
UCLA Procedure 230.1: Student Grievances Regarding Violations of Anti-Discrimination Laws or University Policies on Discrimination

Issuing Officer: Vice Chancellor, Student Affairs

Responsible Dept: Office of the Dean of Students

Effective Date: January 1, 2011

Supersedes: UCLA Procedure 230.1, dated 7/1/1998

I. REFERENCES

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I. REFERENCES

1. University of California Policies Applying to Campus Activities, Organizations, and Students: Section 20.00 (Policy on Nondiscrimination); Section 102.09; Section 140.00 (Guidelines Applying to Nondiscrimination on the Basis of Disability); Section 150.00 (Student-Related Policy Applying to Nondiscrimination on the Basis of Sex); 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;
3. UCLA Academic Senate Manual: Appendix VI - Appeals;
4. UCLA Academic Senate Manual: Appendix XII - Faculty Code of Conduct Implementing Procedures;
5. UC Policy on Sexual Harassment and Sexual Violence.

II. PURPOSE & APPLICABILITY

The purpose of this procedure is to enable the resolution of Student grievances alleging violations of Anti-Discrimination Laws or of University policies against discrimination based on race, color, national or ethnic origin, alienage, sex, religion, age, sexual orientation, gender identity, marital status, veterans status, physical or mental disability, or perceived membership in any of these classifications which result in injuries to the Student.

This procedure does not apply to academic decisions regarding admission, grading and evaluation, and dismissal. For campus procedures regarding Student complaints on grading, evaluation, admission, and dismissal, see procedures referenced in Section I., #2., 3., and 4., above. Students in the Schools of Law, Dentistry, and Medicine should refer to procedures adopted by their respective School.

III. DEFINITIONS

For purposes of this Procedure, the following definitions shall apply:

Anti-Discrimination Laws

1. Title IX - The Education Amendments of 1972 and Federal Regulations promulgated thereunder prohibiting discrimination based on sex in University educational programs and activities;
2. Section 504 - Section 504 of the Rehabilitation Act of 1973 and Federal Regulations promulgated thereunder prohibiting discrimination based on disability in all University programs and activities;
3. Title VI - The Civil Rights Act of 1964 under which Title VI prohibits racial and ethnic discrimination in all University programs and activities; and
4. 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 refers to calendar days.

Hearing Coordinator means the campus official responsible for the scheduling and coordination of grievance hearings.

Preponderance of Evidence means more likely than not.

Student means a person who is currently enrolled at a campus of the University of California or, during the recess period between quarters or the summer period, one who has completed the immediately preceding term and is eligible for re-enrollment, or one who was enrolled at the time of the alleged infraction.

IV. 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. In carrying out this policy, the University also shall be sensitive to the existence of past and continuing societal discrimination.

The following statement, or similar wording, is contained in a variety of campus publications (such as those referenced above):

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, 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.

V. PROCEDURES

A. Consultation

Students who believe that the University or any administrative subdivision or employee thereof has acted in violation of Anti-Discrimination Law or the University's policies against discrimination, and that such action has resulted in injuries, must attempt to resolve the matter informally within thirty (30) Days of the time at which the Student could have been reasonably expected to have knowledge of the alleged violation or, if the violation occurs at the end of an academic quarter or semester, within thirty (30) Days of the beginning of the succeeding academic quarter or semester. The Student should seek such resolution directly with the affected unit.

B. Informal Resolution

1. If the matter remains unresolved after the Student has sought resolution directly with the affected unit, the Student should consult with the Office of the Dean of Students. The Dean will investigate the matter and attempt to bring about an informal resolution.

2. If the matter cannot be informally resolved within thirty (30) Days, the Dean will provide the Student with copies of University antidiscrimination policies and this procedure, will counsel the Student about the grievance process, and will advise the Student to file a formal grievance.

Note: With the agreement of all parties, an informal resolution of the complaint may still be effected after the filing of a formal grievance.

C. Formal Grievance

In the event that informal resolution is not successful, the Student must file a formal grievance with the campus Hearing Coordinator. Formal grievances must be filed within thirty (30) Days of the time at which the Student could be reasonably expected to have knowledge of the alleged violation or, when the violation occurs at the end of an academic quarter or semester, within thirty (30) Days of the beginning of the succeeding academic quarter or semester.

RESPONSIBILITY	ACTION
Student	Files a formal grievance with the campus Hearing Coordinator within the thirty (30) Day period. Such a grievance must include an explanation of the specific action being grieved, the specific policy and/or regulation alleged to be violated, and the remedy requested.
Hearing Coordinator	Immediately furnishes a copy of the formal written complaint to the head of the department or unit in which the alleged violation purportedly occurred.
Department or Unit Head (where alleged violation purportedly occurred)	Responds to Hearing Coordinator in writing, within fifteen (15) Days of receipt of request, indicating that the remedy requested has been granted, or explaining why such action has not been taken.
Hearing Coordinator	Immediately furnishes a copy of the department/unit head's answer to the Student.
Student	Within ten (10) Days of receipt of the written answer, notifies the Hearing Coordinator in writing if a hearing is desired. When requesting a hearing, the Student must indicate whether he/she is to be assisted by a representative, the name of the representative, and whether that representative or the Student is an attorney. <u>Note:</u> 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 on a date mutually agreeable to all parties, within sixty (60) Days of the filing of the formal grievance. A hearing officer is selected under the Procedure for Selection of Hearing Officers (<i>copy of Procedure may be requested from Student Affairs</i>). Provides the head of the department or unit in which the alleged violation occurred and the Student with at least fifteen (15) Days written notice of the time and place of the hearing.
Student and Affected University Unit	Upon request, each party provides the other 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 seven (7) Days prior to the hearing.
Hearing Officer	Conducts the hearing in the presence of the Student and an official representing the affected University unit; both have the right to be present throughout the hearing and to be represented by another person. <u>The Hearing</u> <u>Authority of Hearing Officer</u> 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. <u>Scope of Hearing</u> The scope of the hearing is limited to determining whether or not there has occurred a violation of an Anti-Discrimination Law or the University's policies on discrimination, and to

RESPONSIBILITY	ACTION
Hearing Officer (cont'd)	matters addressed in the written complaint or reasonably related thereto as determined by the hearing officer. <u>Standard of Proof</u> The findings are based on a Preponderance of Evidence. <u>Representatives</u> If the Student is an attorney or is represented by an attorney, the campus shall be represented by the Office of the General Counsel. <u>Witnesses</u> Witnesses may attend the hearing only during their testimony, unless the hearing officer requests otherwise.
Student and Affected University Official (and representatives, if any)	Present evidence and witnesses, and conduct cross-examination of each other's witnesses. Evidence may be verbal or written, but must be limited to issues raised in the written complaint, 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. <i>The Hearing</i> <u>Record</u> 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. <u>Student</u> Has the right to: • present evidence, including witnesses, first; and • examine all witnesses presented by the University <u>Affected University Official</u> Has the right to: • present evidence, including witnesses in response to the Student's presentation; and • examine all witnesses presented by the Student <u>Hearing Officer</u> Excludes any irrelevant or unduly repetitive evidence.
Hearing Officer	Determines the admissibility of evidence. Presents a report to the Vice Chancellor, Student Affairs within thirty (30) Days of the close of the hearing. The report contains findings of fact as to whether the alleged violation occurred and recommendations for an appropriate remedy, if warranted. The report is transmitted to both parties and their representatives, if any. <u>Note:</u> The parties may both submit written comments to the Vice Chancellor, Student Affairs within seven (7) Days of the transmittal of the report.
Vice Chancellor, Student Affairs	Makes a decision on the recommendations within fifteen (15) Days of receipt of the report from the hearing body. Both parties to the complaint and their representatives are immediately thereafter notified in writing of the Vice Chancellor's decision.
Student	<u>Appeals</u> Within thirty (30) Days of the date of the decision of the Vice Chancellor, the Student 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; or (2) Established procedures have not been followed.
Chancellor	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 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.
