

Section 504/ADA Student Grievance Procedures

I. Policy Statement

The University of Arkansas, Fayetteville (University), is committed to a policy of 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.

II. 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 invoke this Grievance Procedure. In general, this Grievance Procedure is designed to address the following types of concerns:

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

This Grievance Procedure, however, is not intended and shall not supersede other University policies and procedures which may exist for addressing alleged violations of the ADA and/or Section 504 or other issues of concern for which separate University policies and procedures exist, including, for example, grade appeals. Students are encouraged to consult with the Director of the Center for Students with Disabilities (CSD), the Assistant Director of the Office of Affirmative Action, or their respective designees regarding the most appropriate University policy or procedure to address a particular concern.

III. Procedures

Regardless of the specific grievance procedure invoked by a student, all grievances must be filed within 30 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 to the proper grievance procedure or to any other appropriate review procedure.

A. Informal Grievance Procedure

With respect to any grievance covered under this policy and as a prerequisite to initiating one of the formal grievance procedures described in Sections III.B. and III.C. below, a University student shall first attempt to resolve his or her complaint informally by meeting with the Director of CSD 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 detailed below.

B. Formal Grievance Procedure for the Denial of Academic Accommodations and Services

1. An otherwise qualified student with a disability, as defined by the ADA and the Rehabilitation Act, shall have the right to request that the Director of CSD review the denial of any requested academic accommodation or service (other than course substitutions, which are addressed in Section III.C.1. of this policy) by fully complying with the procedures detailed below. This provision shall also apply to a student requesting an academic accommodation who believes he or she has been wrongly denied certification of a disability by the University.

2. The Student shall fully complete an Academic Accommodation/Service Review Request Form ("Review Request") and forward it to the Director of CSD within 30 days following the date of the denial of the requested academic accommodation or service. A student may obtain a copy of the Review Request form online at www.uark.edu/ua/csd or from the CSD office in Room 104 of the Arkansas Union. The student's completed Review Request must clearly state:

- (a) The basis and rationale for the review;
- (b) The specific facts and/or policies supporting the student's position;
- (c) The remedy and resolution desired by the student; and
- (d) All other information required on the form.

A timely Review Request will not be considered to have been filed unless it includes all of the required information. The student is solely responsible to supply all required information in the Review Request.

Upon receiving a timely Review Request, CSD shall send a notice of acknowledgment of receipt to the student.

3. The Director or his or her designee shall assess the Review Request and review all information necessary to render a written determination. If requested, the student shall supply any additional information and/or documents as requested by the Director or designee. The Director or designee will issue a written Letter of Determination on the student's Review Request within 30 days after receiving the student's completed Review Request, or as soon as possible thereafter. Further, the Director shall provide the student 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 appropriate University officials.

4. Within ten (10) days following receipt of the Director's written Letter of Determination, if the student disagrees with the Director's determination, the student may seek a review with the Assistant Vice Chancellor for Student Affairs/Director of the Pat Walker Health Center ("Assistant Vice Chancellor") to which CSD reports. The student shall submit a written letter requesting a review of the Director's Letter of Determination to the Assistant Vice Chancellor, with a copy to the Director of CSD, setting forth:

- (a) The name, address, e-mail address and phone number of the student;
- (b) The specific facts and grounds which form the basis for the student's appeal, including the specific basis of the student's disagreement with the Director's Letter of Determination; and
- (c) All other information which the student reasonably believes is relevant to the appeal.

A timely request for review of the Director's Letter of Determination will not be considered to have been filed unless the student's letter of appeal includes all of the required information.

Upon receiving the student's letter requesting a review by the Assistant Vice Chancellor, the Director of CSD shall forward a copy of the original Review Request Form, the Director's Letter of Determination, and all other records or documents forming the basis of the Director's determination to the Assistant Vice Chancellor.

5. Upon receiving a timely letter seeking a review of the Director's Letter of Determination, the Assistant Vice Chancellor shall send the student a notice of acknowledgment of receipt.

6. The Assistant Vice Chancellor or designee shall review the student's letter, the Review Request Form, the Director's Letter of Determination, any additional records or documents forwarded by the Director. The Assistant Vice Chancellor, at his or her sole discretion, may also gather additional information necessary to the consideration of the student's appeal, including, but not limited to, interviewing individuals, including the student, who may possess relevant information. If requested, the student shall supply any additional information and/or documents as requested by the Assistant Vice Chancellor.

The Assistant Vice Chancellor shall complete his or her review within 30 days or as soon as possible thereafter.

7. After completing his or her review, the Assistant Vice Chancellor shall send a written Letter of Determination to the student setting forth his or her decision. Further, the Assistant Vice Chancellor shall provide the student 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 appropriate University officials. The Assistant Vice Chancellor's Letter of Determination shall constitute the final decision of the CSD in response to the student's grievance ("CSD Final Grievance Response").

8. Within ten (10) days following the receipt of the CSD Final Grievance Response, if the student disagrees with the response, the student may submit a written appeal to the Assistant Director of the Office of Affirmative Action and ADA Coordinator ("Grievance Officer"), with a copy to the Assistant Vice Chancellor. The student's letter of appeal shall be in writing and must include the following information:

- (a) The name, address, e-mail address and phone number of the student;
- (b) The specific facts and grounds which form the basis for the student's appeal, including the specific basis of the student's disagreement with the CSD Final Grievance Response; and
- (c) All other information the student reasonably believes is relevant to the appeal.

A timely appeal of the CSD Final Grievance Response will not be considered to have been filed unless the student's letter of appeal includes all of the required information.

Upon receiving the student's letter of appeal, the Assistant Vice Chancellor shall forward a copy of the original Review Request Form, the Director's Letter of Determination, the CSD Final Grievance Response, and all other records or documents forming the basis of the CSD Final Grievance Response to the Grievance Officer.

9. Upon receiving a timely appeal, the Grievance Officer shall send the student a notice of acknowledgment of receipt of appeal.

10. The Grievance Officer or designee shall review the entire written record, including the student's letter of appeal, the Review Request Form, the Director's Letter of Determination, the CSD Final Grievance Response, and any additional records or documents forwarded by the Assistant Vice Chancellor. The Grievance Officer, at his or her sole discretion, may also gather additional information necessary to the consideration of the student's appeal, including, but not limited to, interviewing individuals, including the student, who may possess relevant information. If requested, the student shall supply

any additional information and/or documents as requested by the Grievance Officer or designee. The Grievance Officer or designee will issue a written Letter of Determination on the student's appeal within 60 days after receiving it, or as soon as possible thereafter. The Grievance Officer shall provide the student with a copy of the Letter of Determination and take any steps necessary to implement the decision, including, but not limited to, providing a copy of the Letter of Determination to appropriate University officials.

11. The decision of the Grievance Officer or designee shall be final and no additional University appeals shall be available.

12. During the Grievance Process, the student will be entitled to receive the academic accommodations/services offered, if any, by the University. The University recognizes the importance that the student's concerns be addressed promptly so that his or her participation in the course or activity is not affected.

C. Formal Grievance Procedure for Other Student Grievances Pertaining to Disabilities

1. Students wishing to file a grievance in regard to a denial of academic accommodations and/or services (excluding a denial of a request for a course substitution) shall follow the process set forth above in Section III.B. With respect to all other grievances arising from or relating to alleged discrimination on the basis of a disability, a student shall follow the Grievance Procedure contained in this Section III.C. With regard to a denial of course substitution, consistent with Academic Policy Series Policy 1520.10, a student shall follow the grievance procedure established by the college or school which denied the request for a course substitution, or alternatively, if no such grievance procedure exists, then the student shall follow the grievance procedures provided in this Section III.C.

2. To initiate the grievance process, the student shall prepare a written grievance which shall contain the following information:

- (a) The name, address, e-mail address, and telephone number of the student;
- (b) A detailed description of the basis and rationale for the grievance, including the specific facts of any alleged discrimination and a clear statement of any University rules, policies, and/or actions concerning or relating to the grievance;
- (c) All documents which the student believes support his or her grievance;
- (d) The specific date(s) of any action or event giving rise to the grievance;
- (e) The names of any individuals with knowledge of the issue(s) and/or matter(s) comprising the student's grievance;

- (f) Any actions taken by the student to resolve the issue(s) and/or matter(s) prior to initiating the grievance process;
- (g) The outcome desired by the student, including, but not limited to any suggested remedies or corrective actions; and
- (h) All other relevant information the student reasonably desires to submit in support of his or her grievance.

A timely grievance will not be considered to have been filed unless the student's letter of appeal includes all of the required information. The student is solely responsible to supply all required information in the Review Request.

3. The student's grievance shall be submitted to the Assistant Director of the Office of Affirmative Action and ADA Coordinator who shall serve as the Grievance Officer.

4. Upon receiving a timely grievance, the Grievance Officer shall send the student a notice of acknowledgment of receipt.

5. The Grievance Officer or his or her designee shall review all documentation submitted in support of the grievance. The Grievance Officer, at his or her sole discretion, may also gather additional information necessary to the consideration of the student's grievance, including, but not limited to, interviewing individuals, including the student, who may possess relevant information. If requested, the student shall supply any additional information and/or documents as requested by the Grievance Officer or his or her designee. The Grievance Officer or his or her designee will issue a written Letter of Determination within 60 days after receiving the grievance, or as soon as possible thereafter. The Grievance Officer shall provide the student with a copy of the Letter of Determination and take any necessary steps to implement his or her decision, including, but not limited to, providing a copy of the Letter of Determination to appropriate University officials. The Grievance Officer's Letter of Determination shall also expressly identify the appropriate Vice Chancellor or other University official(s) to whom the student may appeal the Letter of Determination.

6. Within ten (10) days following the receipt of the Grievance Officer's Letter of Determination, if the student disagrees with the determination, the student submit a written appeal to the University official(s) identified by the Grievance Officer. A student who appeals must also provide a copy of the letter of appeal to the Grievance Officer.

7. The student's letter of appeal must be in writing and shall including the following information:

- (a) The name, address, e-mail address and phone number of the student;

- (b) The specific facts and grounds which form the basis for the student's appeal as well as the specific basis of the student's disagreement with the Grievance Officer's Letter of Determination; and
- (c) All other information the student reasonably believes is relevant to the appeal.

A timely appeal of the Grievance Officer's Letter of Determination will not be considered to have been filed unless the student's letter of appeal includes all of the required information.

8. Upon receiving a timely appeal, the University official responsible for reviewing the appeal shall send the student a notice of acknowledgment of receipt.

9. Upon receiving a copy of the student's letter of appeal, the Grievance Officer shall forward the student's original grievance and all documents comprising the written record to the University official responsible for reviewing the student's appeal.

10. The University official to whom the appeal is submitted shall review the student's appeal and all information forwarded by the Grievance Officer and issue a written decision resolving the appeal within 45 days after receiving a timely grievance with all required information, or as soon as possible thereafter. For purposes of the appeal, the University official's review shall ordinarily be limited to the student's letter of appeal and the written record considered by the Grievance Officer; however, in the sole discretion of the University official, additional information relevant to the grievance may be obtained by the reviewing official. The decision of the University official shall constitute the final University decision with respect to the student's grievance, and there shall be no further appeal.

IV. Time Periods

For purposes of calculating all time periods set forth in this Grievance Procedure, official University holidays and breaks set forth in the University's academic calendar (such as Thanksgiving break, Christmas break, and spring break) or dates the University officially closes (such as for inclement weather) shall be excluded in determining the time period for taking any required action. Moreover, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of any time period provided in the Grievance Procedure shall be included, unless it is a Saturday or Sunday, and in such an event, the next business day shall be counted in the time period.

V. Right to Review Records

A student filing a grievance shall have the right to review all records maintained in the grievance file or relied upon by any decision-maker, unless any such review is prohibited by 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.

VI. 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 by University policy and federal and state law.

VII. 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 himself or herself directly in the grievance process.

VIII. Appeal by Administrator

A Dean or other 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.

IX. 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.

X. 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.

XI. Effective Date

This Grievance Policy shall be effective on April 15, 2005. The University reserves the right to amend its Grievance Procedures.