UCLA Procedure 220.1: Student Grievances Regarding Violations of FERPA or University Policies on Privacy Rights Applying to Disclosure or Content of Student Records

Issuing Officer: Vice Chancellor, Student Affairs
Responsible Dept: Office of the Dean of Students Office
Effective Date: January 1, 2011

I. REFERENCES
II. PURPOSE
III. PROCEDURES

I. REFERENCES

1. The Federal Family Educational Rights and Privacy Act of 1974 (FERPA);
2. University of California Policies Applying to Campus Activities, Organizations, and Students: Section 130.00, Policies Applying to the Disclosure of Information from Student Records;

II. PURPOSE

The purpose of this procedure is to facilitate the resolution of student grievances alleging violations of FERPA or of University policies regarding privacy rights of student records. Violations addressed through this procedure include allegations that:

1. The student’s records contain information which is inaccurate, misleading, or otherwise in violation of the student’s right of privacy; or
2. The student’s right of privacy has been violated by an unauthorized disclosure of information from the student’s records which results in injuries to the student.

III. PROCEDURES

A. Consultation

Students who believe that the campus maintains records about them which are inaccurate, misleading, or otherwise in violation of their right of privacy or other rights, or who believe that information contained in their student records has been inappropriately disclosed, should first consult with the Office of the Dean of Students. If the matter cannot be resolved through consultation with the Dean, the Dean will provide the student with a copy of the University of California Policies Applying to the Disclosure of Information from Student Records and a copy of the grievance procedure, and will counsel the student about the grievance process.

B. Informal Resolution

1. Grievances regarding a challenge to the content of records

   Students who believe that the campus maintains records about them which are inaccurate, misleading, or otherwise in violation of their right of privacy or other rights must first attempt to resolve the matter informally with the campus unit maintaining the records in question as outlined in the following procedure.
### 2. Grievances regarding inappropriate disclosure from records

Students who believe that information contained in their student records has been inappropriately disclosed must attempt to resolve the matter informally with the campus unit maintaining the records in question as follows:

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<th>RESPONSIBILITY</th>
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<td>Student</td>
<td>Submits in writing to the unit maintaining records an explanation of the specific action being grieved, the specific policy and/or regulation alleged to be violated and the remedy requested.</td>
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| Unit Maintaining Records – Designated Person | Responds to the student in writing, within fifteen (15) days of receipt of request, indicating that the requested remedy is being granted, or explaining why such action has not been taken.  
  **Note:** If the student’s request is denied, the unit head informs the student of his/her right to a hearing, and refers the student to the Dean of Students for further information. (See Section III. C, below.) |

### C. Formal Grievance

In the event that informal resolution is not successful, the student must file a formal grievance within thirty (30) calendar days of receipt of the refusal to amend or dispose of records, or the denial of the request for a remedy as follows:

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| Student        | Files a formal grievance with the campus Hearing Coordinator within thirty (30) calendar days of the date of the University unit’s written refusal to amend or discard the subject records or to grant other requested remedy. Such a grievance must include an explanation of the specific nature of the student’s claim that the records are inaccurate or misleading, or that the University is otherwise in violation of the student’s right of privacy or other rights, and the remedy requested. Together with the filing of the formal grievance, the student indicates whether he/she is to be assisted by a representative, and if so, the name of the representative, and whether that representative or the student is an attorney.  
  **Note:** Students assisted by a representative must sign a release at this time authorizing the representative to receive copies of relevant materials. |
| Hearing Coordinator | Arranges a hearing at a mutually agreeable time within sixty (60) calendar days of the filing of the grievance.  
  **Note:** A Hearing Officer is selected pursuant to the Procedure for Selection of Hearing Officers (copy of the Procedure may be requested from Student Affairs)  
  Provides the head of the affected campus unit and the student, upon request, either personally or by registered or certified mail, with a written notice of the time and place of the hearing at least fifteen (15) calendar days prior to the hearing. |
<p>| Student and Head of Affected Campus Unit | Upon request, each party provides the other with relevant material, including the identities of all witnesses, which he/she intends to introduce at the hearing. To the extent feasible, this material is provided at least seven (7) calendar days prior to the hearing. |</p>
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| Hearing Officer | Conducts the hearing in the presence of the student and an official representing the affected campus unit(s); both have the right to be present throughout the hearing, and to be represented by another person.  
**Authority of Hearing Officer**  
The authority of the Hearing Officer is limited to reviewing the evidence presented in the hearing, reporting findings of fact to the Vice Chancellor, Student Affairs, and recommending an appropriate remedy, if the facts so warrant.  
**Scope of Hearing**  
The scope of the hearing is limited to determining whether or not the challenged records are inaccurate or misleading, or if the University is otherwise in violation of the student’s right of privacy or other rights.  
**Standard of Proof**  
The findings shall be based on a preponderance of evidence (meaning more likely than not).  
**Representatives**  
If the student is an attorney or is represented by an attorney, the campus shall be represented by the Office of the General Counsel. |
| Student and Official of Affected Campus Unit (and representatives) | Present evidence and witnesses, and conduct cross-examination of each other’s witnesses. The hearing is closed except to participants.  
**Record**  
The hearing is electronically recorded. At the option of the student or the campus, a stenographer may be provided at the expense of the party initiating the request. The student has access to a copy of the recording and may obtain a copy of the recording at the student’s own expense. All records pertaining to the hearing are kept by the campus for a period of three (3) years. |
| Hearing Officer | Determines the admissibility of evidence and its order of presentation. Admissible evidence is of the sort upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Witnesses may attend the hearing only during their testimony, unless the Hearing Officer requests otherwise.  
**Presents a report to the Vice Chancellor, Student Affairs within thirty (30) calendar days of the close of the hearing. The report shall contain findings of fact as to whether the challenged records are inaccurate or misleading, or whether the University is otherwise in violation of the student’s right of privacy or other rights, and recommendations for an appropriate remedy, if warranted. The report is transmitted to both parties and their representatives.**  
**Note:** The parties may both submit written comments to the Vice Chancellor, Student Affairs within seven (7) calendar days of the transmittal of the report. |
| Vice Chancellor, Student Affairs | Makes a decision on the recommendations, within fifteen (15) calendar days of receipt of the report from the Hearing Officer. Both parties and their representatives are notified immediately, in writing, of the Vice Chancellor’s decision.  
If the decision is that the information is not inaccurate or misleading, or that the University is not otherwise in violation of the privacy or other rights of the student, the letter so notifying the student shall also inform the student of his/her right to insert into the record a statement commenting upon the information in the record and/or setting forth any reasons for disagreeing with the decision to leave the record unchanged. |
| Student | Within thirty (30) calendar days of the date of the decision of the Vice Chancellor, may file a written appeal with the Chancellor only on the following bases:  
(1) New evidence has been brought to light which was not available at the time of the hearing;  
(2) Established procedures have not been followed. |
| Chancellor | Makes a decision on the appeal, within fifteen (15) calendar days of receipt of the appeal from the student. Both parties and their representatives are notified immediately, in writing, of the Chancellor’s decision, which shall be final. |
Delays/Extensions - Reasonable extensions of time, with respect to any time limit in these procedures, may be granted by the hearing officer, the Vice Chancellor, Student Affairs, or the Chancellor for good cause.

Issuing Officer

/s/ Janina Montero

Vice Chancellor, Student Affairs

Questions concerning this policy or procedure should be referred to the Responsible Department listed at the top of this document.