

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 that claim 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 *University of California 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 of the UC Policies*) and the *UCSC Policy on Sexual Assault, the UC Policy on Sexual Harassment and Procedures for Reports of Sexual Assault(s) and Sexual Harassment* (see *Appendix F*);
- 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 *University of California 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* (see *Appendix C*); 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 nonacademic 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 (see *Appendix G*).

115.00 UCSC STUDENT GRIEVANCE PROCEDURES

- 115.10 The Campus Judicial Board also serves as Student Grievance Board for administrative review (see Sections 115.21-28).**
- 115.11 For alleged violations of a student's privacy rights, "student" is defined to include any individual who has been admitted to and has enrolled in, or registered with, any academic program of the university.**
- 115.12 For alleged violations of university and campus policy, the term "student" means 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 and is eligible for re-enrollment, including recess periods between academic terms; or,**
 - c. is on an approved education leave or other approved leave status or in on filing fee status.**
- 115.13 OFFICE OF RECORD: The office of Student Judicial Affairs shall serve as the office of record. Student grievances related to this procedure shall be sent or given to the director, Student Judicial Affairs.**
- 115.14 RESOURCES: The following resource persons can provide assistance and advice regarding specific types of grievances and processes for filing a grievance:**
- a. Doug Zuidema, director, Student Judicial Affairs at 459-1738, 245 Hahn Student Services Building, for grievances of alleged discrimination based on race, color or national origin, sexual orientation, disability or handicap, and incidents of hate/bias. For complaints related to Faculty, please refer to the campus Faculty Code of Conduct.**
 - b. Rita Walker, Title IX/Sexual Harassment Officer at 459-2462, 105 Kerr Hall, for grievances based on alleged sexual harassment, sexual assault, and rape.**

Students are encouraged to consult with the UCSC Americans with Disabilities Act (ADA) compliance officers for information about recommendations or filing complaints, in connection with disability-related issues. Following are the designated campus officials who can assist with filing and resolving grievances of alleged discrimination based on disability or handicap:

- a. Director EEO/Affirmative Action, at 459-4380 (voice/TDD), for employment-related disability discrimination issues. FAX: 459-2098.**
- b. Peggy Church, director, Disability Resource Center, at 459-2089 (voice), 459-4806 (voice/TDDTTY) compliance officer for ADA student program access. Located at 146 Hahn. FAX: 459-5064, Email: pechurch@ucsc.edu.**
- c. Doug Zuidema, director, Student Judicial Affairs, at 459-1738 (voice), complaint resolution officer for ADA student program access, 459-4806(TDDTTY). Located at 245 Hahn. FAX: 459-3188, Email: dzuidema@ucsc.edu.**

- d. Susan Willats, ADA compliance officer for facilities, transportation and computing access, at 459-3759 (voice). Located at the Carriage House. FAX: 459-2759, Email: willats@ucsc.edu.
- e. Pam Hunt-Carter, University Registrar at 459-4412, for questions based on the alleged violation of university policy related to privacy of student records. Located at 190 Hahn Student Services. Email: phcarter@ucsc.edu.

115.15 INFORMAL RESOLUTION

Any student who believes that the Santa Cruz campus or any administrative subdivision or employee thereof has violated university policy or campus regulations is encouraged to attempt to resolve the matter informally. Applicable violations include: student privacy rights; sexual harassment; or discrimination based on age, creed, ethnicity, race, gender, gender identity, physical ability, political views, religion, sexual orientation, or socio-economic status. Actions must have resulted in injury to the student. Resolution can be with either the party alleged to have committed the violation, or with the head of the unit. The campus ombudsman, director, Student Judicial Affairs, college administrative officers and college staff are available to assist students with informal resolutions. The ombudsman is located in 109 Kerr Hall and the phone number is 459-2073. Please contact the director, Student Judicial Affairs at 459-1738 for information about timeline provisions. Allegations of student mis-conduct are exempt from the grievance process as the student maintains rights of due process in the form of appeal or a formal hearing on the charges.

Students are encouraged to consult the Title IX/Sexual Harassment Officer for information about recommendations or remedies in connection with charges of sexual harassment or sexual assault, including rape. The Title IX grievance procedure is described in the *UCSC Policy on Sexual Assault, the UC Policy on Sexual Harassment and Procedures for Reports of Sexual Assault(s) and Sexual Harassment (see Appendix F.)*

115.16 FORMAL GRIEVANCE/RESOLUTION

Resource persons listed in Section 115.14, shall provide upon request information on available grievance options and pertinent legislation and the university's effort to comply with that legislation. Students who have filed a complaint regarding discrimination in campus activities and programs may also have civil law remedies, including but not limited to, injunctions, restraining orders, or other court orders available to them.

115.17 FILING A FORMAL COMPLAINT

The following outlines the procedures for formal resolution using the internal campus process:

If an informal resolution is unsuccessful or if the student doesn't want an informal resolution, the student may file a formal complaint with the vice chancellor, Student Affairs or designee within thirty (30) calendar days of the time at which the student knows or could be reasonably expected to have knowledge of the alleged violation. When the violation occurs at the end of an academic quarter, a formal complaint may be filed within thirty (30) working days of the beginning of the succeeding academic quarter. A formal complaint must include a detailed explanation of the specific action being grieved, specific policy and/or regulation alleged to have been violated, the harm caused to the student, and the requested remedy.

115.18 INVESTIGATION

The vice chancellor, Student Affairs or designee shall furnish a copy of the formal complaint within five working days of receipt, to the director, Student Judicial Affairs, and the unit head in which the alleged violation occurred and ask for a response.

115.19 UNIT HEAD RESPONSE

The head of the unit in which the alleged violation occurred must file a response within ten working days of the receipt of the formal complaint. The written response to allegations should be given to the director, Student Judicial Affairs, with a copy to the grievant.

115.20 ADMINISTRATIVE RESOLUTION

The director, Student Judicial Affairs shall use the unit head response to conduct an investigation of the circumstances of the alleged violation and attempt to seek an administrative resolution. Findings shall be reported to the vice chancellor, Student Affairs or designee and to the unit head within ten (10) working days of receipt of the response from the unit head and no later than thirty (30) working days from the receipt by the vice chancellor, Student Affairs or designee of the original formal complaint. A written summary of findings will be provided to the student and the unit head. Both the student and the unit head may request an appointment with the director, Student Judicial Affairs or designee, to review the entire report of findings (redacted version as appropriate to comply with campus regulations or state and federal laws).

115.21 REQUEST FOR AN ADMINISTRATIVE REVIEW

The student must notify the vice chancellor, Student Affairs or designee in writing if s/he desires an administrative review of the resolution within five working days from the receipt of the resolution from the director, Student Judicial Affairs.

If the student is to be assisted by an advisor or support person, the name of that person must also be provided in writing at the same time an administrative review is requested. Students assisted by an advisor or support person must sign a release of information before the review authorizing the representative to view copies of relevant materials.

Campus Judicial Board member(s) serving as a support person or advocate shall excuse him or herself from the review.

If the student will be advised by legal counsel, the university reserves the option of reasonable time extensions to allow consultation with university General Counsel.

115.22 ADMINISTRATIVE REVIEW ARRANGEMENTS

The vice chancellor, Student Affairs or designee shall arrange for an administrative review within thirty (30) working days of the student request with the Campus Judicial Board. At least fifteen (15) days' notice of the time and place for the review shall be given to the grievant, witnesses, and Board members. Administrative reviews are convened only during the fall, winter and spring quarters.

115.23 ADMINISTRATIVE REVIEW, SCOPE AND AUTHORITY

The scope of the administrative review is limited:

- a. to matters raised in the original written formal complaint;

- b. to a determination of whether the student has been damaged or injured by a violation of university policy based on discrimination based on age, creed, ethnicity, race, gender, gender identity, physical ability, political views, religion, sexual orientation, or socio-economic status; or
- c. to student privacy rights; or
- d. to a review of the process (fact finding, resolution and remedy) of the director, Student Judicial Affairs.

The administrative review conducted by the Campus Judicial Board shall be based on written submissions and may include written inquiries and requests for additional information. When the Campus Judicial Board's review is complete, they shall submit written findings and recommendations for possible remedies to the vice chancellor, Student Affairs or designee for consideration.

115.24 AVAILABILITY OF INFORMAL RESOLUTION

The grievant may request that the director, Student Judicial Affairs arrange an informal resolution at any stage in the administrative review process.

115.25 CAMPUS JUDICIAL BOARD

The vice chancellor, Student Affairs shall appoint a Campus Judicial Board (*see Section 108.10 of the Student Policies and Regulations Handbook* for the membership of this Board).

115.26 RETENTION OF RECORDS

The university shall retain all records pertaining to the administrative review for a period of seven (7) years. Student records may be kept longer at the discretion of the director, Student Judicial Affairs.

Explanations placed in the student records of 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

The chair of the Campus Judicial Board shall report the findings of the administrative review to the vice chancellor, Student Affairs or designee within five working days of the completion of the review. The report shall be in writing and shall contain findings of fact based on a preponderance of evidence and recommendations for possible remedies for consideration.

115.28 VICE CHANCELLOR'S DECISION

The vice chancellor, Student Affairs shall make a decision on the recommendation within ten (10) working days from the receipt of the report from the chair of the Campus Judicial Board. The vice chancellor will notify the grievant, the unit head, representatives for the grievant (if any) and the director, Student Judicial Affairs of a decision within five working days.

Findings which allege faculty or staff misconduct, shall be subject to appropriate faculty or staff disciplinary procedures.

115.29 APPEAL

The student may file an appeal of the vice chancellor's decision with the chancellor or designee, within five working days of receipt of notification of the decision, for the following reasons:

- a. new evidence has been brought to light which was not available at the time of the administrative review; or**
- b. established procedures, described above, have not been followed.**

The chancellor or designee, shall respond within five working days of his receipt of an appeal and this decision is final and binding.

115.30 TIME LIMIT EXTENSION

The vice chancellor, Student Affairs or designee may extend the time limits described above in the interest of fairness and for good cause. All parties involved shall be notified as soon as an extension of time limit is granted.