

Alfred University

Section 504-ADA Grievance Procedures

I. Policy Statement

Alfred University has adopted this internal grievance procedure for the prompt and equitable resolution of disputes alleging violations of Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990 (ADA). Section 504 and the ADA provide that no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a covered entity or be subjected to discrimination by such an entity.

Any University student, faculty, or staff who believes that they have been subjected to discrimination on the basis of disability or has been denied access or accommodations required by law shall have the right to invoke this grievance procedure. In general, this procedure is designed to address the following types of concerns:

1. Disagreements or denials regarding requested services, accommodations, or modifications to University practices or requirements;
2. Alleged inaccessibility of a University program or activity;
3. Alleged harassment or discrimination on the basis of a disability; and
4. Any other alleged violations of the ADA and/or Section 504.

This procedure is not intended and shall not supersede other University policies and procedures which may exist for addressing issues of concern unrelated to disabilities for which separate University policies and procedures exist.

II. Procedures

All disability-related disputes covered by these procedures must be filed in writing using the attached petition form within 45 days of the alleged compliance violation. The University may extend this time frame when a delay is due to circumstances beyond the petitioner's control (e.g., illness or incapacity). All petitions shall be reviewed to determine whether they are submitted within a timely manner and/or whether they contain all required information. The University may decline to review a petition that is untimely or fails to contain all required information, including a clear statement of all grounds for the petition. To facilitate a clear and prompt resolution, a petition shall not be expanded beyond the issues presented in the initial petition.

The written petition shall be submitted on the attached form and include the information listed below. Alternate means of filing a petition, such as personal interviews or tape recordings, will be made available for persons with disabilities upon request.

1. A full description of the problem and any relevant facts;
2. A summary of the steps the petitioner has already taken in attempt to resolve the problem, including the names of persons involved;
3. A statement of the requested resolution and the individual's rationale for the requested accommodations for each perceived violation;
4. Any supporting documentation; and
5. The name, contact information and signature of the person initiating the petition.

A. Informal Grievance Procedures

A University student, faculty, or staff member is encouraged to first attempt to resolve their concern informally. If the person has concerns about a disability-related issue, they should, in general, first discuss the matter with the individual(s) most directly responsible, such as the faculty or staff member, who has made a determination regarding the disability-related issue. If the concerned person chooses to speak first with the individual(s) most directly responsible, but the discussion does not yield an equitable outcome, or if the circumstances of the concern are such that it would be inappropriate for the concerned person to contact the individual responsible, the concerned person should consult with the Section 504/ADA Compliance Officer, who will attempt to facilitate a resolution.

If the Section 504/ADA Compliance Officer is not successful in achieving a satisfactory resolution, generally within 15 working days from the date the concern is raised regarding the disability-related issue, the Section 504/ADA Compliance Officer will inform the concerned person of her/his efforts, and the concerned person's right to file a written petition.

B. Formal Grievance Procedures

If no satisfactory resolution is reached after the above informal attempts to resolve the concern are made, or if the concerned person chooses to bypass the above informal process, a written petition should be submitted. If a concerned person attempts to resolve the matter informally and that attempt has failed or the concerned person decides to end the informal process for any other reason, the concerned person will have an additional 10 working days to file a written petition. A listing of all meetings and/or written attempts to resolve the issue should be included with the written petition.

1. Where the petition alleges the denial of an approved academic accommodation or service by a faculty member to a student, the petition should be filed with the Center for Academic Success (CAS). CAS shall assess the written petition and review all information necessary to render a written determination to the student, the faculty member, and the department chair. If requested, the student shall submit any additional information and/or documentation as requested by CAS. CAS will issue a letter of determination to the student, faculty member, and the department chair of their findings within 15 working days after receipt of the student's petition.
2. If the student disagrees with the determination given by CAS, the student may appeal the CAS letter of determination to the Section 504/ADA Compliance Officer. Such appeals shall be in writing using the attached form, and shall be submitted within 15 working days after the CAS determination is issued. Untimely appeals may be denied in the discretion of the Section 504/ADA Compliance Officer. Upon receipt of the written appeal, the University's Section 504/ADA Compliance Officer will review the letter of determination offered by CAS, the arguments and information presented in the appeal, and review all information necessary to render a written determination. If needed, the student shall submit any additional information and/or documents as requested by University's Section 504/ADA Compliance Officer. The Section 504/ADA Compliance Officer will issue a decision concerning the appeal within 15 working days after receiving the student's written appeal and receiving any additional information requested. Failure to provide any additional information requested within 15 working days, may result in delay of a decision or dismissal of the appeal in the discretion of the Section 504/ADA Compliance Officer. The Section 504/ADA Compliance Officer will supply the student and relevant parties with a copy of the final decision and take any steps necessary to implement the decision, including but not limited to, providing a copy of the letter of determination to the appropriate University officials.
3. If the concern is against CAS (e.g., regarding the denial of requested accommodations) the petition should be filed directly with the University's Section 504/ADA Compliance Officer. Similarly, all other concerns of disability discrimination covered by this procedure (e.g., alleging inaccessibility of a University program or activity, harassment, or other discrimination based on disability) should be filed via written petition with the Section 504/ADA Compliance Officer. The Section 504/ADA Compliance Officer will conduct an investigation of the petition. Unless there are extenuating circumstances, the

Section 504/ADA Compliance Officer will issue the letter of determination concerning the petition within 15 working days of receiving the petition and any additional information requested. If extenuating circumstances cause a delay, the Section 504/ADA Compliance Officer will notify the petitioner in writing of the delay along with an anticipated time-frame for issuance of the final letter of determination. The Section 504/ADA Compliance Officer will supply the petitioner and relevant parties with a copy of the letter of determination and take any steps necessary to implement his or her decision, including but not limited to, providing a copy of the letter of determination to the appropriate University officials.

4. Regarding a petition submitted directly to the Section 504/ADA Compliance Officer, if the petitioner disagrees with a letter of determination made by the Section 504/ADA Compliance Officer concerning the petition, the petitioner may appeal to the Director of Human Resources using the same procedure and timeframes set forth in Section 2 above. Notwithstanding the preceding sentence, appellate decisions of the Section 504/ADA Compliance Officer concerning appeals from letters of determination are final and not reviewable again, it being the intention of this procedure to provide one opportunity to appeal a denied petition.
5. In the event that the Section 504/ADA Compliance Officer is unable to consider a petition or appeal due to a conflict of interest or extended illness, the Director of Human Resources shall consider the petition or appeal. Appeals from a letter of determination issued by the Director of Human Resources shall be heard by the Vice President for Business and Finance. Notwithstanding the preceding sentence, appellate decisions of the HR Director concerning appeals from letters of determination are final and not reviewable again, it being the intention of this procedure to provide one opportunity to appeal a denied petition.
6. A concerned person may withdraw a petition or appeal they have submitted at any time by written notice to the administrator or office handling the petition or appeal at that time.
7. Copies of petition and appeal records will be held in the HR office for a period of seven years after which the records will be destroyed.

C. Timeliness

Specified time limitations refer to the academic year, September through May. If a petitioner presents a petition in June or the alleged incident allegedly occurred during the summer months, the time calculation may be suspended between the end of the academic year and the opening of the following academic year in September. In such a situation, the 45-day time-frame would begin the first day of the academic year. In addition, time limitations do not include official University holidays or other closures during the regular academic year. The term "days" refers to days when the University is open for business.

D. Retaliation

The University prohibits retaliation against any student for filing a petition and/or appeal under this process or against any other individual participating in the investigation of a petition and/or appeal. Any such retaliation is against state and federal laws.

E. Confidentiality

Confidentiality of information shall be maintained to the extent reasonably practical by each person involved in the informal or formal investigation or resolution of a petition and/or appeal under this policy. Any disclosures regarding the petition, appeal or the investigation shall be limited to the minimum necessary to accomplish the investigation or address the petition and/or appeal.

F. OCR Complaint

Although it is encouraged to attempt to resolve concerns pertaining to disabilities by using this procedure, individuals have the right to file a complaint directly with the U.S. Department of Education, Office for Civil Rights (OCR):

U.S. Department of Education
Office for Civil Rights D.C.
Enforcement Office 400
Maryland Avenue, SW
Washington, D.C. 20202-1475
Telephone: 1-202-245-8300 FAX: 202-245-8301 TDD: 877-521-2172
Email: ocrdc@ed.gov

AU Section 504/ADA Compliance Officer:

Jamie Babcock
Alfred University
One Saxon Drive
Alfred, New York 14802
607-871-2905
babcock@alfred.edu

AU Section 504/ADA Grievance Appeal

Date: _____

Name: _____

Telephone: _____

Campus e-mail address: _____

Address: _____

Date Letter of Determination Issued: _____

Specific Determination(s) Appealed from (list and attach pages if necessary):

Required Attachments by Appellant:

1. Petition as submitted (no alterations or additions).
2. Letter of Determination as issued (no alterations or additions).

I affirm that the above statements and attachments are true and complete to the best of my knowledge and belief:

Signature of Appellant: _____

Office Use Only:

Date Received:	Received By:	Date Decision Issued:	Date Decision Sent to Petitioner:
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