

# Student and Instructor Grievance and Dispute Resolution

## AA106

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### Intent

UCLA Extension, by measure of its annual student census of approximately 40,000, may be the largest single academic program in the UC system. It employs over 2,000 instructors and attracts nearly 100,000 enrollments into 5,000 class sections each year. Due to the size of the program and the nature of human interaction, the experience of students and instructors will never be conflict-free. In most cases, front line administrators, students and instructors work through their differences without assistance. On occasion, complainants will benefit from an experienced intervention. Accordingly, students and instructors have a right to an administration intervention, which is to say, *they have a right to grieve.*

A student-centric service environment and just and proper resolutions require a correct interpretation of policy, diligent fact-finding and impartial decision-making marked by a sincere exercise of empathy for the complainant's perspective. When we find that UCLA Extension or any of its employees, instructors or agents have erred, we acknowledge the error, express regret and provide a remedy commensurate with the error; then revisit and revise our practice. When we have not erred, we vigorously defend the institution's values, policy and practice. In all cases, professionalism, courtesy, and fairness shall be exercised.

The purpose of this policy is to identify those to whom mediation, investigatory and decision-making roles are delegated in various conflict scenarios, to define avenues of appeal and to declare the expectation of diligence in fact-finding and response.

### Delegations

UCLA Extension delegates responsibility for mediation to the responsible officers closest to any situation and therefore most familiar with a disputed action or practice. Responsibility is delegated as follows:

- ***Program Directors (PD) and Continuing Educators (CE) are responsible for mediating:***

Instructors grieving terms and conditions of their service, such as decisions to discontinue service; decisions not to renew, matters of compensation; claims of inadequate class-support, disputes over intellectual property; illegal discrimination in employment or treatment; issues related to Extension's online learning platform; or other related academic matters will be heard first by the PD/CE then, *upon appeal*, by their direct report, either the Program Department Director or the Associate Dean of Academic Affairs.

Students grieving an action or failure to act by their instructor, proctor, program director, program representative or advisor/counselor that is not framed as a request for refund (see below), such as a demand for grade change or for re-examination, demand for reconsideration of an adverse admissions decision or mistreatment in an admissions process, for the assignment of an *Incomplete* grade, the waiving of an academic requirement, irregularity in testing, a petition for extra credit; a demand for a make-up exam, any allegation of instructor misconduct other than sexual harassment (see below); any claimed failures or misdirection in academic counseling; or a claim of theft of intellectual property will be heard by the instructor's or program's PD/CE first then, *upon appeal*, by their direct report, either the Program Department Director or the Associate Dean of Academic Affairs.

Except for overt allegations of student misconduct, instructors who seek mediation in disputes with their students, or with other instructors, will be referred to their PD/CE for counsel and mediation, and collaboration as needed with the Student Rights & Responsibilities Center (SRRC) within the Student & Alumni Services Department (SAS), and will escalate to the Dean when required. Claims of inequitable treatment or illegal discrimination shall be heard by the responsible PD/CE who shall communicate these claims from the onset to the Student Rights & Responsibilities Officer (SRRO) within SAS.

- ***Administrative Directors and Managers are responsible for mediating:***  
Students or clients grieving an action or failure to act by the administration *not* framed as a request or demand for refund (see below), such as matters regarding financial aid counseling, billing and payment disputes, access to or correction of students' records; violations of the federal *Family Educational Rights and Privacy Act* (FERPA); matters of international students' continuing status; violations of *Americans with Disabilities Act*; or a failure or mishandling of an enrollment, permission to enroll (PTE), waitlist or payment transaction will be heard by the administrative unit manager where the service failure was alleged to have occurred, then, *upon appeal*, by his or her Department Director.

Claims of inequitable treatment or illegal discrimination shall be heard by the responsible Director or Manager who shall communicate these claims from the onset to the SRRC in SAS. Directors and Managers shall collaborate as needed with the SRRC, and escalate to the Dean when required.

Grievances and complaints directed to the Deans' Office, or received at the Dean's office having been redirected by the Chancellor's or President's offices, will be forwarded to the appropriate delegate for review and response. The Dean's Office will refer cases alleging violations by students of the *Policy on Student Conduct*, and alleged violation by students or instructors of UC's *sexual harassment/sexual violence* policy to the SRRC in SAS.

Claims framed as a *request for refund* by students will be adjudicated per the terms of Extension's [Refund Policy](#) which delegates to the Registrar's Office

claims of involuntary inability to continue attendance based on *life circumstance* (e.g. injury, illness, pregnancy, work transfer); and delegates to program directors claims based on a *failure to perform* (e.g. misrepresentations in marketing or instructor's failure to deliver instruction as described in syllabi).

*Exceptions to these fundamental delegations require prior approval of the Dean.*

### **Special Handling: Threats of Lawsuit and Claims of Sexual Harassment, Sexual Violence and Violation of Nondiscrimination Policy**

Claims that include a threat of legal action, or that suggest an act or failure to act has triggered illegal discrimination against the complainant, will be shared either with the Associate Dean of Academic Affairs or with the Associate Dean of Administration for an early review and possible re-delegation. The University's *Nondiscrimination Policy* is restated [here](#).

Claims that allege violation of UC's *Policy on Sexual Harassment and Sexual Violence (SHSV)*, either perpetrated by or victimizing an employee of Extension, will be referred to the *Director of Human Resources* for investigation and complaint resolution. Claims alleging violation of SHSV policy perpetrated by or victimizing a student or instructor (and not involving an employee) will be referred to the *Director of Student and Alumni Affairs* for investigation and complaint resolution. As required by law<sup>1</sup>, claims of sexual harassment or sexual violence will be resolved in no more than 60 days from the initial reporting date unless extenuating circumstances are documented. At the outset, student complainants will be provided a written statement of their rights, a list of available support services both within and outside the University, a copy of UC/SHSV policy, a copy of this Grievance Policy, a copy of Extension policy on Student Conduct if applicable, and a copy of Extension's Hearing Procedure, where applicable.

(The standard of conduct to which instructors are held is expressed in their [contract](#), and is interpreted to prohibit fraternization with students. *Instructors may not attract students into social relationships, and may not exploit the vulnerability of the instructor/student relationship.* A finding of fraternization has a less rigorous evidentiary requirement than a finding of sexual harassment. Allegations of inappropriate fraternization are generally heard by Program Directors, and may result in a release from service if found to be true. As an academic division within the UC and UCLA, Extension can only adjudicate matters for UCLA Extension and UCLA students and staff. Extension may not adjudicate cases when the alleged respondent is not affiliated with UCLA.)

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<sup>1</sup> 34 U.S.C. 668.46

## Timeliness and Form of Response

All complaints presented in writing will receive a written response. The first response shall be a written acknowledgement of receipt of the complaint and an explanation of the process to address the matter. This shall be completed by the PD/CE. In cases where it is anticipated that a written opinion is not possible within ten (10) business days of the initial complaint, the complainant *must* be provided with a written communication providing the timeline it will take to complete an investigation and to respond.

Depending on the nature and complexity of the matter, multiple steps of due diligence may be required. Extension staff shall employ the following levels of adjudication:

- 1) At the level of a Program Department: the PD/CE may be the first point of contact in receiving a complaint and shall address the matter, coordinating with Extension staff as needed, according to procedure, within ten (10) business days of receiving the complaint.
- 2) At the level of the Student Rights & Responsibilities Center and the Student & Alumni Services Department:
  - a) the Student Rights and Responsibilities Specialist (SRRS), coordinating with relevant parties, shall conduct an initial investigation, evaluation, and determine an opinion within ten (10) business days of receiving the complaint from a Program Department/Director/CE.
  - b) the SRRO, coordinating with relevant parties, shall review documentation of initial investigation, evaluation, and opinion, and may conduct a formal hearing, involving relevant parties as necessary to adjudicate the matter and shall produce a written response of findings, recommendations, and render a decision within fifteen (15) business days of receiving the initial evaluation from the SRRC.
- 3) At the level of the Dean and the Dean's Office: the claimant may appeal the findings and decision, in which case, the Dean and any designated officer, shall review the case, in collaboration with the relevant Program Department/PD/CE and the SRRC, and respond in writing within ten (10) business days of receiving the appeal.

Students and instructors who choose to make their claim orally are entitled to no more than an oral response. However, it is the objective of the delegate to amicably and professionally close each case. If in the judgment of the delegate the case is best closed with a written response, an email or letter beginning "*Confirming our conversation. . .*" will be provided. Complainants will universally be counseled on the importance of presenting their own case in writing to ensure the University can investigate thoroughly and respond accordingly.

Because of their conversational nature, email exchanges are valuable in the conduct of investigations but not necessarily appropriate to communicate closure. Depending on the stakes under consideration, the delegate may elect to close a complaint by presenting the decision in a formal business letter appearing on University letterhead. *Decision letters will be thorough, fact-rich and even-toned. The Dean's Office will not consider a case on appeal that has not been closed with formal, written business correspondence.*

## Guidelines for Investigations

Many grievances are settled with a simple explanation of policy. Claims that allege error or misconduct may require investigation. To minimize undesirable, biased or nepotistic behavior and maximize efficient handling of the case, it is important for delegates to be thorough at the outset. The following guidelines are provided to help reduce time spent in appeals by encouraging thorough discovery and proper weighting of evidence:

1. *Call and talk to the complainant* as soon as possible. Without immediate judgement or decision, communicate your intention to address the matter.
2. *Address and consider the complainant's issues point by point*; not to rebut, but to demonstrate the thoroughness and fairness of your review.
3. *Exhaust your investigation*. Follow all leads. Help the complainant by providing general information, relevant resources, and references to University policy as relevant.
4. *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.
5. *Ask if there were witnesses or other parties at the 'scene?'* If so, reach out to them for additional information. It is possible or may be necessary to poll and survey classes during the investigation. Such inquiries shall abide by rules on student confidentiality and information gathering shall be conducted in a neutral manner. Complainants cannot be provided with contact information of other students, but you may make inquiries on their behalf.
6. *Assume all parties are truthful* even if different tales are told. When you have tangible evidence to the contrary, remain professional and neutral.
7. When confronted with two diametrically opposing stories, you may have to choose between them. *Your assessment of credibility should favor the facts, no favoritism should be given to a party with whom you may be more acquainted or with whom you may feel a greater affinity.*
8. It is not uncommon for an instructor or staff person whose work or decision is being challenged to *cross complain*. Separate out the issues underlying compound claims and cross-complaints.

9. *Consult.* Extension staff are individually and collectively responsible to know and comply with UC/UCLA/UNEX policies hence all staff have due diligence. Be clear on your understanding of policy and explanations of practice.
10. *Recuse.* If you have personal or professional relationships with any of the involved parties and believe you cannot fairly decide a claim, check in with your immediate report and supervisor; recusal may be appropriate.

***For your safety:*** *Never* meet alone with a complainant or respondent, and *never* agree to meet with someone whose identity and mailing address, phone and email address have not been disclosed.

## Findings of Fact

Where the truth of a matter is in dispute and therefore requires a finding of fact, findings will be based on a preponderance of the evidence (50% + *plus*). When confronted with a set of facts, and more than one hypothesis is presented that can explain those facts, you will ask of yourself “*which is the simplest explanation?*”

## Appeals

To discourage unnecessary time spent in appeal, it is important for decisions to be handled with diligence at the outset. In accord with the levels of adjudication stated above in the section on “Timeliness and Form of Response,” appeals will be heard under the following three circumstances:

1. An error in the application or interpretation of policy;
2. An error in procedure, including failure to respond to a complaint in a timely manner, or failure to fully investigate or address the complainant’s concern;
3. A presentation of new compelling evidence, not known and therefore not available to the delegate at the time an original decision was made.

The following types of cases are subject to review by agencies outside the University (e.g. the Courts; *Office of Civil Rights* in the *Department of Education* or the *Civil Rights Division* of the *Department of Justice*) and may raise compliance issues for the University if not handled properly. When a claim or request is denied in cases of the following types, the decision letter *must* include notice of an avenue of appeal:

- Disputes or claims over intellectual property;
- Contested decisions to involuntarily discontinue service, or not to renew instructors’ services;

- Allegations of any violation of any University policy including but not limited to *Student Conduct Policy* and *Presidential Policy on Sexual Harassment/Sexual Violence*, and allegations of instructor misconduct;
- Violations of University's nondiscrimination policy or its underlying law; or any federal law or regulation including but not limited to FERPA, the *Americans with Disabilities Act*, *Violence Against Women Act*, regulations pertaining to nonimmigrant student status, or the administration of Title IV financial aid funding.

Delegates can define an avenue of appeal in other cases as well. Where notice has been provided, appeals must be requested no more than 10 business days from the date of a decision. The limits and causes of appeal shall be declared.

*Sample text:*

*You have the right to appeal this decision within 10 business days of the date of this decision, but only on the basis of new information not available to you when you originally presented your case, or that you believe an error has been made in our procedure or the application of University policy. If you wish to appeal, please forward your request including the basis of your appeal in writing to \_\_\_\_\_.*

Associate Deans and Program Department Directors and others to whom appellate authority is delegated will review requests for appeal first on the criterion of timeliness of submittal, and then on issues of error in procedure, policy or law. They may *elect* to reexamine findings of fact if the delegate's original decision appears to be fundamentally inconsistent with the evidence, or if the outcome is asymmetric to the claim.

### **Special Case: International Students' Loss of Status**

International Students visiting the U.S. for study are obliged by law to make *normal progress* in their programs, to comply with various federal regulations, and to observe all University and UCLA Extension policies regarding their stay, including meeting and maintaining a health insurance requirement. The International Student Office (ISO) has delegated responsibility for informing international students of their obligations, and under federal law is charged with *auditing and monitoring students' compliance*. To ensure uniform practice with respect to those whose stay-privilege is found to be lost and who are therefore subject to deportation, the following notice will be employed:

Dear [name],

This message serves as notice of our intent to report to the US Department of Homeland Security that you are out of status with respect to your F-1 student visa. We plan to make that report ten (10) business days from this date, which will be [ Day ], [ Date ]. A review of your record shows the following deficiencies:

- you failed to enroll in a full-time course of study in the current quarter as required by U.S. government regulations;
- due to deficient grades, it is no longer possible for you to complete your program by the end-date defined for your studies, and therefore *normal progress* has been interrupted and cannot be restored;
- you failed to restore your cumulative GPA to the required threshold within one academic quarter as required for your program;
- You are enrolled at the *American Language Center* and have failed to maintain minimum required attendance;
- you failed to enroll in or demonstrate adequate alternative health insurance coverage as required by UCLA Extension;
- Other: [\_\_\_\_\_]

You may appeal this decision and request a review of your case, but *only on the basis that the above information is not factually correct*. If you wish to do so, you may make an appointment to meet with Heather Chakiris, Director of Student and Alumni Services. To arrange for this appointment, contact the SAS office at (310) 825-7031, or email at [HChakiris@uclaextension.edu](mailto:HChakiris@uclaextension.edu) within the next ten (10) business days.

Failure to make an appointment by 5 pm, [ DAY ], [ DATE ], or to keep the appointment once made will result in the automatic termination of your student status at UCLA Extension and reporting the termination to the *Student and Exchange Visitor Program* of the U.S. Department of Homeland Security. Once terminated, U.S. federal law and regulations require you to leave the United States immediately.

### Special Case: Grieving Final Grades

Final grades are not grievable based on an academic consideration, but nevertheless require demonstrable response and responsiveness as there will be cause for review under special circumstances. PDs/CEs and Program Managers will manage the intake and review of students' petitions for change in final grade, with the understanding that UC Academic Senate Regulation 780 B declares:

All grades except *Incomplete* are final when filed by the instructor of record in an end-of-term course report. However, the correction of a clerical or procedural error may be authorized as the Division directs. No change of grade may be made on the basis of reassessment of the quality of a student's work. No term grade except *Incomplete* may be revised by re-examination.

Consistent with Los Angeles Division protocol, UCLA Extension's Registrar is authorized to direct a change in a final grade: a) upon the declaration of the



*Primary Instructor-of-Record* that a clerical or procedural error occurred, or b) upon written request of the Program Department Director or the Associate Dean of Academic Affairs in cases where it has been determined that an instructor has assigned a grade *on a basis other than academic grounds* thus violating one or more provisions of University policy. *Instructors who claim a clerical or procedural error need provide no proof – they need only ask for the grade to be changed.*

Students requesting a change in grade may be unaware that the University of California does not consider grades to be grievable except under these narrow circumstances. 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, our instructor 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. Else, 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.

## References and Listing

This policy will be publicly listed. Questions and comments are welcomed by the *Office of the Dean, Continuing Education and UCLA Extension*, (310) 825-2362; [DeansOffice@uclaextension.edu](mailto:DeansOffice@uclaextension.edu).

*See also:*

- University of California Office of the President. [70.00 University Obligations and Student Rights](#). *University of California Presidential Policies & Guidelines*. Student Affairs Administration, University of California Policies on Campus Activities, Organizations and Students, revised August 15, 1994.
- University of California Office of the President. [100.00 Policy on Student Grievance Procedures](#). *University of California Presidential Policies & Guidelines*. University of California Policies on Campus Activities, Organizations and Students, revised August 15, 1994.
- UCLA Extension *Instructor Guide*.