

1 STUDENT AND APPLICANT COMPLAINTS AGAINST SAN FRANCISCO STATE UNIVERSITY  
2 AND/OR ITS EMPLOYEES

ACADEMIC SENATE POLICY AS#F11-26  
[Supersedes: AS#S82-85; and AS#F86-085]

**RATIONALE:**

As required by Academic Senate Policy #S08-247, Mandatory Periodic Review of Academic Senate Policies, the Student Affairs Committee [SAC] has reviewed Academic Senate Policy #F86-085. SAC recommends revisions to the Student Grievance Policy due to the following:

In Spring of 1982, the Academic Senate passed the Student Grievance Policy [#S82-85] <http://www.sfsu.edu/~senate/documents/policies/S82-85.html> . In Fall of 1986, new wording was added to amend #S82-85 to exclude grievances for sexual harassment cases and include receipt of appeal decisions by registered mail.

In January 2010, the California State University (CSU) Office of the Chancellor set forth Executive Order [EO] #1045, "Systemwide Policy Prohibiting Discrimination, Harassment, and Retaliation Against Students and Applicants for Admission; AND Systemwide Procedure for Handling Discrimination, Harassment and Retaliation Complaints by Students and Applicants for Admission Against the CSU and/or CSU Employees", <http://www.calstate.edu/eo/EO-1045.html>, a system wide policy which incorporates procedures for handling discrimination, harassment, and retaliation complaints by students and applicants for admission against the CSU and /or CSU employees. EO #1045 supersedes all campus student grievance procedures.

Therefore, SAC recommends the following policy language in bold and underlined type:

---

3 STUDENT AND APPLICANT COMPLAINTS AGAINST SAN FRANCISCO STATE UNIVERSITY  
4 AND/OR ITS EMPLOYEES

ACADEMIC SENATE POLICY AS#F11-26  
[Supersedes: AS#S82-85; and AS#F86-085]

5 ~~San Francisco State University is committed to creating an atmosphere in which all students have the~~  
6 ~~right to participate fully in its programs and activities free from unlawful discrimination, harassment and~~  
7 ~~retaliation.~~  
8

9  
10 **It is the policy of San Francisco State University that no student or applicant for admission as a**  
11 **student shall, on the basis of disability, gender, nationality, race or ethnicity, religion, sexual**  
12 **orientation, or age, be unlawfully excluded from participation in or be denied the benefits of any**  
13 **SF State program or activity. Nor shall a student or applicant for admission as a student be**  
14 **otherwise subjected to unlawful discrimination, harassment, or retaliation for exercising his/her**  
15 **rights under this policy.**  
16

17 This policy is established in compliance with California State University Executive Order 1045,  
18 "Systemwide Policy Prohibiting Discrimination, Harassment, and Retaliation Against Students and  
19 Applicants for Admission; AND Systemwide Procedure for Handling Discrimination, Harassment and  
20 Retaliation Complaints by Students and Applicants for Admission Against the CSU and/or CSU  
21 Employees"; the California Equity in Higher Education Act; California Education Code Sections 66250  
22 et seq. ; among other applicable state and federal laws.

23  
24 The president has designated the Office of the Vice President of Student Affairs to be responsible for the  
25 implementation of and compliance with EO 1045.

26  
27 **Students or applicants who wish to file a formal complaint may access those procedures as**  
28 **outlined at <http://www.sfsu.edu/~vpsa/complaints/index.html>.** Students and applicants are welcome to  
29 contact the Office of the Vice President of Student Affairs at any point in the process. The office is  
30 located in SSB 403; and may be reached at 415/338-2916032 or at [concerns@sfsu.edu](mailto:concerns@sfsu.edu).

31  
32  
33 **STUDENT GRIEVANCE PROCEDURES**  
34 **Academic Senate Policy Recommendation #S82-85**

35  
36 ~~At its meeting of December 15, 1981, the Academic Senate approved the Student Grievance Procedures~~  
37 ~~(#F81-85). Amendments to this policy were approved by the Senate on May 18, 1982.~~

38  
39 ~~I. GENERAL PROVISIONS~~

40  
41 ~~These procedures are to be used for the processing of student complaints about actions (with the~~  
42 ~~exception of grade appeals) taken on behalf of San Francisco State University.~~

43  
44 ~~A grievance must be filed within six months of the date the wrong occurred, regardless of the date of~~  
45 ~~discovery. Formal procedures shall normally be initiated no later than five weeks before the first day of~~  
46 ~~finals in the semester to allow sufficient time for a possible hearing. Compliance with this limitation on~~  
47 ~~filing shall be determined by the Coordinator of Student Grievance, and that determination shall be final.~~  
48 ~~Grievances not meeting this time limit, complaints and grievances previously resolved by informal~~  
49 ~~means, and grievances arising out of previous grievances shall not be processed under these procedures.~~

50  
51 ~~A student may not utilize these procedures if a remedy is being sought by any other means for all or any~~  
52 ~~part of the matter grieved.~~

53  
54 ~~II. DEFINITIONS~~

- 55  
56 1. ~~“Attorney” means a person admitted to the practice of law before any state or federal court.~~  
57 2. ~~“Grievance” means a written complaint by a student arising from an action taken on behalf of~~  
58 ~~San Francisco State University by one or more members of the faculty, administration, or staff~~  
59 ~~which allegedly affects the student adversely and which allegedly is either unreasonable or~~  
60 ~~violates a university regulation or policy.~~  
61 3. ~~“Grievant” means a student presently enrolled at San Francisco State University or one who has~~  
62 ~~been enrolled there within the preceding six months who has filed a grievance.~~  
63 4. ~~“Instructional day(s)” means any day(s) on which regularly scheduled classes or examinations~~  
64 ~~are held at San Francisco State University.~~  
65 5. ~~“President” means the President of San Francisco State University or any person designated by~~  
66 ~~the President.~~  
67 6. ~~“Respondent” means the university administrator, faculty, or staff member (or designee as~~  
68 ~~determined by the coordinator) most directly responsible for the alleged official action(s) which~~  
69 ~~caused the complaint.~~  
70 7. ~~“Shall” is mandatory and “may” is permissive.~~

72 ~~III. INFORMAL PROCEDURES~~

73  
74 ~~1. Before a student may invoke the formal grievance procedures specified in Section IV, the~~  
75 ~~following requirements must be satisfied:~~

- 76  
77 ~~a. The student shall meet first with the grievance coordinator and then with the San Francisco~~  
78 ~~State University administrator, faculty or staff member whom the student feels is most~~  
79 ~~directly responsible for the official action(s) which caused the complaint and attempt to settle~~  
80 ~~the matter informally. If, in the opinion of the grievance coordinator, the person chosen by~~  
81 ~~the student is not the person most directly responsible for the official action(s) which caused~~  
82 ~~the complaint, or is not available, in the interest of reaching an informal settlement the~~  
83 ~~Coordinator may require that the student additionally meet with the San Francisco State~~  
84 ~~University representative whom the coordinator feels is most directly responsible. The~~  
85 ~~coordinator has the authority to deviate from the following procedures if circumstances~~  
86 ~~dictate.~~
- 87 ~~b. If, after satisfying Section 1.a. (above), the matter remains unsettled to the satisfaction of the~~  
88 ~~student, the student shall meet with the appropriate unit head and attempt to settle the matter~~  
89 ~~informally.~~
- 90 ~~c. If, after satisfying Sections 1.a. and 1.b. (above), the matter remains unsettled to the~~  
91 ~~satisfaction of the student, the student shall discuss the matter with the appropriate~~  
92 ~~supervising administrator. The appropriate person for these purposes shall be determined by~~  
93 ~~the coordinator.~~
- 94 ~~d. If the supervising administrator is unable to informally settle the matter to the satisfaction of~~  
95 ~~the student, the student may then invoke the formal grievance procedures in Section IV~~  
96 ~~(below).~~

97  
98 ~~IV. FORMAL PROCEDURES~~

99  
100 ~~1. At any point in the proceedings, the grievant may move to withdraw the grievance or accept an~~  
101 ~~informal solution.~~

102 ~~2. Initial Steps~~

- 103 ~~a. To invoke formal grievance procedures, the grievant shall first consult with the~~  
104 ~~coordinator concerning all aspects of pursuing a grievance, including these procedures.~~  
105 ~~To initiate a grievance, the grievant shall deliver the required written complaint to the~~  
106 ~~coordinator who shall transmit sealed copies to the respondent, and the respondent's~~  
107 ~~immediate supervisor. This grievance shall specify the following:~~
- 108 ~~1) that it is a grievance;~~
  - 109 ~~2) the name and current address and telephone number of the grievant;~~
  - 110 ~~3) The name and position of the campus office or employee whom the grievant feels is~~  
111 ~~most directly involved or responsible for the alleged actions which prompted the~~  
112 ~~grievance;~~
  - 113 ~~4) the wrong alleged, the action from which the alleged wrong arises, and the dates of~~  
114 ~~the occurrence, and discovery by the grievant, of that action;~~
  - 115 ~~5) the remedy sought; i.e., what the grievant hopes to attain as the result of the~~  
116 ~~grievance.~~
- 117 ~~b. The coordinator shall inform grievant and respondent of their rights under these~~  
118 ~~procedures and shall initiate the steps necessary for selection of the Grievance Hearing~~  
119 ~~Committee (Committee). The coordinator will also notify all other concerned parties that~~  
120 ~~a grievance has been instituted. The selection of the committee shall normally occur~~

121 within ten instructional days after the coordinator has determined that all informal means  
122 for resolving the complaint have been exhausted. The coordinator shall be available to  
123 both the grievant and the respondent for instruction in or interpretation of these  
124 procedures. Interpretations of specific provisions of the grievance procedures by the  
125 coordinator shall be final for all purposes.

126 e. The respondent shall provide the grievant with a written answer to the grievance, with a  
127 copy to the coordinator within five instructional days of receipt of the grievance by the  
128 respondent.

129 d. The respondent and the grievant shall notify the coordinator in writing prior to the  
130 drawing for the hearing committee if an open hearing is desired.

131 e. The grievant and the respondent may each name a representative from the campus to  
132 accompany them in the grievance hearing, except that those who were involved in the  
133 informal attempts to resolve the grievance may not serve as a representative. The name  
134 of the representative must be given to the coordinator prior to the grievance hearing.  
135 Normally, attorneys may not appear in the proceedings. However, if either the grievant  
136 or the respondent is an attorney, the other party may be represented by an attorney.

### 137 3. Selection of the Grievance Hearing Committee

138 a. The coordinator shall notify the grievant and the respondent in advance of the date, time,  
139 and place of the selection of the committee. Both parties may be present at this meeting  
140 with or without a representative. At the selection, only the opposing parties and their  
141 representatives, if any, and the coordinator shall be present.

142 b. The committee shall consist of three members; one student, one faculty member and one  
143 professional staff member. Those who have firsthand information on, or direct  
144 involvement with, the subject of the grievance shall be ineligible to serve on the  
145 committee. Determinations of eligibility for the committee shall be made by the  
146 coordinator and shall be final for all purposes.

147 e. The coordinator shall draw three names from the student list. This list will be composed  
148 of an annual panel of 40 students willing to serve, selected by the coordinator from 100  
149 students drawn at random from the entire student body.

150 d. The coordinator shall draw three names lists composed of faculty and staff according to  
151 the selection procedures for their respective grievance panels.

152 e. At the drawing, the coordinator shall provide an opportunity for both the grievant and the  
153 respondent to excuse without cause one person from each group (students, faculty, staff).  
154 If more than one name in any group is left, the coordinator will select one name from  
155 each group.

156 f. Similarly, an opportunity shall be provided to both the grievant and the respondent to  
157 request that any of the persons drawn be excused for cause. The coordinator shall grant  
158 or deny such requests, and these decisions shall be final for all purposes. Those excused  
159 shall be replaced by the same method as the original selections.

160 g. Faculty, staff, or students unable to serve shall be replaced by the same method as the  
161 original selections.

162 h. Hearings shall be closed unless both parties request an open hearing. Whether the  
163 hearing will be open will be announced by the coordinator at the drawing for the hearing  
164 committee.

### 165 4. Grievance Hearing Procedures

166 a. Formal grievance hearings shall be held only during the fall and spring semesters unless  
167 both the grievant and the respondent, as well as the committee, can be present and  
168 witnesses, if any, are available. If the grievance was filed later than five weeks before the  
169 first day of finals, the hearing may be held early in the following semester.

- 170 b. ~~When the committee has been selected, the coordinator shall inform all parties to the~~  
171 ~~grievance of the time, date, and location of the hearing, as well as decisions on other~~  
172 ~~matters which affect the hearings.~~
- 173 e. ~~The committee shall normally convene within ten instructional days of its selection. The~~  
174 ~~committee shall normally be convened by the Coordinator of Student Grievance one-half~~  
175 ~~hour before the hearing to select from among its own members a chair and to discuss~~  
176 ~~hearing procedures.~~
- 177 d. ~~Two of the three members of the committee shall constitute a quorum.~~
- 178 e. ~~At a closed hearing, attendance shall be limited to the grievant and representative, the~~  
179 ~~respondent and representative, witnesses while giving evidence, the coordinator, and~~  
180 ~~members of the committee. The content of the proceedings in a grievance hearing closed~~  
181 ~~to the public and the committee recommendations resulting there from shall not be made~~  
182 ~~public by any participant in the hearing. In the event these matters should become public,~~  
183 ~~however, such public statements as are appropriate may be made by the university. This~~  
184 ~~policy of confidentiality shall not preclude discussion of the case with others as necessary~~  
185 ~~to prepare for the hearing, nor shall it preclude subsequent action following appropriate~~  
186 ~~procedures on the basis of evidence developed at the hearing. At an open hearing, all~~  
187 ~~witnesses except for the grievant, the respondent, and their representatives, if any, shall~~  
188 ~~be excluded except while giving evidence.~~
- 189
- 190 The chair has the authority to close an open hearing at any time if, in the judgment of the  
191 chair, the conduct of the audience or the participants is so disruptive that the only viable  
192 means of conducting a fair session is through a closed hearing.
- 193 f. ~~Subject to 4.h. (below), both the grievant and the respondent may offer evidence, with the~~  
194 ~~grievant doing so first.~~
- 195 g. ~~Within the guidelines of these procedures, and subject to overrule by the committee, the~~  
196 ~~chair may establish necessary rules for the conduct of the hearing and decide procedural~~  
197 ~~issues presented.~~
- 198 h. ~~The hearing shall not be conducted according to technical rules relating to evidence and~~  
199 ~~witnesses. Any relevant evidence shall be admitted, if it is the sort of evidence on which~~  
200 ~~responsible persons are accustomed to rely in the conduct of serious affairs, except that~~  
201 ~~evidence which is merely repetitious or cumulative shall be excluded.~~
- 202 i. ~~Both parties or their representatives may make an opening statement. The grievant has~~  
203 ~~the burden of persuasion and shall demonstrate by a preponderance of the evidence that~~  
204 ~~the grievant was directly wronged by the action that gave rise to the grievance. After the~~  
205 ~~opening statements, if any, both parties shall answer questions the committee may have~~  
206 ~~regarding the case. Both parties and their representatives may then question each other,~~  
207 ~~as well as all witnesses concerning any aspect of the grievance. Both parties and their~~  
208 ~~representatives shall have access to all documents presented to the committee and may~~  
209 ~~question the other party about those documents.~~
- 210 j. ~~Both parties or their representatives may present a closing statement with the grievant~~  
211 ~~going first and then being allowed the final word. Any closing statements shall be~~  
212 ~~limited to the evidence presented. There shall be no questioning of the parties during or~~  
213 ~~after the closing statements.~~
- 214 k. ~~By majority vote of those present and based only on evidence accepted at the hearing, the~~  
215 ~~committee shall prepare and sign a written report containing findings of fact and~~  
216 ~~recommendations respecting the grievance. In the event of a tie vote, two reports shall go~~  
217 ~~to the Provost. All non-committee members shall be excluded from the deliberations.~~  
218 ~~The committee shall not find for the grievant unless it finds that an official action was~~

219 taken which was not generally or specifically authorized, or which was unreasonable; i.e.,  
220 no reasonable person would have taken the action under the circumstances.

221 l. The committee report, along with the grievance and any written response thereto, shall be  
222 presented to the Provost for decision, usually within five instructional days of the end of  
223 the hearing.

224 m. Normally, within five instructional days following receipt of the committee report, the  
225 Provost shall furnish a written decision on the grievance to the grievant, the respondent,  
226 the coordinator, and to the committee. If the grievance concerns an area within  
227 administration, the Provost shall consult with the Vice President for Administration.

228 n. Decisions not implementing the recommendation of the committee shall contain reasons  
229 for that lack of implementation.

## 230 231 ~~V. APPEAL PROCEDURES~~

232  
233 1. ~~Either the grievant or the respondent may appeal the decision of the Provost.~~

234 2. ~~The party wishing to appeal the decision must deliver a written appeal to the President with~~  
235 ~~copies to the opposing party and to the coordinator.~~

236  
237 This appeal must be so delivered within five instructional days from the date of the decision of  
238 the Provost.

239 3. ~~The appeal shall specify the following:~~

240 a. ~~that it is an appeal;~~

241 b. ~~the name and current address and telephone number of the appellant;~~

242 c. ~~the reasons for the appeal and the facts supporting those reasons.~~

243 4. ~~Within five instructional days of receipt of a copy of the appeal, the coordinator shall cause all~~  
244 ~~grievance materials received to be forwarded to the President.~~

245 5. ~~Within five instructional days of receipt of the appeal, the other party may deliver a written~~  
246 ~~response to the appeal to the President, with copies to the appellant and to the coordinator,~~  
247 ~~setting forth the reasons why the appeal should be denied and any facts supporting those reasons.~~

248 6. ~~Normally, within fifteen instructional days of receipt of the appeal, the President shall render a~~  
249 ~~decision thereon which shall be final for all purposes.~~

250  
251 ~~VI. It shall be the responsibility of the coordinator to of grievance decisions assist in implementation~~

252 ~~\*\*\* Not to be considered policy until approved by the President \*\*\*~~

## 253 254 ~~CHANGES TO THE STUDENT GRIEVANCE POLICY~~ 255 ~~ACADEMIC SENATE POLICY F86-85~~

256  
257 At its meeting of October 7, 1976, the Academic Senate approved the following changes in the Student  
258 Grievance Policy (S82-85). The new wording is in **bold type**. The full text of the current policy  
259 appears on pp. 736-740 of the Bulletin.

### 260 261 ~~1.0 STUDENT GRIEVANCE PROCEDURES~~

262

263 ~~1.1 GENERAL PROVISIONS. These procedures are to be used for the processing of student~~  
264 ~~complaints about actions (with the exception of grade appeals **and sexual harassment cases**) taken on~~  
265 ~~behalf of San Francisco State University.~~

266

267 ~~1.5 APPEAL PROCEDURES~~

268

269 ~~1.5.1 Either the grievant or the respondent may appeal the decision of the Provost.~~

270

271 ~~1.5.2 The party wishing to appeal the decision must deliver a written appeal to the President with copies~~  
272 ~~to the opposing party and to the coordinator. This appeal must be so delivered within five instructional~~  
273 ~~days from the date of **receipt of the Provost's decision delivered by registered mail.**~~

274

275

~~\*\*APPROVED BY PRESIDENT WOO, OCTOBER 9, 1986\*\*~~