



Frederick Community College Procedure

Section 5.00 Student Personnel Procedures	Procedure Number	5.18c
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Grievance Procedure for Students: Compliance with Title II of the Americans with Disabilities Act (ADA) and with Section 504 of the Rehabilitation Act of 1973 (Section 504)	Policy Number	5.18
	Board Approved	9/12/07

A. Introduction

1. The College prohibits discrimination against any person on the basis of race, religion, gender, color, national origin, ancestry, age, sexual orientation, marital status, physical or mental disability of otherwise qualified individuals and any other category protected by federal, State, or local law.

2. In this connection, the College subscribes to full access to all College facilities as outlined in Title II of the Americans with Disabilities Act of 1990 (ADA), as amended and complies with Section 504 of the Rehabilitation Act of 1973 (Section 504) as it pertains to potential students or currently enrolled students. The purpose of this Grievance Procedure is to establish a process for students (and potential students) to express and resolve, in a prompt, fair, and equitable manner, any misunderstandings, concerns, or grievances that they have with respect to the College's fulfillment of its obligations under the ADA and Section 504. Although the procedure encourages the resolution of the concern informally, a formal grievance is available should the concern not be resolved informally. Actions not grievable under this procedure include 1) actions by another student, as these are subject to The College's Code of Student Conduct (College Policy/Procedure 5.11); 2) sexual harassment by a College employee or student, as these are subject to the College's anti-harassment policies (College Policy/Procedure 3.18); 3) discrimination complaints (College Policy/Procedure 3.17); 4) non-academic complaints (College Policy/Procedure 5.18b); and 5) grade disputes (College Policy/Procedure 5.18a) with the exception that grade disputes resulting from alleged ADA or Section 504 compliance complaints should first be addressed under this Grievance Procedure. Once these compliance complaints are addressed and/or resolved, such grade disputes will then follow College Policy/Procedure 5.18a if applicable. Federal, state, and local laws, rules and regulations are not grievable. The burden of the proof shall rest with the student.

B. Procedures

1. Informal Level

- a. Students initiating proceedings under this Grievance Procedure must do so by submitting a signed Student Complaint form to the Services for Students with Disabilities office within thirty (30) calendar days of the alleged compliance violation. The Student Complaint form is available from the Services for Students with Disabilities office. The parties involved in the grievance should try to resolve the misunderstanding, concern or grievance through discussion. Preceding this discussion, it may be helpful for the student to consult with the individual whose action, including a determination with respect to a requested accommodation, has resulted in the grievance, in order to clarify the issues involved.
- b. If, after meeting with that individual, the student remains unsatisfied, the next step in the informal process is to meet with the individual and his/her immediate supervisor(s). This meeting must take place within fourteen (14) calendar days from the date of the initial meeting between the student and individual. Upon request, a Services for Students with Disabilities staff member (other than the Director) can assist the student with mediation at these meetings.
- c. Prior to the meeting, the student must submit a written account of the nature of his/her complaint and a requested remedy/outcome to the individual's supervisor using the Student Complaint Form.
- d. If a satisfactory outcome is not reached, a formal grievance can be initiated. A formal grievance must be initiated within ten (10) calendar days from the date the student meets with the individual and his/her supervisor(s).

2. Initiation of Formal Grievance

- a. A formal grievance is initiated with the submission of an Initiation of Grievance form, which must be signed by the student. Documentation supporting the complaint should be attached to the form. The Initiation of Grievance form may be obtained from the offices of the Vice Presidents for Learning, Learning Support, and the Counseling and Advising Offices.
- b. The Initiation of Grievance form, the Student Complaint form, and any other relevant documentation should be submitted to the ADA Coordinator who will investigate the complaint. The Coordinator will complete the investigation, make a determination with respect to the grievance, and inform the student of his/her determination within fourteen (14) calendar days. If the student is not satisfied with the ADA Coordinator's determination, the student may seek a hearing.
- c. A hearing will take place within fourteen (14) calendar days from the time the ADA Coordinator completes the investigation and informs the student of his/her determination. Prior to the hearing, the findings from the ADA Coordinator's investigation of the complaint will be forwarded to the Associate Vice President for Student Development.

This hearing will include the student, the individual whose action, including a determination with respect to a requested accommodation, has resulted in the grievance, his/her supervisor(s), and the Associate Vice President for Student Development who will conduct the hearing and render a decision regarding the alleged ADA compliance violation. The student will be provided with a full opportunity at the hearing to describe the facts which support his/her grievance and to direct reasonable and relevant questions to the Associate Vice President for Student Development, which will be re-communicated to the individual whose action has resulted in the grievance and his/her supervisor(s) for response. The student will be notified of the Associate Vice President for Student Development's decision in writing within ten (10) calendar days from the date of the hearing.

- d. If the complaint is against the Services for Students with Disabilities program or the ADA Coordinator, an investigation by the ADA Coordinator will be dispensed with, and the complaint will proceed directly to a hearing conducted by the Associate Vice President for Student Development.
- e. If the student is unsatisfied with the decision of the Associate Vice President for Student Development, he/she may appeal to the Vice President for Learning Support. The appeal must be in writing and submitted to the Vice President within ten (10) calendar days of receiving the Associate Vice President for Student Development's notification of his/her decision. The findings of the Associate Vice President for Student Development will be forwarded to the Vice President. The Vice President will meet with the student within ten (10) calendar days of receiving the student's appeal. The decision of the Vice President is final and will be communicated to the student in writing within ten (10) calendar days of meeting with the student.
- f. A written report of the Vice President's decision will be maintained in the Vice President for Learning Support's office for a period of three years after which the records will be destroyed.

C. Procedural Requirements for the Grievance Process

- 1. Throughout the Grievance Procedure, legal counsel is not permitted to attend (i) at the informal level, either the discussion between the student and the individual whose action, including a determination with respect to a requested accommodation, has resulted in the grievance or any subsequent meeting among the student, the individual in question, and his/her supervisor, or (ii) at the formal level, any meeting or hearing.
- 2. No retaliation of any kind shall be taken against a student for filing a grievance or for participating or refusing to participate in a grievance. Retaliation may be subject to action under the Code of Student Conduct or applicable employee policies and procedures.

3. The failure by the student to appear for any scheduled meeting or hearing without prior notification or evidence of extenuating circumstances shall constitute withdrawal of the grievance or appeal.
4. The failure of the student to appeal a decision within the designated time period shall constitute a withdrawal of the grievance and bar further action by the student on this grievance. The retraction of a grievance by the student at any point in the process bars the student from re-initiating the grievance.
5. The student may withdraw the formal grievance at any time by written notice to the ADA Coordinator.
6. Grievance records will be held in the ADA Coordinator's office or, in the case of a hearing or where a grievance is filed against the ADA Coordinator or the Services for Students with Disabilities program, in the office of the Associate Vice President for Student Development. Records will be held for a period of three years after which the records will be destroyed.

D. External Grievance Process

1. Although a student is encouraged to seek resolutions to grievances within the College's processes, the student has the right to file any grievance directly with the following agencies, at any time:
 - (a) Maryland Commission on Human Relations
6 Saint Paul Street, Suite 900
Baltimore, MD 21202
Toll Free: 1-800-637-6247; Voice (410) 767-8600; TTY (410) 333-1737
 - (b) Office for Civil Rights, Philadelphia Office
United States Department of Education
Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
Phone (215) 656-8541; Fax (215) 656-8605

The Statute of Limitations for filing a complaint with OCR is 180 calendar days from the time the alleged compliance violation or discrimination occurred.