

Title: Student ADA/Rehabilitation Act Grievance and Appeal Procedure	
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I. Purpose

This is the university's grievance procedure mandated under the Americans with Disabilities Act of 1990 (the ADA) and Section 504 of the Rehabilitation Act of 1973 (the Rehabilitation Act). The ADA and the Rehabilitation Act prohibit the university from excluding people from participation in its educational programs or activities based on their disability, from denying them the benefits of such programs or activities, and from discriminating against such individuals. The ADA and Rehabilitation Act also require a process for grievances relating to disability-based discrimination.

II. Scope

This procedure applies to the College of William & Mary, including the Virginia Institute of Marine Science (the university).

Any student who believes that he or she has been discriminated against on the basis of his or her disability or has been denied access or accommodations required by law may make a complaint under this procedure. Specifically, students may make a complaint about:

1. A requested service or accommodation, including appeals of Disability Services' determinations regarding accommodations;
2. Inaccessibility of a university program or activity;
3. Harassment on the basis of disability in violation of university policy; or
4. Any other alleged university violation of the ADA or the Rehabilitation Act.

This is not the procedure for students initially seeking accommodations; students who have a disability that require accommodations should contact the Office of Disability Services. The Office of Disability Services also is charged with handling any instance of an instructor, program director, or other university employee or agent who refuses or fails to make or offer an accommodation approved by that Office.¹

This is also not the procedure for allegations by students against other students or student organizations; the Student Code of Conduct outlines the process for disciplining students. This is the procedure for complaints against the university itself, or university employees or agents.

¹ Disciplinary action against a faculty member is governed by procedures set forth in the Faculty Handbook.

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The university encourages students to use these procedures before pursuing remedies outside the university, but students have the right to file a complaint directly with the Office of Civil Rights of the United States Department of Education.

III. Making a Complaint

A. Disagreements About Determinations Made by Office of Disability Services; Requests for Review.

A student who has been denied a requested accommodation or otherwise disagrees with a Disability Services accommodation decision is encouraged – but not required – to discuss his or her concern with the Director of Disability Services. A conversation may resolve a disagreement quickly.

- **Informal Review by Dean of Students.** A student who disagrees in any way with a Disability Services decision regarding a request for accommodation may seek review of a Disability Services decision under this procedure by contacting the Dean of Students.
 - Requests for review of a decision should be made promptly, and in any event within 60 days of the decision being made, unless the student can show good cause for the delay. Time-sensitive requests should be made as far in advance as possible. Although the university tries to expedite urgent matters, requests made fewer than ten business days in advance of a deadline typically do not allow for adequate time for a review.

If the Dean feels that the disagreement can be resolved informally, the Dean will try to do so, working with the student and the Director of Disability Services and any other necessary individuals (such as a faculty member, for example). If informal resolution is ineffective or impractical, the Dean will refer the matter to the ADA/Rehabilitation Act Coordinator for investigation.

- **Next Level Review.** The Coordinator will review the Disability Services determination and investigate the matter as needed.² The Coordinator will seek information from the instructor or director of the relevant program or activity for which the student is seeking an accommodation, where necessary. The Coordinator will present his or her findings to the Provost,

² The Coordinator may require the student to provide additional information or documentation as necessary.

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who will decide whether any changes to the original decision should be made.

If the Provost decides that an additional or different accommodation should be afforded, the Director of Disability Services will issue a (revised) accommodation letter(s) to the student and any other necessary parties (such as the instructor). If the Provost upholds the initial accommodation determination, he or she will notify the student, the Director and the Dean, and the matter will be closed.

The review and determination will be made within 30 days of the review being sought.³

B. Other Disability Complaints.

Informal Resolution. The university generally encourages early resolution of complaints. Typically, that means resolution between the two individuals involved, such as a student and a faculty member. Students are not required, however, to try to resolve their grievances informally; they can proceed directly to filing a complaint with the Office of Equal Opportunity. The Director of Equal Opportunity or the ADA/Rehabilitation Act Coordinator may assist students by providing information about the process for disability-based discrimination complaints or facilitating informal resolution when appropriate.

Formal Complaints. The university’s Office of Equal Opportunity has a detailed process for handling discrimination complaints. A complaint must be documented and must include a clear statement of the grounds for the complaint and the relief sought. The Office of Equal Opportunity may explain the complaint process and what information needs to be included in a complaint.

³ This time frame may be adjusted based on the complexity of the matter, the availability of involved parties, or other intervening events or circumstances. The university is mindful of the importance of providing prompt and effective resolution of complaints, and will make such adjustments only as needed.

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IV. Protection from Retaliation

Federal and state law and university policy prohibit any form of retaliation against a person who participates in a grievance process. Retaliation can take many forms, ranging from students harassing or ostracizing another student to a faculty member excluding a student from an educational activity. The university will take immediate steps to protect students who make a complaint under this procedure, when needed. The university will also immediately address any retaliatory actions that occur.

V. Confidentiality

Reviews and investigations will be conducted confidentially to the greatest extent possible and in compliance with the Family Educational Rights and Privacy Act. All participants in the process will be advised of their obligation to maintain confidentiality.

VI. Approval and Amendment

This procedure was approved by the Provost. He has authorized the ADA/Rehabilitation Act Coordinator to make minor and technical amendments.

VII. Interpretation and Compliance; ADA/Rehabilitation Act Coordinator

Questions about this procedure or rights and responsibilities concerning discriminatory behavior, including the application of the ADA and the Rehabilitation Act, may be brought to the university Compliance and Policy Officer or the Director of Equal Opportunity. The Compliance and Policy Officer is the university's ADA/Rehabilitation Act Coordinator, who has the primary responsibility for coordinating the university's efforts to comply with the ADA and the Rehabilitation Act. These responsibilities include monitoring compliance with related policies and procedures.

ADA and Rehabilitation Act Coordinator:
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VIII. Related Policies

[University Discrimination Policy](#)

[Discrimination Grievance/Complaint Procedure](#)

[Statement of Rights and Responsibilities](#)

[Code of Ethics](#)

[Student Disability Accommodation Policy](#) and Procedure