

## **STUDENTS WITH DISABILITIES INITIATED GRIEVANCE PROCEDURES**

It is Hastings policy to ensure that no qualified student with a disability is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination, in any Hastings program or activity. Hastings is obligated to comply with Title II of the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973 (Section 504) and other federal and state laws and regulations pertaining to persons with disabilities.

Once a student notifies Hastings, through its Disability Resource Program, of the nature of his or her disability and that he or she is requesting accommodations, Hastings will engage the student in an interactive process to determine what modification, adjustment, aid or service may be appropriate to afford the student the opportunity to participate fully in Hastings' program or activities.

The College's Students with Disabilities Initiated Grievance Procedures may be used to address disputes concerning the accommodation process and other forms of discrimination based on disability, alleged to have occurred in any College program or activity. The procedure may also be used to address complaints of retaliation based on having filed or participated in a prior complaint of discrimination at the College.

### **Definitions**

"Grievance" as used in this procedure means a written complaint by any student alleging discrimination on the basis of disability with respect to any College program or activity, including an alleged improper application of one or more the College's rules, regulations, or policies, or by specified improper actions of any individual affiliated with the College in the capacity of academic personnel, administrative or professional staff, or clerical or service staff.

"Student" as used in this procedure includes persons (1) who are registered for classes at the College at the time a grievance pursuant to this policy is initiated; (2) who were registered for classes at College at the time of the adverse occurrence that gave rise to the grievance; and (3) who have an offer of admission to the College.

### **Informal Resolution of Complaints**

An individual with a potential grievance regarding the accommodation process or other disability discrimination issue is encouraged to work with the staff of the Disability Resource Program ("DRP") informally in an effort to expeditiously resolve the matter in order to minimize the problem's impact on the student's studies.

Students who have complaints involving DRP staff and/or DRP procedures and who wish to resolve them informally may direct such complaints to the Associate Academic Dean.

For discrimination issues not involving the accommodation process, students may wish to work directly with the Associate Academic Dean to attempt to informally resolve the matter.

### **Formal Grievance Procedures**

If a complainant does not wish to use the informal process or in the event that the informal process is unsuccessful, a formal grievance may be initiated. The following procedure has been developed for use by students for purposes of grievances pursuant to the ADA and Section 504:

#### **Step One**

A) If informal discussion with appropriate Hastings personnel does not resolve the complaint, the student may submit a written grievance to the Director of Student Services within 45 days from the conclusion of the informal resolution or, if the informal process is not utilized, 45 days from the of the event(s) that triggered the grievance, or in the case of inaction, within 45 days from when the student

with reasonable diligence should have known of the inaction. Hastings strongly recommends filing without delay; delay can affect the student's future studies at Hastings. The written grievance must include:

1. a clear and unequivocal statement of the Hastings rule(s), regulation(s), policy(ies), circumstances and/or action(s) of which the student complains;
2. the date of any action of which the student complains; [the date on which the discriminatory action occurred; or on which the complainant learned of the discriminatory action];
3. the names of all witnesses, including the Hastings employees involved; and
4. a summary of the action(s), if any, the student has taken to resolve the matter informally.

B) The Hastings ADA/504 Coordinator, Andrea Bing, shall meet with the student within ten (10) working days of the receipt of the grievance. If this meeting does not resolve the grievance, the ADA/504 Coordinator will conduct an investigation of the subject of grievance with the objective of resolving the grievance. The investigation will include gathering relevant evidence to make an unbiased determination with respect to whether discrimination occurred. In conducting the investigations the ADA/504 Coordinator will consult expert resources within Hastings, as appropriate.

In those cases where the grievance involves a dispute regarding the conduct or requirements of a course or of an academic program, the ADA/504 Coordinator shall consult with the Academic Dean.

C) The ADA/504 Coordinator shall furnish the student with a written response to the grievance within 45 working days of meeting with the student. The written response will state the Coordinator's conclusion as to whether discrimination occurred, the basis for the conclusion and any steps the Coordinator has taken or will take to address the problem. The response shall be mailed to the student by certified mail, return receipt requested. If the grievance involves a dispute regarding the conduct or the requirements of a course, or of an academic program, a copy of the written response issued by the ADA/504 Coordinator shall be provided to the Academic Dean.

### **Step Two**

A) If the student is not satisfied with the written response of the ADA/504 Coordinator, the student may present his/her grievance in written form to the Hastings Academic Dean. The grievance presented to the Dean will be limited to those matters raised in the student's grievance to the ADA/504 Coordinator pursuant to Step One of this procedure.

B) Within thirty (30) working days after the receipt of the grievance, the Academic Dean shall review the appeal, any documentation gathered in the course of the investigation, witness statements, and investigative reports and findings by the ADA/504 Coordinator, and determine whether all relevant information was gathered, whether the appropriate legal standard was applied and whether the outcome is appropriate based on these factors. Both parties to the complaint shall be immediately notified in writing of the Academic Dean's decision. The decision by the Academic Dean shall be final.

C) When the subject of grievance is the responsibility of the Academic Dean, the Chancellor and Dean shall make a decision on the recommendation within 30 days of receipt of the appeal. The complainant shall be immediately notified in writing of the Chancellor and Dean's decision. The decision by the Chancellor and Dean shall be final.

D) If the grievance involves a dispute regarding the conduct or the requirements of a course, or of an academic program, a copy of the written decision issued by the Academic Dean or Chancellor and Dean if applicable, may be provided to the professor responsible for the course.