

UNIVERSITY OF CENTRAL ARKANSAS
BOARD POLICY

Policy Number: 522

Subject: Disabilities Grievance Policy

Date Adopted: 05/99 Revised: 12/12

PURPOSE AND SCOPE:

Title II of the Americans with Disabilities Act (“ADA”) requires governmental entities to provide reasonable accommodations to qualified individuals with documented disabilities. The process of providing a reasonable accommodation should be an informal one, involving the student, faculty, or staff member affected. In the event the informal process fails to establish an acceptable plan, the dissatisfied party, whether student, faculty or staff member, may file an appeal as described below. The purpose of this policy is to provide the process for addressing disability discrimination grievances.

BASIS FOR APPEAL:

1. Academic:

A student must exhaust avenues of review with the faculty member, chair, dean, and director of Disability Support Services (“DSS”) prior to submitting an appeal involving an academic requirement. A student may appeal on one of the following basis:

- a. The plan does not represent a reasonable accommodation of a documented disability. The basis for appeal must state that the disability, in the absence of the requested accommodation, limits the full participation of a student’s accurate evaluation in a specific program or course. The appeal must include a documented rationale for the requested accommodation.
- b. A specific course or degree requirement is not essential to the integrity of a program of instruction. The basis for appeal must state that the disability, in the absence of the requested accommodation, limits a student’s full participation in an academic program. The appeal must include a rationale for the requested accommodation.

A faculty member/department head may appeal on the following basis: the accommodation fundamentally alters a course, program, or academic requirement.

2. General Services:

A student must exhaust avenues of review with the responsible office/organizational representative and director of DSS prior to submitting an appeal involving general services.

A faculty or staff member must exhaust avenues of review with the responsible office/organizational representative and associate vice president of Human Resources prior to submitting an appeal involving general services.

APPEALS:

A student, faculty or staff member (grievant) who disagrees with the result of the informal process, may file an appeal, in writing, with the Affirmative Action/Equal Employment Officer (“AA/EE Officer”) within ten (10) working days of failing to establish a reasonable accommodation. The grievant may, at his or her own expense, submit additional documentation, information, or expert opinion in support of the appeal.

The grievant must submit the following information in the appeal:

- The accommodation relating to an academic requirement or modification of general services that has been refused, as well as the accommodation or modification requested;
- Basis for the appeal; and
- Supporting documentation.

1. Accommodations in Specific Courses:

Upon a student’s registration with DSS, the student and faculty member should meet and discuss the coordination of approved accommodations. If assistance is needed, the director of DSS should be consulted to assist in establishing a reasonable accommodation(s).

If either the student or faculty member disagrees with the approved accommodations, as determined by the director of DSS, an appeal may be submitted to the chair, and if necessary, to the dean. In the event a satisfactory resolution cannot be reached, an appeal may be submitted, in writing, to the AA/EE Officer. The AA/EE Officer will forward the appeal to the associate provost for finance and administration or graduate studies. The respective dean will forward the appeal and call a meeting of the Academic Adjustments & Appeals Committee (if the student is an undergraduate or the appeal concerns an undergraduate level course) or the Graduate Council (if the student is a graduate student or the appeal concerns a graduate-level course) to consider the appeal within ten (10) working days of receipt of the appeal. After considering the appeal, the committee/council will submit a recommendation to the provost with copies to the student, faculty member, chair, dean and director of DSS. The provost will render a final decision.

2. **Modification of Major/Minor Requirements and/or Modification of General Education or Degree Requirements:**

A student and departmental chair should meet and discuss the need for and the specific appropriate accommodation. The director of DSS should be consulted to assist in establishing a reasonable accommodation. The director of DSS will review the concerns of both parties in light of the student's documented need for accommodation of a major/minor and/or modification of general education or degree requirements. Based on the evaluation, the director will provide a list of reasonable accommodations.

If either the student or departmental chair disagrees with the recommended accommodation, as determined by the director of DSS, an appeal may be submitted to the dean. In the event a satisfactory resolution cannot be reached, an appeal may be submitted, in writing, to the AA/EE Officer. The AA/EE Officer will forward the appeal to the associate provost for finance and administration or graduate studies. The respective dean will forward the appeal and call a meeting of the Academic Adjustments and Appeals Committee (if the student is an undergraduate or the appeal concerns an undergraduate program) or the Graduate Council (if the student is a graduate or the appeal concerns a graduate program) to consider the appeal within ten (10) working days of receipt of the appeal. After considering the appeal, the committee/council will submit a recommendation to the provost with copies to the student, departmental chair and director of DSS. The provost will render a final decision.

3. **Accommodation of General Services:**

If a requested accommodation involves general services and the grievant (student, faculty or staff member) and responsible office/organizational representative are unable to reach an agreement for reasonable accommodation, the grievant should contact the director of DSS if a student, or the associate vice president for Human Resources if a faculty or staff member, to assist in establishing a reasonable accommodation. The director or associate vice president will review the concerns of all parties in light of the documented needs, and the purpose of the general service in question. Based upon this evaluation, the director or associate vice president will provide a plan based upon the grievant's documented needs.

If either the grievant or responsible office/organizational representative disagrees with the recommended accommodation, an appeal may be filed, in writing, to the AA/EE Officer. The AA/EE Officer will forward the appeal and call a meeting of the Disabilities Grievance Committee within ten (10) working days of receipt of the appeal. After considering the appeal, the committee will submit a recommendation to the appropriate vice president with copies to the grievant, responsible office/ organizational representative, director or associate vice president. The vice president will render a final decision.

THE DISABILITIES GRIEVANCE COMMITTEE:

1. **Charge:** To serve as the committee to address appeals regarding modifications of general services. The Disabilities Grievance Committee is a standing committee of the University.
2. **Membership:** In the event the grievant is a student, membership of the committee is as follows: the AA/EE Officer will serve as the non-voting chair, the director of DSS will serve as a non-voting member, two (2) students, one selected by the Student Government Association and the other selected from ACCESS, one (1) tenured or tenure-track faculty member selected by the Faculty Senate, one (1) non-tenure-track faculty member selected by the Faculty Senate, and one (1) staff member selected by the Staff Senate.

In the event the grievant is a faculty or staff member, membership of the committee is as follows: the AA/EE Officer will serve as the non-voting chair, the associate vice president for Human Resources will serve as a non-voting member, two (2) tenured or tenure-track faculty members selected by the Faculty Senate, two (2) non-tenure-track faculty members selected by the Faculty Senate, and two (2) staff members selected by the Staff Senate.

3. **Procedure:** Academic Adjustments and Appeals Committee, Graduate Council or Disabilities Grievance Committee)
 - a. Upon receipt of an appeal and supporting documentation from the grievant, the AA/EE Officer will forward the appeal, if under section one (1) or two (2), to the associate provost for finance and administration or graduate studies. The respective dean will forward the appeal and charge of responsibility to the grievant and appropriate university official(s). If the appeal concerns an issue under section three, the AA/EE Officer will forward the appeal to the director of DSS or associate vice president for Human Resources. The director or associate vice president will forward the appeal and charge of responsibility to the grievant and appropriate university official(s). The director or associate vice president will thereafter call a meeting of the appropriate committee/council within ten (10) working days of receipt of the appeal.
 - b. Four (4) members of the committee/council must be present to constitute a quorum for the transaction of business. Decisions must be reached by a majority of the members present. The chair may cast a deciding vote in the event of a tie. The number of yes, no, and abstention votes will be recorded without designating the members' respective vote.
 - c. Throughout the proceedings the grievant may be accompanied by an advisor, who may or may not be an attorney. The University legal counsel may be present. All advisors shall act only in an advisory capacity and shall not question witnesses, address the committee/council, or otherwise actively participate in the proceedings.

- d. Upon review of the appeal, the grievant and appropriate university official(s) may present witnesses and documentary evidence. Any evidence and/or oral testimony and such documentation, if relevant, will be accepted by the committee/council. The chair may rule on the admissibility of evidence and on the relevance of questions. The responsibility for questioning witnesses, securing evidence, and determining the order of proof will be vested in the committee/council. Strict judicial rules of evidence will not be applied. The committee/council may appoint an expert to make an independent evaluation of the documentation provided. The expert may be present at the meeting to interpret the results of the evaluation.
- e. The grievant and appropriate university official(s) may be present at any time testimony is presented and to receive copies of any evidence considered by the committee/council.
- f. A written record of the minutes of the proceedings and the recommendation of the committee/council will be presented to the provost or appropriate vice president within five (5) working days of the final meeting of the committee/council with copies to the grievant and appropriate university official(s).
- g. The provost or appropriate vice president will render the final decision after considering the recommendation of the committee/council. Notification will be forwarded to the parties.

CONFIDENTIALITY AND PROCEDURES FOR HANDLING CONFIDENTIAL INFORMATION:

Individuals involved in the processes described in the policy shall, to the greatest degree possible, ensure the confidentiality of information received. Information regarding an individual's disability is confidential.

When an individual provides documentation he or she will complete a form indicating consent to release specific information to individuals with legitimate interests relative to the appeal. The information is not to be shared with any individual beyond those directly involved in the proceedings. At the conclusion of the matter, all documentation is to be returned to the director of DSS or associate vice president for Human Resources.