Definition

Provides a means for students to seek redress of complaints regarding matters other than grade appeals. Grade appeals can be filed by following the Student Grade Appeal Policy. Matters of racism, sexual harassment and discrimination involving faculty members should be reported to the Associate Vice President for Academic Resources; all others should be filed with Human Resources and Equal Opportunity.

Authority

The Cal State San Marcos Interim Student Rights and Responsibilities Policy as expressed in Executive Order 320.

Scope

The purpose of the Student Grievance Policy shall be to enable a student to resolve a complaint arising out of any alleged unauthorized or unjustified act or decision, other than a grade appeal, by a member of the faculty, administration, or staff that in any way adversely affects the status, rights, or privileges of a member of the student body. The burden of proof shall lie with the complainant.

Signed:

Karen S. Haynes, President
2/19/04

Robert Sheath, Provost
2/18/04

Approval Date
I. GENERAL GUIDELINES
The Student Grievance Committee shall hear and seek redress of student grievances, other than a
grade appeal, concerning members of the faculty, administration, or staff, and shall recommend
corrective action/s.

II. MEMBERSHIP
The voting members of the Student Grievance Committee shall be (alternate members only vote if
they are in a membership position):
1. Three students named by the Associated Students, Inc. Undergraduate students serving on
this committee shall be a student in good standing. Graduate students shall have been
admitted to an authorized advanced degree or credential program.
2. Three full-time tenure line faculty members named by the Academic Senate.
3. One full-time staff member from the Division of Academic and Student Affairs named by the
President.
4. A committee chair will be selected from among the faculty members on the committee.
5. Alternates will include the following individuals:
   a. Two alternate students named by the Associated Students, Inc. Undergraduate students
      serving on this committee shall be a student in good standing. Graduate students shall have
      been admitted to an authorized advanced degree or credential program.
   b. Two alternate faculty named by the Academic Senate.
   c. One alternate full-time staff member from the Division of Academic and Student Affairs
      named by the President.

III. COMMITTEE STRUCTURE AND RESPONSIBILITY
Four voting members shall constitute a quorum. Decisions shall be reached by a majority of those
present and voting, except where otherwise indicated (see Section IV – Judgment, #3). Each student
member shall be appointed for two years on staggered terms. Non-student members shall be
appointed for three years on staggered terms. No member shall serve more than two terms
consecutively. A Chair (who cannot be a student) shall be appointed for two years by the President
of the University. A Vice Chair shall be selected from among the committee members. No member
shall serve as Chair more than two consecutive terms.

A. The Chair shall be the Committee's administrative officer whose duties shall include the
following:

1. Arranging for appropriate times and places for meetings and hearings, informing members of
   the times and places of meetings and hearings, informing in writing all interested parties of
   the times and places of meetings or hearings that they are requested to attend and supplying
   them with a statement of alleged grievances, and informing all other interested parties that a
   grievance is pending and of the final disposition of the grievance.
2. Securing and distributing written material appropriate for its consideration.
3. Maintaining records and informing in writing the immediate supervisor, department chair, or
college dean of the Committee's recommendations.
B. Responsibilities of Committee Members
1. Should any member of the Committee be unable to complete an appointed term, a replacement shall be appointed to fill the balance of the term by the original appointing officer or agency. Resignations shall be submitted in writing to the Chair of the Committee. The Chair shall inform in writing the appropriate officer or agency of the vacancy and shall request the prompt appointment of a replacement.

2. Should a Committee member be unable to hear a case, an alternate shall be appointed for the course of the grievance. If a member of the Committee is granted an official leave for less time than remaining in a term, or if because of illness or other reasons a member is judged unwilling or unable to participate in the work of the Committee, the Chair shall inform the administrator or agency of the appointee and shall request the prompt appointment of a temporary replacement.

3. When the services of a temporary appointee are no longer required, the Chair shall promptly inform the temporary appointee and the appointing administrator or agency.

4. Should the Committee be involved in a specific case when an absent member returns, 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 for subsequent cases.

5. When a member of the Committee has more than three consecutive absences, the Committee may vote to remove that member and may request a replacement from the appointing administrator or agency.

6. A member of the Committee may be reappointed upon the expiration of term if duly recommended by the designated persons, but the member may be appointed for a third term only after a break in service of not less than two years.

7. If the Committee is involved in a case when a member's term expires, the member shall continue on the Committee only in its consideration of the case. A newly appointed member shall not be considered a member of the Committee for a prior continuing case. The new Committee member shall, however, serve for all other matters.

8. A member of the Committee may choose to resign from the Committee, in which event a replacement for the balance of the term shall be appointed by the original appointing officer or agency.

9. A member of the Committee may choose to be disqualified from consideration of any case for which there may be a conflict of interest, in which event a replacement shall be appointed by the Chair of the Committee from the list of alternates of the member's constituency.

10. If a member is a principal in a preliminary investigation or hearing by the Committee, the member shall be excluded from considering that case and an alternate appointed.

11. Upon the conclusion of a hearing in which a Committee member was a principal, the Committee shall determine the member's fitness to continue on the Committee. The decision shall be conveyed by the Chair to the appointing officer or agency, either informing of the continuation of membership or requesting a replacement.

12. Either party to a hearing may request of the Chair that a Committee member(s) be excluded from considering the case. The request shall be for cause and shall be brought to the Chair's attention as the first item in the hearing. If a member is disqualified by the Chair from
consideration, a replacement shall be appointed by the Chair from the list of alternates of the member's constituency.

IV. STEPS FOR SEEKING REDRESS
Steps toward redress should begin with the Dean of Students who will then direct the student to the appropriate committee for redress. If the matter is one that pertains to the Student Grievance Committee, all attempts should be made to resolve the matter 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.

A. Informal Discussion
1. Informal discussion between persons directly involved in a grievance shall be essential in the early stages of the dispute and should be encouraged at all stages. An equitable solution to a problem should be sought before the persons directly involved in the case have assumed official or public positions that might polarize the dispute and render a solution more difficult. Neither persons directly involved in a case nor any other persons shall use the informal discussion, the filing of a grievance, or the character of the informal discussions to strengthen the case for or against persons directly involved in the dispute or for a purpose other than to resolve the grievance.

2. A grievance can be brought as a result of an unauthorized or unjustified act or decision by a member of the faculty or staff or an administrative officer which in any way adversely affects the status, rights or privileges of a student. The student should consult with the counseling staff, the Dean of Students, the appropriate College Dean, or the Dean of Graduate Studies to evaluate the situation and to determine which of the following steps might best apply:
   a. The student should bring the complaint to the attention of one or more of the proper college committees where such grievance provision exists or to the chair, dean, administrator, or staff supervisor; or
   b. The student should bring a complaint against an administrator or staff member to that person’s supervisor.

3. When informal recourse fails, the student may file in writing to the Committee an appeal accompanied by available documentary evidence. The documentation will include 1) what alleged transgression transpired, 2) when the transgression took place, 3) what redress the student is seeking. Simultaneously a copy of the complaint shall be given to the respondent.

B. Procedures for the Formal Hearing
1. A student grievance must be filed with the Committee no later than the last day of the semester (excluding summer session) after the semester during which the student was allegedly aggrieved.

2. The Committee shall establish and publish its own procedures in accordance with provisions for academic due process and in accordance with the stipulations below. Present at these meetings shall be only Committee members, parties to the action and their representatives, and testifying witnesses. The burden of proof rests with the complainant.

3. The Committee, before sitting as a whole to arrive at judgment, shall arrange for an expeditious and comprehensive investigation of the matter. From written statements
presented by the complainant and from preliminary discussions with the aggrieved it shall decide whether there are sufficient grounds to hear a case and whether it will accept written statements in lieu of personal appearances by witnesses. The Committee shall review and consider documentary records of department, or college grievance organizations relating to the case. If the Committee closes the case, having decided that there are not sufficient grounds for a hearing, it shall notify in writing the complainant and respondent as to the reasons for its actions.

4. If the Committee determines that the case merits further consideration, the parties involved (a) shall be informed in writing, (b) shall be consulted as to the possibility of correcting the situation, and (c) if a hearing is still required, shall be advised in writing of the scheduled time, place, and alleged grievance.

5. At the hearing the complainant, persons directly involved, and witnesses may testify and be questioned by the opposite party and Committee members. Written evidence presented by either party may be subject to refutation and consideration by the opposite party and Committee members. Only evidence presented in the hearings shall be considered in the final judgment.

6. Proceedings shall be conducted in accordance with the American Association of University Professors' Joint Statement on Rights and Freedoms of Students (1967).

C. Confidentiality

1. To protect all parties involved, all participants shall maintain confidentiality to the maximum extent possible at every level of the grievance process. A breach of confidentiality is a breach of ethics and/or code of conduct and The Family and Educational Right to Privacy Act (FERPA).

2. No member of the committee shall discuss personal and/or pertinent information relating to a specific grievance with any persons who are non-committee members except at the request of the committee or as part of the hearing processes defined in this document. This shall not preclude notification of proper authorities by the Student Grievance Committee in the event that the committee perceives the safety of any person or property to be in jeopardy.

3. No member of the committee shall discuss personal and/or pertinent information relating to a specific grievance with any of the principals throughout the course of the investigation and following the recommendation of the committee except at the request of the committee or at a hearing.

4. Communication Guidelines: All written documentation and recommendations relating to individual grievances shall be marked and handled "confidential," and is only available to those directly involved in the grievance (interested parties). All documents relative to an individual grievance shall be appropriately maintained for three years in locked file drawers located in the Academic Senate Office and shredded at that time. No members of the committee will discuss the facts of any grievance through electronic mail.

D. Judgment

1. Committee members shall arrive at a judgment and or recommendations in consultation among themselves. Only those entitled to vote on the case, their alternates, the chair, and a clerk secretary shall be present during consultation and voting. Only members of the
Committee who have heard all testimony during the hearing relating to the alleged grievance shall vote on the case.

2. The Committee shall transmit its recommendation in each case to a person or agency whom the Committee judges appropriate to effect the decision regarding the grievance. A copy of recommendations shall be forwarded to the President and to other appropriate parties. If the person or agency involved decides not to carry out the recommendation of the Committee, 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 or the appropriate administrator to expedite resolution of the situation.

3. When in the opinion of the Committee disciplinary action may be appropriate, the Committee may recommend further action to the President.

4. The decisions reached by this Committee shall take precedence over decisions reached by student grievance committees within departments, schools, or colleges.

5. If redress requires a policy change or if a policy change appears advisable or necessary, the Committee shall refer its recommendations to the Senate Executive Committee or to the President as appropriate.

6. Should any person, whether or not directly involved in a complaint, allegedly suffer some disadvantage, discrimination, or reprisal as the result of a 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 the necessary steps to verify the facts and remedy the injustice.