APPENDIX VII DIVISIONAL PROCEDURE FOR STUDENT GRIEVANCE IN ACADEMIC AFFAIRS

(As passed by the Representative Assembly of the S. F. Division on October 18, 1977)

1.0 PURPOSE

The purpose of this procedure is to allow for the resolution of student grievances in academic matters which result in injury to the student.

1.1 DEFINITIONS

1.10 STUDENT - must either be currently registered as a student at a campus of the University, or have been enrolled at the time of the alleged infraction.

1.11 REPRESENTATION - assistance to grievant in formal hearing process. May be of one or more of these types:

   A. Legal counsel - includes attorneys and individuals with legal training.

   B. Non-legal representation - any person without legal training.

   C. Affirmative Action representation - for technical assistance.

1.12 AD HOC GRIEVANCE COMMITTEE (at the School level) - 3 faculty and 2 students.

1.13 SENATE AD HOC GRIEVANCE PROCEDURE REVIEW COMMITTEE (at the campus level) - 3 members of the Academic Senate appointed by the Committee on Committees.

1.14 PREPONDERANCE OF EVIDENCE - such evidence which, when weighed with that opposed, has more convincing force and the greater probability of truth.

1.15 PROVISION OF GRIEVANCE INFORMATION - this grievance procedure is designed for all student grievances except those specifically described in Section V, "Student Conduct and Discipline", in the University of California's Policies Applying to Campus Activities, Organizations, and Students, revised 10/29/73, pages 5-7. The Student Affairs Office of the School in which the student is registered is charged with
the responsibility for evaluating the nature of students' grievances and for advising students on the proper course of action. If the alleged grievance involves allegation of any kind of discrimination, the Affirmative Action Office shall thereafter be actively involved in all review processes to provide technical assistance.

1.16 EMPLOYEE - an individual employed by the University, including faculty.

1.17 EXTENSION OF TIME - upon establishment of cause, the Chairperson of the Academic Senate may grant reasonable extensions of the time limits specified in the appeals procedure.

1.2 PROCEDURES - Informal

1.20 A student who believes that the University or any administrative subdivision or employee thereof has discriminated against him/her and that such action has resulted in injury to the student is encouraged to attempt to resolve the matter informally with either the party alleged to have committed the violation (e.g., course instructor), with the head of the department or unit in which the alleged violation occurred, or both. An informal resolution of the grievance can occur at any time.

1.3 PROCEDURES - Formal

1.30 In the event that informal resolution is unsuccessful, the student may lodge a formal grievance, as follows:

A. Within 30 days of the time at which the student could be reasonably expected to have knowledge of the alleged violation, or, when the violation occurs at the end of an academic quarter, within 30 days after the beginning of the succeeding academic quarter, the student may request a Chairperson or supervisor to inform the Dean of the School or appropriate Administrative Officer of the desire for a review.

B. The student will provide the Dean or Administrative Officer with a written statement within ten (10) working days after the student has informed a Chairperson or supervisor that he/she wishes a review. This statement will include the specific nature of the grievance, all pertinent supporting data, and the nature of the action requested by the student to redress the grievance.

C. Upon receiving written request for a review from the student, the Dean or Administrative Officer, within ten (10) working days, will request written materials from the employee involved. The Dean or Administrative Officer will promptly provide the employee with the student's written materials. The employee's materials will include responses to all points
raised in the student's material and other pertinent data. The employee will provide the Dean or Administrative Officer with a written statement within ten (10) working days after receipt of the student's materials.

D. Upon receipt of the employee's statement, the Dean or Administrative Officer will promptly provide a copy of this to the student. E. The Dean or Administrative Officer will meet with the student and employee involved within ten (10) working days after receipt of material from the employee and attempt to resolve the alleged grievance.

1.31 In the event that the grievance is still unsuccessfully resolved after step 1.30 E has occurred, the student may request, within ten (10) working days after step 1.30 E, that the Dean or Administrative Officer convene an Ad Hoc Grievance Committee, the Chairperson of which is an Academic Senate member. The Ad Hoc Committee will meet with the student and employee for a formal hearing as soon as reasonable, but no later than ten (10) working days after being constituted as a committee.

1.32 CHARGE TO THE AD HOC GRIEVANCE COMMITTEE

A. The Chairperson of the Committee is responsible for convening the hearing and informing the principals of the procedures to be followed.

B. Both the student and the employee shall be present throughout the hearing(s).

C. Each party is responsible for the presentation of his/her own position.

D. The parties involved may have a lawyer or other representative present during the hearing(s). (The employee will be represented by University counsel if the student retains legal counsel.)

E. The Committee, the student, or the employee may request other parties to present relevant information either in writing or in person at a hearing. The Committee will determine what is relevant information.

F. Hearing(s) will be recorded.

G. Hearing(s) may be open or closed. The Chairperson may permit an open hearing if both parties agree to a waiver of confidentiality. A reasonable number of members of the campus community may attend an open hearing(s), but may not participate in any manner in the hearing(s). If the hearing(s) is disrupted by observers, the Chairperson may close the hearing(s) to observers.

H. Exclusion of Witnesses - all witnesses but the employee and the student shall be excluded from the hearing, except during their testimony, at the request of either party.

I. The student shall have the right to:
1. Be present throughout the hearing.

2. Representation - the option to be assisted during the formal proceedings by a representative at the student's own expense.

3. Present his/her evidence, including witnesses, first.

4. Examine all witnesses presented by the University.

J. The employee has the right to:

1. Be present throughout the hearing.

2. Representation - (if the representative of the grievant has legal training, be represented by the Office of the General Counsel).

3. Present evidence, including witnesses, in response to the student's presentation.

4. Examine all witnesses presented by the student.

K. Rules of Evidence - evidence may be verbal or written, but must be limited to issues raised in the written complaint. Hearsay evidence is admissible only if corroborated. The Chairperson will exclude any irrelevant or unduly repetitive evidence. If the alleged grievance involves allegation of discrimination, the Committee will accept evidence and comments by the Affirmative Action Office.

L. The Ad Hoc Committee shall recommend action no later than ten (10) working days after completion of the hearing.

   1. If the recommendation is to change a grade in a course, then the Committee report shall go to the Chairperson of the Division for action as under SFR 775 F.

   2. If the recommendation does not involve a change of grade, then the Committee report shall go to the Dean or Administrative Officer for implementation.

1.33 AGENDA FOR THE GRIEVANCE HEARING

A. Review of Rules of Procedure

B. Student will present a statement of grievance, additional remarks and desired outcome.

C. Committee seeks clarification and more facts if necessary.

D. Employee will present response to grievance, additional remarks and
desired outcome.

E. Committee seeks clarification and more facts if necessary.

F. Presentation of witness(es) for student and their cross-examination.

G. Committee seeks clarification and more facts if necessary.

H. Presentation of witness(es) for employee and their cross-examination.

I. Committee seeks clarification and more facts if necessary.

J. Closing statements from both parties, beginning with student.

1.34 COMMITTEE REPORT

A. The Committee will meet and submit a written report to the person determined under 1.32 L no later than ten (10) working days after completion of the hearing(s).

B. Such a report shall contain findings of fact as to whether the alleged injury occurred and recommendations for an appropriate remedy. The findings shall be based on a preponderance of the evidence presented.

C. Lack of Committee consensus of final recommendation may be accompanied by a majority and a minority report. Each Committee member will sign the report to which he/she ascribes.

1.35 DISPOSITION OF REPORT AND RECOMMENDATION

A. The Dean or Administrative Officer will transmit the recommendation within two (2) workings days after receiving it to the person/group responsible for its implementation.

B. Both parties will receive a copy of the report and recommendations.

C. Recorded grievance proceedings will be kept in a locked file in the Dean's or Administrative Officer's office for three years.

1.36 EXTENSION OF TIME

Upon establishment of cause by either party to the grievance, the Chairperson of the Committee may grant reasonable extensions of time limits specified in this procedure.

1.4 APPEAL PROCEDURE
An appeal procedure may be initiated by the student if he/she is not satisfied that the established procedure has been followed at the School level. The student should contact the Student Affairs Office of the School in which he/she is registered for counseling about the appeals process. The student shall be advised that this appeal is a procedural review whose aim is to determine whether the proper procedures have been followed.

1.40 Within ten (10) working days after receipt of the Dean's or Administrative Officer's determination, the student will provide the Chairperson of the Academic Senate with a detailed statement of the appeal of the School's action and all pertinent data supporting the appeal.

1.41 Upon receiving these written statements from the student, the Chairperson of the Academic Senate, within ten (10) working days, will forward a copy of the student's written appeals statement to the Dean of the School in which the original review was conducted. The Dean or Administrative Officer will provide a written response to the Chairperson of the Academic Senate within ten (10) working days after receipt of the student's written appeals material.

1.42 Upon receipt of the Dean's or Administrative Officer's material, the Chairperson of the Academic Senate, within ten (10) working days, will provide a copy of this to the student.

1.43 The Chairperson of the Academic Senate will then request the Chairperson of the Committee on Committees to appoint within ten (10) working days a three (3) member Senate Ad Hoc Grievance Procedure Review Committee from a list of Academic Senate members designated at the beginning of the academic year for service on such Senate Ad Hoc Grievance Procedure Review Committees. If a representative from the University's Affirmative Action Office has participated in any phase of the grievance procedure thus far, the Senate Ad Hoc Grievance Procedure Review Committee is charged to seek continuing staff assistance from the Affirmative Action Office.

1.44 Within ten (10) working days after its constitution, the Senate Ad Hoc Grievance Procedure Review Committee will meet to review the process and procedure with which the School or administrative unit has dealt with the student's grievance. The Senate Ad Hoc Grievance Procedure Review Committee will review and decide whether the student's grievance has followed the procedure established for handling of grievances at the School level.

1.45 Committee Report

A. The Ad Hoc Grievance Procedure Review Committee will submit the written report to the Chairperson of the Academic Senate within ten (10) working days of its meeting

B. Lack of Committee consensus on the final recommendation may be accompanied by a majority and a minority report. Each Committee member will sign the report to which he/she ascribes.

1.46 DISPOSITION OF REPORT AND RECOMMENDATIONS
A. The Chairperson of the Academic Senate will transmit the report of the Ad Hoc Grievance Procedure Review Committee to the Dean of the involved School or the appropriate Administrative Officer within two (2) working days.

B. The Dean or Administrative Officer may accept, reject, or modify the Committee's recommended actions within fifteen (15) working days.

C. Both parties to the complaint and their representatives shall be immediately thereafter notified in writing of the Dean's or Administrative Officer's decision and provided with a copy of the report from the hearing body. The Dean's or Administrative Officer's decision is final and concludes the grievance procedures.

D. Recorded grievance proceedings will be kept in a locked file where other materials and the petition have been placed.

[en 18, October 1977]