

Disability Grievance Procedures

For section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990

Through policy and practice, Transylvania University is committed to providing to all enrolled students equal access to campus programs, services and activities. The following procedures have been adopted to ensure and maintain the University compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990 under which no qualified student with a disability shall be denied access to or participation in programs, services or activities of Transylvania University. A qualified student is defined as one who meets the requisite academic and technical standards required for admission or participation in a post secondary institution's programs and activities. A person with a disability is anyone with a physical or mental impairment that substantially limits one or more major life activities, such as walking, seeing, hearing, speaking or learning. In addition to those people who have visible disabilities, the definition includes people with a whole range of invisible disabilities. These include psychological problems, learning disabilities, or some chronic health impairments such as epilepsy, diabetes, lupus, cancer, HIV/AIDS, and more.

Request for Accommodations

The enrolled students should submit a request for accommodations to Disability Services for consideration. It is expected that prior to the consideration of such requests, students will provide recent professional documentation that speaks to the specific disability and the requested accommodations. Granted requests for academic accommodations will be specific to the documented needs of the individual student, e.g., extended time on in-class exams, alternate testing locations, etc. Additional information regarding academic accommodations can be obtained from Disability Services, Rm. 211 of Old Morrison Building.

Complaints and Steps to Resolution

If a student has reason to believe that he or she has been denied equal access to any campus program, service or activity including requests for academic accommodations, there are mechanisms in place to assist in bringing about a timely resolution. The burden of proof that an accommodation was wrongly denied must be sustained by the student.

Independent Resolution

Students are encouraged first to attempt to independently resolve concerns by initiating a meeting with the staff member, faculty member or student with whom there is a concern or disagreement. Concerns may be related to the response for a requested academic accommodation or to the belief that one's rights as a student with a disability have been denied. Many times, when both parties have the advantage of directly sharing their concerns, the matter can be resolved without further assistance. However, when the matter cannot be resolved independently, students are strongly encouraged to address such instances through the following steps.

Reporting a Complaint

Students who believe that their rights as defined under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 have been denied should report such instances to Disability Services, Rm. 211 of Old Morrison Building. It is important that concerns are reported within 30 days of the alleged incident or situation or when an independent resolution with the faculty member, staff member office or student in question

cannot be achieved. Timeliness in addressing concerns helps to ensure expedient resolution and minimal disruption to the student's academic schedule. Any student bringing forth a complaint has the right to be assisted by a support person of his or her choosing from within the Transylvania University system; however, the complainant is responsible for presenting his or her information. Advisors are not permitted to represent or participate directly in the resolution process.

Informal Resolution

After thoroughly reviewing the complaint with the reporting individual, the Director of the Health & Wellness, Counseling Center will meet with the other party and then, if necessary, jointly with both parties with the intended goal of seeking a mutually agreeable solution that preserves the student's right to equal access and participation in services, programs, and activities at the University while maintaining the University commitment to academic standards of excellence within a residential community. If the complaint remains unresolved, it shall be forwarded to the Accommodations Review Board. Please note that the individual initiating a complaint maintains the right to request that the complaint be dropped rather than forwarded to the Accommodations Review Board. In such cases, the University reserves the right to informally address the specifics of the complaint and to mandate corrections, when warranted.

Formal Resolution

Unresolved complaints shall be forwarded to the Accommodations Review Board in the event of an unsuccessful informal resolution meeting. Complaints must be forwarded in a timely manner and in writing, including the name and campus address of the student initiating the complaint, the name(s) and address(es) of the individual(s) who allegedly denied the student rights, and a descriptive statement of the problem and its potential impact on the complainant.

Accommodations Review Board

The role of the Accommodations Review Board (ARB) is to formally hear and resolve disability related complaints that have not been resolved independently or through informal measures. Membership on the Accommodations Review Board includes two faculty members appointed by the Dean of the College, the Assistant to the Dean of the College, the Associate Dean of Retention, and the Director of Campus Diversity and Inclusion. The Director of the Health & Wellness, Counseling Center serves in ex-officio capacity. In the event that the grievance is with the Health & Wellness, Counseling Center, the Associate Dean of Academic Affairs will serve on the Accommodations Review Board in an ex-officio capacity.

Notification of Outcome and Appeal

The Accommodations Review Board shall meet in a timely manner upon receiving notification that a formal complaint has been filed. The Accommodations Review Board shall review the written formal complaint and related documentation and, if need be, call either or both parties for points of clarification or additional information. Written notification of the outcome shall be provided to both parties once a decision is reached. The decision of the Board is final.

Additional Avenues for Resolution

Filing a complaint within the University grievance system in no way precludes an individual's right to file a grievance with the Department of Education or the Department of Justice.

**definitions taken from Association for Higher Education and Disability (AHEAD) brochure*