My name is Nikolette Gallo and I am filing a grievance against Norma Bouchard, the Dean of the College of Arts and Letters, Norma Ojeda, the Chair of the Department of Sociology, and Michael McCall, Associate Professor in the Department of Sociology, violating my rights as a student. There are two main parts to the grievance. First, my privacy rights guaranteed by FERPA were violated. Second, my rights as a student to be recognized at the CAL commencement ceremony as the Outstanding Graduating Senior from the Sociology Department were violated and my rights to be fully recognized and honored by the Sociology Department as the OGS at the department commencement ceremony were violated. This grievance involves claims of professional misconduct, violations of university policy, and violations of federal law. These violations of my rights took place during the last month of the semester and had severe psychological, emotional and physical consequences for me that made it almost impossible to finish the semester.

A note: Tom Semm, a lecturer in the sociology department and my faculty mentor, is providing me with documentation, specifically interdepartmental emails that I refer to in this grievance and he has provided accounts of interactions in department meetings which I refer to later in this document. His accounts will be corroborated by other faculty, including Dr. Jung Choi.

1. FERPA guarantees that student records are private and are only available to those faculty who can demonstrate compelling reasons that their requests involve “legitimate educational interests.” The exception to this is that the position of an employee in the university and the tasks related to that position may require that the employee have access to a student’s transcript, but having access to student’s records does not give those employees the right to make those records available to others.

Examples of situations in which SDSU has found there to be a legitimate educational interest in student records include the following:

* performing a task that is specified in his or her position description or contract agreement.
* performing a task related to a student's education.
* performing a task related to the discipline of a student.
* providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid.
* maintaining the safety and security of the campus.

**The grievance**: Michael McCall, an associate professor in the department of sociology, revealed an extensive knowledge of my transcript and he did so in public. He made specific references to courses that I had taken and to grades that I had received. He made these references in both email and during faculty meetings. In the emails and meetings, he disparaged my academic achievements and he did so with the explicit goal of demonstrating that I was not worthy of being selected as Outstanding Graduating Senior and that my unworthiness was proof that the department needed to change the selection process. However, nothing in his email addresses ways to make the process better. It is just a personal attack on me through my transcript. The law was broken and my rights violated in three ways. His having possession of my transcript and the use he made of it cannot be viewed even given the broadest possible interpretation as a “legitimate education interest.” And he made my transcript public to faculty who had no “legitimate educational interest” in for having it. And putting facts from my transcript

on email is a violation of the law, according to FERPA.

2. I was chosen the Outstanding Graduating Senior in the Department of Sociology for 2017. The chair of the department, Norma Ojeda, sent a congratulatory email to me. Several days later I received an email from Dean Norma Bouchard that was two lines long. The first line was, “I regret to inform you that you were not selected for this award.” The second line was to paraphrase, good luck in your future endeavors. I was confused because I had been notified and congratulated by Norma Ojeda. I emailed my faculty mentor asking for an explanation. He said that he didn’t know and in twenty plus years had never heard of anything like this. He recommended writing an email to the Dean, and copying the Chair, stating the obvious, that I was eligible according to department policy and I had been selected according to faculty policy. I wrote the email to the Dean and her response was the same, with the same opening line. She did add that the following: “While departments make recommendations, my office ultimately supports or declines the recommendations that are put forward. I wish you all the best in your future endeavors.” I forwarded this to my faculty mentor who said that the Dean’s response was neither an explanation nor a reason for making her decision. My mother then called the Dean to see if she could find out what was going on. At first, the Dean claimed that she did not remember me and couldn’t be expected to remember every student in CAL because there were so many. As the Dean’s memory cleared, she repeated the same phrase several times “the student was not selected” to my mother. And said that another student had already been selected and notified (I later found this to be untrue, the faculty refused to select another student). When my mother said to the Dean that she had not given her an explanation or a reason, the Dean replied that she was the CEO of CAL and had the authority to make the decision and didn’t have to answer to anyone. I have never been told the reason for the decision by either the Dean or the Chair of the department.

Subsequently, I have learned the following from supportive faculty.

The Chair sent an email to the faculty notifying them that the Dean had rejected the department’s selection, that the Dean had the right to do so, that the student would not be invited to the CAL graduation ceremony as the OSG, and that she, the Chair, had read the email explanation the Dean had sent to the student and found it compelling evidence that the faculty should proceed along the lines of the Dean’s recommendation. The recommendation was that the faculty select someone else and needed to do it by 1PM the following day. The faculty refused to comply. Subsequently, the faculty was told that a mandatory meeting with the Dean was going to be held the next day. In the meeting, the Dean said that she had rejected the faculty selection on the grounds that my GPA was low. This was the first time that the Dean offered an explanation for her decision to reject the selection. The faculty questioned the Dean concerning the obvious contradiction in her explanation. They argued that the student was eligible, according to department policy and tradition, and her eligibility was explicit on the hand-out faculty members received before the vote. The Dean acknowledged the contradiction in her rationale for rejecting my selection, but, at that point, said that she was the CEO and had the authority to make the decision. Professor Esbenshade asked the Dean, why if you had questions about our selection didn’t you come to talk with us, after all, it is the faculty who know the students? The Dean acknowledged this and explained it as bad communication on her part and said that it would not happen again, but that she was not going to change her mind. She then gave the faculty until 3:30 the next day to decide on which of the runner-ups (there were two students tied for runner-up) the faculty wanted to represent the department at the CAL graduation ceremony. After the Dean gave the deadline, my faculty mentor said that as long as the faculty had more than a full day to make a decision, he would make himself available any time to explain to the Dean why those who voted for me felt that I was outstanding. The Dean said that she had an open door policy and would talk with him, but that she would not change her mind. Esbenshade suggested that the faculty vote on two things: whether or not to send up a second name, and if it was decided to send up a second name, which of the runner-ups it would be. The vote was 8 to 7 against sending up a second name. Both Michael McCall and the Chair sent emails chastising those who voted not to send up a second name, claiming that they had denied a student the right to be recognized. The Chair refused to introduce me as the OSG at the department graduation ceremony, and despite criticism from faculty had her name removed from the program in that capacity. The chair also refused to sign my award and refused to sign the award of my Most Influential Faculty selection. And according to faculty, graduate students, undergraduates and family members, the Chair refused to acknowledge me when I was presented with the award.

**The grievance**: Michael McCall, Norma Ojeda, and Norma Bouchard acted to deprive me of my right to represent the sociology department at the CAL commencement ceremony and be recognized for my achievements. Norma Ojeda denied me the right to full recognition and honors at the department ceremony. Her behavior at the ceremony was unprofessional and her refusal to introduce me and sign my award were violations of her role as Chair of the department and were violations of department policy and tradition. Michael McCall’s attempt to disparage my academic achievements, Dean Bouchard’s acknowledged contradictory rationale for rejecting my selection, and Norma Ojeda’s behavior toward me cannot be explained simply by their concern that my GPA was “low.” Although it is not necessary to prove their motivation because their actions alone are violations of my rights, in a formal hearing I will prove that their collective motivation was the fear that my selection as OGS would create a public relations problem, I was convicted of a felony when I was eighteen. They knew that revealing the real reason they were rejecting my selection would violate university policy, perhaps violate the law, and open the university to a law suit.

A final note: Through sociology faculty familiar with my situation, the information in this grievance is part of the argument the chairs of the College of Arts and Letters are using to seek an early review of Dean Bouchard.