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ACADEMIC COUNCIL

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ACADEMIC COUNCIL POLICY RECOMMENDATION

#S73-25

At the Academic Council meeting of May 14, 1973, the following "Student Grievance Code" procedures were accepted as presented by Leland Nerio, chairman of the Student Affairs Committee. (Note: These procedures supplant Section 10 of "Student Rights and Responsibilities" procedures.)

STUDENT GRIEVANCE CODE

I. Purposes

- A. The purposes of the Student Grievance Committee shall be to hear and to seek redress of student grievances concerning individual members of the faculty, administration or staff and, when appropriate to make recommendations concerning appropriate redress to appropriate persons and ultimately (if necessary) to the President of the University.
- B. A grievance is a complaint arising out of any alleged unauthorized or unjustified act or decision by a member of the faculty, administrative officer, or staff, which in any way adversely affects the status, rights, or privileges of a member of the student body. The burden of proof shall rest with the complainant. Student grievances relating to a course grade or other instructional decisions shall be referred to the Academic Fairness Committee.

II. Membership

- A. The voting members of the Student Grievance Committee shall be:

Five (5) students and three (3) alternates to be named under procedures established by the Associated Students Council. Undergraduate students serving on this committee must be regular students in good standing. Graduate students must have been admitted to an authorized advanced degree or credential program.
- B. Three (3) full-time faculty members and two (2) alternates to be named according to procedures approved by the Academic Council.
- C. Two (2) full-time members of the Administration and two (2) alternates to be named by the President of the University.
- D. One (1) full-time staff representative and one (1) alternate to be named by the Staff Council.

- E. The Ombudsman shall be a non-voting ex-officio member.
- F. Seven (7) voting members shall constitute a quorum. Decisions shall be reached by a majority of those present and voting.
- G. Each voting member of the Committee shall be appointed for a term of two (2) years. No voting member shall serve more than two (2) terms consecutively. When the Committee is first constituted, three (3) of the students, two (2) of the faculty, and one (1) of the Administration shall be appointed for terms of one (1) year. Significant representation of ethnic groups and women shall be included.
- H. The Chairman shall be selected by the President of the University from a slate of nominees (three) approved by the Committee, and shall be a non-voting member. No person shall serve as Chairman more than two (2) terms consecutively.
 - 1. The Chairman of the Committee shall be the administrative officer of the Committee. His duties shall include arranging for appropriate times and places for Committee meetings and hearings; informing members of the times and places of Committee meetings and hearings; informing in writing all interested parties of the times and places of Committee meetings and hearings which they are requested to attend, and supplying them with a statement of alleged grievances; informing all other interested parties that a grievance is pending and of the final disposition of the grievance; securing and distributing to the Committee written material appropriate for its consideration; arranging for the recording of Committee proceedings; maintaining Committee records, and informing in writing the immediate supervisor or department chairman of the decisions of the Committee.
- I. Should any member of the Committee be unable, for any reason, to complete a term for which he has been appointed, a replacement shall be appointed by the same appointing body which made the original appointment to fill the balance of the term. Whenever possible the replacement will be one of the designated alternates. Resignations shall be submitted in writing to the Chairman of the Committee. The chairman of the Committee shall inform in writing the appropriate officer or agency of the existence of a vacancy and request the prompt appointment of a replacement.
- J. If a member of the Committee be granted an official leave for a period of time less than that remaining in his term, or if, because of illness or other reasons, in the opinion of the Committee a member of the Committee is unwilling or unable to participate in the work of the Committee, the chairman of the Committee shall inform the officer or agency whose appointee is unable or unwilling to serve and request the prompt appointment of a temporary replacement to serve until the original appointee resumes full service on the Committee. When the services of a temporary appointee are no longer required, the

chairman of the Committee shall promptly inform the temporary appointee and the appointing officer or agency.

1. Should the Committee be involved in a specific case at the time of the return of an absent member, the replacement member shall continue as a member of the Committee in all sessions dealing with that specific case until it is concluded. The returning member shall resume membership on the Committee in any new cases brought before the Committee.
- K. Any member of the Committee may be reappointed upon the expiration of his prescribed term if duly recommended by the designated persons, but may be appointed for a third term only after a break in service of not less than two (2) years. If the Committee is involved in any specific case at the time of the expiration of the term of any member, that member shall continue to function as a member of the Committee in its dealings with that specific case only, until such time as the case is concluded. Any newly appointed member shall not be considered as a member of the Committee in relation to any case continuing from a time prior to his term. He shall, however, serve as a member of the Committee for all other matters, beginning with the first day of his designated term of service.
- L. Any member of the Committee may at any time disqualify himself permanently from the Committee or from consideration of any given case or cases, in which event a replacement shall be appointed by the same body which made the original appointment, to fill the balance of the term or such consideration of those cases. Whenever possible the replacement will be one of the designated alternates.
- M. Either party to the hearing may request of the Chairman that any member or members of the Committee be excluded from consideration of the case. Such a request must be for cause and be brought to the Chairman's attention as the first step in the hearing. In the event a member is disqualified by the Chairman from consideration of a case, a replacement shall be appointed by the same body which made the original appointment of the disqualified member. Whenever possible the replacement will be one of the designated alternates.

III. Redress

- A. Steps toward redress should begin with informal discussions and should be resolved at the lowest level possible. If a satisfactory solution is not reached, the grievance should then be taken to the Student Grievance Committee for hearing and appropriate action.
- B. Informal Discussion
 1. Informal discussion between persons directly involved in a grievance is essential in the early stages of the dispute and should be encouraged at all stages. An equitable solution to the problem should be sought before the persons directly involved in the case have made public or official statements that might tend to polarize the dispute and render a solution more difficult. Events of informal discussions not applicable to the original charge may not be used for or against either party, if the case reaches higher levels.

2. Thus, whenever a student feels aggrieved by a faculty member, an administrator, or a staff member, he should consult with such persons as fellow students, non-involved faculty members, the counseling staff, the Ombudsman, the Dean of Undergraduate Studies, the Dean of Graduate Studies, or the Dean of Student Services to evaluate the situation and to determine which of the following steps might best apply:
3. The student should bring his complaint to the attention of one or more of the proper departmental, school, college, or Staff Council Committees where such grievance provision exists or where appropriate, to the department chairman, dean, administrative officer, or staff supervisor. The student may choose a specific person(s) as counsel or advocate in all proceedings.
4. The student will first try to resolve any grievances informally with the person who the grievance is against. If the grievance is not resolved to the satisfaction of the student, the student should bring the grievance to that person's supervisor.
5. Only after the student has tried to resolve the grievance with appropriate personnel will the Student Grievance Committee consider the case.

C. Procedures for Hearings by the Committee

1. Where informal recourse fails, the student may file an appeal in writing to this Committee, accompanied by available documentary evidence.
2. The Committee shall establish and publish its own procedures, in accordance with provisions for academic due process and in accordance with the stipulations stated below.
 - a. The only persons present at meetings of this Committee shall be Committee members, parties to the action being considered by the Committee and their representatives, and witnesses actually testifying before the Committee.
3. The Committee, prior to sitting as a whole to arrive at judgment, shall arrange for a swift and comprehensive investigation of the matter under consideration. It shall then decide on the basis of written statements presented by the complainant and preliminary discussions with the aggrieved, whether or not there are sufficient grounds to hear a case, and whether or not it will accept written statements in lieu of personal appearances by witnesses. The Committee shall review and consider documentary records, if any, of department, school, or Staff Council grievance organizations relating to the current case. If the Grievance Committee decides that there are not sufficient grounds to hear a case and closes the case, it shall notify the complainant and respondent in writing as to the reasons for its action.

4. All procedures shall be conducted with as great dispatch as is consistent with due process and justice. In all possible cases the matter shall be resolved within a semester. Only in extraordinary situations shall a matter be continued over a summer term.
5. If the Committee determines that the case merits further consideration, the parties involved shall be informed in writing, consulted as to the possibility of correcting the situation, and, if a hearing is still required, be advised in writing of the scheduled time and place and alleged grievance.
6. At the hearing the complainant, persons directly involved, and witnesses may testify and be questioned by the opposite party and Committee members. Only evidence or individual written statements presented in the hearings may be considered in the final judgment. All evidence shall be made available to all parties.
7. A record of the hearing, tape recorded or otherwise preserved, shall be preserved for reference and review for a period of four (4) years.
8. Proceedings shall be conducted in accordance with the AAUP's Joint Statement on Rights and Freedoms of Students proposed in 1967.

IV. Judgment

- A. Committee members shall arrive at a judgment in consultation among themselves after the parties have been dismissed. Only members of the Committee who have been present during all of the meetings and who have heard all testimony relating to the alleged grievance may vote on the case.
- B. A majority vote of such qualified members shall constitute a judgment. In case of a tie vote, a brief summary of the opposing positions shall be submitted to the President of the University for a final decision.
- C. The Committee shall transmit its decision in each case to any person or agency which in the opinion of the Committee is appropriate to take action to effectuate the decision regarding a grievance. A copy of all recommendations will go to the President and to other interested parties. If the person or agency involved decides not to carry out the recommendation of the Committee, written detailed reasons for that decision shall be submitted promptly to the Committee. If, within a reasonable time, remedial action has not been taken, the Student Grievance Committee may request the President, the Business Manager, Executive Vice President, Academic Vice President or Academic Council, to expedite resolution of the situation.
- D. When, in the opinion of the Committee, disciplinary action may be appropriate, the Committee may make recommendations for further

action to the President if the person charged is an administrative officer or a member of the staff or professor, or the Committee may refer the matter directly to the appropriate person in charge of the college disciplinary procedures.

1. If the judgment involves disciplinary action against a faculty member, the Committee shall refer the judgment to the person in charge of disciplinary procedures concerning faculty.
- E. The decisions reached by this Committee shall take precedence over decisions reached by student grievance committees within individual departments, colleges, or schools.
- F. If redress requires a policy change or if a policy change appears advisable or necessary, the Committee shall refer its recommendations to the Executive Committee of the Academic Council, Staff Council, or President, as appropriate.
- G. Should any person, whether or not directly involved in a complaint, allegedly suffer some disadvantage, discrimination or reprisal as the direct or indirect result of any complaint, testimony or statement in connection with Committee action, the Student Grievance Committee shall upon request or upon its own motion, exercise original jurisdiction and take all necessary steps to verify the facts and remedy injustice.

V. Revisions in the Code

- A. The Committee may make recommendations as it deems appropriate for revisions in this code. Revisions in the Student Grievance Code shall be submitted for ratification to the Academic Council, (i.e., Student Affairs Committee), and President of the University.

ACTION BY UNIVERSITY PRESIDENT:

I am returning A.C. #S73-25 for further consideration. The bases for this decision are that (1) the proposed policy is in potential conflict with the specified charge of the Academic Fairness Committee, i.e., "Hears complaints and charges of violation of rights of students concerning general and specific issues in matters extracurricular as well as curricular" and (2) the margin supporting the proposal was narrow and appeared to constitute less than a majority of all members of Academic Council.

The student chairman of the Academic Fairness Committee attended the Council meeting to plead against the creation of a new committee, arguing that such a committee would merely provide a duplicative new layer of bureaucracy. She pointed out that the Academic Fairness Committee had requested such clarification of its charge earlier, and that its workload was sufficiently small so that there was no problem handling all matters to come before it (approximately fifteen cases in the academic year). Hence, the creation of a second committee with overlapping jurisdiction seems unnecessary.

In view of the testimony offered by the student chairman of the Academic Fairness Committee with respect to case load, it is recommended that Academic Council give serious consideration to broadening and to specifying more precisely the authority and responsibility of the Academic Fairness Committee.



John H. Bunzel
President

June 26, 1973