

S97-8 STUDENT FAIRNESS COMMITTEE; GRADES AND GRADE APPEALS; STUDENT GRIEVANCES; STUDENT RIGHTS

Legislative History:

At its meeting of May 5, 1997, the Academic Senate approved the following Policy Recommendation presented by Sally Veregge for the Organization and Government Committee.

The following University policies are superseded: S84-4, S83-7, S73-25, and S71-24.

II. Membership, Charge and Committee Chair

A. Membership and Charge

1. Voting members of the Student Fairness Committee shall be:

Seven students (not more than two may be graduate students);

Seven full-time tenured faculty, each from a different college;

Two University administrators (management), nominated by the Executive Committee;

Two University staff (non-management) representatives.

The Ombudsperson shall be an *ex officio* member of the committee, but without vote.

2. Student members shall be appointed for one-year terms. All other appointed members shall serve for two-year terms.

3. The charge of the committee shall be: a) Hears complaints of violations of student rights in instructional and curricular matters, including grade appeals, and, when appropriate, makes recommendations for redress; b) Hears and seeks redress of non-instructional student grievances concerning individual members of the faculty, administration or staff, and, when appropriate, makes recommendations for redress.

4. If the committee is involved in any specific case at the time a member's term expires, that member shall continue to function as a member of the committee in its dealing with that specific case until the case is concluded. A newly-appointed member shall not be considered as a member of the committee for the purposes of any case in which committee proceedings originated before her/his term began. She or he shall, however, function as a committee member for all other cases.

5. Any member of the committee may disqualify him or herself from consideration of a specific case, in which event a replacement shall be appointed for consideration of that case.

6. Either party to a hearing before the committee may request of the committee chair that any member or members of the committee be excluded from consideration of that case. Such a request must be for stated cause and must be brought to the chair's attention as the first step in the hearing. If a member is disqualified by the chair, a replacement shall be appointed for the case.

7. (Temporary provision) This policy shall be in effect in and after AY 1997-98. Notwithstanding the provisions of part II A, all members of both the prior Academic Fairness Committee and the prior Student Grievance Committee appointed for terms extending beyond 1997 shall continue to serve on the new Student Grievance Committee for the balance of their terms. Vacancies shall be filled in accordance with part II A.

B. Committee Chair

The committee chair shall be the administrative officer of the committee. Duties of the chair include scheduling of meetings and hearings and giving notice of them to members, witnesses, and all interested parties requested to attend, obtaining and distributing to the committee written materials appropriate for

change of grade, the department

d) 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.

e) 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.

f) 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.

g) All proceedings of the SFC shall be consistent with the SJSU Statement on Student Rights and Responsibilities (UP S89-11).

D. The Decision Process

1. Committee members shall arrive at a decision in consultation among themselves after the parties and all other non-members have been dismissed. Only members who have heard all of the testimony relating to the alleged grievance may vote. A majority vote of such qualified members shall be required for a decision.

2. The SFC 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. If remedial action has not been taken within a time that the committee deems reasonable, the SFC may request the President or any vice president to expedite resolution.

3. When, in the opinion of the committee, disciplinary action may be appropriate, the committee may make recommendations for further action to the President.

4. If redress or resolution of a case requires a policy change, or if a policy change appears to the SFC to be advisable, it may make an appropriate recommendation to the Executive Committee of the Academic Senate or to the President.

5. Should any person, whether or not directly involved in a complaint, appear to suffer some disadvantage or reprisal as the direct or indirect result of any complaint, testimony or statement in connection with committee action, the SFC shall, upon request or upon its own motion, take all necessary steps to verify the facts and remedy the injustice.

VI. Annual Committee Reports

The SFC in conjunction with the Ombudsperson shall report to the Academic Senate annually regarding the number of cases heard and their disposition (excluding matters that would identify individuals). The committee may also recommend to the Senate any revisions in this policy that it deems appropriate.