

THE CALIFORNIA STATE UNIVERSITY
OFFICE OF THE CHANCELLOR



BAKERSFIELD

September 1, 2011

CHANNEL ISLANDS

CHICO

MEMORANDUM

DOMINGUEZ HILLS

EAST BAY

TO: CSU Presidents

FRESNO

FROM: Charles B. Reed
Chancellor

FULLERTON

SUBJECT: Procedure for Student Complaints—Executive Order No. 1063

HUMBOLDT

LONG BEACH

Attached is a copy of Executive Order No. 1063, Procedure for Student Complaints, which develops and communicates systemwide procedures for CSU students and student applicants alleging that the CSU has violated one or more state laws, where there is no other applicable CSU complaint procedure. This executive order fulfills the requirements of the Higher Education Act Title IV and the implementing regulations contained in 34 Code of Federal Regulations sections 600.9(a)(1)(i)(A) and 668.43(b).

LOS ANGELES

MARITIME ACADEMY

MONTEREY BAY

NORTHRIDGE

In accordance with policy of the California State University, the campus president has the responsibility for implementing executive orders where applicable and for maintaining the campus repository and index for all executive orders.

POMONA

If you have questions regarding this executive order, please contact the Director of Student Financial Aid at (562) 951-4737 or the Associate Director of Student Programs at (562) 951-4707.

SAN BERNARDINO

SAN DIEGO

CBR/dk

SAN FRANCISCO

SAN JOSÉ

Attachments

SAN LUIS OBISPO

c: Provosts/Vice Presidents for Academic Affairs
Vice Presidents for Administration and Finance
Vice Presidents for Student Affairs
Executive Staff, Office of the Chancellor

SAN MARCOS

SONOMA

STANISLAUS

**THE CALIFORNIA STATE UNIVERSITY
Office of the Chancellor
401 Golden Shore
Long Beach, California 90802-4210
(562) 951-4737**

Executive Order: 1063
Effective Date: September 1, 2011
Supersedes: No Prior Executive Order
Title: Student/Applicant Complaint Procedure for Alleged Violations of State Law Not Covered by Another CSU Complaint Procedure

This executive order fulfills the requirements of the Higher Education Act Title IV, 34 Code of Federal Regulations sections 600.9(a)(1)(i)(A) and 668.43(b), by establishing a complaint procedure for CSU students and student applicants alleging that the CSU has violated one or more state laws, where there is no other applicable CSU complaint procedure.

I. Scope of Procedure

This complaint procedure is for CSU students and student applicants who believe the CSU has violated one or more state laws. It does not encompass complaints already covered by another CSU complaint procedure (e.g., student complaints alleging discrimination, harassment and retaliation, covered by Executive Order No. 1045). It also does not encompass complaints regarding CSU's compliance with academic program quality and accrediting standards; such complaints may be filed with the Western Association of Schools and Colleges (WASC), the agency that accredits the CSU's academic program, at <http://www.wascsenior.org/comments>.

II. The Complaint

- A. The complaint must be filed within 30 work days of the CSU's alleged violation of one or more state laws, or the complainant's discovery thereof.
- B. The complaint must be made in writing and clearly indicate the intent to file a complaint alleging that the CSU violated one or more state laws or specifically reference this executive order.

C. The complaint must contain the following:

1. The complainant's name, student I.D. number, mailing address and telephone number.
2. The term and year of the complainant's last active academic status or the term and year the complainant sought admission to the university.
3. A detailed description of the specific actions that constituted the alleged violation of one or more state laws, **including the specific law or laws alleged to have been violated** and, if known, the name(s) and title(s) of the responsible CSU employee(s).
4. The date(s) the alleged improper activities occurred or the condition developed.
5. A list of witnesses, if any, including their contact information and the facts known by each.
6. Copies of any documentary evidence that supports the complaint.
7. Descriptions of documents that support the complaint and, if known, where the documents are maintained and by whom if the actual documents are not in the possession of the complainant.
8. A dated and signed statement by the complainant under penalty of perjury that the complaint is true, or is believed by the complainant to be true.

D. The complaint may be filed with the campus president or designee ("campus administrator").

E. The complaint must be personally delivered, or sent by electronic or certified mail. The complaint filing date is the date of personal service, the date on the electronic transmission or the postmark date of the mailing.

III. The Level I Campus Investigation

A. The campus administrator shall review the complaint to determine whether it is timely filed, contains all the required information and falls within the scope of this executive order. If it does, the campus administrator shall notify the complainant in writing within 10 work days of receipt of the complaint that the complaint has been accepted. If it is untimely or does not contain all of the required information, the campus administrator shall notify the complainant in writing within 10 work days of receipt of the complaint that the complaint has not been accepted and state the reasons.

If it is determined that the complaint falls within the scope of another CSU complaint procedure, the campus administrator shall forward the complaint to the appropriate campus official and shall notify the complainant in writing within 10 work days of receipt of the

complaint that the complaint has been deemed to fall within the scope of another CSU complaint procedure, why, and to whom the complaint has been forwarded. The administrator shall not forward the complaint or disclose the complainant's identity to anyone who has or appears to have a conflict of interest in regard to the allegation(s).

- B. If the complainant raises any new allegations after the complaint has been accepted, the campus administrator shall decide whether to include those allegations as part of the complaint. If they are not included as part of the initial complaint, the complainant shall be advised of the need to file a new complaint to address those allegations.
- C. The campus administrator shall investigate the claim, or may appoint a third party to conduct an investigation. The investigator shall be a management personnel plan employee or an external consultant experienced in conducting investigations. If the complaint is against the CSU, the chancellor or any Chancellor's Office employee, campus president or vice president, the campus administrator shall consult with the Associate Vice Chancellor, Academic Affairs at the Chancellor's Office, who shall determine the appropriate handling of the complaint. The timelines and procedures for the process remain the same.
- D. The complainant is required to fully cooperate in the investigation, and must participate in a timely intake interview. If the complainant does not cooperate, the campus administrator may end the investigation.
- E. CSU employees are required to cooperate with the investigation, be truthful, maintain confidentiality, and provide all relevant and/or requested information to the investigator.
- F. Complaints and other information gathered during the course of the investigation by the university shall be shared only with individuals who have a legitimate business reason to know.

IV. The Level I Campus Decision

The campus administrator shall make the final decision and issue a letter of determination to the complainant no later than 60 work days from the date the complaint was filed, unless s/he determines that extenuating circumstances warrant an extension of time. In no case shall the decision letter be issued later than 90 work days from the date the complaint was filed.

Within the investigation period, the investigator must make findings of fact and conclusions regarding the allegations, which s/he shall reduce to an investigative report. Preponderance of the evidence is the applicable standard: in order to establish a fact, the investigator must find that the evidence on one side outweighs the evidence on the other side.

The report should include the following information:

- A summary of the allegations.
- A description of the investigative process.
- The preponderance of the evidence standard used to determine whether a violation occurred.
- The evidence considered.
- A determination of whether the allegations were found to be substantiated.

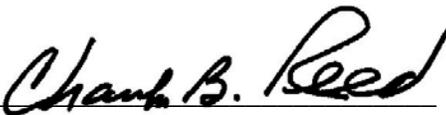
Within the time frame specified above, the campus administrator shall notify the complainant in writing of the outcome. The notification should include a summary of the allegations, a description of the investigative process, the preponderance of the evidence standard used, the evidence considered and a determination of whether the allegations were found to be substantiated. The notification shall also inform the complainant what, if any, actions were or will be taken (specific employee discipline is confidential), and of his/her option to file an appeal under Article V of this executive order. The campus administrator shall maintain a copy of the notification as required by the applicable document retention policy(ies).

V. The Level II Chancellor's Office Review and Decision

- A. If the complainant is not satisfied with the campus decision, s/he may file a Level II appeal with the Office of the Chancellor no later than 10 work days after receipt of the Level I decision. Level II appeals shall be addressed to: Associate Vice Chancellor, Academic Affairs, CSU Office of the Chancellor, 401 Golden Shore 6th Floor, Long Beach, California 90802.
- B. The appeal shall be in writing and must detail the specific disagreements with the campus decision. The issues raised on appeal shall be limited to those raised during the Level I process.
- C. The Associate Vice Chancellor, Academic Affairs or designee shall review the issues raised on appeal to determine whether the campus has adequately processed and addressed the complaint and/or whether the preponderance of the evidence indicates that there has been a violation of state law.
- D. The Associate Vice Chancellor, Academic Affairs or designee shall issue a decision no later than 60 work days after receipt of the appeal unless s/he determines that extenuating circumstances warrant an extension of time. In no case shall the final decision letter be issued later than 90 work days from the date the appeal was filed. The decision shall include a summary of the issues raised on appeal, a description of the review process, the preponderance of the evidence standard used, the evidence considered and a final decision. The notification shall also inform the complainant what, if any, actions were or will be taken (specific employee discipline is confidential), and note that the CSU's review of the complaint is now considered final and complete. A copy of the final decision letter shall be provided to the campus administrator.

VI. General Provisions

- A. Work days are defined as Monday through Friday, excluding all official holidays or campus closures at the campus where the complaint originated.
- B. A student/applicant must proceed with a complaint in good faith. A student who knowingly and intentionally files a false complaint, abuses this policy, or files a malicious or frivolous complaint may be subject to discipline. Discipline shall be taken in accordance with Section 41301, Title 5, California Code of Regulations.
- C. When issuing a Level I or II response, personal delivery or certified mail shall be used. If personal delivery is used, a signature acknowledging the calendar date of delivery shall be obtained which will establish the date of response. If certified mail delivery is used, the postmark shall establish the date of response.
- D. The CSU is not obligated under this executive order to investigate a complaint not timely filed under its provisions. Regardless, the CSU may investigate the underlying allegations if it determines the circumstances warrant investigation. Also, if the circumstances warrant investigation, the CSU may waive the time limits and choose to process the complaint under the complaint process set forth herein.
- E. CSU will notify the California Department of Finance, Office of State Audits and Evaluation, and the Bureau of State Audits, of all cases of actual or suspected fraud, theft or other irregularities it learns of as the result of any complaint made under this executive order.
- F. Time periods set forth in this executive order may be extended by the campus administrator and, at Level II, by the Associate Vice Chancellor, Academic Affairs up to the specified maximums, if any, provided s/he informs the complainant of the new time period in writing.
- G. Care shall be taken to keep confidential the identity of the complainant in so far as feasible and consistent with the law.
- H. CSU employees are prohibited from retaliating against complainants or others who cooperate with the investigation.



Charles B. Reed, Chancellor

Dated: September 1, 2011

Model complaint procedure for CSU students/applicants in compliance with HEA Title IV, 34 CFR, Sections 600.9 (a)(1)(i)(A) and 668.43(b)

STUDENT/APPLICANT COMPLAINT PROCEDURE NOTICE

The California State University takes very seriously complaints and concerns regarding the institution. If you have a complaint regarding the CSU, you may present your complaint as follows:

- (1) If your complaint concerns CSU's compliance with academic program quality and accrediting standards, you may present your complaint to the Western Association of Schools and Colleges (WASC) at <http://www.wascsenior.org/comments>. WASC is the agency that accredits the CSU's academic program.
- (2) If your complaint concerns an alleged violation by CSU of a state law, including laws prohibiting fraud and false advertising, you may present your claim to the campus president or designee at [e-mail address]. The president or designee will provide guidance on the appropriate campus process for addressing your particular issue.

If you believe that your complaint warrants further attention after you have exhausted all the steps outlined by the president or designee, or by WASC, you may file an appeal with the Associate Vice Chancellor, Academic Affairs at the CSU Office of the Chancellor.

Note: Most complaints made to media outlets or public figures, including members of the California legislature, Congress, the Governor, or individual CSU trustees, are referred to the chancellor of the CSU.

Nothing in this disclosure should be construed to limit any right that you may have to take civil or criminal legal action to resolve your complaint.

The CSU has provided this disclosure to you in compliance with the requirements of the Higher Education Act of 1965, as amended, as regulated in 34 Code of Federal Regulations sections 600.9(a)(1)(i)(A) and 668.43(b).