTEE SHALL FORWARD THE GRIEVANCE TO THE WHOLE COMMITTEE, AND THE  
627 COMMITTEE SHALL MEET AND DETERMINE WHETHER THERE IS ADEQUATE CAUSE FOR  
628 HEARING. DELIBERATION BY THE COMMITTEE AND ANY CONSEQUENT HEARINGS  
629 SHALL BEGIN WITHIN TEN (10) WORKING DAYS OF THE FILING OF THE GRIEVANCE  
630 WITH THE DEAN OF STUDENTS.

631  
632 THE GRIEVANT WILL BE NOTIFIED BY THE COORDINATOR REGARDING THE DECISION  
633 TO DISMISS THE CASE OR TO PROCEED TO A HEARING.

634  
635 THE COORDINATOR OR ASSIGNED PARTY SHALL RESERVE THE APPROPRIATE FACILITY  
636 AND NOTIFY ALL PARTIES INVOLVED OF THE HEARING DATE(S) AND LOCATION.

#### 637 HEARING PROCESS

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

646  
647 THE HEARING IS CONSIDERED A FACT-FINDING/INFORMATION GATHERING  
648 PROCEEDING, NOT A JUDICIAL PROCESS.

649  
650 THE HEARING PROCESS SHALL PROCEED AS FOLLOWS:

- 651 • THE COMMITTEE SHALL DETERMINE WHO SHALL BE INVOLVED IN THE HEARING  
652 PROCESS. A CONFLICT OF INTEREST EXISTS FOR A POTENTIAL PANEL MEMBER IF  
653 HE/SHE IS THE RESPONDENT, A WITNESS TO ANY OF THE EVENTS, A RELATIVE  
654 OF ANYONE INVOLVED, AND OR WORKS IN THE SAME DEPARTMENT OR UNIT AS  
655 THE NAMED EMPLOYEE. A PANEL MEMBER WHO HAS A CONFLICT OF INTEREST  
656 SHALL IMMEDIATELY NOTIFY THE COORDINATOR, SO THAT A REPLACEMENT  
657 MAY BE SELECTED.
- 658 • THE GRIEVANT AND THE RESPONDENT MAY BE PRESENT FOR THE HEARING  
659 PROCESS.
- 660 • THE COMMITTEE MAY SEEK ADVICE FROM EXPERTS FROM THE APPROPRIATE  
661 AREA.
- 662 • THE COMMITTEE MAY INVITE PERSONS HAVING INFORMATION RELATED TO THE  
663 GRIEVANCE TO PARTICIPATE IN THE HEARING.
- 664 • THERE SHALL BE NO CONFRONTATION OR CROSS-EXAMINATION OF WITNESSES.  
665 COMMITTEE MEMBERS POSSESS THE SOLE RIGHT TO ASK QUESTIONS. THE  
666 GRIEVANT AND RESPONDENT MAY PROVIDE A LIST OF QUESTIONS FOR THE  
667 PANEL TO CONSIDER.

- 668 • ONLY THE PANEL, THE GRIEVANT, THE RESPONDENT, AND THOSE CURRENTLY  
669 PROVIDING INFORMATION MAY BE PRESENT DURING THAT PORTION OF THE  
670 HEARING.  
671 • THE COORDINATOR SHALL PRESIDE AT THE HEARING. THE COORDINATOR  
672 SHALL SELECT A RECORDER TO TAKE MINUTES. THOSE MINUTES SHALL BE THE  
673 OFFICIAL RECORD AND SHALL RESIDE IN THE OFFICE OF THE DEAN OF  
674 STUDENTS.

675 RECOMMENDATION

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

681 DECISION

682 THE APPROPRIATE ADMINISTRATOR SHALL RENDER THE FINAL DECISION WITHIN TEN  
683 (10) BUSINESS DAYS OF RECEIVING THE STUDENT GRIEVANCE COMMITTEE'S REPORT.  
684 THE DECISION SHALL BE IN WRITING AND SHALL STATE THE REASONS FOR THE  
685 DECISION. THE DECISION SHALL BE SENT TO THE GRIEVANT AND THE RESPONDENT.

686  
687 IT IS EXPECTED THAT THE APPROPRIATE ADMINISTRATOR SHALL GIVE GREAT WEIGHT  
688 TO THE RECOMMENDATIONS OF THE COMMITTEE. HOWEVER, IF THESE  
689 RECOMMENDATIONS ARE NOT IMPLEMENTED, AN EXPLANATION OF THIS DECISION  
690 SHALL BE PROVIDED TO ALL OF THE AFOREMENTIONED PARTIES.

691

692 IMPLEMENTATION

693 THE PARTY RESPONSIBLE FOR IMPLEMENTING THE RECOMMENDATION SHALL TAKE  
694 ACTION SOLELY BASED ON THE FACTUAL FINDINGS AND RECOMMENDATIONS  
695 PROVIDED BY THE APPROPRIATE ADMINISTRATOR. THE PARTY RESPONSIBLE FOR  
696 IMPLEMENTING THE RECOMMENDATION SHALL NOT RE-INVESTIGATE THE  
697 COMPLAINT. FURTHER, THE PARTY SHALL PROMPTLY NOTIFY THE OFFICE OF THE  
698 DEAN OF STUDENTS OF THE COURSE OF ACTION TAKEN. IF, WITHIN A REASONABLE  
699 TIMEFRAME, REMEDIAL ACTION HAS NOT BEEN TAKEN, THE OFFICE OF THE DEAN OF  
700 STUDENTS MAY REQUEST THE APPROPRIATE ADMINISTRATOR, OR OTHER  
701 APPROPRIATE OFFICIALS, TO EXPEDITE RESOLUTION OF THE SITUATION.

702

703 APPEALS

704 WITHIN TEN (10) DAYS OF THE DECISION OF THE APPROPRIATE ADMINISTRATOR,  
705 EITHER PARTY TO THE GRIEVANCE MAY APPEAL THE DECISION TO THE PRESIDENT OR  
706 HIS/HER DESIGNATED REPRESENTATIVE. THE NOTICE OF APPEAL SHALL CLEARLY  
707 STATE THE GROUNDS FOR APPEAL. THE APPEAL MUST DESCRIBE A SUBSTANTIAL  
708 PROCEDURAL ERROR OR SOME OTHER SIGNIFICANT FACTOR THAT SERIOUSLY  
709 PREJUDICED THE OUTCOME OF THE HEARING.

710



711 THE PRESIDENT MAY ACCEPT, REJECT, OR MODIFY THE RECOMMENDATIONS FROM  
712 THE APPROPRIATE ADMINISTRATOR BASED SOLELY ON PROCEDURAL IMPROPRIETIES,  
713 CALIFORNIA STATE UNIVERSITY POLICY, OR STATE OR FEDERAL LAW. THIS DECISION  
714 SHALL BE IN WRITING AND BASED ON THE RECORD OF THE HEARING. THERE SHALL BE  
715 NO NEW HEARING OR NEW EVIDENCE PRESENTED. THIS DECISION IS FINAL AND SHALL  
716 CONCLUDE THE UNIVERSITY'S REVIEW OF THE MATTER.  
717

718 MAINTENANCE OF RECORDS/ANNUAL REPORTING

719 THE OFFICE OF THE DEAN OF STUDENTS SHALL BE RESPONSIBLE FOR MAINTAINING  
720 ALL RECORDS AND MATERIALS DEVELOPED IN THE COURSE OF THE GRIEVANCE  
721 INVESTIGATION AND HEARING. THESE FILES ARE CONFIDENTIAL AND SHALL NOT BE  
722 DIVULGED OR RELEASED UNLESS REQUIRED BY LAW OR CALIFORNIA STATE  
723 UNIVERSITY POLICY. THE RECORDS FOR EACH GRIEVANCE SHALL BE MAINTAINED  
724 FOR A PERIOD OF FOUR YEARS AFTER THE FINAL ACTION HAS BEEN RENDERED.  
725

726 THE OFFICE OF THE DEAN OF STUDENTS SHALL SUBMIT AN ANNUAL REPORT TO THE  
727 PRESIDENT'S CABINET ON THE NUMBER OF CASES HEARD AND THE DISPOSITION OF  
728 THE CASES, TAKING ALL NECESSARY STEPS TO PROTECT CONFIDENTIALITY. THE  
729 REPORT MAY CONTAIN RECOMMENDED CHANGES IN CAMPUS POLICY DESIGNED TO  
730 PREVENT REPETITION OF ACTIONS THAT ARE SHOWN BY THE FINDINGS OF FACT TO BE  
731 UNAUTHORIZED AND/OR UNJUSTIFIED AND THAT ADVERSELY AFFECT THE STATUS,  
732 RIGHTS, OR PRIVILEGES OF THE STUDENTS.  
733

## 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 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

**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 (or the dean's designee). The appropriate administrator will work with the named employee and the student to attempt to resolve the grievance to the satisfaction of both.

**Committee:** The University's Student Grievance Committee (committee). As appointed by the Vice President for Student Life, the Assistant Dean of Students: Engagement and Wellness shall serve as the coordinator of the committee. The committee will conduct grievance hearings, deliberate, and issue findings of fact and recommendations for action fairly and expeditiously.

**Coordinator of the Committee:** The Assistant Dean of Students: Wellness and Engagement shall serve as coordinator of the committee. 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; coordinate, and monitor the activities of the panels; schedule and chair panel 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.

**Day(s):** Days the campus 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 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:

1. In the case of faculty: through the department chair, and if resolution cannot be attained, the college dean or the management personnel plan (MPP) employee responsible for the faculty member's unit.
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 Committee shall forward the grievance to the whole committee, and the committee 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 groups 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 designee, 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

The appropriate administrator shall render the final decision within ten (10) business days of receiving the Student Grievance Committee's report. The decision shall be in writing and shall state the reasons for the decision. The decision shall be sent to the grievant and the respondent.

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

The party responsible for implementing the recommendation shall take action solely based on the factual findings and recommendations provided by the appropriate administrator. The party responsible for implementing the recommendation shall not re-investigate the complaint. Further, the party shall promptly notify the Office of the Dean of Students of the course of action taken. If, within a reasonable timeframe, remedial action has not been taken, the Office of the Dean of Students may request the appropriate administrator, or other appropriate officials, to expedite resolution of the situation.

#### 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.