

APPENDIX D

STUDENT COMPLAINT AND GRIEVANCE PROCEDURES

Revisions Approved by the Academic Senate, November 19, 2020

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The policy and procedures specified herein deal only with individual student complaints and/or grievances against the actions and/or decisions of faculty, academic administrators, or staff professionals. The complaints and/or grievances may concern but are not restricted to (1) an assigned final course grade, (2) administration of records, (3) re-admission to a program, or (4) requirements for program completion.

Group grievances are not permitted. Complaints and/or grievances will not involve allegations of dishonesty or abuse of professional responsibility as such allegations fall strictly under formal University disciplinary proceedings.

Procedures for redress of grievances must protect the respondent against unsubstantiated and false charges of bias or unfairness. Therefore, in a grievance there is a presumption that procedures have been fairly followed. It is the responsibility of the grievant to demonstrate otherwise. The final responsibility for assigning or changing a student's record rests solely with the faculty, academic administrators, or staff professional. In this document, a *student* can refer to baccalaureate or post-baccalaureate (graduate) levels, with level of specificity indicated where procedures differ. Post-baccalaureate students enrolled in a second baccalaureate degree program are governed by the academic standards of undergraduate students.

Article I Definitions

Section 1

- A. **"Complaint"** is defined as any unwritten dispute arising with a student under terms of Article 2. A "Complaint" may be any point of issue between a student and faculty, academic administrator, or staff professional, in which a student feels an abridgement of academic rights or benefits has occurred.
- B. **"Grievance"** is defined as a written dispute arising with a student under terms of Article 2. A "Grievance" is a difference, presented in writing, that may arise between a student and faculty, academic administrator, or staff professional, with respect to, but not necessarily limited to:
- 1) violation of established academic policies and regulations: defined as those policies and regulations outlined in the respondent's course syllabus, the University's current Catalog, and/or the University's current Class Schedule. (e.g., examination policies, advisement policies, registration procedures, etc.) The violation must have resulted in a direct and adverse impact on the Grievant's student record.

- 2) Clerical error: A “clerical error” means an error made by the faculty, academic administrator, or staff professional, in reviewing, estimating, evaluating, or posting student records.
- 3) Prejudicial evaluation: For prejudicial evaluation to be present, the faculty, academic administrator, or staff professional must have applied a different standard to the Grievant than applied to other students in the same situation. Also, the action must have adversely impacted the Grievant’s student record.
- 4) Arbitrary or capricious evaluation: For arbitrary or capricious evaluation to be present, the faculty, academic administrator, or staff professional must have changed the standards of evaluation during the semester without notification. The change must have occurred abruptly or without justified reason. Finally, for arbitrary or capricious evaluation to be present, the Grievant has to show that the change had a direct, singular, and adverse impact on the Grievant’s student record.

C. “**Grievant**” is defined as the individual lodging the complaint and/or grievance.

D. “**Respondent**” is defined as the faculty, academic administrator, or staff professional most directly responsible for the alleged action(s) and/or decision(s) resulting in the complaint and/or grievance.

Article 2 General Provisions

Section 1 Grievance procedures must adhere to the time deadlines stated in the grievance procedures.

Section 2 This document is not intended to inhibit the resolution of a problem in any satisfactory informal way.

Section 3 At any point in these grievance proceedings the Grievant may move to withdraw the Grievance or accept a solution.

Section 4 The Ombudsperson may be consulted by the Grievant at the earliest opportunity. Deadlines may be extended at the request of the Ombudsperson to the relevant School Dean or the Academic Vice President (e.g., if the Grievant is in a course of the respondent the following semester, an extension may be granted).

Section 5 The University has a strict policy of zero tolerance of actual or implied violence. If at any time a Grievant engages in harassment or intimidation, the grievance will immediately become a disciplinary matter to be dealt with by campus security.

Section 6 Complaints and/or Grievances may be brought against the actions and/or decisions of faculty, administrators, staff in admissions, records, financial aid, counseling, placement or other student service offices for failure to adhere to written campus policies or for procedures or actions that constitute arbitrary or capricious application of those procedures.

Section 7 A complaint and/or grievance may be initiated on the basis of a claim of: (refer to Article 1 for definitions)

- A. Violation of established academic policies and regulations
- B. Clerical error
- C. Prejudicial evaluation
- D. Arbitrary or capricious evaluation

Article 3 Complaint Procedures

PART A: Undergraduate student procedures

Section 1 Before resorting to grievance, a student shall exhaust all complaint procedures herein at the department level. Grievance procedures, as outlined in Article 4, should not be invoked until the complaint has been thoroughly addressed at the department level.

Section 2 The student shall first address the complaint to the concerned faculty, academic administrator, or staff professional most directly responsible for the alleged action(s) and/or decision(s) resulting in the complaint. Complaints shall be initiated within one semester, excluding summer, of the incident giving rise to the complaint. If the complaint cannot be resolved by the student and faculty, academic administrator, or staff professional, the student should meet with the Department Chairperson/Director to discuss their complaint.

Section 3 If the student and the Department Chairperson/Director cannot resolve the complaint, the student should meet with the appropriate school or departmental Dean to discuss their complaint.

Section 4 If the complaint is still unresolved after this point, the student may then, and only then, file a written grievance as outlined in Article 4. In no case should the informal resolution of a complaint take longer than one semester (excluding summer) and formal grievances must be initiated within one semester of the incident giving rise to the grievance.

PART B: Graduate student procedures

Section 1 Before resorting to grievance, a student shall exhaust all complaint procedures within their program. Grievance procedures, as outlined in Article 4, should not be invoked until the complaint has been thoroughly addressed within the graduate program.

Section 2 The student shall first address the complaint to the concerned faculty, academic administrator, or staff professional most directly responsible for the alleged action(s) and/or decision(s) resulting in the complaint. Complaints shall be initiated within one semester, excluding summer, of the incident giving rise to the complaint. If the complaint cannot be resolved by the student and faculty, academic administrator, or staff professional, the student should meet with the Graduate Program Director to discuss their complaint.

Section 3 If the complaint is still unresolved after this point, the student may then, and only then, file a written grievance as outlined in Article 4. In no case should the informal resolution of a complaint take longer than one semester (excluding summer) and formal grievances must be initiated within one semester of the incident giving rise to the grievance.

Section 4 The student can exercise the right to involve the ombudsperson at any stage in the grievance process.

Article 4 Grievance Procedures

PART A: Undergraduate student procedures

Section 1 Before a student may invoke the grievance procedures specified herein, the student shall first exhaust all complaint procedures as outlined in Article 3. In no case should the informal resolution of a complaint take longer than one semester (excluding summer) and formal grievances must be initiated within one semester of the incident giving rise to the grievance.

Section 2 A student may initiate formal grievance procedures by filing an Undergraduate_Student Grievance Form with the Office of the Academic Vice President, or designee, within a period of two (2) weeks following the date that the complaint procedures were concluded, as indicated by the relevant Dean.

Section 3 Upon receiving a written notice of grievance, the Academic Vice President shall inform the Presiding Officer of the Grievance Review Board, the Ombudsperson, and the appropriate Dean of the School or Department, in which the grievance occurred, of the grievance. The Grievance Review Board Presiding Officer shall verify that the student has complied with all procedures outlined in Article 3.

Section 4 At any point in these formal grievance proceedings the Grievant may move to withdraw the grievance or accept an informal solution.

PART B: Graduate student procedures

Section 1 Before a student may invoke the grievance procedures specified herein, they shall first exhaust all complaint procedures as outlined in Article 3. In no case should the informal resolution of a complaint take longer than one semester (excluding summer) and formal grievances must be initiated within one semester of the incident giving rise to the grievance.

Section 2 A student may initiate formal grievance procedures by filing a Graduate Student Grievance Form with their relevant Graduate Program Director within a period of **two (2) weeks** following the date that the complaint procedures were concluded.

Section 3 Upon receiving a written notice of grievance, the Graduate Program Director will verify that the student has complied with all procedures outlined in Article 3. The Graduate Program Director will then initiate the graduate grievance review procedure.

Section 4 The Graduate Program Director will review the grievance or the Graduate Program Director will oversee the internal program process for grievance review and will make a recommendation on the grievance form and route it to the school dean along with any relevant documentation. The school dean or their designee will review the grievance and will make their recommendation on the grievance form and route it to the Associate Dean of Graduate Studies. The Associate Dean of Graduate Studies will review the grievance and review process and will make a final decision on the grievance.

Section 5 At any point in these formal grievance proceedings the Grievant may move to withdraw the grievance. If the Grievant does not withdraw their grievance, the grievance review process will continue through all stages of recommendation and review as outlined in Section 4.

Article 5 Grievance Review Board

Undergraduate student procedures (no equivalent graduate student procedures)

Section 1 Be it that grievances may encompass both academic and non-academic issues, the Grievance Review Board shall be composed of seven persons: the Presiding Officer, three full-time faculty members, at least two of whom shall be tenured members of academic departments, one full-time student-service professional staff members, and two full-time students.

Section 2 The Presiding Officer shall be the Dean of Academic Programs or a designee. This designee shall be responsible for ensuring that all procedures are followed in the seating of the Review Board and in the conduct of its hearings and deliberations. The Presiding Officer shall vote only in case of a tie. The Presiding Officer shall also insure that all participants in each hearing are officially notified of the confidential nature of the hearing and all information and data presented therein.

Section 3 The Grievance Review Board shall be a standing committee, with board members selected each academic year. At the beginning of each academic year, the Presiding Officer shall draw two names from the pool of currently enrolled full-time students, three names from the pool of full-time faculty at least two of whom should be tenured members of academic departments, and one name from the pool of full-time student-service professional staff. Administrative-level Faculty and staff personnel will be excluded from the pool. University policy regarding definitions of full-time faculty, staff members, administrators, and students shall apply. Upon selection, if a faculty, staff, or student declines to serve, another name shall be drawn in their place. Once the position is accepted, it will be for the duration of the academic year.

Section 4 After the regular Board members are selected, alternates shall be drawn using the same method. Three full-time faculty, one full-time student-service professional staff, and two full-time students shall be selected as alternates.

Section 5 Any board member, other than the Presiding Officer, may be permanently replaced with an alternate during the academic year:

- A. if faculty or staff - are no longer employed by CSUB as a full-time employee;
- B. if a student - are no longer enrolled full-time or if placed on academic probation in any semester during the academic year of service.
- C. if absent from any scheduled meeting of the Grievance Review Board, in which member notification and availability were confirmed, then the Presiding Officer may permanently remove that member from the board.
- D. if deemed to be exhibiting inappropriate behavior via a consensus vote of all remaining members of the board.

Section 6 If a board member is replaced with an alternate, then the Presiding Officer shall immediately draw another name from the appropriate pool to fill the vacant alternate position.

Section 7 A quorum shall consist of all current members of the Grievance Review Board, excluding alternates.

Section 8 All hearings shall be closed. The Grievant and the Respondent shall each have the right to have the Ombudsperson present as a non-participant observer at the hearings. Attendance shall be limited to the Grievant, the Respondent, the Ombudsperson, witnesses, if any, while giving evidence, and the Review Board. Since this is not a legal action and grievant has ultimate legal recourse, attorneys shall be excluded.

- Section 9** Formal grievance hearings shall not be held during the Summer or Winter breaks unless Grievant, Respondent, entire Board, and witnesses agree. Every effort shall be made to resolve the grievance within the term filed.
- Section 10** The Presiding Officer shall inform all parties to the grievance of the time, date, and location of the hearing, names of the presiding board members, as well as decisions on other matters that may affect the hearing.
- Section 11** Both the Grievant and the Respondent then have two working days after the date of notice of presiding board members in which they may each request to the Presiding Officer up to one board member be temporarily replaced with an alternate due to cause. The Presiding Officer shall immediately grant or deny such requests, and these decisions shall be final for all purposes. Those temporarily excused for cause shall regain their positions once the Review Board's proceedings for that specific grievance have concluded.
- Section 12** The Board shall normally convene within fourteen (14) working days from notice of grievance. The Presiding Officer shall be responsible for meeting with the Board at an appropriate time before the beginning of the hearing to familiarize the members with the procedures, as outlined in Article 6.
- Section 13** The content of the proceedings in a grievance hearing is confidential, and the Board recommendations resulting there from shall not be made public by any participant in the hearings. In the event these matters should become public, the University, as are appropriate, may make such public statements. This policy of confidentiality shall not preclude such discussion of the case by the opposing parties as may be necessary to prepare for the hearings.
- Section 14** Subject to Sections 15-23 below, both the Grievant and the Respondent may offer evidence and call witnesses, with the Grievant doing so first.
- Section 15** Within the guidelines established by these procedures, and subject to overrule by a majority of Board members, the Presiding Officer may establish necessary rules for the conduct of the hearing, including decisions involving procedural issues.
- Section 16** Any relevant evidence shall be admitted and the Presiding Officer shall have the discretion to rule out evidence if such evidence is essentially repetitious or irrelevant.
- Section 17** During the course of the proceedings the Grievant and the Respondent shall not discuss the case with members of the Review Board outside the hearings. If, in the judgment of the Board either Grievant or Respondent has harassed or attempted to intimidate the other or any Board member, the Board may initiate disciplinary procedures. (See Article 8 below)
- Section 18** Both parties may make an opening statement. The Grievant has the burden of proof, and shall demonstrate by a preponderance of evidence that the Grievant was directly wronged by the action that gave rise to the Grievance. After the opening statements, both parties shall answer questions the Board may have regarding the case. Both parties may then question each other, as well as all witnesses. Any documents submitted as evidence shall be made available by the Presiding Officer to both parties.
- Section 19** The Grievant or Respondent may sign a waiver allowing the Board to have access to confidential information pertinent to the case. However, the rights of privacy of third parties (such as other students in the course who are not involved in the case, or other faculty who may teach similar courses) shall be respected.
- Section 20** The Grievant and Respondent may request information from each other concerning the case. The Grievant, for example, may request a class list with student names and an overall

grade distribution, but in no circumstance will the grades earned by specific students in the course, or student identification numbers, be released without their written permission. Moreover, the Board shall not have access to, nor consider, records of testimony about previous academic performance of the Grievant in other courses or in prior grievances.

Section 21 The Board shall not have access to nor consider records of testimony about the previous use of sanctions by the Respondent nor previous instances of grievances.

Section 22 A tape recording of the hearing shall be kept and filed in the Office of the Academic Vice President. It shall be retained for two calendar years, and then shall be erased. The tape recording is to remain confidential.

Section 23 Each party may present a closing statement. The Respondent presents first. Any closing statements shall be limited to the evidence presented. There shall be no questioning of the parties during or after the closing statements.

Article 6 Grievance Review Board Decisions & Ad Hoc Assessment Committee

Undergraduate student procedures (no equivalent graduate student procedures)

Section 1 The decision of the Board must be consistent with campus and CSU policy. The Presiding Officer shall notify the Grievant, Respondent, and the appropriate administrator of the Board's finding.

Section 2 If the Board found that a legitimate grievance has occurred, the Presiding Officer shall request the Respondent to reconsider the grieved action in light of the Board's finding. If the Respondent agrees, appropriate corrective action must be initiated within seven (7) working days after notification of the Board's finding.

Section 3 If the Board recommends the appropriate corrective action but the Respondent refuses to accept it, then the Presiding Officer shall convene an ad hoc Assessment Committee composed of two faculty or two staff members whose field of expertise is appropriate for suitable evaluation. The Presiding Officer shall be a non-voting member of the Assessment Committee. The Presiding Officer shall inform the Respondent of the decision reached by the Assessment Committee.

Section 4 If the Respondent refuses to comply with the decision of the Assessment Committee, the Presiding Officer must be notified by the Respondent within seven (7) working days after receiving notice of the committee's decision.

Section 5 In the event the Respondent refuses to comply with the decision of the Assessment Committee, the Presiding Officer shall refer the matter to the University's President for final resolution.

Article 7 Appeals

PART A: Undergraduate student procedures

Section 1 Either the Grievant or the Respondent may appeal the finding of the Grievance Review Board, but the Respondent may not appeal the decision of the Assessment Committee. The party wishing to appeal the finding of the Grievance Review Board must deliver a written appeal to the Presiding Officer, with copies to the opposing party. This appeal shall be delivered to the Presiding Officer within fourteen (14) working days from the date of the receipt of the finding of the Grievance Review Board.

Section 2 The only grounds for appeal are:

- A. Substantial departure from the procedures established in this document so as to seriously prejudice the outcome of the hearing;
- B. Prejudicial treatment by the Grievance Review Board.

Section 3 The appeal document shall specify the following:

- A. That it is an appeal;
- B. The name and current address and telephone number of the person making the appeal;
- C. The reasons for the appeal and the facts supporting those reasons.

Section 4 The Presiding Officer may bring final resolution to the grievance by either electing to reject the appeal based on lack of evidence, or by referring the matter to the University's President. The Presiding Officer's decision to either reject, or refer, the appeal shall be final for all purposes. If referred, the President's decision shall be final.

PART B: Graduate student procedures

Section 1 Either the Grievant or the Respondent may appeal the decision of the Associate Dean of Graduate Studies. The party wishing to appeal the decision must deliver a written appeal to the AVP Academic Affairs with copies to the opposing party. This appeal shall be delivered within fourteen (14) working days from the date of notification of the decision from the Associate Dean of Graduate Studies.

Section 2 The only ground for appeal is a substantial departure from the procedures established in this document so as to seriously prejudice the outcome.

Section 3 The appeal document shall specify the following:

- A. That it is an appeal;
- B. The name and current address and telephone number of the person making the appeal;
- C. The reasons for the appeal and the facts supporting those reasons.

Section 4 The AVP Academic Affairs may bring final resolution to the grievance by either electing to reject the appeal based on lack of evidence, or by referring the matter to the University's President. The AVP Academic Affairs' decision to either reject, or refer, the appeal shall be final for all purposes. If referred, the President's decision shall be final.

Article 8 Grounds for Disciplinary Action

Section 1 Students and faculty are subject to disciplinary action if they knowingly make false statements or act in any other way with malicious intent within the provisions of this document.

Section 2 The Presiding Officer of the Review Board (undergraduate grievances) or the Associate Dean of Graduate Studies (graduate grievances) shall immediately bring all such cases before the appropriate disciplinary bodies for review.

Article 9 Procedures for Reporting

Section 1 At the end of the academic year, the Presiding Officer of the Grievance Review Board shall report to the Academic Senate the number of undergraduate cases heard and the disposition of each case.

Section 2 At the end of the academic year, the Associate Dean of Graduate Studies shall report to the Academic Senate the number of graduate grievances that were reviewed and the disposition of each case.

Article 10 Procedures for Revision

Section 1 These procedures are subject to change by majority vote of the Academic Senate. The President is responsible for ensuring that any revisions conform to Executive Order No. 1037 of the Office of the Chancellor.

Article 11 Proceedings Orientation

Undergraduate student procedures (no equivalent graduate student procedures)

Section 1 The Presiding Officer of the Review Board shall conduct an orientation prior to the commencement of proceedings to be attended by all Board members, the Grievant and the Respondent.

Section 2 During the orientation, the following shall be reviewed:

- A. The scope of allowable grievances as outlined in Articles 1 and 2.
- B. The rules governing the proceedings as outlined in Articles 5 and 8.