Student Grievance Complaint Policy Procedures

I. INTRODUCTION

These UC San Diego Student Grievance Complaint Procedures ("Procedures") Policy has been implemented in response to the University requirement for Chancellors to develop procedures to facilitate the resolution of grievances complaints by students claiming to have been the subject of specified University action which may violate federal law or University Policy. By adapting or inserting the actual language of the Policy on Student Grievance Procedures (Section 110.00) of the University of California Policies Applying to Campus Activities, Organizations and Students, this Policy remains consistent with the system wide Policy. The complete Policy can be found at UCOP’s website at http://policy.ucop.edu/doc/2710531/PACAOS-110, and to submit them for approval to the Student Academic Services in the Office of the President, in consultation with the Office of the General Counsel.

II. CAMPUS CONSULTATION

This Policy was revised in consultation with the Student Conduct Standards Group as described in Section V of the General Provisions of the UC San Diego Student Conduct Standards. A. Except as provided below, these Procedures are intended to resolve grievances from students claiming to have been the subject of any of the following types of non-academic action by the University/UCSD.

III. STUDENT COMPLAINT POLICY

A. This policy describes the UC San Diego student complaint policy and meets the minimum requirements of applicable anti-discrimination and privacy laws. It is not intended to replace other complaint procedures such as those available with the U.S. Department of Education, Office of Civil Rights. Participation in any internal processes do not extend external filing deadlines. The complainant has the responsibility of complying with all non-University judicial and administrative filing deadlines.

Civil or criminal law remedies, including injunctions, restraining or other court orders, and monetary damages, also may be available to complainants. However, this policy serves as the sole remedy within the University for complaints relating to the alleged violations described in this section. Except as provided below, these Procedures are intended to resolve grievances from students claiming to have been the subject of any of the following types of non-academic action by the University/UCSD.


B. Complaints relating to alleged sex discrimination based upon sex, under Title IX of the Education Amendments of 1972, or applicable federal or state laws, or under the UC San Diego Policy Applying to Nondiscrimination on the Basis of Sex provided University of California Policy on Sexual Harassment will be handled by the Office for the Prevention of Harassment and Discrimination (OPHD) in accordance to the University of California Sexual Harassment and Sexual Violence Policy (http://ophd.ucsd.edu/pdf/UC-HR-14-0220_Sexual%20Harassment%20and%20Sexual%20Violence%20Policy.pdf) and the UC San Diego Policy for Reporting and Responding to Sex Offenses (http://ophd.ucsd.edu/pdf/Sex%20Offense%20PolicyFINAL1-30-13.pdf) that investigations into alleged violations of the UCSD sexual harassment policy shall be subject to the UCSD Student Conduct Code and...
C2. Complaints relating to alleged disability discrimination based upon disability under Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990, or the University of California Guidelines Applying to Nondiscrimination on the Basis of Disability will be handled by the Office of Students with Disabilities (OSD) in accordance to the Concerns and Appeals Processes section on the OSD website (http://disabilities.ucsd.edu/students/appealprocess.html), except that disputes relating to accommodations requested for the completion of academic requirements of any course or academic program shall be processed in accordance with the San Diego Division of or similar policies in the UCSD School of Medicine and the Skaggs School of Pharmacy and Pharmaceutical Sciences.


E4. Complaints relating to alleged Except as excluded by these Procedures or other policies, other actions alleged to violate UCSD or University policies, including but not limited to policies against age, religion, veteran's status, medical condition, genetic information, sexual orientation, or marital status discrimination on the basis of sexual orientation, age, or marital status, will be handled by OPHD in accordance to the UC San Diego Policy on Nondiscrimination (https://students.ucsd.edu/student-life/organizations/student-conduct/regulations/13.00.html) and the UC San Diego Procedures for Discrimination and Harassment Complaint Resolution (http://ophd.ucsd.edu/pdf/DiscrimProcedures-rev2013-a.pdf).

F. Complaints relating to requested accommodations for the completion of academic requirements of any course or academic program will be handled in accordance to the UC San Diego Academic Senate Policy on Appeals for Accommodation of Students with Disabilities (http://senate.ucsd.edu/Operating-Procedures/Senate-Manual/Appendices/3).

G6. Assignment of grades to students enrolled in UCSD University courses is the exclusive prerogative of the UCSD University faculty. Grade-related and other academic grievances complaints are will be handled covered in accordance to Part 1, Section 502 of the General Regulations of the UC San Diego Academic Senate Manual (http://senate.ucsd.edu/Operating-Procedures/Senate-Manual/Regulations/502), under separate policies established by the San Diego Division of The Academic Senate in consultation with representatives from the UCSD student governments. Academic related student grievances shall be referred to the Academic Senate for processing in accordance with the applicable Academic Senate policies. Academic Senate Policy on Appeals for Accommodation of Students with Disabilities.

H7. Non-grade related academic complaints made by undergraduate students will be handled in accordance to the Procedures for Undergraduate Petitions for Exceptions to Academic Senate Regulations (http://senate.ucsd.edu/media/67585/Undergraduate-Student-Petitions-Requesting-Exceptions.pdf). The Procedures for Graduate Petitions for Exceptions to Academic Senate Regulations govern other non-grade related academic complaints made by graduate students (http://senate.ucsd.edu/media/67582/Graduate-Student-Petitions-Requesting-Exceptions.pdf).
I. Academic-related complaints Disputes involving students enrolled at the School of Medicine students (SOM) wish all be reported to the SOM Associate Dean for Admissions and Student Affairs handled in accordance with the UCSD School of Medicine Advisor and Student Handbook. Those involving Skaggs School of Pharmacy students will be handled in accordance to the Policy on Student Complaints (http://pharmacy.ucsd.edu/current/docs/policy/Policy_-_Student_Complaints.pdf).

J. Complaints relating to denial of contract terminations not approved by the respective residential office should be submitted to Housing Dining Hospitality and will be handled by the Undergraduate Housing Appeals Committee.

K. Complaints related to late applications for new student housing, late applications for room selection, missing a Room Selection deadline and/or reversals or reductions in cancellation fees should be submitted directly to Housing Dining Hospitality for review by the Undergraduate Housing Appeals Committee.

L. Complaints relating to Associated Residential Community Housing (ARCH) policies, practices, or decisions will be handled by the Associated Residential Community Housing Advisory Committee in accordance to the ARCH Handbook (http://hdh.ucsd.edu/arch/faq.asp).

M. Complaints relating to alleged misconduct of UC San Diego Police Department staff will be handled by the department’s Internal Affairs division. Complaints can be filed on the department’s website (http://blink.ucsd.edu/safety/emergencies/security/complaint.html#2.-File-the-complaint.)

N. Complaints relating to denial of requests for information under the Freedom of Information Act, California Information Practices Act, and/or the California Records Privacy Act should be directed to the Office of Policy and Records Administration (http://rmp.ucsd.edu/policy-records/records-requests.html).

O. Complaint types not addressed above may be reported by filing a complaint through the University of California Whistleblower Hotline (http://blink.ucsd.edu/go/hotline), the student grievance procedures set forth in the SOM Advisor and Student Handbook, available in the.

8. Disputes involving students enrolled at the Skaggs School of Pharmacy and Pharmaceutical Sciences (SSPPS) shall be reported to the SSPPS Associate Dean for Student Affairs in accordance with the student grievance procedures set forth in the SSPPS Student Handbook, available in the.

B. These Procedures are internal to UCSD and are not intended to replace other complaint procedures such as those available with the U.S. Department of Education, Office of Civil Rights. Participation in this internal process does not extend external filing deadlines. The grievant has the responsibility of complying with all non-University/UCSD judicial and administrative filing deadlines.

C. Civil or criminal law remedies, including injunctions, restraining or other court orders, and monetary damages, also may be available to complainants.

II. STUDENT CONSULTATION
These Procedures were developed with student consultation as described in the Revision to the Student Conduct Standards section of the UC San Diego Student Conduct Standards.

III. INFORMAL RESOLUTION PROCESS
The resolution process will be handled through the related campus department(s) and/or office(s) based on the type of non-academic action by the University/UCSD in accordance with the applicable office policies.
The Office for the Prevention of Harassment and Discrimination (OPHD) resolves discriminatory grievances mentioned in Section I, Letters A1, A3 and A4.

The Office for Students with Disabilities (OSD) resolves discriminatory grievances mentioned in Section I, Letter A2.

The Registrar’s Office resolves grievances mentioned in Section I, Letter A5.

The Academic Senate resolves all grade-related and academic grievances, as stated in Section I, Letter A6.

Grievances regarding the School of Medicine (SOM) or Skaggs Schools of Pharmacy and Pharmaceutical Sciences (SSPPS) are resolved in accordance with their own respective grievance procedures, as stated in Section I, Letters A7 and A8.

All of the respective campus departments and offices listed above maintain their own set of procedures for resolving student grievances. These procedures may include informal resolution procedures, formal resolution procedures and the appeal process procedures.

The grievant should first attempt to resolve the grievance or complaint informally with the UCSD employee involved in the dispute and/or the employee’s supervisor or, if the grievance involves the action of a student governmental body, with the advisor for the student governmental body. If such informal discussions are unsuccessful, the grievant is encouraged to consult, as appropriate, with the head of the administrative or academic department or organized research unit involved in the grievance or, in the case of a student governmental body, the Assistant Vice Chancellor for Student Life at UCSD (each referred to as the “Administrative Representative” for purposes of these Procedures) to request informal mediation as an alternative form of dispute resolution before submitting a request for the Formal Resolution Process. In cases where the Administrative Representative is the party against whom the grievance is lodged, the Administrative Representative shall be the Dean, Vice Chancellor or other official of UCSD with oversight over the department or program involved in the dispute.

A. Assessment/Investigation of the Dispute

The Administrative Representative should assess the dispute to determine the appropriate course of action. The assessment may include, in the sole judgment of the Administrative Representative, the appointment of an investigator to assist in the assessment process.

IV. FORMAL RESOLUTION PROCESS:

A. Level I: Administrative Review

1. When either the grievant or the other party involved in the dispute provides written notice to the other that he/she no longer wishes to participate in the Informal Resolution Process, the grievant must deliver to the Administrative Representative within 120 business days from the date the incident was discovered or reasonably should have been discovered, by the grievant, a written grievance for review and disposition in accordance with the following sections of these Procedures.

2. Within 15 business days from the date of receipt of the grievance, the Administrative Representative shall review the grievance and respond to the grievant in writing, listing the issues raised by the grievance and indicating a recommended course of action to be taken to resolve/dispose of the grievance. In this response, the grievant shall also be informed about the option of Level II Resolution as described in Section IV, Letter B below.

B. Level II: Formal Resolution Process

1. In the event that the grievant disagrees with Level I action by the Administrative Representative, she/he may submit a written request for a formal resolution in the form of a hearing, mediation or fact-finding as described below, to the Administrative Representative within thirty (30) business days from the date of the written response referred to in Section IV, Letter A(2) above. The request for Level II Resolution shall include a copy of the grievance and the requested remedy.

2. Within fifteen (15) business days after receipt of the request for formal resolution, the Administrative Representative shall determine whether the complaint should be referred to formal hearing, mediation, or fact-finding. The Administrative Representative shall make this determination in his or her sole discretion,
based on the nature of the grievance and of any potential remedy. The determination of the Administrative Representative as to whether a grievant shall be afforded a formal hearing is final and binding.

3. Fact-finding shall, at a minimum, include a review of the investigator's report if an investigator was appointed and all other documentation relating to the dispute that is in the possession of the Administrative Representative. At the sole discretion of the designated finder of fact, hereinafter referred to as "the Fact Finder," the fact-finding may include informal interviews with the parties or other individuals who have direct and personal knowledge that is relevant and important to the dispute at issue. The Fact Finder's report must be completed and submitted to the Administrative Representative within 20 business days from the date of the notice to the grievant that the matter will be referred to fact-finding. Upon receipt of the Fact Finder's report, the Administrative Representative shall notify the grievant of disposition of the matter via written notice sent to the grievant by US mail at the address of record for the grievant at the UCSD Registrar's Office. The Administrative Representative shall also notify the grievant of his/her appeal rights via this notice.

4. If the matter is referred to formal hearing or mediation, such hearing or mediation shall begin within thirty (30) business days from the date of the Administrative Representative's determination to refer the matter to a formal hearing or mediation. The grievant and the respondent administrative unit involved in the hearing or mediation shall be provided with notice of the time, date and location of the hearing or mediation at least ten (10) business days prior to the date of the hearing or mediation.

5. The hearing or mediation shall be conducted either by an impartial hearing officer or mediator who may be a UCSD official and who shall be appointed by the Director of the... The hearing officer or mediator shall review the evidence and submit the findings along with any recommendations for the resolution of the grievance to the Administrative Representative.

6. If the matter goes to a formal hearing, the grievant and the UCSD representative shall have the right to present evidence and witnesses. The hearing officer shall determine the admissibility of evidence and consider other rulings such as, but not limited to:
   a. Admissible evidence shall be of the sort upon which reasonable persons are accustomed to rely in the conduct of serious affairs.
   b. At the request of either party, witnesses may be excluded by the hearing officer, except during their testimony.
   c. The hearing shall be closed unless all parties and all student participants to the grievance consent, in advance, to an open (public) hearing.
   d. The finding shall be based on preponderance of evidence, as defined in Section II, Letter M of the UC San Diego Student Conduct Code.
   e. Deliberations of the hearing shall always be confidential and conducted in private and out of the presence of the public, grievant and UCSD official(s) presenting the case.
   f. The participation of advocates, representatives and attorneys is provided in Section IV, Letter B(11) below.

7. Any formal hearing shall be recorded and, at the option of the grievant or UCSD, a stenographer may be provided at the expense of the party initiating the request. The grievant shall have access to a copy of the recording and may have a copy of the recording for the cost of reproduction. However, all records pertaining to the hearing, including but not limited to the transcript, shall be considered to be UCSD records and they shall be retained and administered by the Administrative Representative in accordance with the applicable UCSD records policy, such as but not limited to, PPM 160-2 and PPM 480.

8. The hearing officer or the mediator shall submit a report to the Administrative Representative fifteen (15) business days from the close of the hearing. The report shall contain a summary of the evidence, findings of fact, other proceedings and, when requested by the Administrative Representative, recommendations for a remedy.
9. The parties to the hearing shall be notified in writing of the final disposition of the grievance by the administrative representative within ten (10) business days from the date of the receipt of the hearing officer's report. The grievant shall also be advised of his/her appeal rights.

10. The report of the outcome of the hearing submitted by the hearing officer is final, except for review on appeal per Section V below. In the interest of finality of the findings of the grievance at issue, the facts, findings or issues addressed in the report of the hearing outcome may not be presented as the sole consideration for a subsequent grievance.

11. Role of Representatives in Proceedings:
   a. The grievant may be represented at the formal hearing, mediation, or fact-finding only by a student advocate appointed by the AS Advocate from a pool of student advocates trained jointly by the UCSD Director and the Director of Student Conduct. The grievant may be assisted by anyone, including a student advocate, but only the student advocate may speak on behalf of the grievant. If the grievant is assisted by an attorney or anyone other than a student advocate, the administrative unit may be assisted by Campus Counsel or other representative it selects provided no attorney or non-student advocate shall participate directly in the proceedings.

   b. The grievant shall inform the Administrative Representative, at least five (5) business days prior to the date of the hearing, of his/her intent to have an attorney or anyone other than the designated student advocate be present at the hearing, mediation, or fact-finding.

   c. Grievants assisted by a student advocate, or anyone else, must provide a signed release authorizing those third parties to receive relevant information from the grievant student's records as required by...

V. APPEAL
   A. The grievant(s) may file a written appeal of a hearing, unsuccessful mediation, or fact-finding with the VCSA, if the grievant is an undergraduate student, or with the Dean of Graduate Studies (DGS), the appeal shall be made to the Dean of the student's professional school. The appeal must be submitted within twenty (20) business days from the date of the notice of final disposition of the Administrative Representative's decision, and shall be based only on the following criteria:

   1. That the outcome is not supported by the findings;
   2. There is incongruity between a proposed sanction and the findings;
   3. There was unfairness in the proceedings which prejudiced the result; or,
   4. There is newly discovered important evidence not known by the grievant at the time of the hearing, mediation or fact-finding.

   B. The VCSA, if the grievant is an undergraduate student, or the DGS, if the grievant is a student in a graduate or professional program or professional school, shall render a final decision on the appeal within twenty (20) business days from date of receipt of said appeal.

   C. A decision by the VCSA or DGS shall be final and constitutes the exhaustion of all UCSD administrative remedies relating to the grievance at issue.

VI. EXTENSION OF TIMELINES
   The Director of the may extend any timelines in these grievance procedures when practical exigencies so dictate. If an extension is granted, the affected individuals will be notified.