

# UC SANTA BARBARA

## POLICY AND PROCEDURE

### Student Grievances

Contact: Vice Chancellor of Student Affairs

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## INTERIM STUDENT GRIEVANCES RELATING TO DISCRIMINATION, HARASSMENT, OR OTHER POLICY VIOLATIONS

The University is committed to a campus community free from discriminatory practices based upon race, color, religion or creed, national origin or ancestry, physical or mental disability, sexual orientation, age, sex, gender, veteran's status, genetic information, or citizenship.

### I. SCOPE

The policy applies to student grievances relating to discrimination, harassment, and alleged violations of University Policies, including student privacy rights under Family Educational Rights and Privacy Act (FERPA).

Grievances relating to sexual harassment, violence, or discrimination based on sex or gender (Title IX) are not within the scope of this policy. For more information on filing a Title IX grievance, please visit the [Title IX website](#).

Grade disputes are not within the scope of this policy unless the grade appeal is based, in whole or in part, on claims of discrimination based on race, color, religion or creed, national origin or ancestry, physical or mental disability, sexual orientation, age, sex, gender, veteran's status, genetic information, or citizenship. Grade appeals not involving a claim of discrimination are filed with the Academic Senate. Please visit the [Academic Senate's Grade Appeal Procedures Website](#) for more information.

Grievances arising out of a student employment relationship with the University are not within the scope of this policy. For more information on how to file a grievance relating to employment, please visit the [Human Resources website](#).

### II. DEFINITIONS

**Compliance Officers:** Persons appointed by the Chancellor to coordinate compliance with above non-discrimination policies.

**Director, Equal Opportunity and Discrimination Prevention Office:** Person appointed by the Chancellor to coordinate implementation of the campus Affirmative Action Personnel Program.

**Discrimination:** Any of the following conduct taken based on race, color, religion or creed, national origin or ancestry, physical or mental disability, sexual orientation, age, veteran's status, genetic information, or citizenship:

- (1) Exclusion of a qualified student from participation in any academic, research, or other University service, program or activity;
- (2) The denial of a qualified student of the benefits of any academic, research, or other University service or program, or activity; OR
- (3) Otherwise subjecting a qualified student to discrimination in any academic, research, or other University service, program, or activity.

**Harassment:** Verbal or physical conduct taken based on race, color, religion or creed, national origin or ancestry, physical or mental disability, sexual orientation, age, veteran's status, genetic information, or citizenship, that is sufficiently severe, pervasive, or persistent so as to interfere with or limit an individual's ability to participate in or benefit from the services, activities, or opportunities offered by the University.

**Investigator(s):** Person(s) appointed by the Chancellor to inquire into the circumstances of a grievance by a student alleging discrimination based on race, color, religion, national origin, sex, disability, sexual orientation or age.

**Office of Record:** The Office of the Vice Chancellor for Student Affairs shall serve as the Office of Record. Student grievances alleging discrimination prohibited by this policy shall be directed to that office.

**Preponderance of Evidence:** Such evidence as, when weighed with that opposed to it, has force that is more convincing and the greater possibility of truth.

**Retaliation:** Threats, intimidation, reprisals, or adverse actions taken against a person who reports Discrimination or Harassment, helps someone with a report of discrimination or harassment, or takes part in an investigation or resolution of a grievance.

**Representation**--Assistance to grievant in the formal hearing process; may be one of two types:

- (1) Legal Counsel--includes attorneys and individuals with legal training.
- (2) Non-legal representation--any person without legal training.

**Student:** A currently enrolled or continuing undergraduate or graduate student at the Santa Barbara Campus at the time of the alleged violation.

**Time for Informal Resolution and/or Filing of Grievance:** All time referred to in these procedures shall refer to working days excepting quarter breaks.

### III. POLICY

The University is committed to creating and maintaining a community where all persons who are part of the University community can work and learn together in an atmosphere free from all forms of discrimination, harassment, exploitation, or intimidation.

The University must respond, in accordance with the procedures set forth below, in a prompt and effective manner, to any report of discrimination, harassment, policy violation, or retaliation of which it knew or should have known and must take appropriate action to

prevent and correct behavior that violates this policy, which may include disciplinary action when warranted.

No provision of this policy is interpreted to prohibit conduct that is legitimately related to course content, teaching methods, scholarship, or public commentary of an individual faculty. Nor is it interpreted to prohibit conduct legitimately related to the educational, political, artistic, or literary expression of students in classroom or public forums. However, academic freedom and freedom of speech are not limitless and do not protect speech or expressive conduct that violates federal or state law or University policy.

#### IV. PROCEDURES

##### A. Informal Resolution

Students who believe that the Santa Barbara campus (UCSB) or any administrative subdivision or employee thereof has acted in violation of the University policy against discrimination based on race, color, religion or creed, national origin or ancestry, physical or mental disability, sexual orientation, age, sex, gender, veteran's status, genetic information, or citizenship and that such action has resulted in injury to the student are encouraged to try resolving the matter informally with either the party alleged to have committed the violation, or with the head of the department or unit in which the alleged violation occurred, or both. Any attempts to resolve the alleged violation informally should occur within the ninety (90) day period defined in Section IV.B.1.

##### B. Formal Resolution

The Director of the Office of Equal Opportunity and Discrimination Prevention Office, and all campus Compliance Officers, shall provide upon request, information to the student on the available grievance mechanisms, and on pertinent legislation and the University's efforts to comply with the legislation.

##### 1. Filing a Complaint

If informal resolution is not attempted or is unsuccessful within ninety (90) days of the alleged violation, the student has an additional ninety (90) days within which to file a formal written complaint with the Vice Chancellor Student Affairs (Office of Record). Such complaint must include a detailed explanation of how a specific policy or regulation was allegedly violated and the remedy requested. The remedy sought should be one that would place the student in the position that he/she would have been in, but for the alleged discrimination.

##### 2. Investigation

Upon receipt of a formal complaint the Vice Chancellor of Student Affairs shall furnish, within five (5) days, a copy of the complaint to the:

- a. Investigator(s);
- b. Head of the department or unit in which the alleged violation occurred;
- c. Director, Equal Opportunity and Discrimination Prevention Office; and
- d. Other campus Compliance Officers, as appropriate.

The head of the department or unit must file an answer to the charges in writing with the designated investigator(s) within ten (10) days after receipt of the complaint. A copy of this answer shall be sent to the grievant.

During the ten (10) days following the department or unit head response or, in any case, no later than twenty (20) days following the receipt of the original complaint by the investigator(s), said investigator(s) shall examine the circumstances of the alleged violation, attempt to seek administrative resolutions, and shall make a report to the Vice Chancellor of Student Affairs, to the student, and the head of the department or unit in which the alleged violation occurred. Copies shall be forwarded to the Director, Equal Opportunity and Discrimination Prevention Office and to the Campus Compliance Officers, as appropriate.

### 3. Appeal to Hearing

Within ten (10) days of receipt of the report to the student, he/she must notify the Vice Chancellor-Student Affairs in writing if a hearing is desired. If the student is to be assisted by a representative, the name of the representative and a statement as to whether the representative or the student has legal training must be provided in writing to the Vice Chancellor-Student Affairs at the time the formal complaint is filed. Students assisted by a representative must sign a release at this time authorizing the representative to receive copies of relevant materials.

The Vice Chancellor-Student Affairs shall arrange for an impartial hearing within thirty (30) days. At least fifteen (15) days' notice of the time and place of the hearing shall be given to the head of the department or unit where the alleged violation occurred and to the grievant. Such notification shall be given personally or by registered mail. The Chancellor may grant extensions of stated time limits.

### 4. Hearing Entity

The grievant shall have the option of choosing to grieve before a University Hearing Officer or a University Hearing Committee.

Hearing Officer(s) shall be employee(s) of the University who are not in the jurisdiction of the department or unit where the alleged violation occurred, and shall be assumed impartial by reasonable standards. The Chancellor shall select and appoint the University Hearing Officer(s) and the Hearing Committee(s). A Hearing Committee shall be comprised of students and employees of the University in the following numbers:

- 2 faculty members
- 2 staff members
- 2 undergraduate students
- 1 graduate student

The Chancellor shall appoint the student members of the Hearing Committee(s) from a slate of nominees submitted by the appropriate student governing body (Associated Students and Graduate Student Association) at the start of each academic year.

- a. The choice by a student to grieve before a Hearing Officer(s) or a Hearing Committee shall be final (i.e., having made a choice of Hearing Entity, a grievant may not opt for the other once a formal hearing is underway;
- b. However, at any stage of the hearing procedure the grievant may request, in writing, that the formal hearing be terminated and the Vice Chancellor of Student Affairs arrange an informal solution.

5. Exchange of Evidence

Each party shall provide the other with relevant material, including names of all witnesses, which he/she intends to introduce at the hearing. To whatever extent is possible, this material should be provided at least seven (7) days before the hearing.

6. Hearing Procedures

The student shall have the right to:

- a. Be present throughout the hearing;
- b. Be represented--the option to be assisted during the formal proceedings by a representative at the student's own expense;
- c. Present his/her evidence, including witnesses, first; and
- d. Examine all witnesses presented by the University.

7. Closed or Open Hearing

Unless both parties agree to an open hearing, the hearing shall be closed. In the event that the hearing is closed, each side may have three (3) observers.

8. Exclusion of Witnesses

At the request of either party, all witnesses other than the grievant and the University official primarily involved in the action shall be excluded from the hearing except when testifying.

9. Rules of Evidence

Evidence may be verbal or written, but must be limited to issues raised in the written complaint.

Hearsay evidence is admissible only if corroborated. The hearing entity will exclude any irrelevant or unduly repetitive evidence.

10. Record

The hearing shall be tape recorded, or at the option of the student, a stenographer may be provided at the student's expense.

The student shall have access to a copy of the tape recording and may copy the tape at his/her own expense. All records pertaining to the hearing shall be kept by the University for a period of five (5) years after the end of the academic year in which the case is closed.

#### 11. Findings

The hearing entity must make its report to the Vice Chancellor-Student Affairs within thirty (30) days of the close of the hearing. Such a report shall contain findings of fact as to whether the alleged violation occurred. The findings shall be based on a preponderance of the evidence presented. The report shall include recommendations for an appropriate remedy if a violation has been found. The remedy will seek to place the student in the position he/she would have been in but for the alleged discrimination or privacy violations.

#### 12. Vice Chancellor's Decision

The Vice Chancellor-Student Affairs must make a decision on the recommendation within fifteen (15) days of the receipt of the report from the hearing entity.

Both parties to the complaint and their representatives shall be notified, promptly, in writing, of the Vice Chancellor of Student Affairs decision, and furnished a copy of the report from the hearing entity.

The Director, Equal Opportunity and Discrimination Prevention shall be advised of the disposition of grievances filed under these procedures; other Compliance Officers shall be notified also, as appropriate.

#### 13. Appeals

Within thirty (30) days of the date of the Vice Chancellor of Student Affairs decision, the student may file an appeal with the Chancellor. An appeal may be filed for the following reasons only:

- a. New evidence has been brought to light--not available by duly diligent effort at the time of the hearing;
- b. An interpretation of the decision is necessary;
- c. Established procedures have not been followed.

#### C. Grade Appeals

The following procedure applies to grievances related to grades to the extent, and only to the extent, such grade contest is based in whole or in part, on claims of discrimination based on race, color, religion or creed, national origin or ancestry, physical or mental disability, sexual orientation, age, sex, gender, veteran's status, genetic information, or citizenship. Such grade contest grievances are simultaneously and separately subject to procedures established by the Academic Senate; please consult with the office of the Academic Senate or see "Contested Grades" section of the Appendix of U.C.S.B. General Catalog.

If the Vice Chancellor of Student Affairs (or designee) receives a written grievance alleging discrimination that also, in part, involves a grade contest, the Vice Chancellor of Student Affairs (or designee) will forward that portion of the grievance containing the grade contest to the appropriate official(s) as outlined in [Contested Grades Regulation 25](#). The Vice Chancellor of Student Affairs (or designee) shall notify the student in writing of such action. If the appropriate official(s), as outlined in [Contested Grades Regulation 25](#), receives a written grievance alleging discrimination that also, in part, involves a grade contest, the appropriate official(s) as outlined in [Contested Grades Regulation 25](#) will forward that portion of the grievance containing the discrimination allegation to the Vice Chancellor of Student Affairs (or designee). The appropriate official(s) as outlined in [Contested Grades Regulation 25](#) shall notify the student in writing of such action.

Where a student's grievance (filed either with the Vice Chancellor of Student Affairs (or designee) or the appropriate official(s) as outlined in [Contested Grades Regulation 25](#)) does not initially contain an allegation involving a grade contest, and the grieving student later clarifies the allegations to include an allegation of discrimination involving a grade contest, the clarified grievance shall be bifurcated into two claims (discrimination and grade contest) and handled simultaneously in accordance with the procedures set forth herein. The Vice-Chancellor of Student Affairs (or designee) shall direct that portion of the clarified grievance that pertains to a grade contest to the appropriate official(s) as outlined in [Contested Grades Regulation 25](#). Similarly, the appropriate official(s) as outlined in [Contested Grades Regulation 25](#) shall direct that portion of the clarified grievance that pertains to discrimination to the Vice Chancellor of Student Affairs (or designee). The respective offices shall confer with each other in accordance with their authority conferred by campus regulations.

For purposes of clarification, any part of a grievance involving claims of discrimination shall be analyzed and resolved separately by the Vice Chancellor of Student Affairs (or designee) in accordance with the procedures set forth herein. That portion of a grievance involving a grade contest shall be simultaneously and separately reviewed in accordance with the [Contested Grades Regulation 25](#). To the extent that the Vice Chancellor for Student Affairs (or designee) makes a decision that discrimination occurred, that decision by the Vice Chancellor of Student Affairs (or designee) regarding discrimination shall be final. The Vice Chancellor of Student Affairs (or designee) shall determine any appropriate remedies to address the discrimination in a timely manner consistent with Section IV.B.1 of this policy. To the extent that the remedy determination, in part or in whole, is to change a grade, then the Vice Chancellor of Student Affairs (or designee) and the appropriate official(s) as outlined in [Contest Grades Regulation 25](#) shall confer with one another regarding the remedy that affects a grade before rendering their final decisions regarding discrimination and a grade modification to the student complainant. The final decision with respect to a grade change ultimately remains within the purview of the appropriate offices noted in [Regulation 25](#).

## V. RESPONSIBILITIES

**Academic Senate:** Reviews student grievances related to Grade Appeals and forwards grievances to the Vice Chancellor of Student Affairs' Office where a Grade Appeal is based,

in whole or in part, on an allegation of discrimination in accordance with Section IV.C of this policy.

**Campus Compliance Officers:** Provide, upon request, information to students on the available grievance mechanisms and pertinent legislation and assist in investigations or advise on compliance standards, as requested and appropriate.

**Chancellor:** Reviews requests for extension of time relating to appeals for hearing in accordance with Section IV.B.3; appoints the University Hearing Officers and/or Committee in accordance with Section IV.B.4; appoints Investigators to review student grievances; and reviews appeals in accordance with Section IV.B.13.

**Department/Unit Heads:** Work with students to facilitate informal resolution when desired by the student, in accordance with Section IV.A; and answer charges in writing with the designated Investigator (Section IV. B.2).

**Director, Equal Opportunity and Discrimination Prevention:** Provides, upon request, information to students on the available grievance mechanisms and pertinent legislation.

**Investigators:** Investigate allegations in accordance with Section IV.B.2.

**Student:** Initiates informal grievances, as desired, in accordance with Section IV.A, and initiates formal grievances in accordance with Section IV.B.1 and 3; requests a hearing, as desired, in accordance with Section IV.B.3; participates in the grievance process in accordance with Section IV.B, et seq.; and initiates a Grade Appeal in accordance with Section IV.C.

**University Hearing Officer:** Appointed by the Chancellor, facilitates the formal hearing, where desired by the student grievant, in accordance with Sections IV.B.4, 6-11.

**University Hearing Committee:** Appointed by the Chancellor, facilitates the formal hearing, where desired by the student grievant, in accordance with Sections IV.B.4, 6-11.

**Vice Chancellor of Student Affairs:** Office of Record for formal grievance; accepts written, formal student grievances on behalf of the University and facilitates the student grievance process in accordance with this policy; makes a decision on the Hearing entity's findings; and facilitates grade appeals in accordance with Section IV.C.

## VI. REFERENCES

[Policy on Non-Discrimination](#)

[Policy Non-Discrimination on the Basis of a Disability](#)

[Policy on Non-Discrimination based on Sex](#)

[Policy on Student Grievance Procedures](#)

[Policy Applying to the Disclosure of Information from Student Records](#)

[Policy of University Obligations and Student Rights](#)

[Contested Grades – Regulation 25](#)

[Grade Appeal Procedures](#)



VII. **APPENDICES**

Appendix A: Formal Complaint Timeline and Procedure Chart

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Please direct questions about this policy to **the Vice Chancellor of Student Affairs**. For general policy questions or comments about this website, please contact [policy@ucsb.edu](mailto:policy@ucsb.edu).

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**Appendix A:  
 FORMAL COMPLAINT TIMELINE/PROCEDURE**

WHO	WHAT	WHERE	WHEN
Student	Files Formal Complaint; if student plans to be assisted by a representative, provides written notice as to representative's name and whether the representative is an attorney	Office of the Vice Chancellor for Student Affairs	Within 180 <sup>1</sup> days of the alleged conduct
Vice Chancellor of Student Affairs	Forwards Complaint	(1) To designated investigator; (2) To department where the alleged conduct occurred; (3) To the Director, Equal; Opportunity and Discrimination Prevention Office; (4) Appropriate Compliance Officer(s); and (5) Academic Senate, if it involves a Grade Appeal	Within five (5) days of receipt of grievance.
Department/Unit Head	Files Written Answer to Charge	With Designated Investigator	Within ten (10) days of receipt of grievance
Investigator(s)	Examine Circumstances of charge and report findings	To Vice Chancellor of Student Affairs	Within 30 days of the Vice Chancellor's initial receipt of the grievance.
Student	Presents Written Request for Formal Hearing; indicates preference for Hearing Officer or Committee	To Vice Chancellor of Student Affairs	Within ten (10) days of receipt of the Investigator's report

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<sup>1</sup> See Section IV.B.1

WHO	WHAT	WHERE	WHEN
Vice Chancellor for Student Affairs	Arranges for an impartial hearing by the Hearing Officer or Committee	Campus location	Within 30 days of the student's request for hearing.
Vice Chancellor for Student Affairs	Notifies grievant and Department or Unit Head of the hearing time and place	Personally or by registered mail	15 days before the hearing date
Each party	Exchanges evidence	To be agreed upon	No later than 7 days before the hearing
Hearing Officer or Committee	Reports findings; make recommendation	To Vice Chancellor of Student Affairs	Within 30 days of the hearing
Vice Chancellor of Student Affairs	Makes decision based on the recommendation of the Hearing entity for appropriate remedy if a violation has been found	(1) To both parties and their representatives, if any; (2) To Director, Equal Opportunity and Discrimination Prevention Office; and Appropriate Compliance Officer(s), if any	Within (15) days of receipt of the report from the hearing entity.
Student	Files Appeal	(3) To the Chancellor	Within 30 days from the date of the decision
Vice Chancellor for Student Affairs	Retains record of grievance hearing records	Vice Chancellor of Student Affairs	Five (5) years after the end of the academic year in which the grievance is closed.