

UAM OPERATING PROCEDURE 525.2
RE: ADA Student Grievance Procedure

May 12, 2014

Revised: February 24, 2020

The University of Arkansas at Monticello is committed to ensuring that no otherwise qualified individual with a disability is excluded from participation in, denied the benefits of, or subjected to discrimination in University programs or activities due to his or her disability. The University is fully committed to complying with all requirements of the Americans with Disabilities Act of 1990 (ADA) and the Rehabilitation Act of 1973 (Section 504) and to providing equal educational opportunities to otherwise qualified students with disabilities.

Scope and Application of Grievance Procedure:

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

1. Disagreements or denials regarding requested services or accommodations 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;
4. Any other alleged violations of the ADA and/or Section 504.

The grievance procedure, however, is not intended and shall not supersede other University policies and procedures which may exist for addressing other issues of concern for which separate University policies and procedures exist, including, for example, grade appeals. Students are encouraged to consult with the Special Student Services Coordinator regarding the most appropriate University personnel, policy or procedure to address a particular concern.

Procedures:

Regardless of the specific grievance procedure invoked by a student, all grievances must be filed within 14 days of the event or action giving rise to the student's complaint(s). As an initial matter, all grievances shall be reviewed to determine whether they are submitted within a timely manner and/or whether they contain all required information. The University shall not review a grievance which is untimely or fails to contain all required information, including a clear statement of all grounds for the grievance. To facilitate a clear and prompt resolution, once initiated a grievance shall not be expanded beyond the issues presented in the student's initial complaint. The University reserves the right to redirect a grievance for other appropriate reviews.

Informal Grievance Procedure:

A student shall first attempt to resolve his or her complaint informally by meeting with the Special Student Services Coordinator or his or her designee. If the grievance is not resolved informally, then the student shall have the right to invoke the appropriate formal grievance procedure.

Formal Grievance Procedure for the Denial of Academic Accommodations and Services:

Grievances should be reported to the Special Student Services Coordinator. This should be done in writing within 14 days. It should include details related to the grievance, dates, times, location and any other pertinent information. A desired resolution must be provided. Anyone submitting the grievance must include name, address, email, and telephone number. A timely review request will not be considered to have been filed unless it includes all required information. Notification that the information has been received will be sent to the student.

Within 14 calendar days after receipt of the grievance, the Special Student Services Coordinator will schedule an appointment to discuss the grievance, gather any additional information and identify possible resolutions. The Coordinator will then gather information from individuals involved in the grievance. This may include, but is not limited to, faculty, staff, administrators, students, or the student filing the grievance. If requested, the student shall supply any additional information or documents as requested by the Coordinator.

Within 14 calendar days following the meeting, the Special Student Services Coordinator will respond to the grievance in written or other accessible format.

Any campus closings, such as holiday periods, will be excluded in the time frames mentioned. In addition, weekends will be excluded. Only business days shall be counted.

During the review process, the student will be entitled to receive accommodations or services offered by the university if applicable.

Right to Review Records:

A student filing a grievance shall have the right to review all records maintained in the grievance file, unless any such review is prohibited by campus policy, Federal or state law. Upon a student's request, the University shall establish a mutually acceptable time and location for the student to review the requested records.

No Retaliation:

Retaliation against any person who files a bona fide complaint of discrimination, participates in an investigation, or opposes a discriminatory employment or education practice or policy is prohibited.

Self-Representation:

A student exercising his or her right to invoke this grievance procedure is free to consult with others but shall be expected to represent him or herself directly in the grievance process.

Appeal by Administrator:

A senior administrator who disagrees with a determination made by a decision-maker in a formal grievance process is permitted to appeal the decision by notifying the appropriate University official of the basis of the appeal consistent with the procedures outlined in this policy.

Urgent or Unusual Matters:

Depending upon the specific circumstances and the urgency of any issue(s) raised by a student in his or her grievance, the University reserves the right (but shall not be required) to modify its procedures or conduct an expedited review.

OCR Complaint:

Although students are encouraged to attempt to resolve complaints pertaining to disabilities by utilizing this grievance procedure, they have the right to file a complaint directly with the U.S. Department of Education, Office for Civil Rights (OCR) (Dallas regional office). Information regarding applicable timelines and procedures is available from OCR.