
UCLA Procedure 230.2: Student Grievances Regarding Violations of Anti-Discrimination Laws or University Policies on Discrimination on Basis of Disability

Issuing Officer: Vice Chancellor, Student Affairs
Responsible Dept: Office of the Dean of Students
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(supersedes sections of UCLA Procedure 230.1, dated 1/1/2011, related to disability grievances only)

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I. PURPOSE & APPLICABILITY

In compliance with the Rehabilitation Act of 1973 (Public Law 93-112), as amended, and the Americans with Disabilities Act of 1990 (Public Law 101-336), as amended, University of California policy prohibits unlawful discrimination on the basis of disability in its programs, services, and activities. The purpose of this Procedure is to enable the resolution of Student grievances alleging violations of Anti-Discrimination Laws or of 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, and to enable the resolution of Student grievances alleging that the University failed to take appropriate steps to investigate Disability Discrimination. This Procedure also applies to grievances filed by Students for conduct by Students or non-affiliates where the alleged offending behavior occurred in University programs or activities.

This Procedure will result in a report of findings and recommended remediation. The report shall be redacted as appropriate to comply with University policy, campus regulation, and State and federal laws.

For campus procedures applicable to challenging grading and procedures for imposition of discipline, see Attachment A. If a Student complains that a grade should be changed due to alleged Disability Discrimination and/or Retaliation, this Procedure will be followed, and a finding of discrimination will be referred to the University procedures through the Academic Senate for determination of any grade change.

Should this Procedure result in a finding of Disability Discrimination and/or Retaliation by a Student, any potential discipline would be addressed in a separate Student conduct process in accordance with the UCLA Student Conduct Code.

II. DEFINITIONS

For purposes of this Procedure:

Anti-Discrimination Laws mean:

- a. Section 504 of the Rehabilitation Act of 1973 and Federal Regulations promulgated thereunder prohibiting discrimination based on disability in all University programs and activities; and

- b. Title II – Subtitle A of the Americans with Disabilities Act of 1990 and Federal Regulations promulgated thereunder prohibiting discrimination based on disability in all University services, programs, and activities.

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

Disability Discrimination means any or all of the following:

- a. **Disability-Based Discrimination** means the exclusion of a qualified Student, on the basis of disability, from participation in any academic, research, or other University service, program, or activity; or the denial of a qualified Student, on the basis of disability, of the benefits of any academic, research, or other University service, program, or activity; or otherwise subjecting a qualified Student, on the basis of disability, to discrimination in any academic, research, or other University service, program, or activity. The University has a responsibility to respond promptly and equitably to Disability-Based Discrimination of which it knew or should have known.
- b. **Disability-Based Harassment** means conduct that is sufficiently severe, pervasive, or persistent so as to interfere with or limit a Student's ability to participate in or benefit from the services, activities, or opportunities offered by the University. Harassing conduct may take many forms, including: verbal acts and name-calling; graphic and written statements which may include use of cell phones or the Internet; or other conduct that may be physically threatening, harmful, or humiliating. The University has a responsibility to respond promptly and equitably to Disability-Based Harassment of which it knew or should have known.
- c. **Failure to Accommodate** means failure by the University to make reasonable modifications to its practices, policies, and procedures, and to provide auxiliary aids and services to a Student with a Disability, unless to do so would fundamentally alter the nature of the program or would result in an undue financial or administrative burden. A Student is required to follow University procedures, see below, to request accommodations and must establish that they have done so prior to filing a grievance. **University Procedures:** Students with a Disability who require such accommodations must register with the Center for Accessible Education (CAE) and provide required documentation. Following registration and receipt of sufficient documentation, CAE will consult with the Student and an appropriate representative of the course or program and will issue an approved set of academic adjustments that are reasonable and would not fundamentally alter the nature of the program. For undergraduates, the CAE consultation will include the Student and a delegate of the undergraduate course or program. For graduate Students, the CAE consultation will include the Student and the chair of the department, and/or dean or delegate of a professional school, and/or graduate division, as appropriate.

Grievance Coordinator means the University employee designated to schedule and otherwise coordinates the proceedings of matters related to grievances filed under this Procedure.

Grievant means the party filing a grievance under this Procedure. The Grievant must be a Student as defined in this Procedure.

Hearing Officer means the University employee designated to conduct grievance 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.

Preponderance of Evidence means the evidentiary standard that is satisfied when the evidence demonstrates that the allegations in question are more likely true than not true.

Retaliation means threats, intimidation, reprisals, and/or adverse educational actions against a Student based on their report of Disability Discrimination or participation in the investigation, report, or remedial processes provided for in this Procedure. Retaliation also covers assertion of rights by a Student with a Disability regarding their right(s) under Title II or Section 504 and assertion of rights under Anti-Discrimination Laws by a third party on behalf of a Student with a Disability.

Subject of the Grievance means the party against whom a grievance is filed under this Procedure. The Subject of the Grievance may be a Student, faculty member, other academic appointee, staff member, University unit, or non-affiliate, where the alleged offending behavior occurred in University programs or activities. Where the Grievant

alleges that the University failed to take appropriate steps to investigate Disability Discrimination and/or Retaliation, the University itself may be the Subject of the Grievance.

Student means any individual for whom the University maintains student records, and who (a) is enrolled in or registered with an academic program of the University; (b) has completed the immediately preceding term and is eligible for reenrollment, including the recess periods between academic terms; (c) is on an approved educational leave or other approved leave status, or is on filing-fee (i.e., the fee used in lieu of registration if all formal requirements for graduate degrees, except for taking comprehensive or oral examinations or filing theses or dissertations, are met prior to the first day of instruction of the term) status; or (d) who was enrolled at the time of the alleged violation.

Student with a Disability means any Student who has a physical or mental impairment that substantially limits one or more major life activities, who has a record of such impairment, or who is regarded as having such impairment. This does not include a person who is currently engaging in the illegal use of drugs. However, an individual who is currently participating in, or who has successfully completed, a supervised drug rehabilitation program and is not currently engaging in the illegal use of drugs, or who is otherwise no longer engaging in such use, shall be considered a Student with a Disability if the individual otherwise fits the definition of a Student with a Disability.

III. STATEMENT

The University is committed to a policy against legally impermissible, arbitrary, or unreasonable discriminatory practices. All groups under the aegis of the University of California, including, but not limited to, administration, faculty, student governments, University-owned residence halls, and programs sponsored by the University are governed by this policy of non-discrimination. The intent of the University's policy on non-discrimination is to reflect fully the spirit of the law.

The following nondiscrimination statement, or similar wording, is contained in a variety of campus publications, see Section VIII. of this Procedure.

The University of California, in accordance with applicable federal and State law and University policy, does not discriminate on the basis of race, color, national origin, religion, sex, gender identity, gender expression, pregnancy, physical or mental disability, medical condition (cancer related or genetic characteristics), ancestry, marital status, age, sexual orientation, citizenship, or service in the uniformed services. The University also prohibits sexual harassment. This nondiscrimination policy covers admission, access, and treatment in University programs and activities.

The University prohibits Retaliation. Allegations of Retaliation should be reported to the Office of the Dean of Students to be investigated under the processes and standards outlined in this Procedure.

IV. REASONABLE ACCOMMODATION IN THE GRIEVANCE PROCESS

If Students believe that they will require a reasonable accommodation to assist them in participating in this grievance process, Students must contact and register with CAE. CAE will assess the Student's needs and provide the Grievance Coordinator in the Office of the Dean of Students with recommended accommodations. The Office of the Dean of Students will either provide the recommended accommodation or work directly with CAE to discuss alternatives to the recommended accommodation.

V. ROLES AND RESPONSIBILITIES

A. Student

A Student who wishes to allege a violation of Anti-Discrimination Laws or of University policies against Disability Discrimination that has resulted in harm to the Student, or to allege that the University failed to take appropriate steps to investigate Disability Discrimination, must file a formal grievance within one hundred eighty (180) Days of the time at which the Student could have been reasonably expected to have knowledge of the alleged violation.

The grievance must identify the facts that the Student believes demonstrate that Disability Discrimination and/or Retaliation has occurred. The Student may also identify the law and/or policy believed to have been violated, and may include the preferred remedy.

A staff member in the Office of the Dean of Students is available to assist Students in identifying the regulations impacted and reasonable remedies to their grievance. To schedule an appointment with the staff member, call (310) 825-3871. The grievance may be submitted in writing to the Grievance Coordinator in the Office of the Dean of Students at 1104 Murphy Hall or by email to grievance@saonet.ucla.edu from the Student's official email address. The Student may also present an oral complaint to the Grievance Coordinator and receive assistance with putting such a complaint in writing. Students may also authorize another person to submit a written grievance on their behalf and otherwise assist them in this process; such authorization must be submitted to the Office of the Dean of Students in writing and signed by the Student.

If a Student needs other forms of accommodation in the process based on disability, they will be referred to CAE to follow the accommodation process, see Section IV. of this Procedure.

After the written grievance is submitted, the Student hereafter referred to as "Grievant," will be encouraged to participate in the process. If the Grievant chooses not to participate after making a report of Disability Discrimination and/or Retaliation, the Grievance Coordinator will notify the Grievant that its ability to investigate and respond fully to the allegations may be limited as a result.

B. Office of the Dean of Students

The Grievance Coordinator in the Office of the Dean of Students will receive the grievance from the Grievant and will forward the grievance to the ADA/504 Compliance Office for investigation and for determination of appropriate interim measures. The Grievance Coordinator will facilitate appropriate interim measures as determined by the ADA/504 Compliance Office.

The Grievance Coordinator will facilitate the procedures set forth in Section VI. of this Procedure.

Grievance records will be maintained for 5 years after the end of the academic year in which the case is closed.

C. ADA/504 Compliance Office

The ADA/504 Compliance Office shall ensure a thorough investigation and the preparation of an investigatory report. UCLA will keep the grievance and investigation confidential to the extent possible. The ADA/504 Compliance Office may also determine appropriate interim measures to be taken by the University prior to the final resolution of the grievance.

Questions about the investigation may be directed to the ADA/504 Compliance Office at 1104 Murphy Hall, by email to ada@saonet.ucla.edu or by phone at (310) 794-4146.

D. Vice Chancellor, Student Affairs

In the event the Grievant requests a hearing, the Vice Chancellor, Student Affairs shall receive the hearing report issued by the Hearing Officer and issue a decision on whether there was Disability Discrimination and/or Retaliation, and if so, what remedies are to be implemented. Copies of the decision shall be sent to the Grievant and to the Subject of the Grievance.

If the Grievant does not file a timely appeal, the Vice Chancellor, Student Affairs' decision shall be final and, if Disability Discrimination and/or Retaliation has been found to have occurred, the Vice Chancellor, Student Affairs shall forward the hearing report, with attachments and any necessary redactions, to the Grievance Coordinator, who will forward the report to the appropriate administrator responsible for the applicable disciplinary process.

E. Chancellor

Decisions of the Vice Chancellor may be appealed to the Chancellor, whose decision is final.

VI. PROCEDURES

A. Investigation

1. When the ADA/504 Compliance Office receives notice of a grievance from the Grievance Coordinator, the ADA/504 Compliance Officer shall ensure a thorough factual investigation and analysis of relevant policies, 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 Grievant.
2. The investigator's findings and conclusions, which shall be stated in a formal investigation report, are based on a Preponderance of Evidence. Following the investigation, the ADA/504 Compliance Office shall forward the written investigation report to the Dean of Students with a copy to the Grievance Coordinator, who shall send a

copy to the Grievant and to the Subject of the Grievance. The investigation report will contain the following:

- i. findings of fact;
- ii. conclusions of whether Disability Discrimination and/or Retaliation has occurred;
- iii. analysis of whether the act, incident, or behavior resulted in harm to the Grievant; and
- iv. in the event that allegation(s) of Disability Discrimination and/or Retaliation are substantiated by the investigation, recommendations to prevent recurrence of any such Disability Discrimination and/or Retaliation and to remedy the effects of the Disability Discrimination and/or Retaliation.

The investigation shall be completed and the investigation report issued within sixty (60) Days of initial receipt by the Grievance Coordinator of the written grievance.

The investigation report shall be redacted as appropriate to comply with University policy, campus regulation, and State and federal laws.

3. In the event the Grievant disagrees with the findings in the investigation report, the Grievant may request a formal grievance hearing within ten (10) Days of the issuance of the investigation report. The Grievant must indicate at that time if the Grievant plans to be assisted by a representative at that hearing, and if so, whether or not that representative is an attorney. The Grievant may be assisted by any person, including an advocate, attorney, friend, or parent, who is not otherwise a party or witness involved in the matter being grieved.

If the Subject of the Grievance is a Student, they may be assisted by any person, including an advocate, friend, or parent, who is not otherwise a party or witness in the matter being grieved. Options for assistance may be discussed with the Office of the Dean of Students, the Hearing Coordinator, or Student Legal Services. If an attorney represents the Grievant and a Student is the Subject of the Grievance, then the Student may be represented by an attorney at their own expense.

If the Grievant is represented by an attorney and the University is the Subject of the Grievance, the University shall be represented by legal counsel.

If the Grievant is represented by an attorney and a non-affiliate is the Subject of the Grievance, then the non-affiliate may be represented by an attorney at their own expense.

4. If the Grievant does not request a formal hearing within the time permitted, the Grievant and the Subject of the Grievance have fifteen (15) Days of the issuance of the investigation report, to each submit written comments to the investigation report for the University's consideration. The comments must be submitted in writing to the Grievance Coordinator in the Office of the Dean of Students at 1104 Murphy Hall or by email to grievance@saonet.ucla.edu.
5. Within twenty (20) Days of the issuance of the investigation report, the ADA/504 Office will inform the Grievance Coordinator that the investigation report has become final and will attach any written comments from the Grievant or the Subject of the Grievance in an appendix and forward to the Grievance Coordinator. The Grievance Coordinator will promptly inform the Grievant and the Subject of the Grievance that the investigation report has become final. If Disability Discrimination and/or Retaliation has been found to have occurred, the Grievance Coordinator will forward the investigation report to the appropriate administrator responsible for the applicable disciplinary process.

B. Grievance Hearing

1. The Grievance Coordinator shall schedule the hearing on a date mutually agreeable to all parties. The hearing must be completed within sixty (60) Days of the issuance of the investigation report. The Grievant and the Subject of the Grievance shall be given at least ten (10) Days' written notice of the time and place of the hearing.
2. The Grievance Coordinator shall appoint a Hearing Officer. The Grievant and Subject of the Grievance may, for good cause, challenge the assignment of a particular Hearing Officer. The Grievance Coordinator will adjudicate all challenges to the Hearing Officer.
3. The Hearing Officer shall request that each party provide to the Grievance Coordinator 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.

4. Both the Grievant and Subject of the Grievance shall have the right to be present throughout the hearing and to be represented by another person. Both shall have the opportunity to present evidence and witnesses, and to conduct cross-examination of each other's witnesses. Evidence may be verbal or written, but must be limited to issues raised in the written grievance, and be of the sort upon which reasonable persons are accustomed to rely in the conduct of serious affairs. The Grievant shall have the right to present evidence and witnesses first. The Hearing Officer shall determine the admissibility of evidence, and may exclude any irrelevant or unduly repetitive evidence.
5. Witnesses may attend the hearing only during their testimony, unless the Hearing Officer requests otherwise. The hearing shall be closed except to participants.
6. The scope of the hearing shall be limited to determining whether or not Disability Discrimination and/or Retaliation has occurred.

The hearing shall be limited to matters addressed in the written grievance or reasonably related thereto as determined by the Hearing Officer.

7. The Hearing Officer will make a single verbatim recording, such as a tape recording, of the hearing. Grievance records will be maintained for 5 years after the end of the academic year in which the case is closed.
8. 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. The findings are based on a Preponderance of Evidence.
9. Within ten (10) Days following the hearing, the Hearing Officer shall forward a written hearing report to the Grievance Coordinator, who shall send a copy to the Grievant; the Subject of the Grievance; their representatives, if any; and the Vice Chancellor, Student Affairs. The hearing report will contain the following:
 - i. findings of fact;
 - ii. conclusions of whether Disability Discrimination and/or Retaliation has occurred;
 - iii. analysis of whether the act, incident, or behavior resulted in harm to the Grievant; and
 - iv. in the event that allegation(s) of Disability Discrimination and/or Retaliation are substantiated by the hearing, recommendations to prevent recurrence of any such Disability Discrimination and/or Retaliation and to remedy the effects of the Disability Discrimination and/or Retaliation.

The hearing report shall be redacted as appropriate to comply with University policy, campus regulation, and State and federal laws.

10. The Grievant and Subject of the Grievance may each submit written comments to the Vice Chancellor, Student Affairs within five (5) Days of the issuance of the hearing report. The comments must be submitted in writing to the Grievance Coordinator in the Office of the Dean of Students at 1104 Murphy Hall or by email to grievance@saonet.ucla.edu. A Grievant who is considering submitting a response to the hearing report 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 Grievant may be accompanied by the representative who accompanied the Grievant at the hearing. When the Grievant is unable to be present on the University campus during regular business hours, the Grievant will be provided accommodations that may include access to review the recording on campus on either Saturdays, Sundays, or days on which the campus is closed, or at an alternate location coordinated by the Grievance Coordinator.
11. The Vice Chancellor, Student Affairs shall consider the hearing report and any information contained in responses submitted by the Grievant and the Subject of the Grievance, and shall issue a written decision within fifteen (15) Days of the issuance of the hearing report. The Vice Chancellor's decision shall include the finding and any remedial action, not including any discipline, UCLA will take to prevent recurrence of any discrimination and to remedy the effects of the discrimination on the Grievant. Both the Grievant and Subject of the Grievance will receive a copy of the Vice Chancellor's decision.

C. Appeal

1. The Grievant shall have the opportunity for a fair and equitable appeal. Within five (5) Days following the issuance of the Vice Chancellor's decision, the Grievant may file a written appeal on the following bases:
 - i. New evidence has been brought to light which was not available at the time of the hearing; or
 - ii. Established procedures have not been followed.

The appeal must be submitted in writing to the Grievance Coordinator in the Office of the Dean of Students at 1104 Murphy Hall or by email to grievance@saonet.ucla.edu.

2. If no appeal has been timely filed, the Vice Chancellor, Student Affairs' decision shall be final and, if Disability Discrimination and/or Retaliation is found to have occurred, the Vice Chancellor, Student Affairs shall forward 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.
3. The specific procedures for imposing discipline depend upon the nature of an individual's relationship to the University (i.e., faculty, other academic appointee, staff, or non-affiliate, see Attachment A). Any member of the University community who is found to have engaged in Disability Discrimination and/or Retaliation in accordance with the applicable disciplinary proceedings may be subject to disciplinary action, up to and including dismissal.
4. If an appeal is timely filed, the Chancellor will issue a written decision on the appeal within ten (10) Days of receipt of the appeal. The Chancellor's decision shall state whether the Vice Chancellor, Student Affairs' decision is upheld or shall state 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. Both the Grievant and the Subject of the Grievance will be promptly notified of the Chancellor's decision, which shall be final.

D. 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. Requests for extension of time must be made in writing to the Grievance Coordinator.

E. Bias and Conflict of Interest

The University will timely address concerns about bias or conflict of interest raised by the Grievant or the Subject of the Grievance about individuals responsible for processing their discrimination complaint, including but not limited to investigators, hearing officers, and individuals assigned to address appeals.

VII. GRIEVANCE PROCESS SUMMARY TABLE

The table below summarizes the steps of the grievance process. Attachment B of this Procedure provides additional guidance for administrators and staff involved with processing Disability Discrimination grievances.

Step 1 Intake: A Grievant or any person or entity authorized to act on behalf of the Grievant, files a written grievance with the Office of the Dean of Students.

RESPONSIBILITY	ACTION
Grievant	Files a grievance with the Office of the Dean of Students within the one hundred eighty (180) Day period described in Section V.A. of this Procedure. Such a grievance must identify the facts that provide the basis of the grievance. The grievance may also identify the specific policy and/or law alleged to be violated, and the preferred remedy.
Grievance Coordinator (Office of the Dean of Students)	Promptly furnishes a copy of the written grievance to the ADA/504 Compliance Office for investigation and for determination of appropriate interim measures, if any. Facilitates appropriate interim measures, if any, determined by the ADA/504 Compliance Office.
ADA/504 Compliance Office	Makes a determination of appropriate interim measures, if any.

Step 2: Investigation The ADA /504 Compliance Office ensures a thorough investigation and the preparation of an investigatory report.

RESPONSIBILITY	ACTION
ADA/504 Compliance Office	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 Grievant. Issues 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.
Grievance Coordinator	Promptly furnishes a copy of the investigation report to the Grievant and to the Subject of the Grievance.
Grievant	<p>Within ten (10) Days of issuance of the investigation report, notifies the Grievance Coordinator in writing if the Grievant disagrees with the findings and desires a hearing.</p> <p>When requesting a hearing, the Grievant must indicate whether they are to be assisted by a representative, the name of that representative, and whether that representative is an attorney. The Grievant may be assisted by any person, including an advocate, attorney, friend, or parent, who is not otherwise a party or witness involved in the matter being grieved.</p> <p><u>Note:</u> A Grievant assisted by a representative must sign a release at this time, authorizing the representative to receive copies of relevant materials.</p>
Grievance Coordinator	Notifies the Subject of the Grievance and ADA/504 Compliance Office, if the Grievant does or does not request a hearing.
Grievant and Subject of the Grievance	If the Grievant accepts the findings and recommendations in the report and does not request a hearing, the Grievant and Subject of the Grievance, within fifteen (15) Days of the issuance of the investigation report, may submit written comments to the Grievance Coordinator, who will forward to the ADA/504 Compliance Office.
ADA/504 Compliance Office	Within twenty (20) Days of the issuance of the investigation report, informs the Grievance Coordinator that the investigation report has become final, and attaches any written comments from the Grievant and/or Subject of the Grievance in an appendix and forwards to the Grievance Coordinator.
Grievance Coordinator	<p>Promptly notifies the Grievant and Subject of the Grievance in writing that the investigation report has become 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, notifies the Grievance Coordinator within ten (10) Days of the issuance of the investigation report.

RESPONSIBILITY	ACTION
Grievance Coordinator	Appoints a Hearing Officer, if the Grievant requests a hearing. <u>Note:</u> The Grievant and Subject of the Grievance may challenge the assignment of a Hearing Officer for good cause.
	Arranges a hearing on a date mutually agreeable to all parties. The hearing must be completed within sixty (60) Days of the issuance of the investigation report.
	Provides the Grievant and Subject of the Grievance with at least ten (10) Days' written notice of the time and place of the hearing.
Grievant and Subject of the Grievance	Provides the Grievance Coordinator with relevant material, including the identities of all witnesses, which the parties intend to produce at the hearing. To the extent feasible, this material is provided at least five (5) Days prior to the hearing.

RESPONSIBILITY	ACTION
Hearing Officer	<p>Conducts the hearing in the presence of the Grievant and 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>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. The scope of the hearing is limited to Disability Discrimination and/or Retaliation has occurred. The findings are based on a Preponderance of Evidence.</p>
Grievant and Subject of the Grievance	<p>Presents evidence, witnesses, and conducts cross-examinations of each other's witnesses. Evidence may be verbal or written, but must be limited to issues raised in the written grievance, and be of the sort upon which reasonable persons are accustomed to rely in the conduct of serious affairs. The hearing is closed except to participants.</p> <p><u>Grievant:</u> Has the right to:</p> <ul style="list-style-type: none"> • present evidence, including witnesses, first; and • examine all witnesses presented by Subject of the Grievance. <p><u>Subject of the Grievance:</u> Has the right to:</p> <ul style="list-style-type: none"> • present evidence, including witnesses, in response to the Grievant's presentation; and • examine all witnesses presented by the Grievant. <p>If the Grievant is represented by an attorney and the Subject of the Grievance is the University, the University shall be represented by legal counsel.</p> <p>If the Grievant is represented by an attorney and the Subject of the Grievance is a Student or non-affiliate, they may be represented by an attorney at their own expense.</p>
Witnesses	Attend the hearing only during their testimony, unless the Hearing Officer requests otherwise.
Hearing Officer (Record of the Hearing)	<p>Makes a single verbatim recording, such as a tape recording, of the hearing.</p> <p>A Grievant who is considering submitting a response to the hearing report 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 Grievant may be accompanied by the representative who accompanied the Grievant at the hearing.</p> <p>When the Grievant is unable to be present on the University campus during regular business hours, the Grievant may request alternative arrangements that may include access to review the recording on campus either on Saturdays, Sundays, or days on which the campus is closed, or at an alternate location, coordinated by the Grievance Coordinator.</p>
Hearing Officer	<p>Determines the admissibility of evidence. Excludes any irrelevant or unduly repetitive evidence.</p> <p>Within ten (10) Days of the close of the hearing, forwards a written report to the Grievance Coordinator, who shall send a copy to the Grievant, Subject of the Grievance, their representatives, if any, and the Vice Chancellor, Student Affairs. The report contains findings of fact as to whether the alleged Disability Discrimination and/or Retaliation occurred and recommendations for an appropriate remedy, if warranted.</p>
Grievant and Subject of the Grievance	May submit written comments within five (5) Days of the issuance of the hearing report, to the Grievance Coordinator, who will forward to the Vice Chancellor, Student Affairs.

RESPONSIBILITY	ACTION
Vice Chancellor, Student Affairs	Issues a written decision within fifteen (15) Days of the issuance of the hearing report. Both parties and their representatives are promptly thereafter notified in writing of the Vice Chancellor's decision. If no appeal is timely filed, the decision becomes final and, if Discrimination and/or Retaliation is found to have occurred, the Vice Chancellor forwards the hearing report, with attachment and any necessary redactions, to the Grievance Coordinator, who will forward to the appropriate administrator responsible for the applicable disciplinary process.

Step 4: Appeal If the Grievant appeals the Vice Chancellor's decision, the Grievant submits a written appeal to the Chancellor, who renders the final decision.

RESPONSIBILITY	ACTION
Grievant	Within five (5) Days of the date of the decision of the Vice Chancellor, the Grievant may submit a written appeal to the Grievance Coordinator, who will forward to 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; or (2) Established procedures have not been followed.
Chancellor	Makes a decision on the appeal, within ten (10) Days of receipt of the appeal. Both parties and their representatives are notified promptly, in writing, of the Chancellor's decision, which shall be final.

VIII. REFERENCES

1. University of California Policies Applying to Campus Activities, Organizations, and Students: Section 20.00 (Policy on Nondiscrimination); Section 140.00 (Guidelines Applying to Nondiscrimination on the Basis of Disability); and Appendix C (Nondiscrimination Policy Statement for University of California Publications Regarding Student-Related Matters);
2. UCLA Academic Senate Manual: Chapter I, Section 4, Grades (Section A-313);
3. UCLA Academic Senate Manual: Appendix VI - Appeals;
4. UCLA Academic Senate Manual: Appendix XII - Faculty Code of Conduct Implementing Procedures;
5. UCLA Procedure 230.1, Student Grievances Regarding Violations of Anti-Discrimination Laws or University Policies on Discrimination;
6. UCLA Student Conduct Code.

IV. ATTACHMENTS

- A. List of Procedures for Addressing Grading and for Disciplinary Action
- B. Guidance Document

Issuing Officer

Monroe Gorden
Interim Vice Chancellor, Student Affairs

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

List of Procedures for Addressing Grading and for Disciplinary Action

1. Procedure for Addressing Grading: UCLA Academic Senate Manual, Chapter I, Section 4, Grades (Section A-313).
2. Procedures for Addressing Discipline:
 - 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. A violation of University non-discrimination policy may constitute a violation of the Faculty Code of Conduct. 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-63: Investigatory Leave
 - iii. PPSM-64: Termination of Career Employees – Professional and Support Staff
 - iv. PPSM-65: Termination of Career Employees – Managers and Senior Professionals, Salary Grades I through VII
 - v. PPSM-67: Termination of Career Employees – Managers and Senior Professionals, Salary Grades VIII and IX
 - vi. PPSM II-64: Termination of Appointment
 - d. The UCLA Student Conduct Code outlines disciplinary procedures and sanctions for Student.

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	Conducts a preliminary review of written grievance: <ul style="list-style-type: none"> • 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. • Confirms grievance contains facts that the Student believes demonstrates that Disability Discrimination and/or Retaliation has occurred. As needed, assists Students in identifying regulations impacted and reasonable remedies to their grievance. Promptly furnishes a copy of written grievance to ADA/504 Compliance Office. Facilitates appropriate interim measures, if any, determined by ADA/504 Compliance Office.
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	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. 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. The investigation report will contain the following: <ul style="list-style-type: none"> • findings of fact; • conclusions of whether Disability Discrimination and/or Retaliation has occurred; • analysis of whether the act, incident, or behavior resulted in harm to the Grievant; and • 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.
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>Informs 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"> • findings of fact; • conclusions of whether Disability Discrimination and/or Retaliation has occurred; • analysis of whether the act, incident, or behavior resulted in harm to the Grievant; and • 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.
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.