

## **Student ADA/Rehabilitation Act Grievance Procedure**

Glenville State College is committed to a policy of 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 his or her disability. The College is fully committed to complying with all requirements of the Americans with Disabilities Act of 1990 (ADA) and the Rehabilitation Act of 1973 (section 504) and to providing equal educational opportunities to otherwise qualified students with disabilities.

This Grievance Procedure is designed to address disagreements or denials regarding requested services, reasonable accommodations, or modifications to College academic practices or requirements.

Discrimination, harassment and/or retaliation against anyone who requests accommodations, files a complaint or otherwise participates in the investigation or disposition of a complaint is prohibited by the ADA, Glenville State College Policy and other state and federal laws.

Accessibility complaints, harassment, discrimination, retaliation and/or hostile environment complaints should be filed directly with the ADA Coordinator using the [Discrimination/Harassment/Sex Discrimination/Sexual Harassment/Retaliation Complaint](#) form and the [Discrimination/Harassment/Retaliation/Title IX Complaint Procedures](#). The procedures and complaint form are available in the ADA Coordinator/Human Resources Office and [online](#).

### **Informal Grievance Procedure**

With respect to any grievance covered under this procedure and as a prerequisite to initiating a formal grievance, a student shall first attempt to resolve his or her complaint informally with the Program Coordinator by requesting a meeting with the Program Coordinator within ten days of receipt of the decision at issue using the [Denial of Reasonable Academic Accommodation Meeting Request Form](#). The purpose of the meeting is to provide the student with an opportunity to discuss the basis of his/her complaint informally, to provide the student with an opportunity to present any additional information and/or documentation supporting the request for reasonable accommodation and to provide the Program Coordinator the opportunity to reconsider the request for reasonable accommodation.

The Program Coordinator may contact faculty, administrators or professionals that can provide information necessary to reevaluate the request for reconsideration. If confidential information is to be released to or received by a third party not affiliated with the College, the student will be asked to sign a Release of Information form.

The Program Coordinator or their designee will notify the student of their decision within 10 working days of the meeting. If the grievance is not resolved informally, then the student shall have the right to invoke the appropriate formal grievance procedure detailed below.

## **Formal Grievance Procedure for the Denial of Academic Reasonable Accommodations and Services**

1. **Level One** – Within five business days of receipt of the Program Coordinator’s written decision, a student may file a formal grievance by completing a five business days of receipt of the Program Coordinator’s written decision, a student may file a formal grievance by completing a [Denial of Request for Reasonable Academic Accommodation Level One Complaint Form](#) available in the Office of Disability Services, the office of the ADA Coordinator/Director of Human Resources located on the third floor of the Harry B. Heflin Administration Building, and online. The student must include a copy of the Program Coordinator’s decision and should include any other information s/he wants the ADA Coordinator to consider when making their decision. The student should retain a copy of the complaint form for his/her records. The Program Coordinator will forward the appeal and the student’s Disability Services file to the ADA Coordinator for consideration.
2. The ADA Coordinator or their designee shall assess the formal complaint and review all information, including but not limited to the information provided by the student in the appeal, the Program Coordinator’s decision and the information contained in the student’s Disability Services file to make a final decision. If requested, the student shall supply any additional information and/or documentation as requested by the ADA Coordinator or designee. The ADA Coordinator or designee may but is not required to meet with the student and/or Program Coordinator prior to making a decision. All of the information and documents considered by the ADA Coordinator or designee, including but not limited to any meeting notes if applicable, shall be referred to as the Level One record. Within a reasonable time and as circumstances warrant, the ADA Coordinator or designee will issue a written decision.
3. **Level Two** – Within five business days of receipt of the ADA Coordinator’s decision, the student may appeal the decision to the Vice President of Academic Affairs by submitting a [Denial of Request for Reasonable Academic Accommodation Level Two Appeal Form](#) to the ADA Coordinator. The ADA Coordinator will forward the student’s appeal and the Level One record to the Vice President of Academic Affairs for consideration. Within a reasonable time after receipt of the appeal and as circumstances warrant, the Vice President or their designee will issue a written decision on the appeal. The Vice President’s decision is final.

## Office of Civil Rights (OCR) Complaint

Although students are encouraged to attempt to resolve complaints pertaining to disabilities by using the Grievance Procedure, students have the right to file a complaint directly with the U.S. Department of Education, Office for Civil Rights (OCR) at:

Office for Civil Rights,  
*Philadelphia Office*  
U.S. Department of Education  
The Wanamaker Building  
100 Penn Square East, Suite 515  
Philadelphia, PA 19107-3323  
Telephone: (215) 656-8541  
Facsimile: (215) 656-8605  
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

## Faculty Member Challenges

Faculty may challenge accommodations that fundamentally alter academic standards or compromise core pedagogical components of a course. Faculty may also challenge accommodations, academic modifications, and/or auxiliary aids if they are unreasonable for one or more of the following reasons:

- a) Pose a direct threat to the health and safety of others;
- b) Constitute a substantial change or alteration to an essential element of a course or program;
- c) Pose undue financial or administrative burden on the College

Within five business days after meeting with a student to discuss accommodations, a faculty member may challenge an accommodation by submitting a letter to the Program Coordinator that clearly states the basis for the challenge. The faculty member should also include in the letter the program name, the name of the course, meeting times, and any other information and/or documentation that s/he wants the Program Coordinator to consider when making a decision on the challenge. The Program Coordinator will notify the student of the challenge. Interim services may be provided while the challenge is being considered. The Program Coordinator will work with the student and the faculty member to resolve the challenge. The Program Coordinator may discuss the challenge with the faculty member, the student and/or any other individual necessary to address the issues set forth in the challenge. Due to confidentiality, the nature of the disability may not be disclosed to the faculty member unless there is a specific need to know.

If the matter is resolved, the Program Coordinator will provide the faculty member and student with written notification of the appropriate reasonable accommodation.

If the Program Coordinator is unable to resolve the matter, the Coordinator will notify the parties in writing and will refer the original challenge letter and the student's Disability Services file to the ADA Coordinator for review. The ADA Coordinator, may but is not required to meet with the student, faculty member and/or Program Coordinator.

Within a reasonable time after receipt of the challenge letter from the program coordinator and after reviewing the information provided in the appeal, in the student's Disability Services file and any other relevant information, the ADA Coordinator or designee will issue a written decision. Within five business days after receipt of the ADA Coordinator's decision, either party may appeal the ADA Coordinator's decision to the Vice President of Academic Affairs by sending an appeal letter to the ADA Coordinator. The appeal letter should state the name, title, if applicable, of the person appealing, the date of the ADA Coordinator's decision and the basis for the appeal. The ADA Coordinator will refer the appeal and the student's Office of Disability Services file to the Vice President of Academic Appeals for consideration. Within a reasonable time of receiving the appeal, the Vice President of Academic Affairs will issue a decision in writing. The Vice President's decision is final.

### **Contact Information**

Program Coordinator  
Office of Disability Services  
Glennville State College  
200 High Street  
Glennville, WV 26351  
Telephone: (304) 462-6152

Director, Human Resources  
Coordinator, Title IX/AA/EEO  
Glennville State College  
200 High Street  
Glennville, WV 26351  
Telephone: (304) 462-6193

Vice President, Academic Affairs  
Office of Academic Affairs  
200 High Street  
Glennville, WV 26351  
Telephone: (304) 462-6110