

### Guidance Document

This guidance document is designed for administrators and staff involved with processing Disability Discrimination grievances pursuant to UCLA Procedure 230.2, Student Grievances Regarding Violations of Anti-Discrimination Laws and University Policies on Discrimination on Basis of Disability. Administrators and staff are required to read and adhere to UCLA Procedure 230.2. For questions regarding Procedure 230.2 or this guidance document, contact the Office of the Dean of Students at 310-825-3871.

For definitions to select terms used in this guidance, refer to UCLA Procedure 230.2.

“Issuance” as used in UCLA Procedure 230.2 and in this guidance means date of transmission.

## **I. UCLA Procedure 230.2 Scope, Goals, and Objectives**

The scope, goals, and objectives of Procedure 230.2 are as follows:

### A. Scope

UCLA Procedure 230.2 applies to Disability Discrimination grievances filed by Students or any person or entity authorized to act on behalf of the Student, for conduct by the University, Students, or non-affiliates where the alleged offending behavior occurred in University programs or activities.

A Student or any person or entity authorized to act on behalf of the Student may file a Disability Discrimination grievance with the Grievance Coordinator in the Office of the Dean of Students, alleging:

- violations of Anti-Discrimination Laws or University policies against harassment or discrimination based on physical or mental disability or perceived physical or mental disability, which result in harm to the Student; or
- the University failed to take appropriate steps to investigate Disability Discrimination and/or Retaliation.

### B. Goals

- Outline a grievance mechanism that effectively and efficiently facilitates the resolution of Student grievances alleging violations of Anti-Discrimination Laws or University policies based on disability and resulting in a report of findings and recommended remediation;
- Communicate the roles and responsibilities of each individual in the grievance process; and
- Reaffirm the University’s prohibition of harassment or discrimination based on disability.

### C. Objectives

- **Prompt.** The processing of complaints should be prompt and adhere to the designated timelines as stated in UCLA Procedure 230.2.
- **Equitable.** The process must be fair and equitable, ensuring that the Grievant and the Subject of the Grievance have reasonable access to sources of information and advice to engage in a grievance process on fair and equitable terms.
- **Confidential.** To the extent permissible, administrators and staff involved with the grievance process are expected to treat the pending investigation, hearing, or any other process related to the grievance as a confidential matter. The final report shall be redacted as appropriate to comply with University policy, campus regulation, and State and federal laws.
- **Accessible.** Ensuring access to the Grievant of the process including providing rights of the Grievant.
- **Retaliation-Free.** University policy and laws prohibit retaliation against those filing grievances and anyone participating at any stage of the grievance process.

## **II. Roles and Responsibilities**

The following table sets forth the roles and responsibilities of the administrators and staff involved with processing Disability Discrimination grievances.

**STEP 1: INTAKE**

A Student or any person or entity authorized to act on behalf of the Student, files a written grievance with the Office of the Dean of Students.

RESPONSIBILITY	ACTION
Grievance Coordinator	<p>Conducts a preliminary review of written grievance:</p> <ul style="list-style-type: none"> <li>• Confirms grievance was filed within one-hundred eighty (180) Days from the time the Student could have reasonably expected to have knowledge of the alleged violation.</li> <li>• Confirms grievance contains facts that the Student believes demonstrates that Disability Discrimination and/or Retaliation has occurred.</li> </ul> <p>As needed, assists Students in identifying regulations impacted and reasonable remedies to their grievance.</p> <p>Promptly furnishes a copy of written grievance to ADA/504 Compliance Office.</p> <p>Facilitates appropriate interim measures, if any, determined by ADA/504 Compliance Office.</p>
ADA/504 Compliance Office	Determines appropriate interim measures, if any. See Section III below for possible interim measures.

**STEP 2A: INVESTIGATION**

The ADA/504 Compliance Office ensures a thorough investigation and the preparation of an investigatory report.

RESPONSIBILITY	ACTION
ADA/504 Compliance Office	<p>Ensures a thorough factual investigation and analysis of relevant policies is conducted, to determine, in light of the totality of the circumstances, whether the alleged act, incident, or behavior constitutes Disability Discrimination and/or Retaliation and if so, whether that has resulted in harm to the Student.</p> <p>Issue findings and conclusions in a formal investigation report to the Dean of Students, with a copy to the Grievance Coordinator. The investigation must be completed and report issued within sixty (60) Days of initial receipt of the written grievance by the Grievance Coordinator.</p> <p>The investigation report will contain the following:</p> <ul style="list-style-type: none"> <li>• findings of fact;</li> <li>• conclusions of whether Disability Discrimination and/or Retaliation has occurred;</li> <li>• analysis of whether the act, incident, or behavior resulted in harm to the Grievant; and</li> <li>• in the event that allegation(s) of Disability Discrimination and/or Retaliation are substantiated by the investigation, recommendations to prevent reoccurrence of any such Disability Discrimination and/or Retaliation and to remedy the effects of the Disability Discrimination and /or Retaliation.</li> </ul>
Grievance Coordinator	Promptly furnishes a copy of the investigation report to the Grievant and the Subject of the Grievance.

**STEP 2B: RESPONSE TO INVESTIGATION**

The Grievant has ten (10) days of the issuance of the investigation report to notify the Grievance Coordinator if they disagree with the investigation report and desires a hearing.

Reasonable extensions of time may be made for good cause. Such requests must be made in writing to the Grievance Coordinator, see section VI. D of Procedure 230.2.

RESPONSIBILITY	ACTION
Grievance Coordinator	<p>Notifies the Subject of Grievance and the ADA/504 Compliance Office if the Grievant does or does not request a hearing.</p> <p>If the Grievant accepts the findings and recommendations in the report and does not request a hearing, the Grievant and Subject of the Grievance may submit written comments to the Grievance Coordinator within fifteen (15) Days of the issuance of the investigation report. The Grievance Coordinator forwards these comments to the ADA/504 Compliance Office for consideration.</p>
ADA/504 Compliance Office	<p>Within twenty (20) Days of the issuance of the investigation report, attaches any written comments from the Grievant and/or Subject of the Grievance in an appendix to the report and forwards the report to the Grievance Coordinator.</p> <p>Notifies the Grievance Coordinator that the investigation report has become final.</p>
Grievance Coordinator	<p>Once informed by the ADA 504/Compliance Office that the investigation report is final, promptly notifies the Grievant and Subject of the Grievance in writing that the investigation report is final.</p> <p>If Disability Discrimination and/or Retaliation has been found to have occurred forwards the investigation report to the appropriate administrator responsible for the applicable disciplinary process.</p>

**STEP 3: HEARING**

If the Grievant disagrees with the findings of the investigation report, the Grievant notifies the Grievance Coordinator within ten (10) Days of the issuance of the investigation report to request a hearing.

RESPONSIBILITY	ACTION
Grievance Coordinator	<p>Appoints a Hearing Officer and arranges a hearing date mutually agreeable to all parties. The hearing must be completed within sixty (60) Days of the issuance of the investigation report.</p> <p>Provides the Grievant and the Subject of the Grievance at least ten (10) Days written notice of the time and place of the hearing.</p> <p>Forwards the hearing report to the Grievant, Subject of the Grievance, and the Vice Chancellor, Student Affairs once received from the Hearing Officer.</p> <p>If Disability Discrimination and/or Retaliation has been found to have occurred, forwards the hearing report to the appropriate administrator responsible for the applicable disciplinary process.</p>
Hearing Officer	<p>Conducts the hearing in the presence of the Grievant and the Subject of the Grievance, both of whom have the right to be present throughout the hearing and to be represented by another person.</p> <p>Determines the admissibility of evidence and excludes any irrelevant or unduly repetitive evidence. The scope of the hearing is limited to whether or not Disability Discrimination and/or Retaliation has occurred. The findings are based on a Preponderance of Evidence.</p> <p>Makes a single verbatim recording, such as a tape recording of the hearing. The Grievant upon request may be granted post-hearing access to review, but not copy the recording.</p> <p>Submits a written report to the Grievance Coordinator within ten (10) Days of the close of the hearing.</p>

RESPONSIBILITY	ACTION
Hearing Officer (cont'd)	The hearing report will contain: <ul style="list-style-type: none"> <li>• findings of fact;</li> <li>• conclusions of whether Disability Discrimination and/or Retaliation has occurred;</li> <li>• analysis of whether the act, incident, or behavior resulted in harm to the Grievant; and</li> <li>• in the event that allegation(s) of Disability Discrimination and/or Retaliation are substantiated by the investigation, recommendations to prevent reoccurrence of any such Disability discrimination and/or Retaliation and to remedy the effects of the Disability Discrimination and /or Retaliation.</li> </ul>
Vice Chancellor, Student Affairs	<p><u>Note:</u> Within five (5) Days of the issuance of the hearing report, the Grievant and Subject of the Grievance may each submit written comments to the Grievance Coordinator, who will forward to the Vice Chancellor, Student Affairs.</p> <p>Issues a written decision within fifteen (15) Days of the issuance of the hearing report. The decision shall include the finding and any remedial action, not including discipline, UCLA will take to prevent recurrence of any discrimination and/or Retaliation and to remedy the effects of the discrimination and/or Retaliation. Both parties and their representatives are promptly thereafter notified in writing of the decision.</p> <p>If no appeal is timely filed, the decision becomes final and, if Disability Discrimination and/or Retaliation is found to have occurred, forwards the hearing report, with attachment and any necessary redactions, to the Grievance Coordinator, who will forward the report to the appropriate administrator responsible for the applicable disciplinary process.</p>

**STEP 4: APPEAL**

The Grievant may submit a written appeal of the Vice Chancellor’s decision within five (5) Days following the issuance of the decision. The appeal is submitted to the Grievance Coordinator, who forwards to the Chancellor.

RESPONSIBILITY	ACTION
Chancellor	Issues a decision on the appeal within ten (10) Days of the Chancellor’s receipt of the appeal. <p>The Chancellor’s decision will state whether the Vice Chancellor’s decision is upheld or modified. If it is modified, the Chancellor’s decision will include the Chancellor’s findings and any remedial action UCLA will take to prevent recurrence of any discrimination, and to remedy the effects of the discrimination.</p> <p>Both parties are notified promptly, in writing, of the Chancellor’s decision. The Chancellor’s decision shall be final.</p>

**III. Possible Outcomes and Remedies**

Interim Remedies

Interim remedies include, but are not limited to:

- Maintain the status quo pending outcome of investigation
- Defer reporting of an assignment/course grade
- Temporary re-assignment of the Student to a different supervisor/advisor pending outcome of investigation
- Other temporary measures to limit the interactions between parties involved (e.g. allowing the Student to complete work remotely; submit work through a third party; no direct contact, etc.)
- A case manager may assist the Student through referral to other resources, including for example academic and other counseling, safety escort services, class scheduling, and residential assistance to address housing assignment or dining services modifications.

Permanent Outcomes/Remedies

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

- Retroactive accommodation (determined on a case-by-case basis)
- Re-administration of an exam or assignment
- Re-assignment to work with another faculty member of the same department
- Physical correction/alteration of facility – if related to grievance
- Referral to other campus entities (e.g. responsible for disciplinary proceedings)
- Measure(s) to limit the interactions between parties involved

- Policy development and/or changes
- Training relevant to the central issue of the grievance
- Report of any potential criminal act to responsible Local, State and/or Federal agency
- Corrective steps, actions to reverse the effects of discrimination or end harassment, and measures to provide a reasonable accommodation or proper ongoing treatment.

#### **IV. Rights of the Grievant**

The Grievant has the right to:

1. File a grievance with the Grievance Coordinator within one-hundred and eighty (180) Days of the time at which the Grievant could have been reasonably expected to have knowledge of the alleged violation.
2. Request assistance from a staff member in the Office of the Dean of Students in identifying the regulations impacted and reasonable remedies to their grievance.
3. Present an oral complaint to the Grievance Coordinator and receive assistance with putting such a complaint in writing.
4. Request reasonable accommodations to assist in participating with the grievance process by registering with Center for Accessible Education (CAE).
5. Authorize another person to submit a written grievance on their behalf and otherwise assist them in the process.
6. Not participate in the process.
7. Receive a copy of the investigation report within sixty (60) Days of filing the grievance with the Grievance Coordinator.
8. Notify the Grievance Coordinator in writing, within ten (10) Days of the issuance of the investigation report, if they disagree with the findings and desires a hearing.
  - a. If a hearing is not requested within the timeframe permitted, has fifteen (15) Days to submit written comments to the investigative report for the University's consideration.
9. Challenge the assignment of a Hearing Officer for good cause.
10. Be assisted during the hearing by any person, including an advocate, attorney, friend, or parent, who is not otherwise a party or witness involved in the matter being investigated.
11. Be present throughout the hearing and present evidence and witnesses first and conduct cross-examination of the Subject of the Grievance's witnesses.
12. Submit written comments to the Grievance Coordinator within five (5) Days of the issuance of the hearing report.
13. Be granted post-hearing access to review, but not copy, the recording and may be accompanied by the representative who accompanied them at the hearing.
14. Receive a copy of the Vice Chancellor's decision.
15. File a written appeal within five (5) Days following the issuance of the Vice Chancellor's decision.
16. Be notified of the Chancellor's final decision.
17. Request a reasonable extension of time to any time limit in UCLA Procedure 230.2.