



UC Hastings Law
SAN FRANCISCO

STUDENT COMPLAINTS AND GRIEVANCES

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TABLE OF CONTENTS

STUDENT COMPLAINTS AND GRIEVANCES	1
1.0 LAW SCHOOL COMPLIANCE WITH ABA STANDARDS: STUDENT COMPLAINTS	1
2.0 STUDENT-INITIATED GRIEVANCE PROCEDURES	1
3.0 STUDENT-INITIATED GRIEVANCE PROCEDURES: COLLEGE SERVICES AND DEPARTMENTS	1
4.0 STUDENT-INITIATED GRIEVANCE PROCEDURES: CAREER SERVICES	3
5.0 STUDENT-INITIATED GRIEVANCE PROCEDURES: DISABILITIES AND ACCOMMODATIONS	5

STUDENT COMPLAINTS AND GRIEVANCES

1.0 Law School Compliance with ABA Standards: Student Complaints

- (A) A Student who wishes to assert that the College is not in compliance with one or more ABA Standards should file a written complaint with the Academic Dean, specifying the College's alleged failure to comply and citing to the specific ABA Standard or Standards at issue.
 - (1) The complaint may be submitted by email, US Mail, or personal delivery.
 - (2) The complaint should include the Student's contact information to facilitate further communication.
 - (3) The absence of contact information may prevent a thorough investigation and/or resolution of the matter. When contact information is available, the Academic Dean shall acknowledge receipt of the complaint within 5 business days.
- (B) The Academic Dean shall investigate the alleged failure to comply with the ABA Standard and provide the Student with a written response within 30 calendar days of receipt of the assertion. The written response shall provide a substantive response to the complaint, describing the steps taken to investigate.
- (C) If the complaint is found to be valid, the written response shall include steps to be taken or already taken to address a failure to comply.
- (D) If the Student is dissatisfied with the Academic Dean's response to or resolution of the complaint, the Student may file a written appeal with the Dean. The appeal must be filed within 30 calendar days of the Academic Dean's response.
- (E) The Dean shall either affirm or reverse, in whole or in part, the Academic Dean's determination. The Dean's response will be communicated to the Student within 30 calendar days of receipt of the appeal. The Dean's decision shall be final.
- (F) The College shall maintain a record of each complaint and its resolution in the Academic Dean's office for a period of 8 years from the date of final resolution of the complaint.

2.0 Student-Initiated Grievance Procedures

Any student who claims a violation of the rights listed under this section below may file a written grievance with the Director of Student Services. Where appropriate, such allegations will be referred for hearing in accordance with the proceedings set out for hearings on student conduct; provided however, that the student shall bear the burden of proof.

- (A) Violation of the privacy rights accorded the student by the Federal Family Educational Rights and Privacy Act of 1974, the State of California Education Code, and the Hastings Policies Applying to the Disclosure of the Information from Student Records;
- (B) Discriminatory practices based upon sex, under Title IX of the Education Amendments of 1972 or under University of California Policy Applying to the Student-Related Sections of Title IX of the Education Amendments of 1972;
- (C) Discriminatory practices based upon handicap, under §504 of the Rehabilitation Act of 1973 or under the University of California Guidelines Applying to Nondiscrimination on the Basis of Handicap;
- (D) Discriminatory practices based upon race, color or national origin, under Title VI of the Civil Rights Acts of 1964; and
- (E) Other types of grievances specified in campus regulations.

3.0 Student-Initiated Grievance Procedures: College Services and Departments

(A) Informal Resolution

A student who believes that he or she has encountered a violation of the rights listed under § 2.0 of this section or any other College policy is encouraged to notify the Director of Student Services as soon as possible after the incident. In the event that the party against whom the grievance is filed is the Director of Student Services, then the grievance shall be filed with the Academic Dean. The Director of Student Services in consultation with the Academic Dean may dispose of the matter informally or refer it for hearing to a hearing committee of the Panel on Student Grievances. The Panel on Student Grievances may be coextensive with the Student Conduct Committee or may be selected using the procedures set forth in § 112 of the Code of Student Conduct and Discipline.

If the matter is handled informally and the aggrieved student agrees with its disposition, the disposition shall be final.

If the matter is handled informally and the aggrieved student disagrees with its disposition, a hearing before a hearing committee of the Panel on Student Grievance shall be held.

Before final action on a grievance, the Academic Dean may impose any appropriate measure on an interim basis when there is reasonable cause to believe that such action is needed for the health, safety, or welfare of the student or other members of the College community or to avoid disruption to the academic process. Notice shall be given expeditiously of action hereunder. Where interim measures are imposed, the grievance process shall proceed in an expedited manner.

Except as provided above, the parties to the grievance shall maintain the status quo and no services shall be removed or additional obligations imposed.

(B) Hearing

The grievant and the respondent shall be given written notice, within a reasonable time prior to the hearing, including a brief statement of the factual basis of the grievance, the College policies or regulations in regard to the matter and the time and place of the hearing.

The student and the respondent shall have the opportunity to present documents and witnesses and to confront and cross-examine witnesses.

The College shall make an adequate record of the hearing by written memorandum, tape recording or otherwise.

The hearing shall be open unless the student, the College or a majority of the hearing committee requests that it be closed.

The hearing committee shall render an expeditious written decision which shall include findings of fact, conclusions, and, if appropriate, remedies.

The hearing committee shall have the discretion to prescribe its procedures for matters not addressed herein. For example, the hearing committee may require that:

- (1)** Oral evidence shall be taken only on oath or affirmation, and/or
- (2)** Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself

to support a finding unless it would be admissible over objection in civil actions.

- (3) The committee may seek independent testimony from experts whether or not the parties presented testimony from experts at the hearing.

(C) Appeal to the Dean

An aggrieved student may appeal the decision of the hearing committee to the Dean of the College in writing within 30 days of the date of the decision.

On appeal, the Dean shall review the written decision of the hearing committee. The Dean may affirm or reverse or modify the hearing committee's decision.

The Dean shall issue a written decision affirming, overruling or modifying the decision of the hearing committee. A copy shall be sent to the student and the members of the hearing committee.

If the Dean overrules or modifies in any respect the decision of the hearing committee, his or her written decision shall include the reasons for the modification of the decision of the hearing committee.

Upon appeal, the decision of the Dean of the College is final.

(D) Expedited Grievance Procedures

Expedited grievance procedures shall be utilized where there is a time-sensitive grievance, for example, a dispute over disabled student exam accommodations or matters related to an impending Bar examination.

In addition, any grievance may be designated for expedited grievance process by the Academic Dean or the Director of Student Services.

The informal resolutions process of expedited grievances shall be concluded within 3 days of the filing of the grievance. If the matter is not resolved informally within that time, the matter shall be referred to a hearing. The hearing committee shall be convened within 7 days of the referral for hearing.

The hearing committee shall issue a decision within 7 days after conclusion of the hearing. Any appeal to the Dean shall be made within 3 days of the date of the decision of the hearing committee. The Dean shall issue a written decision within 5 days of the appeal.

4.0 Student-Initiated Grievance Procedures: Career Services

- (A) Nondiscrimination Policy.** "The University of California, Hastings College of the Law, does not make its Career Services facilities available to employers who unlawfully discriminate in the selection of employees on the basis of national origin, race, religion, sex, sexual orientation, age, handicap, or any other basis prohibited by applicable law."

Employers are required to sign a statement of compliance before participating in any on-campus interviewing program and when listing a position with Career Services. The College takes most seriously compliance with the nondiscrimination policy and will fully investigate complaints in order to enforce the policy.

- (B) Complaint Procedures.** A student who believes that he or she has encountered a violation of the College's Nondiscrimination Policy during interviewing on campus or at another site is encouraged to notify the Assistant Dean of the Career Development Office as soon as possible after the incident.

(C) Oral Complaint. A student may make an oral complaint to the Assistant Dean of the Career Development Office. The Assistant Dean may, if appropriate, contact the employer to discuss the complaint and to clarify the employer's or the College's policies and/or practices. The student's identity shall be kept confidential if he or she desires.

(D) Written Complaint. A student who wishes to have his or her complaint recorded and pursued may submit the complaint in writing to the Assistant Dean of the Career Development Office. The complaint shall specify the date of the occurrence, the name and address of the employer, the name of the representative of the employer with whom the complaint dealt, the employer's statements and/or practices upon which the complaint is based; and the specific manner in which statements or practices are alleged to violate the Nondiscrimination Policy. The written complaint also may set forth any other facts that the complainant deems relevant.

Upon receipt of a written complaint, the Assistant Dean of the Career Development Office shall have the authority to use the contents of the statement, according to his or her discretion as needed, to fully investigate the complaint. If the student's complaint provides a clear showing of a violation of the Nondiscrimination Policy, the Assistant Dean of the Career Development Office shall promptly inform the employer of the complaint and seek the employer's response to the complaint. The Assistant Dean of the Career Development Office shall make a determination based upon the complaint and investigation, or, has the option to refer the complaint to the Academic Dean, if the Assistant Dean deems that the complaint so warrants.

If the student disagrees with the manner in which the matter has been determined by the Assistant Dean of the Career Development Office or wishes to advocate sanctions against the employer, the student may request that the Academic Dean review the matter. This request shall be made in writing and submitted to the Academic Dean.

(E) Consideration by the Academic Dean; Imposition of Sanctions. If either the Assistant Dean of the Career Development Office or the student/complainant wish the Academic Dean to review the complaint or its resolution, the Assistant Dean of the Career Development Office shall forward a copy of the written complaint and findings of the Assistant Dean of the Career Development Office to the Academic Dean.

The Assistant Dean of the Career Development Office shall give written notification to the employer that the complaint has been referred to the Academic Dean, and the employer with a copy of the complaint and a copy of the College's Nondiscrimination Policy, if these have not already been provided.

The Academic Dean shall review the complaint, the results of the Assistant Dean's investigation and any other available relevant information, and determine whether sanctions against the employer are appropriate under the circumstances.

Sanctions may include, but are not limited to, an admonitory letter to the employer, publicizing the discriminatory conduct in connection with the employer's use of Career Services facilities, or barring the employer from further use of Career Services facilities for a specified period of time.

If the Academic Dean determines that sanctions should be imposed, he or she shall notify the employer of this determination and shall notify the employer that it has a right to request review of the determination in the form of a hearing before a Student Conduct Panel of three persons. If the employer requests a hearing, the employer may submit data concerning its interviewing and hiring practices and any other relevant information. The employer shall have a reasonable time to submit such information and, if it desires, an opportunity to be heard

through oral testimony of witnesses. The Academic Dean shall forward to the Student Panel a copy of the student complaint, the Assistant Dean's findings and the Academic Dean's findings. The Student Conduct Panel shall review all the information submitted to it.

The Student Conduct Panel shall set forth its Findings of Fact and its recommendation for disposition of the matter and shall forward these findings and recommendations to the Academic Dean. If the Panel's findings and recommendation differ from the Academic Dean's initial determination to impose sanctions, the Academic Dean shall reconsider the imposition of sanctions in light of the Student Conduct Panel's findings and recommendations.

(F) Recorded Reports. Career Services shall maintain confidential records of all written complaints for not less than three years. Records of Panel dispositions shall be available for general inspection for three years from the date of disposition.

A brief annual report will be completed by July 1 and sent to the faculty describing the disposition of matters arising under this policy. The names of the parties concerned will not be included.

5.0 Student-Initiated Grievance Procedures: Disabilities and Accommodations

It is Hastings policy to ensure that no qualified student with a disability is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination, in any Hastings program or activity. Hastings is obligated to comply with Title II of the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973 (Section 504) and other federal and state laws and regulations pertaining to persons with disabilities.

Once a student notifies Hastings, through its Disability Resource Program, of the nature of his or her disability and that he or she is requesting accommodations, Hastings will engage the student in an interactive process to determine what modification, adjustment, aid or service may be appropriate to afford the student the opportunity to participate fully in Hastings' program or activities.

The College's Disabled Student-Initiated Grievance Procedures may be used to address disputes concerning the accommodation process and other forms of discrimination based on disability, alleged to have occurred in any College program or activity. The procedure may also be used to address complaints of retaliation based on having filed or participated in a prior complaint of discrimination at the College.

(A) Definitions

- (1)** "Grievance" as used in this procedure means a written complaint by any student alleging discrimination on the basis of disability with respect to any College program or activity, including an alleged improper application of one or more the College's rules, regulations, or policies, or by specified improper actions of any individual affiliated with the College in the capacity of academic personnel, administrative or professional staff, or clerical or service staff.
- (2)** "Student" as used in this procedure includes persons (1) who are registered for classes at the College at the time a grievance pursuant to this policy is initiated; (2) who were registered for classes at College at the time of the adverse occurrence that gave rise to the grievance; and (3) who have an offer of admission to the College.

(B) Informal Resolution of Complaints

An individual with a potential grievance regarding the accommodation process or other disability discrimination issue is encouraged to work with the staff of the Disability Resource Program ("DRP") informally in an effort to expeditiously resolve the matter in order to minimize the problem's impact on the student's studies.

Students who have complaints involving DRP staff and/or DRP procedures and who wish to resolve them informally may direct such complaints to the Assistant Dean of Students.

For discrimination issues not involving the accommodation process, students may wish to work directly with the Assistant Dean of Students to attempt to informally resolve the matter.

(C) Formal Grievance Procedures

If a complainant does not wish to use the informal process or in the event that the informal process is unsuccessful, a formal grievance may be initiated. The following procedure has been developed for use by students for purposes of grievances pursuant to the ADA and Section 504:

(1) Step One

- (a) If informal discussion with appropriate Hastings personnel does not resolve the complaint, the student may submit a written grievance to the Director of Student Services within 45 days from the conclusion of the informal resolution or, if the informal process is not utilized, 45 days from the of the event(s) that triggered the grievance, or in the case of inaction, within 45 days from when the student with reasonable diligence should have known of the inaction. Hastings strongly recommends filing without delay; delay can affect the student's future studies at Hastings. The written grievance must include:

 - i. a clear and unequivocal statement of the Hastings rule(s), regulation(s), policy(ies), circumstances and/or action(s) of which the student complains;
 - ii. the date of any action of which the student complains; [the date on which the discriminatory action occurred; or on which the complainant learned of the discriminatory action];
 - iii. the names of all witnesses, including the Hastings employees involved; and
 - iv. a summary of the action(s), if any, the student has taken to resolve the matter informally.
- (b) The Hastings ADA/504 Coordinator, Andrea Bing, shall meet with the student within ten (10) working days of the receipt of the grievance. If this meeting does not resolve the grievance, the ADA/504 Coordinator will conduct an investigation of the subject of grievance with the objective of resolving the grievance. The investigation will include gathering relevant evidence to make an unbiased determination with respect to whether discrimination occurred. In conducting the investigations the ADA/504 Coordinator will consult expert resources within Hastings, as appropriate.

In those cases where the grievance involves a dispute regarding the conduct or requirements of a course or of an academic program, the ADA/504 Coordinator shall consult with the Academic Dean.

- (c) The ADA/504 Coordinator shall furnish the student with a written response to the grievance within 45 working days of meeting with the student. The written response will state the Coordinator's conclusion as to whether discrimination occurred, the basis for the conclusion and any steps the Coordinator has taken or will take to address the problem. The response shall be mailed to the student by certified mail, return receipt requested. If the grievance involves a dispute regarding the conduct or the requirements of a course, or of an academic program, a copy of the written response issued by the ADA/504 Coordinator shall be provided to the Academic Dean.

(2) Step Two

- (a) If the student is not satisfied with the written response of the ADA/504 Coordinator, the student may present his/her grievance in written form to the Hastings Academic Dean. The grievance presented to the Academic Dean will be limited to those matters raised in the student's grievance to the ADA/504 Coordinator pursuant to Step One of this procedure.
- (b) Within thirty (30) working days after the receipt of the grievance, the Academic Dean shall review the appeal, any documentation gathered in the course of the investigation, witness statements, and investigative reports and findings by the ADA/504 Coordinator, and determine whether all relevant information was gathered, whether the appropriate legal standard was applied and whether the outcome is appropriate based on these factors. Both parties to the complaint shall be immediately notified in writing of the Academic Dean's decision. The decision by the Academic Dean shall be final.
- (c) When the subject of grievance is the responsibility of the Academic Dean, the Chancellor and Dean shall make a decision on the recommendation within 30 days of receipt of the appeal. The complainant shall be immediately notified in writing of the Chancellor and Dean's decision. The decision by the Chancellor and Dean shall be final.
- (d) If the grievance involves a dispute regarding the conduct or the requirements of a course, or of an academic program, a copy of the written decision issued by the Academic Dean or Chancellor and Dean if applicable, may be provided to the professor responsible for the course.