DISABILITY GRIEVANCE PROCEDURES
Re: Student Discrimination and Accommodations as well as Faculty/Staff Appeal of Student Accommodations Decisions

BELOIT COLLEGE DISABILITY POLICY

The terms used within the Disability Policy such as “qualified individual with a disability”, “undue burden”, “direct threat”, “reasonable accommodation”, and “essential functions” are as defined in the ADA Amendments Act of 2008 (ADAAA), and its regulations.

Students with Disabilities

Beloit College provides a supportive environment for students with disabilities. It is the policy of the College to create and maintain an environment in which all students may learn and work to their fullest potential. Consistent with this policy of nondiscrimination, Beloit College is committed to complying with all applicable provisions of the Americans with Disabilities Act (ADA), ADA Amendments Act of 2008 (ADAAA) and Section 504 of the Rehabilitation Act of 1973. Beloit College will provide accommodations to students who have provided the College with appropriate documentation of their disability to enable them to participate in and benefit from the College’s programs, services, and activities, provided that such accommodations would not 1) fundamentally alter the nature or operation of the College’s programs, services, or activities; 2) cause undue burden to the College, or 3) pose a direct threat to the health or safety of others.

Students who warrant accommodations to participate in the College’s programs or services should contact the Director of the Learning Enrichment and Disability Services Office (hereby referred to as “Director”). The student will be required to provide current documentation (as determined appropriate for the disability) by a qualified, licensed professional appropriate to the nature of the disability and requested accommodation(s). Accommodations will be determined on an individual basis each semester after the appropriate documentation has been received and reviewed, and conversations between the student and the Director have occurred. Students have the choice of whether or not they utilize accommodations.

The Learning Enrichment and Disability Services Office will protect students’ privacy rights by maintaining a confidential file for each student. Disability-related information will be shared only when written permission is given by the student or if the student should appear to be a danger to self or others, and in cases of other emergencies.

If a student or a prospective student with a disability believes he or she has been discriminated against because of a disability, or if a student is dissatisfied with the determined accommodation or the implementation of an accommodation...
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(termed “grievant” in following procedure), the student is encouraged to discuss the situation with the Director. If a satisfactory agreement cannot be reached with the Director, the student may appeal the decision via the grievance process.

Faculty or staff who believe that an accommodation for a student fundamentally alters the nature or operation of the College’s programs, services, or activities (termed “grievant” in the following procedure) are also encouraged to discuss the situation with the Director. If a satisfactory agreement cannot be reached with the Director, the faculty or staff member may also appeal the decision via the grievance procedure.

For a list of Accommodations Appeals Committee members and information regarding the appeals process, please contact the Vice President of Student Affairs & Dean of Students Office at (608) 363-2660 or the Vice President of Academic Affairs & Dean of the College at (608) 363-2667.

A separate grievance procedure exists for employees of the College (when it is not related to student accommodations). Contact the Human Resources Office for appropriate information.

INFORMAL GRIEVANCE PROCEDURE

All concerned parties are first advised to resolve a grievance via the informal process. Use of this informal grievance procedure is not a prerequisite to the pursuit of other remedies but is strongly encouraged as the first course of action.

1. The concerned party (here forward titled ‘grievant’) is encouraged to discuss his/her concerns with the Director. The Director, in an effort to clarify and resolve issues may:
   a. Discuss the situation with the grievant
   b. Discuss the situation with the alleged offender(s)(when appropriate), and/or
   c. Mediate discussions between a grievant and any alleged offenders, when appropriate.

2. The Director will notify the grievant and involved parties of progress, findings, and/or resolutions. Due to the urgency of many issues, every attempt will be made to resolve the issue as soon as possible.

3. If the Director is unavailable, the Associate Dean of Students (Academic Cluster - AC) will serve in the Director’s role for both the informal and the formal grievance process.

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Most situations are resolved through the Director’s support and mediation. However, if this avenue does not meet the needs of the parties involved, the grievant may choose to move to the Formal Grievance Procedure.

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FORMAL GRIEVANCE PROCEDURE

Any grievant may file a formal complaint which will be investigated and resolved in accordance with the following procedure.

**STEP 1: Completing and Filing a Grievance Form**

To file a formal disability grievance, an individual must notify the Director and/or the Vice President for Student Affairs & Dean of Students in writing, and provide the following information:

1. The nature of the grievance;
2. Date(s) of alleged incident(s) or disagreement(s) or relevant decision(s);
3. Information about attempts to resolve the grievance (if any);
4. Identification and contact information of witnesses who have knowledge of the alleged discrimination;
5. For a student grievant, a signed “release of confidential information” form for any information or documentation in the student's file. Release forms may be obtained from the Vice President for Student Affairs & Dean of Students Office or the Learning Enrichment and Disability Services Office; and
6. Signature of the grievant at the end of the document stating that everything provided in the written statement is true to the best of his/her knowledge.

(A worksheet detailing the information requested above may be obtained from the Vice President for Student Affairs & Dean of Students Office or the Learning Enrichment and Disability Services office both located on 2nd floor Pearsons Hall, or the Vice President for Academic Affairs & Dean of the College’s office on 3rd floor Middle College.)

All grievances must be filed no later than **60 calendar days** from the date of the alleged violation.

**STEP 2: Notification**

After the appropriate information has been submitted, the Grievance Committee will convene. The grievant and the alleged offender will be provided with the name, college address and college telephone number of the Chair of the Committee with whom all further communication related to the grievance should be made.

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The alleged offender will be notified about the specific charge(s), the name of the grievant, and the grievance procedures of Beloit College. The alleged offender may provide a written response to the Committee Chair.

**STEP 3: Investigation**
The Committee will meet in sessions closed to the public. These meetings may consist of one or more meetings with the grievant and the alleged offender to hear their positions respectively, interview witnesses related to the grievance, and gather other related information. The first meeting will be scheduled approximately 7 business days after the Committee Chair receives the grievance. For situations that warrant it, the Committee may consult with a credentialed professional with expertise pertinent to the situation and/or the College’s legal representative.

During the investigation, the grievant and alleged offender can submit materials s/he believes pertinent to the investigation of the grievance to the Committee Chair. The Committee Chair will present to the Committee pertinent submitted materials, during which time the grievant and alleged offender may be contacted if the Committee seeks clarification or comment regarding the material.

**STEP 4: Committee Deliberation**
The Grievance Committee will evaluate the grievance and recommend an appropriate resolution within approximately 10 business days after all meetings are concluded. The Committee shall deliberate in closed meetings. After the conclusion of the meetings, the Chair of the Committee will provide the Committee’s recommendation to the Vice President for Student Affairs & Dean of Students. Once the Vice President for Student Affairs & Dean of Students makes a final decision, the decision will be communicated in writing to the grievant, the alleged offender, and the Chair of the Committee.

The written decision from the Committee shall include:

1. Identity of grievant and alleged offender in the grievance.
2. Date grievance and response were filed with the Committee.
3. Identity of the Grievance Committee members.
4. Dates of Grievance Meeting(s).
5. Summary of the grievant and alleged offender positions.
6. Summary of the testimony and documents presented.
7. Final recommendation of the Committee.

**STEP 5: Appeal**
The grievant/alleged offender may appeal the decision to the President. To appeal, the grievant/alleged offender must submit a written request to the
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President’s Office within three business days of being notified of the decision. Appeals may be based on procedural grounds and/or perceived bias.

GRIEVANCE COMMITTEE:
Committee members, serving a two-year appointment, may include but are not limited to:

- One faculty member at-large uninvolved in the situation,
- The Director of Human Resources,
- The Director of the Learning Enrichment and Disability Services office,
- One administrative staff member appointed by the President, and
- One Student Affairs staff member appointed by the Vice President for Student Affairs & Dean of Students.

Ad Hoc members shall be invited as needed to sit on the committee depending upon the particular circumstances presented in the grievance letter.

The Director of the Learning Enrichment and Disability Services office and/or the Office of the Dean of Students will be responsible for scheduling the first meeting of the Committee (within 7 days of receiving the grievance). The Committee will select a Chair who will then convene the Committee as necessary.

If a designated Committee member believes he or she has a bias or conflict of interest that would negatively impact his/her ability to decide the grievance impartially, the Committee member will excuse himself or herself from the Committee. The President or the Vice President for Student Affairs & Dean of Students will appoint an interim replacement to serve for the duration of the grievance process. For situations that warrant it, the Committee may consult with a credentialed professional with expertise pertinent to the situation and/or a legal representative.

In the event of a conflict of interest, the grievant or alleged offender may request, in writing, that a Committee member be excused. The Vice President for Student Affairs & Dean of Students will determine the validity of the request and if necessary, appoint an interim replacement member to the Committee.

Statement of Retaliation: Any retaliation against a person involved in the grievance procedure is strictly prohibited and will be considered a violation of the Beloit College Disability Policy. It is also a violation of this Policy to make a false accusation or knowingly provide false information pertaining to a grievance. For those who believe that they are a victim of retaliation, consult with either the Vice President for Student Affairs or the Vice President for Academic Affairs & Dean of the College.

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Statement of Confidentiality: Beloit College will attempt to maintain confidentiality of the grievance and parties involved to the extent permitted by law. Relevant information will be provided only to those persons who need to know in order to achieve a timely resolution of the grievance. The institution will document the formal grievance and its resolution, and maintain the documentation in the Vice President for Student Affairs & Dean of Students office.

DEFINITIONS

Accommodations: Changes in practice, policy or procedure for a student with a documented disability which allows the student equal access and/or an equivalent procedure for gaining access to, participation in, and benefits from the College’s programs, services, and activities. This also includes alternate ways of acquiring and demonstrating knowledge and/or ability.

Business days do not include legal holidays, weekends, or periods when the College is closed (e.g. December holiday break). If an individual believes a basis for a grievance has occurred during a time when the grievance cannot be processed, the grievant must initiate the informal grievance process within the next 10 business days.

Disability means, with respect to an individual:
1. a mental or physical impairment which substantially limits one or more of the major life activities of such individual;
2. a record of such impairment; or
3. being regarded as having such an impairment.

For purposes of this policy, the term "disability" is used with the understanding that it has the same meaning as "handicap" in state and federal law. (See State Fair Employment Act [s. 111.32 (8)]; Section 504 of the Federal Rehabilitation Act and 45 CFR 85.3; Americans with Disabilities Act and 29 CFR 1630 and the ADA Amendments Act S 3406).

Discrimination for this process/procedure is any act that discriminates against students with disabilities including applicants to the College. This discrimination on the basis of a disability may include (but is not limited to):

a) bias in policies and procedures for admittance to the College,
b) differential treatment in the classroom that is not an accommodation,
c) the refusal to be granted an accommodation,
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d) differential treatment when attempting to obtain or perform student employment (unless it is an accommodation).

[There are other College grievance processes for other types of discrimination. Employees should see the Director of Human Resources; students should see the Dean of Students.]

Grievant (for disability related concerns) must be an individual who:
  a. Believes she or he has been discriminated against on the basis of his/her disability;
  b. Believes that she or he has been discriminated against based on being considered a person with a disability (whether being a person with a disability or not);
  c. Believes that she or he has been discriminated against based on an association with a person with a known disability (whether being a person with a disability or not);
  d. Wishes to appeal an accommodation decision;
  e. Wishes to file a complaint and/or grievance regarding the College’s compliance with ADA and/or ADAAA; or
  f. Is a faculty or staff member who does not agree with the accommodations.

Major life activities means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. (Referenced in EEOC and DOJ titles II and III regulations for the ADA.)

Qualified individual with a disability is an individual with a disability who, with or without reasonable modification to rules, policies or practices can meet the essential components of the academic standards of the College.

Reasonable Accommodation should allow equivalent opportunity for qualified students with disabilities to demonstrate their acquired knowledge and competence. They should not create unfair advantage for the student(s) with disabilities, cause undue burden for the faculty or institution, nor alter the essential components for the course.

Substantially limits is not a defined phrase, but generally speaking is: “when the individual’s important life activities are restricted as to the conditions, manner, or duration under which they can be performed in comparison to most people.” 28 C.F.R. Pt. 35, App. A § 35.104 (1999) (emphasis added). The determination of whether a condition substantially limits a person is based on the condition’s impact on an individual, not on the existence of that condition.

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FILING A GRIEVANCE OUTSIDE OF BELOIT COLLEGE

Use of this internal complaint procedure is NOT a prerequisite to the pursuit of other remedies. At any time, an individual may pursue other remedies available to him/her under applicable state law or federal law. The Federal Office of Civil Rights and/or The Wisconsin Civil Rights Commission will take complaints and will investigate when appropriate.

**OCR office for Wisconsin**
Chicago Office
U.S. Department of Education
Development
111 N. Canal Street, Suite 1053
Chicago, IL 60606-7204
Telephone: 312-886-8434
FAX: 312-353-4888; TDD: 312-353-2540
Email: OCR_Chicago@ed.gov

**Civil Rights Commission**
Equal Rights Division,
(www.dwd.state.wi.us/er/)
Department of Workforce
PO Box 8928
Madison, WI 53708
(608) 266-6860 (voice)
(608) 261-8752 (TTY)