

## DISABILITY GRIEVANCE PROCEDURE

Arkansas State University has adopted an Internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations while implementing Title II of the Americans with Disabilities Act.

Title II states, in part, that "no otherwise qualified disabled individual shall, solely due to such disability, be excluded from the participation in, be denied the benefits for, or be subjected to discrimination" in programs or activities sponsored by a public entity. Complaints should be submitted to the Director of Access & Accommodation Services, coordinator of ADA and 504 compliance efforts for A-State students. Grievance forms are available both on the web at <http://disability.astate.edu> and in Access & Accommodation Services.

### **Process and Procedure for Filing a Complaint:**

- A complaint should be filed in writing, contain the name and address of the complainant (or campus resident location), and briefly describe the alleged violation of the regulations
- A complaint should be filed within 35 school days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination that occurred before this grievance procedure was in place will be considered on a case-by-case basis)
- An Investigation, deemed appropriate, shall follow upon the filing of a complaint. The investigation shall be conducted by the ADA and 504 coordinator.
  - This process contemplates informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the investigating official (s) and a copy forwarded to the complainant no later than 25 days after its filing.

- The ADA coordinator shall maintain the files and records of Arkansas State University relating to the complaints filed.
- The complainant can request a reconsideration of the case in instances where they are dissatisfied with the resolution. The request for reconsideration should be made within 15 school days to the Access & Accommodation Services Committee.

### **Reconsideration Process**

If complainant requests a reconsideration of the case in instances where they are dissatisfied with the resolution determined by the Access & Accommodation Services Committee, a written request for reconsideration should be submitted to the Vice Chancellor for Diversity and Community Engagement. The decision of the Vice Chancellor will be final.

The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as filing of an ADA complaint with the responsible federal department or agency. Use of the grievance procedure is not a prerequisite to the pursuit of other remedies. The entire process shall be constituted to protect the substantive rights of interested persons to meet appropriate due process standards and to assure that Arkansas State University complies with the ADA and implementing regulations.

Arkansas State University  
Grievance Complaint Form

Name:

ID Number:

Address or Campus Location:

1. Reason for Grievance:

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2. Please describe your grievance in as much detail as possible

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3. How would you like your grievance resolved?

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**Recommend sanctions, including disciplinary expulsion from the university.**

*Sanctions for Academic Misconduct*

Sanctions for Academic Misconduct may be imposed by the faculty member or instructor discovering the Academic Misconduct except in the case of dismissal from a particular program, which shall be made by the department chair or program director, or suspension or expulsion from the university, which shall be made by the dean. The following sanctions may be imposed for Academic Misconduct:

- A failing grade on the paper or project
- Rewriting or repeat performance of course work
- A failing grade for the class
- Dismissal from the class
- Dismissal from a particular program
- Suspension or Expulsion from the university
- Other appropriate sanctions as warranted by the specific acts of the student

***\*A Student may not avoid academic sanctions by withdrawing from a class, a program, or the university.***

NOTE: Colleges and Departments (e.g., Art, Nursing, Biology} may add to these guidelines in order to enforce academic integrity and professional ethics to meet their special needs (e.g., clinical, computer, laboratory experiences).

## **Procedure for Handling Academic Misconduct Charges for Violations of the Standards of Student Conduct:**

A student disagreeing with the sanction issued based on Academic Misconduct should follow the Academic Grievance Procedure.

Under certain circumstances, Arkansas State University students have the right to grieve alleged violations of their academic rights. A grievance is a complaint alleging that one or more of the academic rights of students" (as stated in the Student Handbook) have been violated.

### **Student Rights Grievance Procedure**

#### **Step 1:**

Since the faculty has the primary responsibility for course development, course delivery, the assessment of student achievement, and the sanction for academic misconduct, any student who has a complaint related to an academic issue should first consult with the course instructor within ten (10) school days of the incident and try to resolve the complaint. If the grievance involves a faculty member who is no longer employed at the university, or with whom the student does not feel comfortable approaching, the student should move to step two of this process. If the complaint is resolved, the grievance process ends.

#### **Step 2:**

If the complaint is not resolved in step 1, and if the student wishes to pursue the complaint further, the student shall consult with the department chair/unit supervisor within fifteen (15) school days of the academic incident. The appropriate chair/unit supervisor shall consult informally with the student and the individual against whom the complaint has been made to attempt to resolve the complaint. The chair/unit supervisor shall notify the student and the individual against whom the complaint has been made in writing of the resolution or lack thereof

within ten (10) school days of the student's first consultation with the chair/unit supervisor. If the complaint is resolved, the grievance process ends.

Step 3:

If the complaint is not resolved in step 2, and if the student wishes to pursue the complaint further, the student shall file a formal written complaint with the department chair/supervisor within thirty-five (35) school days from the academic incident. The written complaint must specify the academic right(s) the student alleges has (have) been violated and must include:

- a. Date and details of the alleged violation
  - b. Any available evidence of the alleged violation
  - c. Names, addresses, and phone numbers of witnesses to the violation
  - d. The requested remedy to the alleged violation
- The chair/unit supervisor shall investigate the complaint using whatever processes are appropriate including, but not being limited to, written responses from or interviews with faculty members, other students, and other parties. The chair/unit supervisor shall notify the student and the individual against whom the complaint has been filed in writing of the chair/unit supervisor's finding and recommendation within ten (10) school days of receipt of the written complaint. If both parties in the complaint accept the recommendation, they will sign a statement to that effect and the grievance process ends. The chair/unit supervisor shall retain the written records of the process for five calendar years. Upon request, the chair/unit supervisor shall provide either or both parties with copies of all information gathered during the investigation.

Step 4:

If the complaint is not resolved in step 3, either party may request that the dean appoint a college hearing committee. The request for a college hearing committee review must be made in writing to the dean within ten (10) school days of completion of the process listed in step three.

### **The College Hearing Committee Process**

The college hearing committee shall be organized in the following manner:

- At the beginning of each Fall semester, each college dean, independent department chair, and other academic unit supervisors shall identify a "hearing committee pool," consisting of nine (9) to eighteen (18) faculty members, five (5) to ten (10) undergraduate students, and five (5) to ten (10) graduate students in the case of the Graduate School.
- When a hearing committee must be convened, the dean shall appoint a college hearing committee comprised, to the extent possible, of individuals knowledgeable in the area asserted in the grievance. The hearing shall take place no sooner than five (5) and not later than ten (10) school days after the hearing committee is appointed, unless there is a compelling reason why another time must be selected.
- At a prearranged time prior to the hearing, the members of the hearing committee will meet with the dean to receive all relevant background materials and to review the process to be utilized during the hearing. The Individual against whom the complaint has been filed and the student may attend this meeting as observers. All non-committee members will then withdraw and the hearing committee will elect a chair to preside at the subsequent hearing.

- The hearing will be conducted in private. Witnesses will be admitted for testimony only and then asked to leave. The testimony will be tape recorded, but the final deliberations of the committee will not be recorded.
- The student and the individual against whom the complaint has been filed must appear in person and answer questions from members of the hearing committee. The student and the individual against whom the complaint has been filed each may have one person present during the hearing to advise them. Those persons may not address the hearing committee, speak on behalf of the student or individual against whom the complaint has been filed, question witnesses, or otherwise actively participate in the hearing.
- A university attorney may also attend the hearing and may advise the committee on procedural issues but may not question witnesses or otherwise actively participate in the hearing. The dean shall attend as an observer only.
- The student and the person against whom the complaint has been filed may make an oral statement and/or submit sworn written statements and other exhibits and witnesses in their behalf. The student and the individual against whom the complaint has been filed may hear and question all witnesses testifying before the hearing committee. Neither the student nor the individual against whom the complaint has been filed may be present during the deliberations of the hearing committee.
- The hearing committee shall conduct its deliberations based upon the evidence presented at the hearing that is relevant to the issue or issues before the committee. The hearing committee shall present to the dean a written report detailing its findings and its recommendations relative to the complaint within five (5) school days following

conclusion of the hearing. Member(s) of the hearing committee may file a minority opinion, which shall be appended to the committee report.

- Within ten (10) school days following receipt of the hearing committee report, the dean will notify the student and individual against whom the complaint was filed whether the recommendations are accepted or rejected.
- The decision of the dean is final as to the student except in the case of expulsion from the university where the student shall have a final appeal to the Vice Chancellor for Diversity and Community Engagement, which must be filed in writing within ten (10) school days following receipt of the dean's decision.
- If the individual against whom the complaint was filed refuses to accept a remedy accepted by the dean, the individual may appeal to the Vice Chancellor for Diversity and Community Engagement in writing within ten (10) school days following receipt of the dean's decision. The decision of the Vice Chancellor to accept or reject the recommended remedy is final as to the individual against whom the complaint has been filed.