

CALIFORNIA STATE UNIVERSITY, LONG BEACH

POLICY STATEMENT

NUMBER: 77-09

FILE: Grievances

*Superseded by
95-06*

SUBJECT: Policies and Procedures For Graduate Student Grievances

The following policy statement, recommended amendment by the Academic Senate at its meeting on January 27, 1977, and approved by the President on February 7, 1977, is attached.
(NOTE: Section IV-E-3 is the only change)

Effective: Immediately

This Policy Statement supersedes Policy Statement 76-08

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Academic Senate Office

GRADUATE COUNCIL PROPOSAL FOR POLICIES AND PROCEDURES FOR GRADUATE STUDENT GRIEVANCES

I. IDENTIFICATION OF GROUNDS

A graduate student grievance must be based on a violation or alleged violation of University regulations or policies. A grievance may not be based on the student's judgment of an instructor's or administrator's competence; such judgments are the province of the academic department involved or the administrator's supervisor.

A grievance must be initiated no later than one calendar year following the alleged violation. Grievance proceedings may be filed one calendar year beyond this time limit only if the Steering Committee of the Graduate Council is persuaded that the grievant could not have known about the event(s) at issue until after the time limit for filing had elapsed.

II. PRIMARY MECHANISM FOR RESOLUTION

- A. Student-Instructor/Administrator Dialogue: The student initiating a grievance has the responsibility of first attempting resolution with the faculty member or administrator against whom the grievance is directed, in consultation with her/his graduate committee and graduate adviser.
- B. Department Chair: The student or the instructor or administrator may solicit the involvement and/or review of the department chair or the administrator's supervisor if they are unable to work out the problem at the student-instructor/administrator level.
- C. School Dean: If the grievance cannot be resolved within the department, the student, the instructor or administrator or the department chair may request review of the grievance by the Dean of the School.
- D. The Dean of Graduate Studies and Research: In the event that the grievance cannot be resolved within the school, any party to the grievance may request review by the Dean of Graduate Studies and Research. The Graduate Dean is responsible for holding an informal session of all principals involved to insure that a free flow of communication exists. It is the obligation of the Graduate Dean to try to effect an agreement short of appeal to the University Graduate Council.
- E. University Graduate Council: If the grievant is still not satisfied, he/she may appeal to the University Graduate Council within one semester following review by the School Dean. The grievant must initiate the appeal by delivering three copies of the grievance to the Dean of Graduate Studies and Research. These notarized copies will be distributed to the Steering Committee of the University Graduate Council for action.

III. REVIEW BY STEERING COMMITTEE OF UNIVERSITY GRADUATE COUNCIL

- A. The Steering Committee will, at the request of the grievant, evaluate the grievance and all previous action taken on it and will rule on whether the grievance merits further review.
 1. If merited, the grievance will be referred to a Sub-committee on Grievances of the Graduate Council.

2. If not merited, reasons justifying denial of Graduate Council review will be sent to the grievant and these other parties:
 - a. President of the University
 - b. Graduate Council
 - c. School Dean
 - d. Department Chair
 - e. Faculty Member or Administrator
3. The Committee decision not to review the matter further is not subject to further review, except as may be granted by the President of the University.

B. The following deadlines must be met to initiate Steering Committee review of the grievance:

1. The petition must be received within one semester following review by the School Dean.
2. The decision of the Steering Committee normally will be announced no later than the 25th academic working day after receipt of the grievance.
3. The petition may be carried over to the following regular semester if it is received later than six weeks after the first class session of the semester.
4. The Steering Committee normally will be in recess during summer sessions.

C. The grievant must include the following documents in triplicate with her/his petition to the Steering Committee.

1. A written notarized statement of the grievance.
2. All relevant supporting documents.
3. Documentation of previous action on the grievance and recommendations made during initial efforts to resolve it.

IV. FINAL REVIEW BY THE UNIVERSITY GRADUATE COUNCIL'S SUB-COMMITTEE ON GRIEVANCES

A. Composition: The Sub-committee's membership:

1. shall consist of three faculty members selected by lot.
2. may not include any member of the Steering Committee.
3. is subject to challenge for cause by the grievant or respondent, with the Steering Committee to rule on each challenge.

B. Time Deadlines: In taking action on a grievance, the Sub-committee is bound by these constraints:

1. The Sub-committee must meet no later than 15 academic working days following receipt of grievance materials from the Steering Committee.
2. At this meeting, the Sub-committee will review the grievance materials and set a hearing date; the hearing date will be announced in writing to all principals in the grievance, allowing a minimum of 15 academic working days of the announcement for preparation of all principals.
3. The Sub-committee will draw up and notify a list of witnesses, soliciting names of potential witnesses and their qualifications from both the grievant and the respondent no later than 15 academic working days before the hearing date.
4. All evidence by individuals not able to attend the hearing is to be notarized and made available to the Sub-committee no later than three academic working days before the hearing date.
5. The Sub-committee's ruling and the justification for it will be distributed in writing no later than ten academic working days following the hearing to the grievant and to the persons named below:
 - a. President of the University
 - b. Graduate Council
 - c. School Dean
 - d. Department Chair
 - e. Faculty Member or Administrator

C. Hearing Regulations: In preparing for and conducting the hearing, the Sub-committee will observe these guidelines:

1. Evidence and other material not available to the Steering Committee may not be submitted to the Sub-committee unless requested by the Sub-committee.
2. From the time the hearing date is set both grievant and respondent will have access to all data relevant to the case.
3. No parties in the grievance may be represented by legal counsel, although the Steering Committee and the Sub-committee may receive legal advice from the Chancellor's Office of General Counsel.
4. Although the Sub-committee may not compel witnesses to testify, as it does not have subpoena power, it will use its good offices to persuade any employee or student of the campus to be available as a witness.
5. Observers or consultants present during the hearing may not comment officially except at the invitation of the Sub-committee.

6. The hearing will be closed at the request of the grievant or respondent.
7. Witnesses may be present only during the opening statement of the Sub-committee Chair and for their own testimony.
8. The Chair will rule on the appropriateness of all questions.
9. The grievant is responsible for proving her/his case by a preponderance of the evidence; the respondent is not obligated to disprove unsubstantiated or substantiated allegations of the grievant.

D. Order of Evidence: Evidence during the hearing will proceed as follows:

1. The Chair makes an opening statement of the hearing procedures and the issues the Sub-committee will hear.
2. Witnesses are excused and requested to stand by.
3. Grievant makes an introductory statement.
4. Respondent makes an introductory statement.
5. Witnesses for the grievant, respondent, and Sub-committee are called for testimony one by one and excused, subject to call.
6. The grievant and respondent each make refutation.

E. Records of the Hearing: It shall be the responsibility of the Sub-committee Chair to see that appropriate records are made of the hearing.

1. An official tape recording shall be made and stored in the Office of the Dean of Graduate Studies and Research for a minimum of one year following the hearing.
2. All evidence, the written minutes of the hearing, and the Sub-committee's ruling shall be stored with the tape recording.
3. Access to these hearing records, for other than the President, his designee, the principals, and the hearing committee, will be determined by the Steering Committee upon receipt of appropriate release information forms from all principals. The principals and the hearing committee shall have access to these records at all times.

F. Ruling of the Sub-committee: Following the hearing, the Sub-committee will deliberate and make its ruling. The decision will be announced as indicated in IV-B-5.

V. ETHICAL CONDUCT DURING GRIEVANCE PROCEEDINGS

- A. Students, faculty, and administrators are cautioned against public statements and other conduct which could prejudice the outcome of the grievance hearing or provoke tension and hostility during the proceedings.
- B. The Steering Committee or the Sub-committee may refuse to hear any case in which, in their judgments, such violations of ethics have occurred. This decision is not reviewable except as may be authorized by the President.

STEPS IN RESOLVING A GRIEVANCE

