
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

Effective Date: March 15, 2021

Supersedes: UCLA Procedure 220.1, dated 1/1/2011

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I. PURPOSE & SCOPE

The purpose of this Procedure is to provide guidance to Students on where and how to file a grievance alleging violations of the Family Educational Rights and Privacy Act (FERPA) or of University of California (“University”) policies regarding privacy rights of Student records, and seeking remedies. Violations addressed through this Procedure include allegations that:

1. The Student’s records contains 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.

II. DEFINITIONS

For purposes of this Procedure:

Days means University business days. It does not include Saturdays, Sundays, or days on which the campus is closed.

Hearing Administrator is a University employee designated to administer the proceedings of the appeal hearing.

Hearing Coordinator is a University employee designated to schedule and otherwise coordinate the appeal hearing.

Hearing Officer is a University employee designated to conduct appeal hearings held under this Procedure, report findings of fact to the Vice Chancellor, Student Affairs, and recommend an appropriate remedy, if the facts so warrant.

Notice refers to an electronic or written letter that is either emailed or mailed to a physical address of a Student per the Registrar’s records. A Student that is given Notice, is presumed to be on Notice as of the date of the email or mailing.

Student means an individual for whom the University maintains Student records, and who:

1. is enrolled or registered with an academic program of the University;
2. has completed the immediately preceding term and is eligible for reenrollment, including the recess periods between academic terms; or
3. is on an approved educational leave or other approved leave status, or is on filing-fee status <https://grad.ucla.edu/academics/graduate-study/filing-fee-application/>).

Note: UCLA Extension participants are not subject to this Procedure and are required to abide by UCLA Extension specific policies and procedures.

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, a copy of this Procedure, and will counsel the Student about the grievance process as well as any applicable procedures for addressing discipline of a faculty or staff member.

B. Grievance Resolution Process

1. Grievances regarding a challenge to the content of records

A Student who believes 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 with the campus unit maintaining the records in question as outlined in the table below.

RESPONSIBILITY	ACTION
Student	Requests in writing, from the unit maintaining records, that the records be amended or discarded, with a statement of reasons for the request.
Unit Maintaining Records – Designated Person	Responds to the Student in writing, within fifteen (15) Days of receipt of request, indicating that the records have been amended or discarded, or explaining why such action has not been taken. Note: If the Student's request is denied, the unit head informs the Student of their right to appeal, and refers the Student to the Dean of Students for further information. (See Section III. C, below.)

2. Grievances regarding inappropriate disclosure from records

A Student who believes that information contained in their Student records has been inappropriately disclosed must attempt to resolve the matter with the campus unit maintaining the records in question as outlined in the table below.

RESPONSIBILITY	ACTION
Student	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.

RESPONSIBILITY	ACTION
Unit Maintaining Records – Designated Person	<p>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.</p> <p>Note: If the Student’s request is denied, the unit head informs the Student of their right to appeal, and refers the Student to the Dean of Students for further information. (See Section III. C, below.)</p>

C. Appeal Process

In the event that the grievance resolution process does not resolve the matter, the Student may file an appeal within thirty (30) Days of receipt of the refusal to amend or dispose of records, or the denial of the request for a remedy as follows:

RESPONSIBILITY	ACTION
Student	<p>Files a written appeal with the campus Hearing Coordinator located at the Office of the Dean of Students within thirty (30) Days of the date of the unit’s written refusal to amend or discard the Student records or to grant other requested remedy.</p> <p>An appeal must include:</p> <ol style="list-style-type: none"> 1. an explanation of the specific nature of the Student’s claim that the records are inaccurate or misleading, and/or 2. that the University is otherwise in violation of the Student’s right of privacy or other rights, and 3. the remedy requested. <p>Together with the filing of the appeal, indicates whether they are to be assisted by a representative, and if so, the name of the representative, and whether that representative or the Student is an attorney.</p> <p>Note: Students assisted by a representative must sign a release at this time authorizing the representative to receive copies of relevant materials.</p>
Hearing Coordinator	<p>Appoints a Hearing Officer.</p> <p>The Student and University Official may, for good cause, challenge the assignment of a particular Hearing Officer. The Hearing Coordinator will adjudicate all challenges to the Hearing Officer.</p> <p>Arranges an appeal hearing at a mutually agreeable time within sixty (60) Days of the filing of the appeal.</p> <p>Provides the head of the affected campus unit and the Student with a written Notice of the time and place of the hearing at least ten (10) Days prior to the hearing.</p> <p>Requests that each party provide relevant material, including the identities of all witnesses that the parties intend to produce at the hearing, at least five (5) Days prior to the hearing.</p>
Student and Official representing the Affected Campus Unit(s)	<p>Each party provides the Hearing Coordinator with relevant material, including names of all witnesses which they intend to introduce at the hearing, at least five (5) Days prior to the hearing.</p>

RESPONSIBILITY	ACTION
Hearing Officer and The Hearing	<p>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.</p> <p><u>Authority of Hearing Officer</u></p> <p>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.</p> <p><u>Scope of Hearing</u></p> <p>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.</p> <p><u>Standard of Proof</u></p> <p>The findings will be based on a preponderance of evidence (meaning more likely than not).</p> <p><u>Representatives</u></p> <p>If the Student is an attorney or is represented by an attorney, the campus will be represented by an attorney.</p>
Student and Official of Affected Campus Unit (and representatives)	<p>Present evidence and witnesses, and conduct cross-examination of each other's witnesses. The hearing is closed except to participants. Witnesses may attend the hearing only during their testimony, unless the Hearing Officer requests otherwise.</p> <p><u>Record</u></p> <p>The Hearing Administrator will make a single verbatim recording, such as a tape recording, of the hearing. (Deliberations will not be recorded). This recording will be the property of the University. No other recording may be made. A Student who is considering submitting an appeal to the Chancellor will, upon request, be granted post-hearing access to review (but not copy) the recording. This access will be provided on the University campus, during regular business hours; the recording may not be removed from the premises or reproduced. The Student may be accompanied by the Representative who accompanied the Student at the hearing.</p> <p>When the Student is unable to be present to access the recording on the University campus during regular business hours, the Student will be provided reasonable alternative means to review the recording which may include access to review the recording either on campus on Saturdays, Sundays, or days on which the campus is closed, or at an alternate location.</p> <p>All records pertaining to the hearing are kept by the campus in accordance with the UC Retention Schedule at the Office of the Dean of Students. Documents submitted by the parties or witnesses during the process are provided to the parties solely for use in the proceeding and must not be disclosed outside of the official process.</p>
Hearing Officer	<p>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.</p> <p>Presents a report to the Vice Chancellor, Student Affairs within twenty (20) Days of the close of the hearing. The report will 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 (See Attachment A for possible remedies.) The report is transmitted to both parties and their representatives.</p> <p>Note: The parties may both submit written comments to the Vice Chancellor, Student Affairs within five (5) Days of the transmittal of the report.</p>

RESPONSIBILITY	ACTION
Vice Chancellor, Student Affairs	<p>Makes a decision on the recommendations, within fifteen (15) 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.</p> <p>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 will also inform the Student of their 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.</p>
Student	<p>Within twenty (20) Days of the date of the decision of the Vice Chancellor, may submit to the Hearing Coordinator a written appeal to the Chancellor.</p> <p>The Student may appeal to the Chancellor only in the following cases:</p> <ul style="list-style-type: none"> • The hearing was not conducted in accordance with this Procedure. Deviations from designated procedures will not be a basis for sustaining a challenge unless the procedural error substantially impacted the finding. • There is new information, or other relevant facts, potentially sufficient to alter the findings, but that could not have been known to the Student at the time of the hearing.
Chancellor	<p>Makes a decision on the appeal, within fifteen (15) 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 will be final.</p>
Vice Chancellor, Student Affairs	<p>If the Grievant does not file a timely appeal, the Vice Chancellor, Student Affairs' decision will be final and, if a violation of the Student's Privacy Rights has been found to have occurred, the Vice Chancellor, Student Affairs may direct the Grievance Coordinator to forward the hearing report, with attachments and any necessary redactions, to the appropriate administrator responsible for the applicable disciplinary process.</p>

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.

IV. Addressing Discipline

The policies and procedures that address discipline are located in the following:

- a. The Faculty Code of Conduct (APM – 015) (as approved by the Assembly of the Academic Senate and by The Regents) establishes the ethical and professional standards which University faculty are expected to observe. The University Policy on Faculty Conduct and the Administration of Discipline (APM – 016), as approved by the Assembly of the Academic Senate and by The Regents, outlines sanctions and disciplinary procedures for faculty.
- b. Provisions of the policy on Non-Senate Academic Appointees/Corrective Action and Dismissal (APM – 150) (non-exclusively represented academic appointees) and collective bargaining agreements (exclusively represented academic appointees) allow for corrective action or dismissal for conduct which violates University policy.
- c. Provisions of the Personnel Policies for Staff Members (applicable to non-exclusively represented staff employees), and collective bargaining agreements (applicable to exclusively represented staff employees) provide for disciplinary action for violating University policy.
 - i. PPSM-62: Corrective Action

- ii. PPSM-64: Termination of Career Employees – Professional and Support Staff
- iii. PPSM-65: Termination of Career Employees – Managers and Senior Professionals, Salary Grades I through VII
- iv. PPSM-67: Termination of Career Employees – Managers and Senior Professionals, Salary Grades VIII and IX
- v. PPSM II-64: Termination of Appointment
- vi. Relevant collective bargaining agreements

V. 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;
- 3. UCLA Policy 220, Disclosure of Information from Student Records.

VI. ATTACHMENTS

- A. Possible Outcomes and Remedies

Issuing Officer

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Monroe Gorden

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Monroe Gorden

Vice Chancellor, Student Affairs

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

Possible Outcomes and Remedies

Possible outcomes/remedies include, but are not limited to:

- Correction of errors in Student records
- Policy development and/or changes
- Training relevant to the central issue of the grievance
- Measure(s) to limit the interactions between parties involved
- Re-assignment to work with another faculty member of the same department
- Corrective steps, actions to reverse the effects of violation, and measures to provide proper ongoing treatment
- Referral to other campus entities (e.g. responsible for disciplinary proceedings)