Submitted By: Travis Silva, Student Advocate

Subject: Approval of Amendment to the Student Advocate Charter

The A.S. Council approved the Amendment to the Student Advocate Charter. Document attached.

Approved: Consensus
Against: 
Abstain: 

Council Approval;
Certified by:

_________________________  ____________________________
Chair of the Council        Date for Chair of the Council

_________________________
Presidential Approval        Date for the President
ARTICLE I: NAME
The body governed by this charter shall be known as the Office of the Student Advocate.

ARTICLE II: PURPOSE
The Office of the Student Advocate functions as a service of the Associated Students in the area of student rights and representation. It exists to inform, advise and represent individual students experiencing academic or administrative conflicts with the University, as well as to pursue broader issues of student rights affecting large classes of students.

A. The areas in which the Office of the Student Advocate advises and represents students include, but are not limited to, the following:
   1. Grading disputes and grade appeals;
   2. Conduct violations: academic dishonesty charges, alleged violations of the UCSD Student Conduct Code and related policies, campus conduct related with the UCSD Police;
   3. Administrative and procedural problems: difficulties in securing transcripts, establishing California residency, removing registration holds, and in dealing with various other demands of the UCSD administration;
   4. Housing, health and welfare: problems with University housing, Student Health Services, Counseling and Psychological Services;
   5. Financial aid: problems with eligibility, grants, loans, delays, amounts of awards and payments, and;
   6. Discrimination and harassment: harassment or other problems stemming from discrimination based upon race, sex, religious or political beliefs, sexual preference, or physical disability.

B. The broad student rights concerns that the Office pursues include, but are not limited to, the following:
   1. Policy review: encouraging and participating in the rewriting of University policies affecting students which are outdated, unworkable, conflicting with other policies, or in violation of students’ rights;
   2. Policy enforcement and education: ensuring that University employees, especially faculty and administration, understand and abide by University policies and the norms of due process as incorporated therein in their various dealings with students, and educating students as to their rights and responsibilities under University policies, and;
   3. Student power: working to attain true student input in the formulation of campus policies and procedures and a real measure of student control over student fee-funded facilities.

C. The Office of the Student Advocate shall represent the Associated Students at all formal hearings in front of the Associated Students Judicial Board unless the Commissioner of Student Advocacy is bringing the complaint to the Judicial Board.

ARTICLE III: MEMBERSHIP
A. ASUCSD Commissioner of Student Advocacy
   1. The Commissioner of Student Advocacy oversees all operations and management of the Office of the Student Advocate.
   2. The Commissioner of Student Advocacy selects and chairs the membership of the Office of the Student Advocate.

B. Other members
   1. Associate Student Advocates
      a. Associate Advocates share the responsibilities of the Commissioner of Student Advocacy in the casework and staffing of the Office from day to day, in addition to acting as the official delegate of the Commissioner of Student Advocacy in his or her absence. The Commissioner of Student Advocacy and Associate Student Advocates are referred to together throughout this charter as “Advocates.”
b. Associate Advocates are appointed by the Commissioner of Student Advocacy and must be confirmed by the ASUCSD Council. Their work is subject to the normal review of the ASUCSD Personnel Committee.

2. Issue Coordinators
   a. Issue Coordinators perform research and writing work on such general student rights issues as those outlined in Article II, B above, and other tasks as delegated to them by the Commissioner of Student Advocacy or an Associate Advocate.
   b. Issue Coordinators are selected by the Student Advocate.

ARTICLE IV: DUTIES

A. Basic services to individual students:
1. The Office of the Student Advocate assists students with questions, problems or cases in any of the general categories listed in Article II above, or in similar or related matters.
   a. The Office refers matters arising from a student's employment relationship with the University to the ASUCSD Employee Relations Coordinator.
   b. The Office refers matters outside of the University's domain, such as landlord-tenant disputes and problems with local police, to UCSD Student Legal Services.
   c. The Office does not enter into matters of law. The Office refers non-University legal matters to Student Legal Services.
2. The Office protects and advances the rights of students by always seeking to achieve the best possible result in any particular student's case.
3. When a student contacts the Office for assistance with a matter within the purview of the Office, the Advocate on duty follows the following procedure for case initiation:
   a. If the initial contact is by telephone or other message, the Advocate on duty arranges a meeting with the student if possible. Many of the cases with which the Office deals are of a highly personal nature to the students involved, and face-to-face contact both helps to reassure students that the Office can help them and facilitates openness in describing the problem.
   b. The Advocate then opens a case file, with a cover sheet listing the student's name, address, and telephone number. The cover sheet will also show the Advocate working on the case and include spaces for a brief summary of the student's problem, actions taken by the Office, and the final resolution of the matter.
   c. The Advocate confers with the student to determine the details of the problem, taking notes to be placed in the student's case file.
   d. Where necessary, the Advocate asks the student to sign a release form enabling members of the University faculty, staff, and administration to discuss the student's case with the Advocate.
   e. Finally, the Advocate makes an initial determination of how to approach the student's problem. Some cases may require no more than a phone call to resolve, but most (especially those involving charges against the student) demand one or more meetings and/or hearings over the course of several weeks or months. The Advocate explains the course he or she will follow, realistically appraises the student's chances of success, and arranges future contacts with the student.
4. Advocates work on students' cases in many ways which include, but are not limited to, the following.
   a. Advocates gather evidence to determine the facts surrounding a student's case and research relevant University policies and procedures both to ensure University and student policy compliance and to determine the most effective course of action in the case at hand.
   b. Advocates help students draft letters to University officials, such as the “Student Response” to formal charges, a formal grievance letter, the "Reason" for a student petition, or an appeal of an administrative or judicial decision. Where appropriate, the Advocate will also write letters on behalf of the student.
   c. Advocates meet with involved University personnel as the student's case requires it. Through these meetings Advocates can advance the student's interests (often by
negotiating an informal resolution to the matter) and learn the University’s perspective on the facts of a case.

d. Advocates also attend formal hearings on a case as the student’s “Advisor” or “Personal Representative” as outlined in the Student Conduct Code §38.15, should the student so desire. In this capacity the Advocate will present the best possible arguments in the student’s favor.

5. Caveats:
   a. The Office extends an absolute guarantee of confidentiality to all students who contact it. Advocates may discuss cases with each other to share work and educate each other, but under no circumstances may they discuss them with outside parties without specific written permission from the student or otherwise directed by law. The relationship between Advocate and student is akin to that between an attorney and a client, and all information imparted by the student is to be held inviolate in keeping with the nature of that relationship.
   b. In light of the extreme importance of confidentiality, the Office maintains the security of its records at all times. All forms and files concerning a student’s case must be kept in the office under lock and key unless needed for work outside the office, and closed case files never leave the office. Furthermore, case files kept within the office for a minimum of five years from the date of closing. After this time, they may be either kept within the office or destroyed at the discretion of the Commissioner of Student Advocacy.
   c. Under no circumstances does the Office provide legal advice to anyone. Providing legal advice without a license is a serious violation of both state law and the professional ethics of the Office. The Office refers those seeking such advice to proper sources, such as Student Legal Services, private attorneys, or legal self-help books.
   d. The Office does not discriminate on any basis in the services that it offers to students; these services are equally available to all.

B. Additional services to students:
   1. The Office serves as a bureau of information on student rights, University policies and procedures, and the norms of due process as incorporated therein. The Office educates students on these and other issues pertaining to their rights and status within the University upon request and at every available opportunity.
   2. The Office lobbies University faculty and administrators both to promote a better understanding of student rights and to promote the incorporation of student rights within University policies.

C. The Office can most effectively serve students when it operates on a walk-in basis, as students will find it much easier to contact the Office when it is open for business full-time. The Commissioner of Student Advocacy should therefore appoint enough Associate Advocates to staff the office full-time (during normal business hours), or as close to full-time as possible. Advocates can work on cases, contact University personnel or perform other duties between students’ visits.

D. The Commissioner of Student Advocacy and Associate Commissioners shall be trained in accordance with policies set forth by the Student Conduct Code and the Office of Student Policies and Judicial Affairs. The Commissioner of Student Advocacy oversees the additional training of the Associate Advocate(s). The Advocate’s job can be self-taught to a large degree, but the Student Advocate must see that all Advocates read the Student Conduct Code, the UCSD Student Related Regulations, Policies and Procedures, the ASUCSD Constitution and bylaws, this charter, and the Student Organizations Handbook. All Advocates should also be familiar with the UCSD Policies and Procedures Manual and the Academic Senate Manual, as well as the University’s administrative structure. Finally, the Commissioner of Student Advocacy should appoint Associates at the end of an academic year to allow them to learn the job over the summer.

E. In order to provide an effective service to students, the Office must maintain a high profile on campus. The Office must therefore run an outreach campaign to students and administrators at all times.
1. The Office publicizes its services to students by advertising in campus media, by maintaining a supply of brochures in such obvious places as the college lounges, EDNA, and Student Legal Services, by regularly placing flyers around campus, and by placing notes about the Office in various campus publications given to students, such as the various college handbooks and the Whole Campus Catalog.

2. The Office publicizes itself to administrators by sending letters to and arranging introductory meetings if possible with personnel in such offices as financial aid, housing, academic advising, et. al. These letters and meetings serve to remind campus personnel about the Office’s services and to encourage them to refer students with problems or complaints to the Office. The Commissioner of Student Advocacy should meet with the Student Conduct Coordinator and each of the college deans to establish a working relationship and to supply them with a form letter advertising the Office’s services to give to students charged with conduct violations. This kind of outreach will both increase the business of the Office and improve its standing within the University community.

F. 1. The Office prepares an annual report to the ASUCSD Council on its work, to be delivered by the Commissioner of Student Advocacy at the end of each academic year. This report outlines the broad student rights issues worked on by the Office in addition to results of these efforts, but focuses on a statistical breakdown of the Office’s caseload including total number of cases, general subject areas of cases by percentage, and some measure of the Office’s “success rate” (i.e. the percentage of cases in which the Office helped the student to a favorable result). This report educates the Council about the Office’s work, and help to prepare incoming Advocates for what to expect on the job.

2. The Commissioner of Student Advocacy shall update the ASUCSD Council quarterly concerning the work of the office.

ARTICLE V: POWERS
A. In accordance with the powers of the Associated Students of the University of California at San Diego, the Office of the Student Advocate is hereby recognized and established as the official service of the ASUCSD to provide representation and counseling to students concerning their rights within the University community, and to ensure through representation and lobbying that policies and procedures reflecting a concern for student rights be followed by the University faculty and administration in their dealings with students.

ARTICLE VI: FUNDING
A. The Office of the Student Advocate will receive an annual allocation from the Student Activity Fee monies to cover general operating costs and travel expenses where relevant. Additional funds will be requested as needed from the ASUCSD Council.

ARTICLE VII: FACILITIES
A. The Office of the Student Advocate is housed within the Price Center Student Government offices, and will be guaranteed an office with sufficient materials to enable it to conduct its business in a proper fashion.

ARTICLE VIII: AMENDMENTS
A. This charter shall become effective upon a two-thirds vote by the ASUCSD Council approving this charter, and shall remain effective until amended, repealed or replaced by the same or a subsequent ASUCSD Council.

ARTICLE IX: BYLAWS
A. The Office of the Student Advocate shall add by-laws to this charter as needed to clarify any portion of the charter.
B. By-laws shall not alter the charter itself, but shall indicate in more detail procedures for implementing its provisions.