

ADA GRIEVANCE PROCEDURE

OFFICE OF EQUITY INCLUSION & TITLE IX



In Accordance with the Americans with Disabilities Act
Southern University and A&M College

ADA GRIEVANCE PROCEDURE

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I. Introduction

Southern University and A&M College prohibits discrimination on the basis of disability for faculty, staff, students, and visitors. Southern University and A&M College has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints by any member of the SUBR community alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (§29 U.S.C. 794) of the U.S. Department of Education regulations implementing the Act, and the Americans with Disabilities Act, 1990 Title II & III (§42 U.S.C. 126). Section 504 and the ADA, Sections Title II & Title III prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance.

II. Scope

The U.S. Department of Education, like many other federal agencies, enforces Title II of the ADA, which prohibit discrimination in programs or activities that receive federal financial assistance from the department.

III. Overview

The Law and Regulations may be examined in the office of ADA Compliance with the ADA Coordinator who has been designated to coordinate the efforts of Southern University and A&M College to comply with Section 504 and the ADA.

Any participants, beneficiaries, applicants, or employees, including students, staff, faculty, and visitors who believes she or he has been subjected to discrimination on the basis of disability (or is unsatisfied with accommodations provided by the Office of Disability Services) may file a grievance under this procedure. It is against the law for Southern University and A&M College to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

The ADA Coordinator should be notified immediately if anyone associated with the grievance procedure is subjected to retaliation as a result of that person's participation in the grievance process.

Southern University and A&M College has both informal and formal mechanisms in place to resolve concerns about disability discrimination, denial of access to services, accommodations required by law, or an auxiliary aid they believe they should have received ("disability-related issues"), such as:

- Disagreements regarding a requested service, accommodation, modification of a University practice or requirement, or denial of a request
- Inaccessibility of a program or activity
- Violation of privacy in the context of a disability

IV. Informal Resolution Process

Southern University and A&M College encourages anyone with concerns about a disability-related issue to first discuss the matter with the Office of ADA Compliance who will attempt to facilitate a resolution. Individuals are not required to pursue the informal process first and may engage the formal grievance process as their first step if preferred.

Campus Location: J. S. Clark Administration Building

Office Phone: 225-771-5921

Email Address: ada@subr.edu

If the Office of ADA Compliance is not successful in achieving a satisfactory resolution, within ten working days from the date the disability-related issue is raised, or the complaint is against the Office itself, a formal grievance may be filed as described below.

The purpose of the informal process is to make a good faith effort to resolve the issue quickly and efficiently; however, the individual may ask to implement the formal process at any time during the informal resolution or instead of the formal resolution.

V. Formal Grievance Process

A formal grievance must be filed with the ADA Coordinator within 21 working days of the date of the Informal decision, if applicable, or within 30 calendar days of the occurrence of the disability-related issue. The grievance must be in writing and include the following:

- The grievant's name, address, email address and phone number
- A full description of the situation
- A description of the efforts which have been made to resolve the issue informally if any
- A statement of the requested remedy, e.g., requested accommodation

If the grievance involves confidential medical information, the ADA Coordinator will maintain the confidentiality of that information and will not release that information without the individual's permission, except as allowed by law.

Step 1:

The ADA Coordinator will review the grievance for timeliness and appropriateness under this grievance procedure and notify the grievant if the grievance has been accepted.

Step 2:

The 504/ADA Coordinator either commences an investigation or will select a trained investigator who will promptly initiate an investigation. The investigator will be an individual who is trained on disability or civil rights issues. In undertaking the investigation, the ADA Coordinator or investigator may interview, consult with and/or request a written response to the issues raised in the grievance from any individual the investigator believes to have relevant information, including but not limited to faculty, staff, students, and visitors to Southern University and A&M College. All parties will have an opportunity to provide the investigator with information or evidence that the party believes is relevant to his or her grievance. All parties involved will receive a fair and equitable process and be treated with care and respect. The investigator will respect the privacy of all parties.

Step 3:

The investigation will be completed within thirty calendar days of the filing of the written complaint. At the request of the grievant, the ADA Coordinator will determine whether the formal grievance process can and should be expedited.

VI. Findings and Notification

Within five working days of the completion of the investigation, the investigator will make a recommendation regarding appropriate actions to be taken. The investigator will summarize the evidence that supports the recommendation, and the grievant will be advised in writing of the outcome of the investigation.

VII. Appeal

Within five calendar days of receiving the determination from the ADA Coordinator, the grievant or the party against whom the grievance is directed, if any, may appeal the determination. To appeal, the party must file a written request for review with the Section ADA Coordinator. The written request for appeal must be based on the grounds of improper procedure, or new evidence that was unavailable at the time of the investigation. The ADA Coordinator will refer this appeal to the Associate Vice Chancellor of Equity, Inclusion, and Title IX if the individual appealing the decision establishes standing for the appeal consideration. If the desired outcome is not achieved, a written appeal may be filed with the Office of the President-Chancellor.

The ADA Coordinator will provide the person appealing with a copy of the appeal written decision within five calendar days of the filing of the appeal. The appeal decision will be the final determination of the Southern University and A&M College.

The individual also may file a complaint with the U.S. Department of Education, Office of Civil Rights, at any time before, during or after the University's ADA grievance process.

VIII. Recordkeeping

SUBR must maintain, for seven (7) years, records of:

1. Each ADA investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript required, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to the education program or activity;
2. Any appeal and the result thereof;
3. Any informal resolution process and the result therefrom; and