

## Procedure for Grievance and Dispute Resolution for UNEX Students SA508.1

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Last Reviewed: June 2021

### A) Purpose and Scope

In conjunction with UNEX policy SA508 and related University policy, the purpose of this procedure 508.1 is to enable and support staff in addressing and resolving Extension student complaints and grievances. This procedure outlines the process, roles, responsibilities, and scope of work to ensure compliance with policy and the timely, proper handling of complaints and grievances.

### B) Roles and Responsibilities

Staff are expected to know policy with the following roles having key responsibilities:

Role	Responsible for
Assistant Dean of Student Services (ADSS)	Serving as the grievance hearing officer who will coordinate and work with Extension administrative and academic units to address and resolve student complaints and grievances
Student Rights & Responsibilities Center (SRRC)	Working with the ADSS and the campus CRO to facilitate student complaints of ADA/SVSH/Title IX discrimination, violations of the student conduct code; additionally the SRRC is responsible for tracking institutional data on student conduct and grievance cases
Program Directors/CEs and Academic Department Directors	Working with the ADSS and SS on academic/instructional complaints related to teaching quality, grades, syllabi, assignments, tests/exams, prerequisites, admission decisions, academic counseling, intellectual property
Administrative Director/Managers	Working with the ADSS and SS on complaints related to an administrative action related to customer/student services, enrollment, billing/payment, student records, international student status, financial aid
Extension Human Resources (EHR)	Working with the ADSS and SS on complaints alleging violation of applicable conduct codes by an Extension instructor or employee, in coordination with appropriate campus offices
Dean or designee	Appeals of a decision made by the ADSS as the grievance hearing officer

## C) Procedures

### 1) Reporting Incidents and Complaints

The [Incident Reporting Form](#) (IRF) is Extension's centralized reporting tool for logging and tracking incidents and complaints. Student complaints can vary by concern and topic. In many cases, a student's complaint is a general issue that can be addressed immediately with listening, provision or clarification of information/policy, and explanation of processes.

When a student's complaint is more complex or entails a claim of policy violation, malfeasance, and harm incurred, the IRF should be utilized. The IRF is not intended to replace a common sense and quality customer service approach to helping students or improving their experience with Extension. Students who have questions about the IRF or making a report can seek information and general advising from the SRRC.

The IRF may be found on:

- the institutional public website, on the SRRC page
- the instructor site
- Extension's intranet.

IRFs must be submitted and signed by the complainant. The SRRC and EHR will provide assistance with disability accommodations if needed.

As stated in policy, students may file a complaint anonymously, or choose not to participate in the resolution process after having reported an incident. Anonymous reporting is allowed on the IRF, and the form notifies the complainant that this may limit Extension's ability to address and resolve the matter. Regardless, the ADSS, SRRC, and related Extension administrators will assess a report and strive to resolve the matter based on the information available, even if the complaint is later abandoned by the complainant. The IRF provides information on how to report anonymously in regard to SVSH/Title IX.

Anonymous reporting of an incident or complaint made by or regarding the conduct of an Extension stakeholder should not be confused with nor is mutually exclusive of the University's Whistleblower policy. Extension staff, instructors, or students who suspect improper governmental activities may report an allegation/protected disclosure to the campus whistleblower office, hotline, or locally designated official (LDO).

Extension staff are reminded that, per the University's non-discrimination and SVSH policies, all staff are considered "responsible employees" for reporting Title IX and discrimination concerns which are types of matters that should be escalated immediately to the responsible campus office. When reports are made to Extension, the SRRC and EHR have due diligence to report to and work with the campus Civil Rights Office. Anyone in the Extension community may choose to report directly to these offices as well.

## 2) Initial Assessment

Extension's efforts to resolve student grievances must work in concert with University policies. Depending on the type of complaint, the resolution process may necessarily involve other campus offices. Also depending on the circumstance, complexity and severity of the grievance, the ADSS, SRRC, PD/CE/DD, and administrative director/manager may work in collaboration and consultation with each other in the resolution process.

When interacting with a student, listen to their concerns. Often when a student is upset or distressed, simply being heard and acknowledged can de-escalate a situation and will help everyone to have greater understanding and work toward a resolution. To minimize undesirable, biased or other improper behavior and maximize efficient handling of the case, it is important for the responding staff to be thorough at the outset. If in the course of an interaction, a student's behavior raises concern that they might endanger themselves or others, the staff member should seek intervention from their supervisor, director, and/or the SRRC.

Please Note: Complaints against an instructor who is also an Extension staff employee shall be addressed according to the function the person was performing at the time of the incident.

## 3) Informal Resolution

Informal resolution may address a student's complaint expeditiously and should be used whenever possible, with the following steps:

Steps	Tasks	Notes
a) Initial Assessment	<p>The SRRC receives complaint, consults and reviews with the ADSS, both work with the relevant Extension stakeholder/director or manager</p> <p>If informal resolution is possible, the student's complaint should be resolved within 15 days</p>	In-take of complaint via IRF
b) Written Response to Student	Send a written (email) response within 5 days of receiving the complaint to acknowledge receipt, clarify or request additional information, and request to meet/talk with the student	<p>The ADSS and SRRC will consult on this step depending on the circumstance of the complaint/incident</p> <p>Meeting may be held in-person, virtually/online, or by phone</p>

Steps	Tasks	Notes
c) Administrative Review	Review the IRF, collect additional information about the incident; seek to maintain confidentiality and minimize possible retaliation while gathering information about the incident; determine a remedy to propose to the student	ADSS and SRRC work in consultation with Extension stakeholders
d) Propose Resolution	A remedy to resolve the matter is communicated to the student in writing (email) and/or in a meeting	<p>If all parties agree, the remedy is implemented and documented, with copy to SRRC</p> <p>If the complainant disagrees, the complaint proceeds to the formal grievance process</p>

#### 4) Formal Resolution

Student complaints that cannot be resolved informally will proceed as a formal grievance. The resolution process includes a formal fact-finding investigation, administrative grievance hearing, determination of findings, a notification of decision, and a process for appeal. Depending on the type of grievance, formal resolution may involve additional campus responding offices. The following matrix overviews the process:

Grievance Type	Assessment and Investigation	Formal Administrative Hearing	Notice of Decision	Decision is Accepted or Appealed
<i>Academic or Administrative Grievance</i>	<ul style="list-style-type: none"> <li>➤ The ADSS and the Program Director/CE or Administrative Director reviews and investigates</li> <li>➤ Within 15 days of receipt of grievance, written assessment/findings provided to the designated hearing officer, copy to SRRC</li> <li>➤ Follow guidelines for investigations (in section 5)</li> </ul>	<ul style="list-style-type: none"> <li>➤ Delegated Hearing officer (ADSS, designee) reviews the grievance, evidence and findings, determines admissibility of evidence, and conducts a hearing as soon as reasonably possible</li> <li>➤ Grievant and respondent present evidence</li> <li>➤ All parties will be notified at least 10 days before the hearing date and provided guidelines for their preparation and pre-hearing disclosures or submittals</li> <li>➤ At least 5 days before the hearing date, all parties notify hearing officer of relevant material and witnesses who will provide information at the hearing</li> <li>➤ SRRC provides administrative coordination and support of the hearing, which is recorded *</li> </ul>	<ul style="list-style-type: none"> <li>➤ Within 10 days of the hearing date, hearing officer will provide to all parties a written notice of decision and remedy for resolution</li> </ul>	<ul style="list-style-type: none"> <li>➤ If all parties agree with the decision, resolution is documented and implemented</li> <li>➤ Any appeal must be filed within 10 days of the decision notification and must meet specific conditions per policy</li> <li>➤ Appeal is reviewed by the Dean or their designee</li> <li>➤ Final resolution agreements are documented in case record, which will be digitized and retained in accordance with the University records retention schedule/policy (5 years)</li> </ul>
<i>FERPA and Student Records Grievance</i>	<ul style="list-style-type: none"> <li>➤ Registrar or administrative director/manager reviews and investigates; determines if grievance can be resolved with a request to correct the record</li> </ul>	<ul style="list-style-type: none"> <li>➤ Same as above</li> </ul>	<ul style="list-style-type: none"> <li>➤ Same as above</li> </ul>	<ul style="list-style-type: none"> <li>➤ Same as above</li> </ul>

\* Recording of hearing may be made available to either party for review but only in Extension offices or via secure online means; the recording may not be reproduced, copied, altered after the fact, or publicized.

Grievance Type	Assessment and Investigation	Formal Administrative Hearing	Notice of Decision	Decision is Accepted or Appealed
<p><i>SVSH and Title IX Grievance</i></p>	<ul style="list-style-type: none"> <li>➤ The SRRC manager reviews, in consultation with ADSS, and works with the CRO/Title IX Office and designated investigator</li> <li>➤ The SRRC will work appropriate campus offices for cases in which the respondent is a student</li> <li>➤ EHR will work with appropriate campus offices for cases in which the respondent is an instructor or employee</li> </ul>	<ul style="list-style-type: none"> <li>➤ Resolution process will follow the appropriate SVSH Adjudication framework</li> <li>➤ Delegated Hearing officer (University/Extension administrator, as designated by Title IX Office)</li> </ul>		
<p><i>Discrimination Grievance</i></p>	<ul style="list-style-type: none"> <li>➤ The SRRC manager reviews, in consultation with ADSS, and works with the CRO/DPO and designated investigator</li> <li>➤ The SRRC will work appropriate campus offices for cases in which the respondent is a student</li> <li>➤ EHR will work with appropriate campus offices for cases in which the respondent is an instructor or employee</li> </ul>	<ul style="list-style-type: none"> <li>➤ Resolution process will follow the appropriate DPO Adjudication framework</li> <li>➤ Delegated Hearing officer (University/Extension administrator, as designated by DPO Office)</li> </ul>		

Grievance Type	Assessment and Investigation	Formal Administrative Hearing	Notice of Decision	Decision is Accepted or Appealed
<p><i>ADA/Disability-based Discrimination Grievance *</i></p>	<ul style="list-style-type: none"> <li>➤ The SRRC manager reviews, in consultation with ADSS, and investigates, may determine interim measures</li> <li>➤ Notifies and consults with the DPO and ADA 504 Office</li> <li>➤ Within 60 days of receipt of grievance, SRRC provides an investigation report to the designated hearing officer and student grievant</li> <li>➤ If student grievant agrees with the report, they have 15 days to add written comments if they choose</li> <li>➤ Report will be finalized within 20 days of initial issuance; if disability discrimination is found, the report is sent to the appropriate administrator responsible for any applicable disciplinary process</li> <li>➤ Cases with a student respondent will be facilitated by the SRRC as a student conduct case, in coordination with the delegated responding office</li> </ul>	<ul style="list-style-type: none"> <li>➤ If student grievant disagrees with investigation report, they have 10 days, from initial issuance, to submit a written request for a hearing to determine whether or not disability-based discrimination occurred</li> <li>➤ Student grievant should indicate if they are to be assisted by a representative (if so, student must sign a release authorizing their representative to receive copies of relevant materials)</li> <li>➤ Hearing must be completed within 60 days of findings report issuance</li> <li>➤ Delegated Hearing officer (ADSS, or designee) reviews the grievance, evidence and investigation report, determines admissibility of evidence, and conducts a hearing</li> <li>➤ All parties will be notified at least 10 days in advance of the hearing date and provided guidelines for their preparation and pre-hearing disclosures or submittals</li> <li>➤ Within at least 5 days prior to the hearing date, all parties notify hearing officer of witnesses who will provide information at the hearing</li> <li>➤ SRRC provides administrative coordination and support of the hearing, which is recorded **</li> </ul>	<ul style="list-style-type: none"> <li>➤ Within 10 days of the hearing date, hearing officer will provide a written report of findings, conclusion of whether disability discrimination occurred, and decision on recommended remedy to all parties</li> </ul>	<ul style="list-style-type: none"> <li>➤ If all parties agree with the decision, remedy/ resolution is documented and implemented</li> <li>➤ If student grievant appeals the decision, appeal must be made within 5 days of the decision date and must meet specific conditions</li> <li>➤ Appeal is reviewed by the Dean or their designee</li> <li>➤ Final resolution agreements are documented in case record, which will be digitized and retained in accordance with the University records retention schedule/policy (5 years)</li> </ul>

\* Students who believe that they will require a reasonable accommodation to assist them in reporting or participating in the grievance process should contact the SRRC.

\*\* Recording of hearing may be made available to the either party for review but only in Extension offices or via secure online means; the recording may not be reproduced, copied, altered after the fact, or publicized.

## 5) Guidelines for Investigations

The following guidelines provide a baseline for discovery and information gathering by Extension staff when applicable:

- a) Document your investigation as you go along, keeping detailed notes of dates when actions were taken, statements made by witnesses, documents collected, etc.
- b) *Call and talk to the student* as soon as possible. Without immediate judgment or decision, communicate your intention to address the matter. Document the time and date of this communication in writing.
- c) *Address and consider the complainant's issues point by point*; not to rebut, but to demonstrate the thoroughness and fairness of your review.
- d) *Exhaust your investigation*. Follow all leads. Help the complainant by providing general information, relevant resources, and references to University policy as relevant.
- e) *Differentiate between conclusions and evidence*. Invite the complainant to forward evidence that seems to be missing and that might support their claim. Invite reconstructions of conversations using quotation marks if something was allegedly said that warrants consideration.
- f) *Ask if there were witnesses*. If so, reach out to them for additional information, abiding by rules on student confidentiality. Complainants cannot be provided with contact information of other students, but you may make inquiries on their behalf.
- g) *Assessment of credibility should be based on the facts and indicia of credibility*. No favoritism should be given to a party with whom you may be more acquainted or with whom you may feel a greater affinity.
- h) *An instructor or staff person or student, whose behavior, work or decision is being challenged could cross complain*. If so, separate out the issues underlying compound claims and cross-complaints.
- i) *Consult*. Extension academics and staff are individually and collectively responsible to know and comply with UC/UCLA/UNEX policies; hence all academics and staff have due diligence obligations. Be clear on your understanding of policy and explanations of practice.
- j) *Recuse*. If you believe you cannot fairly decide a claim due to having a personal relationship with any of the involved parties, or your involvement would create an appearance of conflict of interest or other impropriety, check in with your supervisor; recusal may be appropriate. (cf. policy SA508, section D.2)

**For safety:** *Never* meet alone with a complainant or respondent; arrange for another staff to be present as a neutral party, ideally someone who has no relationship with or prior knowledge of the underlying circumstances in the case. *Never* agree to meet with someone whose identity and mailing address, phone and email address have not been disclosed.

## 6) Appeal Process

Notifications of decision will include information and guidance on the process to appeal the decision. For all grievance types, except ADA/disability grievances, written appeal of decisions may be made within 10 days from the date of decision, if one or more of the following grounds apply:

- a) there was an error in the application or interpretation of policy or an error in procedure that materially affected the outcome;
- b) there is new evidence that was not known and not available to the parties at the time of the decision or hearing that could have materially affected the outcome.

The Dean, or their designee, will review requests for appeal first determining the timeliness of submittal, and then whether at least one of the prescribed grounds is identified. Upon review of the case, the Dean may decide to:

- uphold to the original decision;
- modify the original decision if new evidence sufficiently alters it;
- send the case back to the hearing officer for further fact-finding and to be reheard

The decision of the Dean or their designee in the appeal shall be final.

## 7) Training

The SRRC is responsible to develop and/or coordinate training on this procedure and related policy, including training on best practices for communications and investigations. All Extension staff and instructors, as part of their employment, are required to complete SVSH and Title IX training annually. Extension may also provide SVSH/Title IX training to Extension students upon request. Information on student grievance policies and procedures shall be shared with Extension students and stakeholders via institutional communication channels including websites, service brochures (copy or digital), and orientations.

## 8) Data Management

The SRRC will track and maintain data on student complaints and grievances. Retention of such data is subject to University policy on retention policy, data security, and student privacy rights. Data may be used for institutional purposes to comply with campus reporting requirements, internal Extension reporting, and to inform reviews/updates of Extension processes to improve student services and staff training.

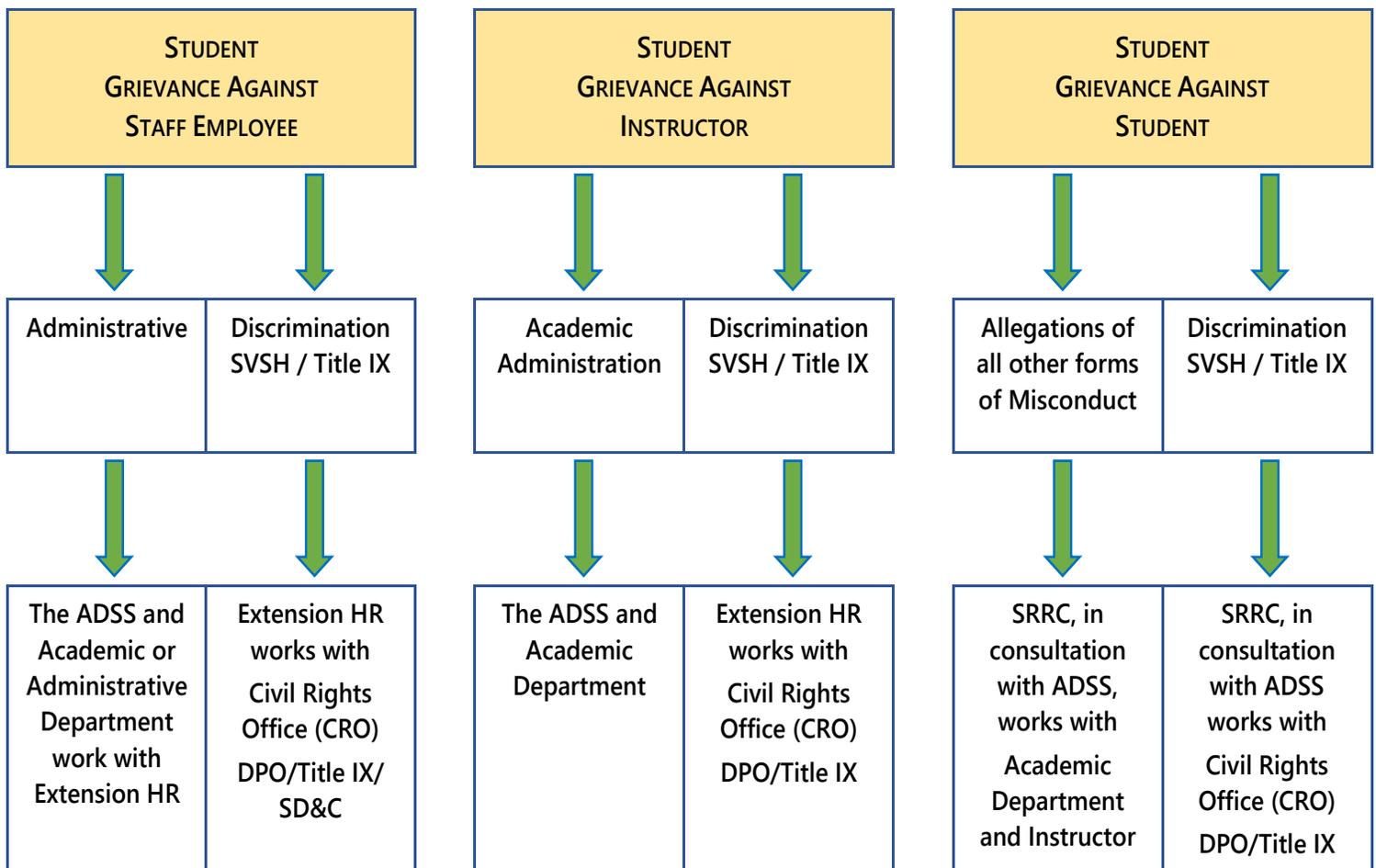
## D) Attachments

### 1) Incident Reporting Form

The [IRF](#) will be available on the institutional public website, on the SRRC page, instructor site and the Extension intranet tool.

### 2) Process Flowchart

The following chart overviews how incident reporting forms (IRF) will be triaged to the unit with responsibility to address and resolve.



### 3) Special Case: Grieving Final Grades

In cases of student dispute over grading, PD/CEs and Program Managers may find an explanation of policy may resolve the matter. Students requesting a change in grade may be unaware that the UC does not consider grades to be grievable except under narrow circumstances. Extension policy SA508 restates UC Academic Senate Regulation and the circumstances in which the Registrar may change a final grade. Program staff shall review the student's claim and verify there is not a clerical error in the final grade. In the absence of a finding of clerical error, the following text may be useful for the Program Director's written response to the petitioner:

UC Senate Regulation anticipates student dissatisfaction and disappointment with grades, but holds firm with the finality of instructors' assessments. Having found no clerical or procedural error in the posting of your grade, there can be no change of grade unless, upon completion of an investigation, the instructor of record is found to have engaged in misconduct by taking into consideration factors other than the work you submitted and other legitimate performance criteria, or that you were subjected to disparate treatment that worked substantively to your disadvantage. If you can provide evidence of such misconduct, you may forward it to my attention for review. Otherwise, please understand the grade will stand.

For the persistent grievant, the following draft text may be useful:

I have learned that you have repeatedly sought a change of grade from instructor \_\_\_\_\_ despite [their] efforts to assure you that no clerical error in grading was made and the grade is consistent with the rubric declared in the syllabus. These contacts occurred on \_\_\_\_\_ and \_\_\_\_\_. While disappointment is understandable, we ask now that you cease contacting the instructor, \_\_\_\_\_. Your instructor has determined that your work was correctly assessed, and we have determined that your grade was accurately recorded. Should you contact this office or the instructor, \_\_\_\_\_ again on this matter, we reserve the right to consider such an action to be evidence of willful disruption of our administration and/or harassment of our instructor which can lead to disciplinary action and sanctions.