

## **110.00 POLICY ON STUDENT GRIEVANCE PROCEDURES**

111.00 Chancellors shall develop and submit for approval by Student Academic Services in the Office of the President, and in consultation with the Office of General Counsel, procedures to resolve grievances claiming to have been the subject of any of the following types of University action:

111.10 Violation of the privacy rights accorded by the Federal Family Educational Rights and Privacy Act of 1974, portions of the State of California Education Code, and the *Policies Applying to the Disclosure of Information from Student Records* (see Section 130.00);

111.20 Discriminatory practices based upon sex, under Title IX of the Education Amendments of 1972 or applicable federal or state laws, or under the *Student-Related Policy Applying to Nondiscrimination on the Basis of Sex* (see Section 150.00) and the *Policy on Sexual Harassment and Complaint Resolution Procedures* (see Section 160.00);

111.30 Discriminatory practices based upon disability, under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act of 1990 or under the *Guidelines Applying to Nondiscrimination on the Basis of Disability* (see Section 140.00);

111.40 Discriminatory practices based upon race, color, or national origin, under Title VI of the Civil Rights Act of 1964; and

111.50 Other types of actions that may be grieved, such as discrimination on the basis of sexual orientation, age, or marital status, as specified in campus regulations.

112.00 Campus student grievance procedures shall be developed with student consultation, and shall at a minimum meet the requirements of applicable federal anti-discrimination and privacy laws. Once adopted, they shall serve as the sole remedy within the University for non-academic student grievances brought pursuant to any such law.

113.00 As provided in state law, civil or criminal law remedies including injunctions, restraining or other court orders, and monetary damages also may be available to complainants.

114.00 Assignment of grades to students enrolled in University classes is the exclusive prerogative of University faculty. Grade-related and other academic grievances are covered under separate policies established in consultation with the Academic Senate.

## **115.00 UCSC STUDENT GRIEVANCE PROCEDURES**

115.01 Students may file a grievance based on alleged violations of university policy or campus regulations regarding student privacy rights; or discrimination based on race, color, national origin, religion, sex, gender, gender expression, gender identity, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), ancestry, marital status, age, sexual orientation, citizenship, or service in the uniformed services,

or other discrimination as specified in campus regulations. The complained of actions must have resulted in injury to the student.

**Complaints of sexual harassment or assault should be filed under the *UC Policy on Sexual Violence and Sexual Harassment*. (see Appendix G).**

**115.05 Student grievances may be based on the conduct of the University, its employees, or third parties. Allegations of student misconduct in alleged violation of the Student Code of Conduct and SVSH cases fall outside the scope of this grievance process. Allegations of student misconduct, including discrimination by another student, should be brought to the attention of the Office of Student Conduct and Community Standards.**

## **115.11 DEFINITIONS**

**Complaint Resolution Officer (CRO):** The person designated to receive, investigate, mediate, and resolve complaints brought under this procedure.

**Americans with Disabilities Act (ADA) Compliance Officer:** The person designated with the ultimate responsibility and authority to resolve any student allegation of discrimination based on disability.

**Title IX Officer:** The person designated with the ultimate responsibility and authority to investigate any student allegation of discrimination based on sex, gender, gender identity or gender expression.

**Student (for alleged violations of a student's privacy rights):** Any individual who has been admitted to and is enrolled in, or registered with, any academic program of the University.

**Student (for alleged violations of university policy and campus regulation):** An 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, is not presently enrolled, and is eligible for re-enrollment; or**

**(c) is on an approved educational leave or other approved leave status, or is on filing-fee status. Suspension or Barred Enrollment are considered approved leaves for the purpose of this definition.**

**Respondent:** The person designated to answer or respond to the grievance. Generally the respondent will be the head of the unit or department in which the violation allegedly occurred.

**Notification:** Notification is considered to have taken place two days after the date of (1) posting of any document in the United States mail (properly addressed) or (2) sending via properly addressed email [barao@ucsc.edu](mailto:barao@ucsc.edu). Written communications from the university to a student are properly addressed when sent to the U.S. postal or email address given in the grievance or the last address given since the filing of the grievance.

**Days:** All time periods referred to in this procedure refer to working days, excluding summer term, campus closure and inter-quarter recesses. If the designated time period ends on a Saturday, Sunday or campus holiday, the time period will be extended to the following working day.

**115.13 OFFICE OF RECORD:** The Office of Conduct and Community Standards shall serve as the office of record. All written submissions for student grievances related to this procedure shall be mailed, emailed, or delivered to the Associate Dean of Students.

#### **115.14 RESOURCES AND INFORMAL RESOLUTION**

If a student believes that the Santa Cruz campus, any campus subdivision or employee thereof, or a third party has violated university policy or campus regulations, the student may initiate the formal grievance process, including an investigation at any time during the grievance process. However, the student may also attempt to resolve the matter informally. Attempts at informal resolution are not required and students alleging discrimination need not participate directly in informal resolution with the person alleged to have taken the discriminatory action, the head of the person's unit, or the person's supervisor.

a. For assistance with general complaints or concerns related to alleged discrimination, students may contact any of the following individuals: the Associate Dean of Students, Conflict Resolution Program, Senior Director, Student Life, the Vice Provost and Dean of Undergraduate Education, or the Vice Provost and Dean of Graduate Studies (*for contact information, see Appendix Q*).

b. *For complaints alleging sex or gender discrimination, sexual harassment, sexual assault, dating violence, domestic violence, or stalking*, students are strongly encouraged to consult the Title IX Director for advice and/or recommendations on engaging an informal resolution process; in certain types of cases, an informal resolution process may be inappropriate and may be prohibited. The Title IX reporting and response procedures are described in the *UC Policy on Sexual Violence and Sexual Harassment (see Appendix G)*.

c. *For disability-related complaints or concerns about accommodations*, students are strongly encouraged to consult with the campus ADA Access Coordinators. If the student has sought informal resolution with the assistance of the ADA Access Coordinators and the matter remains unresolved, the student is strongly encouraged to contact the ADA Compliance Officer. The ADA Compliance Officer has ultimate responsibility and authority to resolve the concerns and offer a reasonable accommodation.

If the matter remains unresolved to the student's satisfaction, the ADA Compliance Officer will provide the student with information on (1) filing a formal grievance (including the campus Policy on Student Grievance Procedures) and (2) filing a complaint with the U.S. Department of Education, Office for Civil Rights.

For contact information for ADA Compliance Officer and ADA Access Coordinators, [see Appendix Q](#).

d. All resource persons listed in [Appendices G and Q](#) shall provide a student with the campus Policy on Student Grievance Procedures and University policy/campus regulation applicable to the alleged violation.

Attempts to resolve a matter informally must be completed within sixty (60) working days (“60 working day timeframe”) from the time at which the student knew or could reasonably be expected to have known of the alleged violation. If a student wishes to file a formal grievance, he or she must do so within the 60 working day timeframe, regardless of the progress of the informal resolution process. A formal grievance may be requested at any time during the grievance process. Requesting an informal resolution will not extend the 60 working day timeframe for the filing of a formal grievance. The filing of a formal grievance ends the informal resolution process.

#### 115.16 FILING A FORMAL GRIEVANCE

If an informal resolution is unsuccessful or, if at any time during the informal process, the student does not want to pursue an informal resolution, the student may file a formal grievance with the Associate Dean of Students at (831) 459-3793 (voice), (831) 459-3188 (fax), [barao@ucsc.edu](mailto:barao@ucsc.edu) 245 Hahn.

When a formal grievance is filed, the Associate Dean of Students will assign a Complaint Resolution Officer (CRO), which may include University faculty members, administrators, or other staff. The Associate Dean of Students will ensure that individuals acting as CRO’s have training in appropriate investigative methods, University policy and regulations, and legal standards for determining whether discrimination occurred.

The formal grievance must be filed within sixty (60) working days from the point at which the student knew or should be reasonably expected to have known of the alleged violation.

Student grievances must be in writing and signed by the student (or sent from the student’s official UC Santa Cruz email address). Grievances must contain the student’s postal address, email address, and telephone number (to the extent available), a detailed statement of the specific action being grieved, the approximate date when the action took place, the resulting injury or harm, a description of the facts supporting the grievance, whether informal resolution was attempted and completed, and the remedy or relief requested. It is the responsibility of the student grievant to update the CRO as to the appropriate address to use throughout the grievance process.

Students who have filed a grievance regarding discrimination in campus activities or programs may also have civil law remedies available to them, including but not limited to, injunctions, restraining orders, complaints with federal or state agencies, or civil litigation.

#### 115. 17 INITIAL REVIEW OF A FORMAL GRIEVANCE

The Complaint Resolution Officer (CRO) will review the grievance and make an initial

determination regarding whether the grievance is complete, timely, within the jurisdiction of the Policy on Student Grievance Procedure, and alleges facts which, if true, would constitute a violation of University policy or campus regulation. The CRO shall complete the initial review of the grievance and notify the student in writing as to whether an investigation will begin, whether the grievance is incomplete, or whether the grievance will be dismissed within fifteen (15) working days of the receipt of the grievance in the Dean of Students Office.

If the CRO determines that the grievance is incomplete, the student grievant will have ten (10) working days from the date of the written notice to make the grievance complete. If the student grievant fails to make the grievance complete, the grievance will be dismissed. If the CRO determines that the grievance is untimely, outside the jurisdiction, or does not allege facts describing a violation of University policy or regulation, the grievance will be dismissed. If the grievance raises multiple issues, the CRO will make a determination described above with regard to each issue. The CRO may investigate some issues and dismiss others pursuant to this initial review.

If a grievance is dismissed, the CRO will provide the student grievant with a written explanation of the basis for the dismissal. The student grievant will have ten (10) working days from the date of the written notice to request an appeal of the dismissal of the grievance from the Vice Provost for Student Success or designee. The request for appeal must be in writing and explain why the student believes the dismissal was in error. The Vice Provost for Student Success will respond in writing within twenty (20) working days of the notice of appeal. If the dismissal is upheld, the decision is final. If the decision to dismiss is overturned on appeal, the grievance will be returned to the CRO for investigation per the procedures outlined below.

#### **115.18 INVESTIGATION & RESOLUTION**

The CRO will inform the respondent of the nature of the allegations and those factual details necessary to respond to the grievance. The CRO will protect the confidentiality of the student grievant and others to the maximum extent possible consistent with the law and University policy, while according due process to any person alleged to have behaved in violation of University policy or campus regulation.

The respondent must file a written response within fifteen (15) working days of the receipt of the formal grievance. The response to the allegations shall (1) confirm or deny each fact alleged in the grievance; (2) indicate the extent to which the grievance has merit; and (3) indicate acceptance or rejection of any remedy requested by the grievant or outline an alternative remedial proposal. The response to allegations shall be filed with the CRO, who will notify the student grievant in writing of the response.

The CRO will interview the grievant, the respondent, and any other individuals with knowledge or information relevant to the grievance. The CRO will also examine relevant documents, correspondence, and other evidence deemed necessary to investigate the complaint fully. Disclosure of facts to the student grievant, the respondent, and witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation.

If the student grievant or respondent will be assisted in the review by an advisor or support person, he or she must (1) provide the advisor's or support person's name and (2) sign a release authorizing the advisor or support person to view relevant materials and to accompany the grievance or respondent to pertinent meetings

At any time during the investigation, if necessary, the CRO will provide the student grievant with interim protections or remedies adequate to eliminate, prevent the occurrence of, and address the effects of discrimination. Failure to comply with the terms of interim protections may be considered a separate violation of the *Policy on Student Grievances*.

#### **115.20 FINDINGS**

The CRO's findings from the investigation shall be reported in writing to the Vice Provost for Student Success no later than thirty (35) working days from the receipt by the CRO of the original formal grievance. The report shall contain findings of fact based on a preponderance of the evidence and shall include whether a University policy or campus regulation was violated, the factual basis for the determination, a recommended outcome of the grievance, a proposed make-whole remedy for the student grievant (if any), and/or final remedies to eliminate, prevent the recurrence of, and address the effects of discrimination (if any) or privacy violations for consideration by the Vice Provost for Student Success, and proposed sanctions for the respondent (if any).

The Vice Provost for Student Success or designee shall be responsible for making a determination on the outcome of the grievance and taking corrective action. Within ten (10) working days of receipt of the findings, the Campus Vice Provost for Student Success or designee will notify the student grievant and the respondent in writing with a synopsis of the report of findings. The synopsis shall contain a summary of the issues presented by the grievance, a statement of the applicable University policy or campus regulation, a summary of the factual findings reached in the investigation, a determination based on a preponderance of the evidence for each allegation of whether any University policy or campus regulation was violated, including whether discrimination or a privacy violation occurred, the remedies that will be provided to the student grievant (if any), other final remedies to eliminate, prevent the recurrence of, and address the effects of discrimination (if any), including recommendation for referral to any disciplinary action or other steps concerning the respondent.

Both the student grievant and the respondent may request an appointment with the Associate Dean of Students or designee, to review the entire report of findings. The report of findings shall be redacted as appropriate to comply with University policy, campus regulation, and state and federal laws.

For disciplinary action against any University employee or student, the matter shall be referred to the appropriate University procedure.

#### **115.21 ADMINISTRATIVE REVIEW OF FINDINGS**

A student grievant may seek an Administrative Review of the findings and/or remedies by the Campus Conduct Board by filing a written request for review with the Vice Provost for Student

Success or designee within five (5) working days from receipt of the report of the findings.

#### **115.22 ADMINISTRATIVE REVIEW OF FINDINGS: SCOPE AND AUTHORITY**

The Administrative Review shall be based on written submissions only. The scope of the Administrative Review is limited to:

- a. matters raised in the original written formal grievance and;
- b. a review of the process (fact finding, resolution and remedy) of the CRO.

#### **115.23 NOTICE OF ADMINISTRATIVE REVIEW**

Vice Provost for Student Success or designee shall arrange for an Administrative Review by the Campus Conduct Board within thirty (30) working days of the student grievant request. Administrative Reviews are convened only during the fall, winter, and spring quarters.

#### **115.24 AVAILABILITY OF INFORMAL RESOLUTION DURING ADMINISTRATIVE REVIEW**

The student grievant may request that the Associate Dean of Students arrange a informal settlement of the formal grievance at any stage in the Administrative Review process. Requesting an informal resolution will not change the time frame for the pending Administrative Review.

#### **115.25 CAMPUS JUDICIAL BOARD**

The Associate Vice Chancellor & Dean of Students shall appoint a Campus Conduct Board (*see Section 108.10 of the Student Policies and Regulations Handbook* for the membership of this Board). Any Conduct Board hearing a matter involving discrimination, including sexual harassment or assault, will have training regarding applicable University policy and regulations, legal standards and standards of proof for determining whether discrimination occurred.

#### **115.26 RETENTION OF RECORDS**

The University shall retain all records pertaining to the investigation, findings, and any Administrative Review for a period of seven (7) years. Student records may be kept longer at the discretion of the Associate Vice Chancellor & Dean of Students or designee.

Explanations placed in the student records by an individual seeking to correct a record shall be retained as long as the contested portion of the record is retained.

#### **115.27 THE BOARD'S REPORT OF FINDINGS & RECOMMENDATION**

The Administrative Review conducted by the Campus Conduct Board shall be based on written submissions and may include written inquiries and requests for additional information. Within five

**(5) working days of the completion of the review, the Chair of the Campus Conduct Board shall report the written findings of the Administrative Review to the Vice Provost for Student Success. The Administrative Review will determine whether the grievant has provided information showing that the findings were based upon incomplete factual information, an incorrect analysis of the facts, misapplication of University policies or regulations, or procedural error. The errors must be significant in a way that would change the determination in the case.**

#### **115.28 VICE PROVOST FOR STUDENT SUCCESS DETERMINATION**

**The Vice Provost for Student Success shall make a final determination on the report of finding(s) and recommendation within ten (10) working days of the receipt of the report from the Chair of the Campus Conduct Board. The Vice Provost for Student Success will notify in writing the student grievant, advisor or support person to the student grievant (if any), the respondent, and the Associate Dean of Students of the determination within five (5) working days of making a decision. The written notice shall explain the basis for adopting, modifying, or overturning the findings and recommendation of the Campus Conduct Boarding, including, as applicable, whether a University policy or campus regulation was violated, the factual basis for the determination, a proposed make-whole remedy for the student grievant (if any), final remedies to eliminate, prevent the recurrence of, and address the effects of discrimination (if any), and notification of the right to file an appeal with the Chancellor.**

**For action against any University employee or student, the matter shall be referred to the appropriate University procedure.**

#### **115.29 APPEAL TO CHANCELLOR OR DESIGNEE**

**Within five (5) working days of notification of the determination, the student grievant may file an appeal of the determination with the Chancellor or designee. The appeal must be based on at least one of the following grounds:**

- a. new evidence has been brought to light which was not available at the time of the Administrative Review and is not cumulative with other evidence considered; or**
- b. established procedures, as described above, were not followed and the failure to follow procedures resulted in a decision adverse to the student grievant.**

**The Chancellor or designee shall respond within fifteen (15) working days of receipt of an appeal, and this decision is final and binding.**

#### **115.30 TIME LIMIT EXTENSION**

**The Chancellor, Vice Provost for Student Success, or designee may extend any of the time limits described in the above grievance procedures in the interest of fairness and for good cause. All parties involved shall be notified in writing as soon as an extension of time is granted.**



## APPENDIX Q

### RESOURCES FOR DISABILITY-RELATED CONCERNS AND INFORMAL RESOLUTION

#### OF COMPLAINTS OR GRIEVANCES

(Updated August 15, 2018)

**For consultations regarding unresolved requests for student disability accommodations and access issues, referral to internal and external disability-related grievance and complaint processes and informal resolutions:**

**ADA Compliance Officer, Ashish Sahni, 459-4380 (voice), 459- 2098 (fax), [ashish@ucsc.edu](mailto:ashish@ucsc.edu)**

**For consultation and informal resolution of student disability-related grievances:**

**Associate Dean of Students and Chief of Staff, Brian Arao, 459-3793 (voice), [barao@ucsc.edu](mailto:barao@ucsc.edu)**

**For consultations and informal resolution of student employment-related disability discrimination issues and complaints:**

**Assistant Director for EEO, Office for Diversity, Equity, and Inclusion, Ciel Benedetto, 459-3676 (voice), 459-2670 (fax), [cbene@ucsc.edu](mailto:cbene@ucsc.edu)**

**Career Center Director, Barbara Silverthorne, 459-4590 (voice), [bsilver@ucsc.edu](mailto:bsilver@ucsc.edu)**

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#### UCSC Disability Access Coordinators

**For student classroom, educational and program disability accommodations and access-related consultations and informal resolutions:**

**Disability Resource Center Director/ADA Program Access Coordinator, Rick Gubash, 459-2089 (voice), 459-5064 (fax), [rgubash@ucsc.edu](mailto:rgubash@ucsc.edu)**

**For student disability-related computer access and IT-related reasonable accommodations and concerns:**

**Director of Learning Technologies/ADA IT Accessibility Coordinator, Jim Phillips, 459-2410 (voice), [jphilli1@ucsc.edu](mailto:jphilli1@ucsc.edu)**

**For facility disability-access matters and concerns:**

**ADA Facilities Access Coordinator, Felix Ang, 459-3085, [felix@ucsc.edu](mailto:felix@ucsc.edu)**

**For student employment-related reasonable accommodations:**

**Disability Management Coordinator, Kelly Roberts, 459-4602 (voice), 459-3683 (fax),  
roberts@ucsc.edu**

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**For confidential conflict resolution assistance and directory of campus problem and complaint  
resolution resources:**

**Director of Conflict Resolution Services, Nancy Heischman, 459-2290 (voice), nheischm@ucsc.edu  
<https://ombuds.ucsc.edu/>**