

## **ADA/Section 504 Student Grievance Procedure**

As provided in its Nondiscrimination and Equal Employment Opportunity and Accommodations for Disabilities policies, and in compliance with federal and state laws and regulations, the Institute does not discriminate on the basis of disability in administration of its education-related programs and activities, and is committed to providing equal education opportunities for otherwise qualified students with disabilities. The Institute's policies are found at <http://hr.caltech.edu/services/policies>.

Dr. Barbara Green, Associate Dean of Students and the Section 504 Coordinator, is responsible for coordinating the accommodation process for undergraduate and graduate students.

### **ADA/Section 504 Grievance Procedure**

The Institute has both informal and formal mechanisms for undergraduate and graduate students 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 an Institute practice or requirement, or denial of a request
- Inaccessibility of a program or activity;
- Violation of privacy in the context of a disability.

This grievance procedure will apply in place of the Student Problem Resolution Process for students' disability-related grievances. The Institute's Unlawful Harassment policy applies to concerns related to harassment based on disability. Questions of applicability will be decided by the Section 504 Coordinator.

### **Informal Process**

If a student has concerns about a disability-related issue, the student should, in general, first discuss the matter with the Section 504 Coordinator, or with the individual(s) most directly responsible, such as the faculty or Student Affairs staff member, who has made a determination regarding the student's disability-related issue. If the student chooses to speak first with the individual(s) most directly responsible, but the discussion does not yield an outcome acceptable to the student, or if the circumstances of the complaint are such that it would be inappropriate for the student to contact the individual responsible, the student should consult with the Section 504 Coordinator, who will attempt to facilitate a resolution.

If the Section 504 Coordinator is not successful in achieving a satisfactory resolution, generally within ten working days from the date of the student raised the disability-related issue, the Section 504 Coordinator will inform the student of her/his efforts, and the student's right to file a formal grievance.

If interim safety measures, administrative and/or academic changes are needed in order to protect the

student while the student's grievance is being considered, the Section 504 Coordinator will recommend measures to an administrator, such as the Provost, EOD Director, Deans, Associate Deans or Director for Human Resources at JPL, who will be responsible for implementing appropriate measures.

The student is not required to use the informal process and may choose to submit a formal grievance at any time.

### **Formal Grievance**

A grievance must be filed with the Dean of Students for undergraduates or with the Dean of Graduate Studies for graduate students normally during the term in which the concern arose, but no later than ten days after the end of the term. 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
- A statement of the requested remedy, e.g. requested accommodation

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

The Dean or his or her designee will review the grievance for timeliness and appropriateness under this grievance procedure, notify the grievant if the grievance has been accepted, and provide a copy of the grievance to the individual against whom the grievance has been made, if any.

The Dean or his or her designee will select an investigator who will promptly initiate an investigation. The investigator will be an individual who is familiar with disability issues. In undertaking the investigation, the 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 faculty, staff, and students. 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 process and be treated with care and respect. The investigator will respect the privacy of all parties.

Both the student and the party against whom the student has filed the grievance, if any, will be informed that Caltech will not tolerate retaliation, will take steps to prevent retaliation, and will take strong responsive action if retaliation occurs. Any individual will be advised to notify Caltech immediately if any retaliation occurs. They should immediately notify the Section 504 Coordinator, an Associate Dean, or the Dean any of the individuals to whom a complaint can be made if anyone associated with the matter is being subjected to retaliation.

Each party may have an adviser or support person present when reporting, or responding to, claims of disability-related issues. However, the proceeding is an internal Caltech function and, therefore, the presence of legal counsel is not permitted by anyone during the conduct of these procedures.

If the grievance involves a faculty member, the Dean will inform the Provost of the grievance, the determination by the investigator, and any appeal. If the grievance involves a staff member, the Manager of Employee and Organization Development at campus or the Director for Human Resources at JPL, similarly will be notified.

The investigation will be completed within thirty working days of the filing of the written complaint. This deadline may be extended by the Dean for good cause (including but not limited to summer or winter break). At the request of the grievant, the Dean will determine whether the formal grievance process can and should be expedited.

### **Findings and Notification**

Within ten working days of the completion of the investigation, the investigator will make a recommendation to the Dean regarding appropriate actions to be taken. The investigator will summarize the evidence that supports the recommendation.

The Dean will make a determination regarding the complaint and, if appropriate, take prompt action to remedy the concerns raised by the grievant.

Possible remedies under this grievance procedure include measures to provide a reasonable accommodation, or to provide accessibility.

### **Appeal**

Within ten calendar days of receiving the determination from the Dean, 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 Vice President of Student Affairs. A copy of the appeal will be provided to the other party, if any.

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 Vice President of Student Affairs will provide the person appealing with a copy of his/her written decision within ten working days of the filing of the appeal. This decision also will be provided to the other party, if any. The deadline may be extended by the Vice President of Student Affairs for good cause (including but not limited to reasons related to breaks in the academic calendar). The decision of the Vice President for Student Affairs on the appeal will be final.

The student also may file a complaint with the U.S. Department of Education, Office of Civil Rights, at any time before, during or after the Institute's 504 grievance process.