



# Student Disability Accommodation Grievance Policy

**Document Number:** ACSP-0013

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## *General Description*

### **Policy Summary:**

Students with disabilities who are otherwise qualified and registered with Student Accessibility Services, and any university employee who is tasked with implementing accommodations approved by Student Accessibility Services

### **Purpose:**

This internal grievance policy provides for the prompt and equitable resolution of student complaints alleging violation of the university's responsibility to provide reasonable and appropriate accommodations in accordance with Section 504 of the Rehabilitation Act of 1973 ("Section 504") and Title III of the Americans with Disabilities Act ("Title III"). Section 504 prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance, and Title III prohibits discrimination on the basis of disability by private entities (including Colleges and Universities) that provide places of public accommodation. These laws and accompanying regulations may be examined by the Director of Student Accessibility Services, who the university has designated to coordinate its efforts to comply with Section 504 and the ADA in relation to student requests for reasonable and appropriate accommodation.

### **Scope:**

Students with disabilities who are otherwise qualified and registered with Student Accessibility Services, and any university employee who is tasked with implementing accommodations approved by Student Accessibility Services.

### **Exceptions:**

This policy specifically addresses violations of the university's responsibility to provide reasonable and appropriate accommodations when the university is notified of the need for these accommodations by an enrolled student. The policy does not cover violations of the university's [Anti-Harassment Policy](#) and alleged incidents of harassment or discrimination on the

basis of a disability. Individuals who believe they have been harassed or discriminated against on the basis of disability should follow the appropriate processes in the university's [Anti-Harassment Policy](#) to notify the university of the alleged discrimination and initiate the complaint process.

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## ***Policy Content***

### **① Purpose for Filing a Grievance**

Any student currently enrolled at the university who believes the university has violated its responsibility to provide reasonable and appropriate accommodations in relation to a disability impacting a major life activity that they have properly informed the university about may use this process to file a grievance.

### **② What Is Covered Under a Grievance**

An action or decision may be grieved if it involves an alleged violation of the university's responsibility to provide reasonable and appropriate accommodation, by a university employee (or, in certain circumstances, by a visitor to the college) for a student on the basis of that student's disability. Such actions or decisions of an alleged violation may include but are not limited to, denial of reasonable academic accommodations and/or failure to implement an accommodation as approved by Student Accessibility Services.

### **③ Confidentiality**

Please see the [Student Accessibility Services Confidentiality Policy](#) for more information on confidentiality practices related to this policy.

All information submitted in connection with a grievance will be handled in a confidential manner. Subject to FERPA and other applicable privacy laws, university officials involved in investigating and reviewing the grievance will inform individuals with a legitimate need to know of the grievance and may provide them related information as necessary to allow the university to conduct a meaningful and thorough investigation.

Once the appropriate university officials make a final decision regarding the grievance, the records related to the grievance will be confidentially maintained with the Student Accessibility Services for seven years. The student associated with the grievance and other individuals with a legitimate educational purpose may request these records for limited use.

### **④ Process to file an Informal Grievance**

The Informal Grievance Process is designed to facilitate a satisfactory resolution of the grievance in an informal manner. The individual submitting the grievance has the option to forego the Informal Grievance Procedure and move immediately to the Formal Grievance Procedure.

**It is recommended, however, that the affected parties initially submit their grievance through this process.** Most concerns are resolvable through this process.

A student or university employee initiates the Informal Grievance process by contacting the Director of Student Accessibility Services. If the Director is the subject of the grievance, the grievant should follow the appropriate procedures to file a grievance through the Formal Grievance Process. Informal Grievances may be filed in the form of an email, phone call, in-person meeting, or any other means of communication. To initiate an Informal Grievance, a grievant is not required to submit the grievance in writing, but the Director may ask the individual to do so or to submit other evidence, if necessary to facilitate a satisfactory resolution.

A grievance filed by a student should address an alleged violation of the university's responsibility to provide reasonable and appropriate accommodations to students for a disclosed disability-related concern. This may include but isn't limited to the denial of an approved accommodation or the unsatisfactory provision of an approved accommodation.

A grievant is encouraged to initiate the Informal Grievance Process as soon as possible after the action or decision of the alleged violation occurs. Delaying filing the grievance could limit the university's ability to investigate the alleged violation and/or provide a satisfactory resolution.

The Director will attempt to expeditiously facilitate a satisfactory resolution and may take any reasonable steps and actions to arrive at such a resolution.

These steps may include but are not limited to:

1. Meeting in person with the student
2. Conferring with the individual(s) involved with the subject matter of the grievance or against whom the grievance is filed
3. Attempting to arrange a meeting between the student and one or more of those individual(s); and/or
4. Requesting and reviewing all appropriate documentation, records, and materials related to the subject matter of the grievance

Within 30 business days, after the grievant initially contacts the Director regarding the grievance, the Director will inform that individual and all other involved parties in writing of the outcome of the Informal Grievance Process. The Director may extend this timeline when the Director determines good cause exists for such an extension. In such a case, the Director will

notify the individual(s) involved.

Individuals who are not satisfied with the decision made by the Director through the Informal Grievance process may appeal the decision by submitting it through the appropriate Formal Grievance process.

## ⑤ Process to file a Formal Grievance

The Formal Grievance Process is designed to facilitate the resolution of a grievance in the case of an unsatisfactory decision made through the Informal Grievance Process or a decision to bypass the Informal Grievance process. The individual submitting the grievance has the option to forego the Informal Grievance Procedure and move immediately to the Formal Grievance Procedure.

**It is recommended, when possible, that the affected parties initially submit their grievance through the Informal Grievance Process.** Most concerns are resolvable through that process.

### Student-Filed Grievance

If the student is not satisfied with the resolution reached using the Informal Grievance Process, or if the student chooses not to use the Informal Grievance Process, the student may initiate the Formal Grievance Process by submitting a written complaint to the Director of Student Accessibility Services.

A student initiates the Formal Grievance Process by submitting a written complaint to the Director of Student Accessibility Services for review by the Student Disability Grievance Committee.

The written complaint must include the following items to be reviewed and investigated for resolution:

- be dated
- state the problem or action alleged to be a violation of the university's responsibility to provide reasonable and appropriate accommodations and the date of the alleged action
- state how the action is a violation (or how the decision is unreasonable if it is a denial of a requested accommodation)
- name the individual(s) involved with the subject matter of the grievance or against whom the grievance is filed
- state the requested remedy

- be signed by the student or originate from the student's official university email address

A student who chooses to initiate the Formal Grievance Process **after participating in the Informal Grievance Procedure** must do so within 14 calendar days of receipt of the Director's written notification of the outcome of the Informal Grievance Process.

Within 30 business days of receipt of the written complaint, the Director, by proxy of the Student Disability Grievance Committee, will provide the student and individual(s) involved with the subject matter of the grievance or against whom the complaint is filed a written explanation of the decision made by the committee. The Director may extend this timeline when the Director determines good cause exists for such an extension. In such a case, the Director will notify the individual(s) involved.

**This decision is the final decision of the university and is not internally appealable.** Students seeking further remedy should consider their External Grievance options.

Students may request a variety of reasonable interim measures during the complaint process, which may include the continued application of standard accommodations, arrangements for temporary accommodations, and limiting interactions between the parties involved in the grievance.

Student Accessibility Services will work with the student and any other involved parties to facilitate the implementation of appropriate interim measures.

### Student Disability Grievance Committee

The Student Disability Grievance Committee will convene on a regularly scheduled basis (at least once a month) to review any formal grievances and concerns brought to its attention.

The Student Disability Grievance Committee will consist of at least 5 employees of Trinity University other than those employed by Student Accessibility Services and **must** include at least one representative of the University Faculty.

Nominations for members of the committee may be solicited and ultimately approved by the Director of Student Accessibility Services, who also serves on the committee.

Under certain circumstances, the Director and other university employees may serve in ex-officio roles or temporarily recuse themselves from their existing role on the committee.

Ex-officio members may be appointed to roles on the committee or asked to temporarily recuse their role on the committee for a variety of reasons, including:

- If the Director or another individual on the committee is the subject of the concern being reviewed
- If the Director or another individual on the committee has already reviewed the concern or an appeal to the concern through the Informal Grievance Process
- If the committee sees the need to gather further information and perspectives on a concern a student has brought through the Formal Grievance Process

In the case the Director or another university employee on the committee temporarily recuses themselves from committee duties, the committee will assign an appropriate designee to temporarily fulfill their role.

Members of this committee may also serve in other advisory or regulatory capacities with the office at the request of the Director.

## ⑥ **Appealing a Decision**

### Informal Grievance Decisions

Individuals who submitted a grievance through the Informal Grievance Process may submit a written appeal within 14 business days of receiving the written decision by the Director to the Student Disability Grievance Committee through the Formal Grievance Process.

### Formal Grievance Decisions

Decisions made by the Student Disability Grievance Committee on a formal grievance brought to its attention are **the final decision of the university** on these matters and **are not appealable**. A student may choose to appeal a decision made on a formal grievance externally.

## ⑦ **External Grievance**

The availability and use of this grievance procedure do not preclude a student from filing a complaint of discrimination with external agencies such as the [U.S. Department of Education, Office for Civil Rights](#).

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## Terms & Definitions

### Terms and Definitions:

<b>Term:</b>	<b>Definition:</b>
Otherwise qualified	A student with a disability is "otherwise qualified" when they can meet the same fundamental academic requirements and standards as non-disabled students.
Reasonable and Appropriate	Students approved for accommodations are held to the same standards as their peers and must continue to meet all course objectives and expectations as set by their instructors in the syllabus. "Reasonable and appropriate" refers to the nature of an accommodation, adjustment, and modification made that reflects the student's ability to still meet the course objectives and expectations.
Essential Requirement	Essential requirements are the core learning outcomes (including skills and knowledge) all students must demonstrate, with or without using accommodations, which are part of a larger interconnected curriculum related to a program or degree.
Fundamental Alteration	A student who receives accommodations must still meet all essential requirements for any course they are taking at Trinity University. A fundamental alteration is an accommodation or modification that isn't reasonable and appropriate in nature because it would violate the ability of a student to meet the essential requirements for a course.

## Related Documents

### Related Documents:

Document Type:	Document Name:	Document Number:
Policy	Student Accessibility Services Confidentiality Policy	ACSP-0001
Policy	Student Accessibility Services Rights and Responsibilities	ACSP-0002
Policy	Academic Requirement Modifications Policy and Procedure	ACSP-0003

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## Revision Management

### Revision History Log:

Revision #:	Date:	Recorded By:
v2.0	3/22/2021 1:17 PM	Sheryl Tynes
v1.2	2/24/2021 8:57 PM	Spencer Scruggs
v1.1	2/23/2021 11:30 PM	Spencer Scruggs
v1.0	12/3/2020 10:40 PM	Spencer Scruggs

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### Vice President Approval:

Name:	Title:
Sheryl Tynes	Vice President for Student Life