

GRIEVANCE AND APPEAL PROCEDURES FOR STUDENTS WITH DISABILITIES

I. Policy Statement

Muhlenberg College is fully committed to complying with all requirements of the Americans with Disabilities Act Amendments Act of 2008 (ADA AA) and Section “504” of the Rehabilitation Act of 1973 (amended in 2008) and to a policy of ensuring that all qualified students with disabilities have full access to programs, activities, and services and are provided opportunities and reasonable accommodations, auxiliary aids, and services to ensure this access.

II. General Information Regarding the Grievance Procedure

Any Muhlenberg College student who believes that s/he 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. The Grievance Procedure addresses the following types of concerns:

- *Denial of a requested accommodations, auxiliary aids, and./or service
- *Claims of inaccessibility of a College program, activity, or facility
- *Alleged harassment or discrimination on the basis of a disability

The Grievance Process is not intended to supersede other College policies and procedures which may exist for addressing alleged violations of the ADA AA and/or Section 504 or other issues for which separate policies and procedures exist. Students are encouraged to consult with the Director of the Office of Disability Services regarding the most appropriate College policy or procedure to address a particular concern. During the grievance process, all procedures, meetings, names, and related information will be confidential unless otherwise mutually agreed upon by all the parties involved. The word “days” as used in this procedure means “calendar days”. For good cause, such as illness, closings, or other circumstances, the College may extend the timeframes for resolving the student’s complaint.

III. Grievance Procedures

Experience shows us that most issues can be resolved informally, therefore, prior to filing a formal grievance “complaint”, students are encouraged to resolve the matter informally by meeting with the appropriate campus administrator or designee. If the grievance is not resolved informally, then the student shall have the right to invoke the appropriate formal grievance procedure detailed below. Regardless of the specific level of the grievance procedure elected by the student, all grievances must be filed within thirty (30) days of the event or action giving rise to the student’s complaint(s). The Grievance must contain critical information including a clear statement of the grounds for the grievance, the individuals involved, any attempts at prior remedies, etc. To facilitate a clear and prompt resolution, once initiated, a grievance cannot be expanded beyond the issues presented in the student’s initial complaint.

Informal Grievance Procedure

- The student should first discuss the problem with the appropriate professional. This may be a faculty member, Director/Coordinator of services, or a staff professional. If the student chooses to discuss the matter with a faculty member but remains dissatisfied with the resolution of the concern, the student may bring the matter to the Director of the Office of Disability who will work to resolve the issue.
- If the student remains dissatisfied with the resolution by the Director of the Office of Disability Services; s/he may file a formal grievance in accordance with steps listed below.

Formal Grievance Procedure

- If the student is dissatisfied with the informal resolution of a grievance or chooses to initiate a formal grievance at the outset; s/he must do so by filing the grievance in writing within sixty (60) days of the alleged incident.
- The student will present relevant information in writing on the Grievance Form to the Director of the Office of Disability Services, who will review the information and related materials, and forward them to the appropriate Muhlenberg College Administrator:
 - The **Dean of Students**, if the issue is related to student life, or
 - The **Dean of Academic Life**, if the issue is related to academic life.
- The student's formal grievance must clearly state:
 - (a) The basis and rationale for the grievance
 - (b) The specific facts and/or policies supporting the student's position
 - (c) The remedy and resolution desired by the student
- The appropriate Muhlenberg College Administrator will review the information, meet with the student, interview witnesses as appropriate, and issue a written decision within thirty (30) days after receiving the student's complaint.
- If the student's grievance pertains to a decision made regarding a determination of disability under ADA AA and the standards and guidelines of Muhlenberg College, the student must file a grievance in writing on the Grievance Form with the **Director of the Office of Disability Services** who will review the charge and the evidence presented by the complainant. After consultation with a committee comprised of Directors with expertise in the identified disability, a review of the decision will be made regarding the student's determination of disability.

IV. Appeal Procedures

In the event the student is dissatisfied with a resolution made by the Director of the Office of Disability Services, the Dean of Students, or the Dean of Academic Life, the student may file a written appeal to the Vice President of Human Resources within fourteen (14)

days of the decision. The student must set forth with particularity in what way the decision was issued in error. The Vice President of Human Resources or his/her designee will review the decision and issue a written determination within thirty (30) days of receipt of the appeal.

Additional Notes:

■If the student is dissatisfied with a resolution made by the Dean's Ad Hoc Committee regarding

Exceptions to Academic Policies, s/he should follow the appeal procedure indicated above.

■At any time, the student may elect to file a complaint directly to the Office of Civil Rights:

In Pennsylvania
Office for Civil Rights
Philadelphia Office
US Department of Education
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
Telephone: 215-656-8541
Fax: 215-656-8605
Email: OCR.Philadelphia@ed.gov

Contact: Director, Office of Disability Services, 484-664- 3825