

California State University, Dominguez Hills

Student Grievance Procedure

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STUDENT GRIEVANCE PROCEDURE

I. Introduction

While California State University, Dominguez Hills (CSUDH) endeavors to maintain a congenial and responsive atmosphere for its students conducive to the educational purpose of the University, it recognizes that from time to time, misunderstandings and disagreements may arise during the course of a student's enrollment.

A grievance may arise out of a decision or action reached or taken in the course of official duty by a member of the faculty, staff or administration of CSUDH. A grievable action is defined below. The purpose of CSUDH's Student Grievance Procedure (the "Procedure") is to provide a process for an impartial review and to ensure that the rights of students are properly recognized and protected.

Any student has the right to seek redress under this Procedure and to cooperate in an investigation or otherwise participate in this Procedure without intimidation, threat of retaliation or retaliatory behavior. Any such behavior, verbal or written, in response to participation in the grievance process is prohibited.

II. What is a Grievable Action?

A **grievable action** is an action that:

- Is in violation of written campus policies or procedures, **or**
- Constitutes arbitrary, capricious or unequal application of written campus policies or procedures.

The Procedure **does not apply** to the following complaints:

- Sexual Harassment or Discrimination Complaints. Such complaints should be directed to the Director of Equity & Internal Affairs. Proper procedures and options shall then be discussed with the student.
- Dismissal/Termination from Academic Program or Other Program Issues. If the program has a specialized grievance procedure, grievances concerning dismissal/termination from the program or other program issues must follow the procedures in the specific program handbook. However, if a program does not have a specialized grievance procedure, then this Procedure *would apply* to grievances concerning dismissal/termination from the program or other program issues.
- Complaints About Another Student's Conduct. Complaints about another student's alleged misconduct are appropriately handled by the Student Discipline Procedure found in Executive Order No. 628. For information on filing a complaint against another student, contact the Office of the Vice President for Student Affairs.
- Challenges to Grades. CSUDH has a separate procedure to handle challenges to grades which is found in PM 96-02, Student Grade Appeal Procedures. A complete copy of the Student Grade Appeal Procedures can be found at <http://www.csudh.edu/srr/schedule.htm>.
- Academic Petitions. CSUDH has established the Student Academic Petitions and Appeals Committee (SAPAC) to review and approve or deny petitions concerning grade changes that are not subject to the Student Grade Appeal Procedures, withdrawals and other academic petitions referred by the Registrar. PM 99-01 contains information about SAPAC and can be found at <http://www.csudh.edu/FacultyAffairs/99PMS.htm>.
- Financial Aid Decisions. Students with complaints relating to Financial Aid decisions, rules and regulations should contact the Financial Aid Office.

The Director of Equity & Internal Affairs may be consulted for assistance in determining the appropriate procedure a student should follow to seek redress of his/her complaint.

III. Standing to File a Grievance

Any person who at the time of filing a grievance is a student enrolled in a course or was such a student during the academic term prior to the time of filing, has standing to file a grievance under this Procedure, *provided* that person has attempted to resolve his/her complaint informally through those procedures discussed in Section V of this Procedure.

IV. Time Limit on Filing a Formal Grievance

To be timely, a formal grievance must be filed with the Director of Equity & Internal Affairs within forty (40) calendar days after the student learned or reasonably should have learned of the occurrence of the action on which his/her grievance is based.

V. Informal Procedures

CSUDH's Student Grievance Procedure relies on the good faith of all involved to achieve a reasonable resolution of grievable actions. Any student who believes that s/he has grounds for a grievance shall first make an attempt in good faith to resolve the problem through early informal discussion of the matter with the faculty, staff or administrator directly involved. If after ten (10) working days from the date of such informal discussion, the student is not satisfied, the student shall then attempt to resolve the grievance through either of the following channels:

- A. Grievance Against Faculty Member. In the case of faculty, through the division/department chair, and if resolution still cannot be attained, the Dean of the College.
- B. Grievance Against Staff Member or Administrator. In the case of a staff member or administrator, through the employee's immediate supervisor, and if resolution still cannot be attained, the head of the administrative unit.

If a resolution is not reached through the division/department chair or the employee's immediate supervisor, the student must then attempt resolution by submitting a written statement of his/her allegations to either the Dean of the College or the head of the administrative unit. The Dean or head of the administrative unit shall investigate the allegations and reach a conclusion as to

whether the student's allegations have merit and propose a resolution. If the student is not satisfied with the results of the investigation, the student may proceed with the initiation of a formal grievance as provided in Section VI of this Procedure.

VI. Initiation of Formal Grievance Procedure

- A. Student Grievance Form Filed with the Director of Equity & Internal Affairs.
If a resolution of the problem is not achieved through the informal procedures set forth in Section V of this Procedure, the student may request an official examination of the facts by presenting a completed Student Grievance Form to the Director of Equity & Internal Affairs. The Student Grievance Form is attached as Appendix B and may also be obtained from the Director of Equity & Internal Affairs or from the CSUDH website.

To complete the Student Grievance Form, the student must prepare a specific statement of allegations made and remedies sought to redress the alleged grievance. A brief narrative (including the names of individuals and/or departments involved, dates, times, records, etc.) is required to support the allegations made. Also, the student must obtain the signatures of appropriate individuals to show that s/he engaged in the informal stage of this Procedure as set forth in Section V. The only exception to this requirement shall be a showing by the student that good cause exists for not engaging in that stage.

- B. Director of Equity & Internal Affairs Determines Grievability.
1. The Director of Equity & Internal Affairs shall determine grievability by ascertaining whether: (1) the grievant has standing to file a grievance; (2) the grievance has been filed within the timeline specified in Section IV of this Procedure; (3) a grievable act, as defined in Section II of this Procedure, has been alleged; (4) informal efforts as stated in Section V of this Procedure have been made to attempt to resolve the issue; and (5) the complaint is one for which this Procedure applies.
 2. The Director of Equity & Internal Affairs shall notify the student of his/her findings on the issue of grievability within ten (10) working days of having received the completed Student Grievance Form.
 3. A finding that the student lacks standing, that the grievance was not filed within the specified timeline, that no grievable action has been alleged or that the complaint is one for which this Procedure does not apply shall conclude the proceedings.

4. If it is found that the student failed to engage in the informal stage of this Procedure as set forth in Section V, the student shall be given five (5) working days to either engage in such informal measures or to show good cause for not engaging in those measures. Failure to do either within that time period shall conclude the proceedings.
5. Determinations/findings made by the Director of Equity & Internal Affairs under this section shall be final.

VII. Student Grievance Panel

- A. Composition. There shall be a standing Student Grievance Panel that shall be composed of the following nine members: three members of the teaching faculty selected by the Academic Senate; three Student Services Professionals appointed by the Vice President of Student Affairs; and three students selected by the Associated Students, Inc.
- B. Purpose of Student Grievance Panel. The purpose of the Student Grievance Panel is to serve as the pool of individuals from which a Student Grievance Committee is selected to hear a grievance that proceeds to the hearing phase of this Procedure.
- C. Term of Service – Faculty and Student Services Professionals. Faculty members and Student Services Professionals members of the Student Grievance Panel shall serve for two (2) years. The two-year terms of these members of the Student Grievance Panel shall begin and end in the same timeframe established for Academic Senate committees.
- D. Term of Service – Students. Student members of the Student Grievance Panel shall serve for one (1) year. The one-year term shall begin on October 1 and end on September 30, or upon completion of any hearing in progress as of that date.
- E. Vacancy in Student Grievance Panel. In the event that a member of the Student Grievance Panel is unable to complete his/her term of office, a replacement shall be appointed to complete the unexpired term, following the original appointment procedures stated in Section VII.A of this Procedure.

VIII. The Hearing Procedures

- A. Hearing by a Student Grievance Committee. Each grievance that proceeds to the hearing phase of this Procedure shall be heard by a Student Grievance Committee selected from the Student Grievance Panel. Within ten (10) working days of determining grievability, the Director of Equity & Internal

Affairs shall select from the Student Grievance Panel one faculty member, one Student Services Professional member and one student member to serve as the Student Grievance Committee for that grievance. The Director of Equity & Internal Affairs shall provide a copy of the Student Grievance Form to each member of the Student Grievance Committee as well as to the grievant and the party against whom the grievance is filed.

- B. Selection of Chair of the Student Grievance Committee. Each Student Grievance Committee shall select its own chair and notify the Director of Equity & Internal Affairs of the name of the selected chair.
- C. Notification of Composition of Student Grievance Committee. Once notified of the selected Chair of a Student Grievance Committee, the Director of Equity & Internal Affairs shall notify both the grievant and the party against whom the grievance is filed of the names of the committee members as well as the chair of the Student Grievance Committee.
- D. Duties of the Chair of the Student Grievance Committee. The duties of the Chair of the Student Grievance Committee include the following:
 - 1. The Chair of the Student Grievance Committee shall notify the grievant and the individual against whom the grievance is filed of the date, time and place of the hearing.
 - 2. The Chair of the Student Grievance Committee shall ensure that the conduct of the hearing conforms to the procedures prescribed herein.
 - 3. The Chair of the Student Grievance Committee is responsible for maintaining order, and may establish such rules as are necessary or appropriate to conduct a fair hearing. The Chair shall not permit any person to be subjected to abusive treatment. The Chair may eject or exclude anyone who refuses to be orderly.
 - 4. The Chair of the Student Grievance Committee shall arrange for and maintain custody of the records of the proceedings until the Student Grievance Committee has rendered its recommendation to the President, or his/her designee, after which the records of the proceedings shall be placed in the custody of the Director of Equity & Internal Affairs. Records shall be maintained for a period of four (4) years.
 - 5. The Chair of the Student Grievance Committee shall see that copies of all statements and documents to be considered by the Student Grievance Committee are accessible to all members of the Student Grievance Committee and to each party of the grievance. The Chair shall also ensure

that each party of the grievance shall have the opportunity to be present when testimony is given.

6. The Chair of the Student Grievance Committee shall ensure that the hearing is tape recorded.
 7. The Chair of the Student Grievance Committee shall decide all procedural issues that arise during the hearing with the concurrence of at least one member of the Student Grievance Committee.
 8. The Chair of the Student Grievance Committee, on behalf of the Student Grievance Committee, may seek legal advice from the Office of General Counsel of The California State University.
- E. The Hearing. All hearings held under this Procedure shall be conducted according to the following:
1. The full three-member Student Grievance Committee must be present for the hearing to proceed.
 2. The hearing shall be informal in nature, and conducted in a spirit of mediation and conciliation. The hearing shall be closed. In a closed hearing, only the principals in the action, the advisors, if any, and members of the Student Grievance Committee may be present. Witnesses are to be present only during the time in which they give their statement and shall remain outside the hearing room until called. The principals in the action shall be provided with the dates and times of all meetings and given the opportunity to hear any evidence presented.
 3. Either party to the dispute may be accompanied by one advisor of his/her choice, provided that person does not function as an attorney and provided that prior notification of the intent to have an advisor is given to the Chair of the Student Grievance Committee and the other party. An advisor may act on the behalf of the party he/she represents. The exclusion of attorneys as advisors does not prohibit either party to the dispute from consulting an attorney.
 4. Either party to the grievance may bring witnesses to a hearing. The names of the witnesses shall be provided to all parties prior to their appearance. Written statements may be permitted from witnesses unable to attend the hearing if the Chair of the Student Grievance Committee so rules with the concurrence of at least one other member of the Student Grievance Committee. Each witness shall be questioned first by the party presenting

the witness, then by the other party, and finally by the members of the Student Grievance Committee.

5. Prior to the hearing, both parties shall have the right to examine and copy documentation pertinent to the grievance. Questions of pertinence shall be decided by the Chair of the Student Grievance Committee with the concurrence of at least one member of the Student Grievance Committee.
6. The hearing shall be conducted according to the order set forth in Section VIII.E.7 of this Procedure. The hearing shall not be conducted according to technical rules of evidence and witnesses. The Chair of the Student Grievance Committee shall admit the sort of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs and shall exclude evidence that is irrelevant, unduly repetitious or cumulative. Evidence relating to past actions may be admitted if shown to be relevant. No evidence other than that received at the hearing shall be considered by the Student Grievance Committee.
7. The hearing shall be conducted in the following order subject to recognition by the Chair of the Student Grievance Committee, with the Chair of the Student Grievance Committee ensuring that each party be allowed a maximum of thirty (30) minutes for all aspects of his/her presentation:
 - a. Opening Statements. Both parties may make opening statements. The grievant goes first. The respondent may reserve the opening statement until the evidence of the grievant has been presented.
 - b. Presentation of Evidence. The case of the grievant shall be presented first and then that of the respondent. Documents submitted as evidence shall be numbered by the Chair of the Student Grievance Committee. At the hearing, each side shall have sufficient copies of each document that s/he wishes to enter into evidence to ensure that each member of the Student Grievance Committee and each side have a copy of the document presented.
 - c. Presentation of Rebuttal Evidence. Both parties may present rebuttal evidence. The grievant goes first.
 - d. Closing Arguments. After all the evidence has been presented, both parties may make closing arguments. The grievant goes first and shall have a final opportunity to rebut the closing argument of the respondent.

8. The hearing shall be tape recorded. The Chair of the Student Grievance Committee shall record the date, time and place of the hearing and shall require all participants to identify themselves for the tape recording at the beginning of the hearing and when speaking during the hearing. The tape recording shall become part of the official record maintained by the Director of Equity & Internal Affairs. Camera and video recorders shall not be permitted at the hearing. The grievant as well as the individual against whom the grievance is filed may, at his/her own expense, request a copy of such recording. No recording by the grievant or other persons at the hearing shall be permitted.
9. If the grievant does not appear within one half-hour of the time agreed upon for the hearing, the hearing shall be canceled and the charges dismissed, unless a valid excuse (as judged by the Student Grievance Committee) is presented within 48 hours. If the person grieved against does not appear, the hearing shall proceed without her/him. Failure of an advisor to appear for either party shall not constitute grounds for postponing or delaying the hearing.

F. Recommendation of the Student Grievance Committee.

1. Members of the Student Grievance Committee shall meet in executive session (with all other persons excluded) following the conclusion of the hearing. In this session, the Student Grievance Committee shall consider the evidence and reach its recommendation, basing that recommendation only on the evidence and exhibits received at the hearing, arguments made in accordance with this Procedure, and any opinions received from the Office of General Counsel.
2. The Student Grievance Committee shall determine by majority vote whether a preponderance of the evidence presented demonstrated that a grievable action was committed, and if so, shall recommend remedies. The Student Grievance Committee shall then prepare its written report which shall consist of the Student Grievance Committee's detailed findings of fact, any conclusions resulting from those findings, a finding for or against the grievant, and its recommendations for resolving or terminating the matter. Appendix C contains the format for the Student Grievance Committee's report. A minority position may be expressed either as a section in the Student Grievance Committee's Report or as a separate Report.
3. Within ten (10) working days of the conclusion of the hearing, the Chair of the Student Grievance Committee shall ensure that the Student Grievance Committee's Report is completed, and shall send copies to the

parties involved in the grievance, the President of the University, or his/her designee, and the Director of Equity & Internal Affairs.

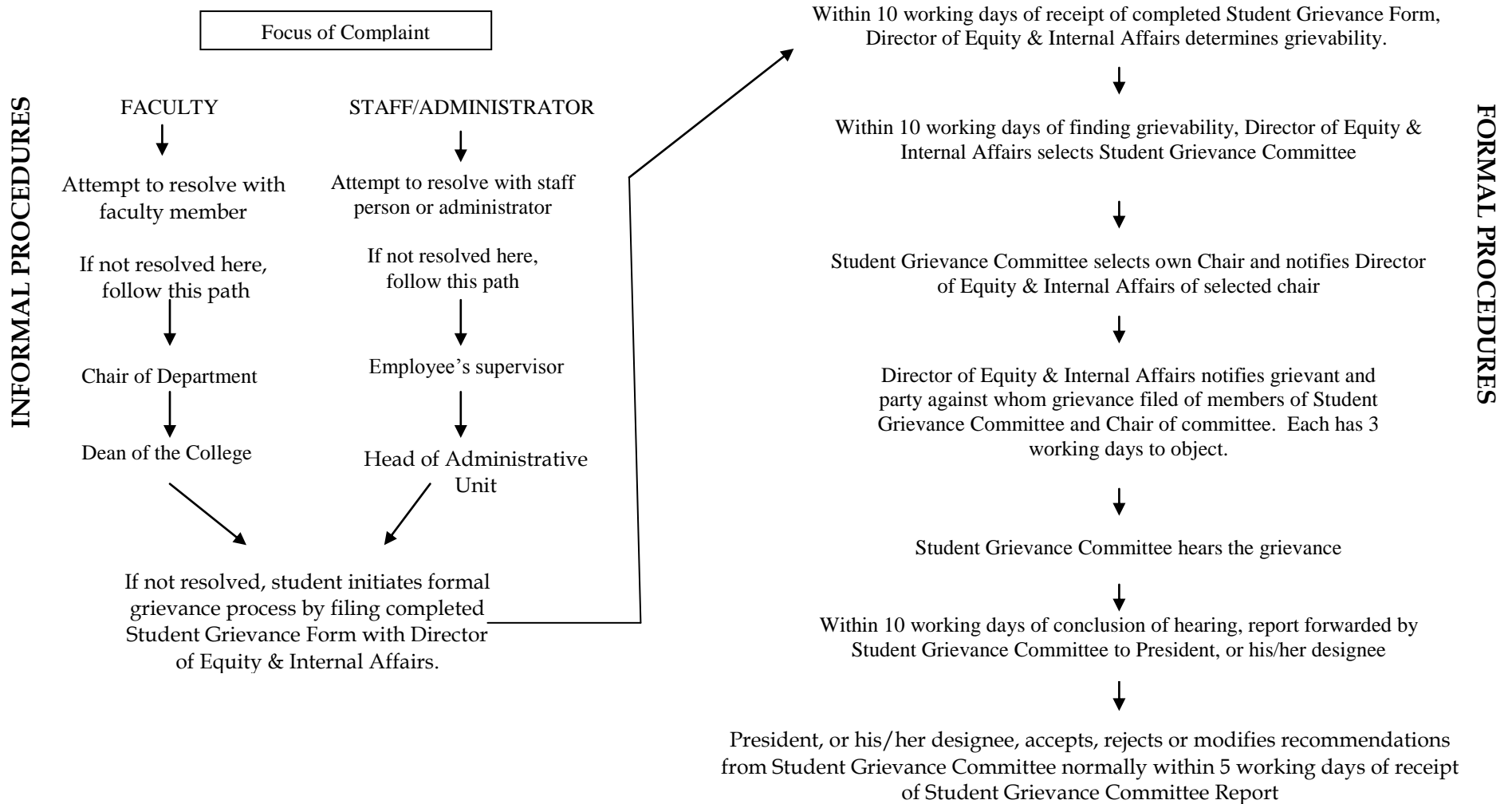
4. After the Student Grievance Committee report is sent to the President, or his/her designee, the Chair of the Student Grievance Committee shall complete his/her portion of the Student Grievance Form on the original of that form and return that original to the Director of Equity & Internal Affairs along with the tape recording of the hearings and all written documentation provided to the Student Grievance Committee.

G. Presidential Action.

1. After reviewing the Student Grievance Committee's Report, the President, or his/her designee, may accept, reject or modify the recommendations of the Student Grievance Committee for reasons based on the record of the hearing, system policy or state or federal law.
2. A decision by the President, or his/her designee, on whether the grievance has merit is final.
3. If the decision by the President, or his/her designee, finds that the grievance has merit and the President decides that corrective action or disciplinary action is appropriate, the matter shall be referred for such corrective action or discipline as provided by the applicable collective bargaining agreement for represented employees or campus procedure for non-represented employees.
4. The decision of the President, or his/her designee, shall be in writing and normally rendered within five (5) working days of receipt of the Student Grievance Committee's report. Copies of the decision of the President, or his/her designee, shall be delivered to the grievant, the person against whom the grievance was filed and the Director of Equity & Internal Affairs.

FLOW CHART: STUDENT GRIEVANCE PROCEDURE

Any student who believes he/she has grounds for a grievance shall make an attempt in good faith to resolve the problems with the faculty, staff or administrator who is the source of the complaint. Student must be enrolled currently or during the semester (or summer/intersession) prior to time of filing. If the resolution is not obtained, the student should follow either the Faculty or the Staff/Administrator flow chart as appropriate.



STUDENT GRIEVANCE FORM

Information and assistance in completing this form may be obtained from the Director of Equity & Internal Affairs. After completing Part I, please submit this form to the Director of Equity & Internal Affairs.

PART I: TO BE COMPLETED BY STUDENT

Student Name (Please print) _____

Student Signature _____

Major _____ Grade Level _____

Local Address _____

_____ SS# _____

Telephone (_____) _____ Message Phone (_____) _____

Email address: _____

GRIEVANCE AGAINST:

Name(s) _____

Department or Administrative Unit: _____

Date(s) of incident(s) upon which grievance is based: _____

Specific Allegation(s): (Describe each allegation in detail. Include names, departments, dates, times, records, etc. Use additional sheets if necessary.)

1. _____

2. _____

3. _____

PART I: TO BE COMPLETED BY STUDENT (continued)

Remedy sought _____

INFORMAL PROCEDURES:

Informal efforts have been made to resolve the issue(s) being grieved in consultation with the following people:

Faculty/Staff member name: _____

Signature: _____ Date: _____

Department Chair/Manager name: _____

Signature: _____ Date: _____

College Dean/Administrative Head: _____

Signature: _____ Date: _____

PART II: TO BE COMPLETED BY DIRECTOR OF EQUITY & INTERNAL AFFAIRS

Date received original of Student Grievance Form: _____

DETERMINATION OF GRIEVABILITY

Grievability

Date of determination: _____

Date parties notified of grievability determination: _____

Lacks grievability because _____

Date parties notified of lack of grievability: _____

**PART II: TO BE COMPLETED BY DIRECTOR OF EQUITY & INTERNAL AFFAIRS
(continued)**

Names of Selected Student Grievance Committee

_____, Faculty Member
_____, Student Services Professional
_____, Student

Chair of Student Grievance Committee: _____

Date parties notified of Student Grievance Committee members: _____

Date copy of Student Grievance Form provided to:

Members of Student Grievance Committee: _____

Grievant: _____

Party against whom grievance is filed: _____

Date original of Student Grievance Form provided to Chair of
Student Grievance Committee: _____

Signature of Director of Equity & Internal Affairs: _____

PART III: TO BE COMPLETED BY GRIEVANCE COMMITTEE CHAIR

Date received original of Student Grievance Form: _____

Date hearing held: _____

Date report sent to: President: _____

Director of Equity & Internal Affairs: _____

Parties to grievance: _____

Date original of Student Grievance Form and all records returned to Director
of Equity & Internal Affairs: _____

Signature of Student Grievance Committee Chair: _____

STUDENT GRIEVANCE COMMITTEE REPORT

Date of Hearing: _____

Nature of the allegations:

Relevant facts on the case:

Findings:

Recommendation(s):

Name of the Committee Member:

1. _____

Signature: _____

Date: _____

2. _____

Signature: _____

Date: _____

3. _____

Signature: _____

Date: _____

Date Report sent to:

President: _____

Director of Equity & Internal Affairs: _____

Parties to grievance: _____