

9.6 AMERICANS WITH DISABILITIES ACT

ADA/504 POLICY STATEMENT

Arkansas State University-Beebe is fully committed to ensuring that no otherwise qualified individual with a disability is excluded from participation in, denied the benefits of, or subjected to discrimination in college programs or activities due to their disability. Accessibility and resources are provided in compliance with all requirements of the Americans with Disabilities Act of 1990 (ADA) and as amended in 2008 and the Rehabilitation Act of 1973 (Section 504).

SCOPE AND APPLICATION

Any 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 file a grievance. In general, this grievance procedure is designed to address the following types of concerns:

1. Alleged inaccessibility of a college program or activity
2. Disagreements or denials regarding requested services or accommodations to college practices or requirements
3. Failure to provide approved accommodations registered with the Office of Disability Services
4. Alleged harassment or discrimination on the basis of a disability
5. Any other alleged violations of the ADA and/or Section 504

This Grievance Procedure, however, is not intended and shall not supersede other college policies and procedures that may exist for addressing alleged violations of the Americans with Disabilities Act and/or Section 504 of the Rehabilitation Act or other issues of concern for which separate college policies and procedures exist, including, for example, grade appeals or student conduct appeals.

GRIEVANCE PROCEDURES

Regardless of the specific grievance procedure used by a student, all grievances must be filed within 30 business days of the activating event subject in the student's complaint(s). Each grievance shall be reviewed for (1) whether it is submitted within a timely manner and (2) whether it contains all required information. Grievances which are untimely or fails to contain all required information, including a clear statement of all grounds for the grievance will not be reviewed by the college. Once submitted, a grievance shall not be expanded beyond the issues presented in the initial complaint in order to facilitate a clear and prompt resolution. The college reserves the right to redirect a grievance to the proper grievance procedure or to any other appropriate review procedure at initial review.

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 below, a student shall first attempt to resolve his or her complaint informally by meeting with the Office of Disability Services. The Office of Disability Services will assist the person to work on a resolution to their complaint, and may engage all parties involved in the concern. If the grievance is not resolved informally, then the student shall follow the appropriate formal grievance procedure detailed below.

FORMAL ADA/504 GRIEVANCE TYPES

If the grievance is not resolved informally, then the student shall have the right to follow the appropriate formal grievance procedure detailed below. There are two ADA/504 grievance types at ASU-Beebe: 1) an Academic Accommodation/ Service Grievance, or 2) an Office of Disability Service Grievance. The student will file either grievance type as detailed in procedures published under Formal ADA/504 Grievance Procedures.

ACADEMIC ACCOMMODATION/SERVICE GRIEVANCE

A student should file a formal Academic Accommodation/ Service Grievance with the Office of Disability Services for investigation, if the qualified student with a disability, as defined by the ADA and the Rehabilitation Act, believes a faculty or staff member of ASU-Beebe as denied or failed to use an approved academic accommodation or service advised by the Office of Disability Services, under compliance with the ADA and the Rehabilitation Act. The grievance shall be handled by the procedures outlined below, "Formal ADA/ 504 Grievance Procedure."

OFFICE OF DISABILITY SERVICES GRIEVANCE

A student should file a formal Office of Disability Services Grievance with the Dean of Students for investigation, if the qualified student with a disability, as defined by the ADA and the Rehabilitation Act, believes the Office of Disability Services wrongly denied certification of a disability for services and/or denied an academic accommodation. The grievance shall be handled by the procedures outlined below, "Formal ADA/ 504 Grievance Procedure."

FORMAL ADA/504 GRIEVANCE PROCEDURE

After a student has exhausted the informal grievance process with the Office of Disability Services, the student has a right to the following formal grievance procedures:

1. The student shall fully complete the ADA/504 Grievance Form within 30 business days following the date of the denial/failure of the requested academic accommodation or service. The Grievance Form is available and can be completed online at: <https://www.asub.edu/disability-policy-and-guidance>. Upon receiving a grievance form, an acknowledgement of receipt is emailed to the student. A timely grievance form will not be considered to have been filed unless it includes all the required information. The student is solely responsible for supplying all required information in the grievance form.

A student will find the ADA/504 Grievance Form on the ASU-Beebe, Disability Services webpage. A paper copy may be requested at the Office of Disability Services, alternative format is available as requested.

2. The student's completed grievance form must clearly state:
 - a. The basis and rationale for the complaint
 - b. The specific facts and/or policies supporting the student's position
 - c. A description of the efforts to informally resolve the complaint
 - d. Names, addresses, and phone numbers of witnesses to the alleged violation
 - e. The remedy and resolution desired by the student
 - f. All other information required on the form.
3. The receiving party of the grievance form will review all information necessary to render a written determination. If other information is needed, the student shall supply additional information and/or documents requested. The receiving party will issue a written Letter of Determination on the student's grievance within 30 business days after receiving the student's completed grievance form, or as soon as possible thereafter, to the student and to the individual against whom the complaint has been filed against in the grievance form. Further, the receiving party shall take any steps necessary to implement the decision, including, but not limited to, providing a copy of the Letter of Determination to appropriate college officials.
4. If both parties accept the Letter of Determination written by the Office of Disability on the student's academic accommodation grievance, they will sign a statement to that effect and the grievance process ends.
5. The Vice Chancellor for Student Services shall retain the written records of the process for all grievances for five calendar years.

APPEALING THE LETTER OF DETERMINATION

Within ten (10) business days following the receipt of the Letter of Determination to the Grievance Response by the Office of Disability Services, if either party disagrees with the response, the disagreeing party may submit a written appeal to the Vice Chancellor for Student Services.

The 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 individual filing the appeal
 - b. The specific facts and grounds which form the basis for the appeal, including the specific basis of the individual's disagreement with the Letter of Determination Response from Office of Disability Services
 - c. All other information the individual reasonably believes is relevant to the appeal
1. Upon receiving the individual's letter of appeal, a copy of the original Grievance Form, the Letter of Determination, and all other records or documents forming the basis of the Letter of Determination, the Vice Chancellor for Student Services shall send the individual a notice of acknowledgment of receipt of appeal.
 2. The Vice Chancellor for Student Services shall review the entire written record and may also gather additional information necessary to the consideration of the individual's appeal. The Vice Chancellor for Student Services will issue a written Letter of Determination on the student's appeal within 30 days after receiving it, or as soon as possible thereafter. The Vice Chancellor for Student Services shall provide the individual 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 college officials.
 3. The decision of the Vice Chancellor for Student Services shall be final and no additional college appeals shall be available.
 4. During the Grievance Process, the student will be entitled to receive the academic accommodations/services offered, if any, by the college. The college 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.

TIME PERIOD

For purposes of calculating all time periods set forth in this Grievance Procedure, official college holidays and breaks set forth in the College's academic calendar (such as Thanksgiving break, Christmas break, and spring break) or dates the college 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.

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 college shall establish a mutually acceptable time and location for the student to review the requested records.

RETALIATION

Retaliation against any person who files a complaint of discrimination, participates in an investigation, or opposes a discriminatory education practice or policy is prohibited by college policy and federal and state law.

OFFICE OF CIVIL RIGHTS 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 the Office for Civil Rights.

EFFECTIVE DATE

This ADA/504 Grievance Policy shall be effective on August 1, 2022. The college reserves the right to amend its Grievance Procedures.

ADA/Section 504 Disabilities Coordinator

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501.882.8863

9.6 OFFICE OF CIVIL RIGHTS (OCR)

The Office of Civil Rights (OCR) is a sub-agency of the U.S. Department of Education. Its primary focus is to enforce federal civil rights laws that prohibit discrimination based on race, color, national origin, sex, disability, age, or membership in patriotic youth organizations and ensure equal access to education.

Individuals with complaints of this nature have the right to file a formal complaint with the U.S. Department of Education:

U.S. Department of Education

Office of Civil Rights (OCR)

Lyndon Baines Johnson Department of Education Building

400 Maryland Avenue, SW

Washington, DC 20202-1100

Phone: 1.800.421.3481

Fax: 202.453.6012

Email: OCR@ed.gov

Website: www.hhs.gov/ocr