

Disability Accommodations Grievance Procedure for Students

Simon's Rock is committed to providing individuals with disabilities equal access to all of its programs, services, and facilities. This commitment is grounded in Simon's Rock's own commitment to fostering an inclusive campus and also in the law, including Section 504 of the Rehabilitation Act of 1973 and Title III of the Americans with Disabilities Act of 1990. Towards that end, the College has adopted a Disability Accommodation Policy and a Nondiscrimination Policy. These policies may be reviewed in the Simon's Rock Student Handbook. In addition to these policies, Simon's Rock's Director of Accessibility and Academic Support, Jean Altshuler, works with students, faculty and staff to ensure that Simon's Rock provides appropriate and reasonable accommodations and services to students with disabilities. The Director of Accessibility makes accommodation decisions on an individual, case-by-case basis consistent with Simon's Rock's Disability Accommodation Policy in the Student Handbook.

Simon's Rock strives to resolve disability-related concerns through open dialogue amongst its students, faculty, and staff. Simon's Rock has also adopted formal processes for addressing such concerns. Simon's Rock's Disability Accommodations Grievance Procedure for Students applies to disability accommodation requests and other concerns regarding disability accommodations specifically.

Students may also have concerns regarding their disability status that do not relate to accommodations. Students who believe that they have been discriminated against on the basis of disability in ways that do not involve accommodations should contact the Dean of Students and Equitable Community, Sarah Porter-Liddell, sporterliddell@simons-rock.edu, or their designee. Faculty and staff with disability-related concerns should contact the Director of Finance and Administration who is the ADA/504 Coordinator for personnel.

Director of Accessibility & Academic Support

Simon's Rock encourages its students to first discuss disability accommodation requests and concerns with its Director of Accessibility & Academic Support, Jean Altshuler, before raising a concern with the ADA/504 Coordinator for students, Sue Lyon. Jean Altshuler may be reached at jaltshuler@simons-rock.edu or (413) 528-7383.

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ADA/504 Coordinator

Sue Lyon, Vice Provost, serves as Simon's Rock's designated ADA/504 Coordinator for all student-related concerns involving Simon's Rock's compliance with Title III of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973. She may be reached at slyon@simons-rock.edu or (413) 644-4282.

Statement of Confidentiality

Simon's Rock endeavors to maintain the confidentiality of disability accommodations, grievances, or appeals, to the extent possible. Disability-related information is shared on a "need to know" basis (particularly for the implementation of accommodations) or when written permission has been given by the student.

Statement of Non-Retaliation

Any retaliation against a person involved in the grievance or appeals process is strictly prohibited. Students who believe that they have experienced retaliation should promptly consult with the Dean of Campus Life or the ADA/504 Coordinator.

Informal Resolution Process

Simon's Rock encourages students who disagree with a decision concerning a requested accommodation to attempt to resolve their concerns by first discussing them with the Director of Accessibility, either orally or in writing. This informal resolution process operates entirely independent of the formal grievance procedure set forth below. During this process, the Director, in an effort to clarify and resolve issues, may, among other things:

1. meet with the student to obtain appropriate information;
2. facilitate discussions between a student and any other relevant persons when appropriate;
3. consult with the appropriate dean (e.g., the Dean of Studies for academic accommodations, and the Dean of Students for residential and campus-related accommodations) and/or other administrators who may be able to help resolve the student's concerns; and/or
4. consult with other disability professionals who work in higher education.

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If the Director of Accessibility is unavailable, either the Dean of Studies (for academic accommodations), the Dean of Students (for residential and campus-related accommodations), or another designee may serve in the Director's role for the informal resolution process.

The informal resolution procedure is voluntary and is not a prerequisite to the filing of a formal grievance.

Formal Grievance Procedure

Any student who believes that a decision regarding disability accommodations has not been made in accordance with Simon's Rock's stated policy or does not recognize the student's disability related need(s) may file a formal grievance with the ADA/504 Coordinator for student-related concerns, Sue Lyon. This formal grievance will be investigated and resolved in accordance with the following procedure:

STEP 1: Completing and Filing a Grievance Statement

To file a formal grievance concerning a disability accommodation decision, an individual must provide the ADA/504 Coordinator with a written grievance statement that contains:

1. a description of the issue and any relevant facts;
2. a summary of any steps the student has taken to resolve the issue, including the names of persons involved;
3. a statement of the requested resolution, including the student's rationale for any requested accommodation;
4. any supporting documentation; and
5. the name and contact information of the person initiating the complaint.

This statement must be emailed to the ADA/504 Coordinator (slyon@simons-rock.edu) no later than thirty (30) calendar days from the date of the challenged decision.

Simon's Rock may extend this time frame where a delay is due to circumstances beyond a student's control, such as illness or incapacity.

STEP 2: Notification

Upon receipt of a formal grievance statement, the ADA/504 Coordinator or designee will initiate an investigation and notify the Director of Accessibility, who may provide a written response to the grievance statement.

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STEP 3: Investigation

The ADA/504 Coordinator or designee may investigate the grievance through some or all of the following steps: meeting with the student, Director of Accessibility, or other involved parties to hear their respective positions; requesting written or oral statements from witnesses (such as faculty members, administrators, or students); requesting additional medical documentation; requesting an independent medical evaluation; consulting with professionals with applicable expertise; and gathering information that the ADA/504 Coordinator considers relevant through other means. During the investigation, the student and Director of Accessibility may submit materials that they believe are relevant to the investigation of the grievance to the ADA/504 Coordinator.

STEP 4: Deliberation

Simon's Rock will endeavor to complete the investigation and issue a determination on the grievance within sixty (60) calendar days of receiving a written grievance statement. If Simon's Rock is unable to issue its determination within that time frame, Simon's Rock will advise the student. After a determination has been made, the ADA/504 Coordinator will prepare a written report setting forth the determination, and the report will be made available to the student, the Director of Accessibility, and others on a need-to-know basis.

The report will contain a summary of the investigation (including any witnesses interviewed and documents reviewed), the ADA/504 Coordinator's written analysis, and her determination on the grievance. The ADA/504 Coordinator will also append the student's formal grievance and the Director of Accessibility's response (if any) to the report.

Appeal Procedure. A student who disagrees with the determination of the formal grievance process may only appeal the determination if the student demonstrates that Simon's Rock committed a material procedural error in the Formal Grievance process that was likely to adversely affect the outcome of the process. Minor or inconsequential deviations from the procedure do not give rise to an appeal right.

Appeals may not be based on a contention that the ADA/504 Coordinator and/or Director of Accessibility should have reached a different determination on an accommodation request.

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The Provost, or his designee, decides appeals under this procedure. A student must file a written appeal within seven (7) calendar days of receiving the written grievance determination from the ADA/504 Coordinator by emailing provostadmin@simons-rock.edu. The appeal must describe the material procedural errors that the student contends provide the basis for the appeal. The Provost may provide the ADA/504 Coordinator and/or Director of Accessibility the chance to review the appeal and to provide a written response within seven (7) calendar days after receiving the appeal. The Provost has discretion to seek further information and may choose to interview the student, the ADA/504 Coordinator or the Director of Accessibility, but will not hold a formal appeal hearing.

The student, the ADA/504 Coordinator, and Director of Accessibility will be notified in writing of the Provost's decision on the appeal, generally within fourteen (14) calendar days of the receipt of the student's written appeal. The Provost's decision on an appeal is final.

Filing a Grievance Outside of Bard College at Simon's Rock

Although Simon's Rock encourages its students to avail themselves of this grievance procedure, students also have a right to seek other remedies, including by filing a complaint directly with the U.S. Department of Education's Office of Civil Rights ("OCR"):

Boston Office, Office for Civil Rights
U.S. Department of Education, 8th Floor
5 Post Office Square
Boston, Massachusetts 02109-3921

Telephone: 617-289-0111, TDD: 800-877-8339
Email: OCR.Boston@ed.gov

The College's informal or formal grievance procedure is *not* a prerequisite to the pursuit of other remedies, including those with OCR.