

CALIFORNIA STATE UNIVERSITY, FRESNO
DISPUTE RESOLUTION POLICY

I. INTRODUCTION

The University strives to assure that fair treatment occurs in the resolution of disputes between students and University employees. The commitment includes impartial examination of the facts, prompt decisions, and appeal processes for review in accordance with established procedures.

Disputes arise out of University decisions or actions that are alleged to be arbitrary, capricious, or contrary to accepted procedures. In nearly all such cases, these disputes are handled through normal academic and administrative channels.

For those few instances when informal resolution has not been possible, the University has enacted the Dispute Resolution Procedure. Separate protocols and procedures also exist to deal with incidents involving criminal activity; academic petitions including grading issues; and allegations of sexual harassment or discrimination based on race, color, national origin, sex, religion, or disability.

The purpose of this policy is to provide a means through which the allegedly harmful effects of the University decision or action affecting the student(s) may be reviewed and resolved. This policy is in no way intended to serve as a disciplinary mechanism. Confidentiality, as defined by law, shall be maintained throughout the entire process.

II. AUTHORITY

The Dispute Resolution Policy has been recommended by the Academic Senate and approved by the President and supersedes the Student Grievance Procedures, dated 1976.

III. DISPUTE RESOLUTION BOARD

The Dispute Resolution Board (The Board) shall be responsible for the review of student initiated disputes with the University and the resolution thereof.

A) Composition

1. The Board shall consist of four (4) members - one student appointed by the Student Body President and approved by the Student Senate; one faculty member chosen by the Personnel Committee of the Academic Senate; one Dean chosen by and from the Council of Deans; and one staff member chosen by the Staff Assembly.
2. A member of the Dean of Student Affairs Office staff appointed by the Dean will serve as a non-voting convener and recorder for the Board.
3. The faculty member, the staff member and the dean shall serve terms of two academic years on a staggered basis. The student will serve for three semesters. Each appointee can serve one additional consecutive term. The Convener/Recorder shall serve at the pleasure of the Dean of Student Affairs.

B) Records

The Dean of Student Affairs shall be responsible for the maintenance of all records of the Board in accordance with University policies and other appropriate regulations.

C) Standards and Procedures

The Board shall develop standards and procedures to insure orderly, fair and impartial review and resolution of student disputes.

IV. OVERVIEW OF THE DISPUTE RESOLUTION PROCEDURE

A) Informal Procedures

A student who believes grounds for a complaint exist shall make a full and bona fide attempt to resolve the problem through early informal discussion of the matter with the academic and/or administrative unit(s) directly involved.

The student should begin such discussions no later than 60 days after the incident or within 60 days after the end of the semester in which the incident occurred or within 60 days after becoming aware of the action, whichever of these dates occurs first. In unusual or exceptional circumstances, the Dean of Student Affairs Office may grant extensions of time.

If the student is not satisfied with the results, further attempts should be made through either of the following channels:

1. In the case of academically-related matters, the Department Chair and the School Dean.
2. In the case of administratively-related matters, the unit supervisor and the director of the administrative area.

B) Formal Procedures

The Office of the Dean of Student Affairs will advise and assist students with processes and procedures available to them in the resolution of disputes.

If satisfactory resolution of the problem is not effected within 60 days through the informal procedures, the student, upon presentation of a signed petition to the Office of the Dean of Student Affairs, may seek resolution through the Dispute Resolution Board.

V. WRITTEN PETITION

The written petition shall include the following:

- A) A detailed account of the student's dispute including: the University action deemed harmful by the student; date of the occurrence; name of the University office(s)/ employee(s) involved; a description of the unsuccessful informal steps taken to resolve the dispute; and a narrative of the pertinent facts including the names of witnesses.
- B) A concise statement of the remedy being sought.¹
- C) The petition must be signed by the student.**

¹ Petitions which contain remedies requesting that a personnel action be taken against a University employee shall be referred immediately to the appropriate administrator.

VI. RECEIPT OF THE PETITION

The Office of the Dean of Student Affairs shall send notification and a copy of the **signed** petition to each named University department/employee within three (3) instructional days of receipt. A copy of this policy will be enclosed.

- A) A written and signed response shall be requested from the departments/employees responsible for the action/decision about which the petition has been filed. The statement should include a narrative concerning the decision that is disputed; reasons why informal resolution did not occur and other pertinent factors supporting the decision.
- B) The department(s) / employee(s) shall have ten (10) instructional days to reply.

VII. INITIAL DETERMINATION

Within ten (10) instructional days following receipt of the petition and the written responses, the Board shall decide whether informal remedies have been fully exhausted and whether further action is warranted. A majority vote of the members is required to continue the matter.

- A) If the Board accepts the petition, a review of the dispute will be initiated in accordance with the Dispute Resolution Procedures.
- B) The Board may elect to make a recommendation(s) based solely on the written materials submitted to it or by convening a three person panel of its members to interview representatives from both sides of the dispute. Copies of the procedures used by the Board shall be made available to the parties.

VIII. DISPUTE RESOLUTION PROCEDURES

In cases where the Board accepts a petition and a formal review is initiated, the Board will constitute itself as a review panel composed of at least three (3) persons. Board Members shall disqualify themselves from serving on panels in which there would be a clear conflict of interest.

- A) A formal proceeding shall be initiated within one hundred and twenty (120) University instructional days after the student has learned of the decision deemed by the student to be adverse.
- B) The Panel will appoint a Chair from among its members. The Chair will be a voting member of the Panel. The Chair shall insure that:
 1. The conduct of the review conforms to the procedures as outlined in this policy.
 2. The Student Affairs Office provides copies of all correspondence, record of meetings, and decisions.
 3. Copies of all statements and documents considered by the Panel are accessible to all of its members and to each party in the dispute.
 4. Consultation with appropriate parties occurs for all questions regarding procedural issues that arise as a result of the examination.
 5. All relevant information is gathered from appropriate offices and individuals and distributed to panel members and parties to the dispute.

C) THE FOLLOWING ASSUMPTIONS SHALL GOVERN THE PANEL'S PROCEEDINGS:

1. The burden of proof rests with the student.
2. Either party may present his/her position in oral and/or written statements. Either party may designate an advisor (other than an attorney admitted to practice law in any state) to aid in the effective presentation of their perception of the facts.
3. Parties are not required to appear before the Panel. The unwillingness of any party to cooperate with the Panel shall not prevent the Panel from proceeding to a conclusion of the review and to making a recommendation(s) without prejudice.

IX. RECOMMENDATIONS OF THE PANEL

The Panel shall meet in executive session to pursue one of two avenues to resolve the dispute:

- A) Achieve a solution acceptable to all parties or;
- B) Render recommendations including its findings.

The Panel will write a final report, including, its findings and the recommendation(s) of the Panel. The report may include a minority opinion. The Chair shall, within five (5) instructional days of the decision, forward the final report with recommendations to the Dean of Student Affairs Office which shall distribute the final report to all parties in the dispute and to the Provost.

1. If the recommendation(s) is not appealed in writing by any parties to the dispute within five (5) instructional days, the recommendation(s) will be considered final.
2. If any party appeals the recommendation(s), the Provost (or designee) may decide to review the matter, or to allow the recommendation(s) to stand. The Provost shall have fifteen (15) instructional days to render a decision. The Provost's decision is final and shall be forwarded to the Dean of Student Affairs Office for distribution to all parties involved in the dispute, Dispute Resolution Board Members and to the appropriate academic and/or administrative officers.
3. In cases where the recommendation(s) calls for action on the part of academic and/or administrative agencies, those entities will have ten (10) instructional days to notify, in writing, the Dean of Student Affairs Office of the actions taken or to be taken to implement the decision.
4. When appropriate, the Panel may recommend that the conduct of a University employee be reviewed by the appropriate administrator but shall not make any recommendation as to the outcome of any such review.

X. RECORDS OF THE BOARD

The complete records of the Board and those of any panel shall be retained by the Dean of Student Affairs Office as confidential documents. Only the party or parties directly involved in the dispute, the Board, or University agencies directly involved in the implementation of appeal or the recommendation(s) shall have access to those records. None of the records of the proceedings, including the final report, shall be included in any University employee personnel file. All such records except the final report shall be destroyed after one year following issuance of the Provost's final decision.

XI. AMENDMENTS TO THE STUDENT DISPUTE RESOLUTION PROCEDURES

Recommendations for change or review of the Student Dispute Resolution Procedures shall be referred to the Academic Senate. All revisions adopted by the Academic Senate shall be submitted to the President for approval.

Approved by the Academic Senate
Approved by the President
Revised

October 1976
October 1976
April 1996