

# Grievance Procedure – Office of Academic Accessibility

In compliance with the Americans with Disabilities Act (ADA), Messiah University does not discriminate against students or employees with disabilities. Efforts are made to arrange effective accommodations for any qualified person. Messiah University is committed, not only to the legal requirements of the ADA, but to the moral and ethical responsibility to treat all members of the community with fairness.

Any university student who believes that he or she has been subjected to discrimination on the basis of disability, or has been denied access or accommodations required by law shall have the right to invoke the Grievance Procedure. This Grievance Procedure is designed to address disagreements or denials regarding requested services, accommodations, or modifications to college academic practices or requirements. Retaliation of any kind against a complainant is strictly prohibited.

The Grievance Procedure is not intended and shall not supersede other university policies and procedures, which may exist for addressing alleged violations of ADAAA and/or Section 504, and other issues of concern for which separate college policies and procedures exist, including for example, grade appeals. Students are encouraged to consult with the Director of Academic Accessibility to address a particular concern.

## Procedures for Addressing Concerns about Accommodations

1. Students with disabilities are responsible for contacting the Director of Academic Accessibility to request reasonable accommodations. The Office of Academic Accessibility is located in Murray Library 115. The Director of Academic Accessibility can be reached by telephone at (717) 796-5382 or by email at [aslody@messiah.edu](mailto:aslody@messiah.edu).
  - A. If the student believes reasonable accommodations are not granted or implemented in an effective and timely manner, students shall verbally bring their grievances to the Director of Academic Accessibility.
  - B. If faculty objects to approved accommodations they shall notify the Director of Academic Accessibility of their objection of accommodations in person, by telephone or email within a reasonable time (2 business days) of receiving the student's accommodation letter.

In option A or B, the Director will attempt conflict resolution at the lowest level possible and move forward when necessary to the next appropriate level. In this stage, the Director may:

- a. Talk with the student to better understand the need for the requested accommodation;
  - b. Request additional documentation supporting their need for an accommodation;
  - c. Request the student to informally discuss the grievance with the faculty member who is directly involved in denying the accommodation. The student may choose to be accompanied by a support person such as a counselor, an academic advisor, or an OAA representative during this discussion.
  - d. Personally contact the faculty member refusing to afford the accommodation to request a written response as to why the requested accommodation is not being permitted in class. If the result of this consultation is not to the satisfaction of the faculty member where they believe approval of the accommodation is warranted, the faculty member will be required to submit to OAA written justification for objection of the accommodation with supporting documentation within 5 business days from consult with OAA. Such documentation will state with specificity why allowing the accommodation will fundamentally alter the nature of the program/course. The documentation shall be signed by the faculty member rejecting the accommodation and another faculty member from his/her department. Within 2 business days of receipt of the documentation outlining why such an accommodation is not granted, the OAA Director will notify the student. The student will be given information on how to appeal the decision of the faculty member.
  - e. If no resolution is reached at Step 2, the student moves to Step 3.
- C. Resolution with Department Head or Immediate Supervisor. If the grievance is not resolved directly with the faculty member, the student shall discuss the grievance and seek a resolution with the faculty member's department head (or immediate supervisor). The student shall submit an accommodation appeals form to the Director of Academic Accessibility. The Director of OAA will then send that form to the Department head within 2 business days of receipt. Absent exigent circumstances, a meeting shall be set up between the student and Department head within 5 days of initial receipt of the Accommodations Appeal form. The student may choose to be accompanied by a support person during these discussions. Within 5 days of meeting with the student, the Department head shall issue a letter to student and OAA outlining why the requested accommodation was or was not approved.

If the grievance is not resolved between the Director of Academic Accessibility and or the Department Head, the student moves to Step 4.

4. A student can appeal:

If a student wishes to appeal a decision of the Director of Academic Accessibility or Department head, she/he must file a written appeal with the Associate Dean of Students within ten days of receipt of the decision issued by the Department head or the Director of Academic Accessibility. The appeal must state the following:

- Your name.
- Name and title of the person(s) against whom the original grievance was filed.
- Your current address and phone number.
- Copies of the original statement of grievance, the response by the person against whom it was filed, supporting documents, as well as a statement of what remedy is being sought.
- Summary of grievance proceedings held at the unit level and the decision(s) rendered at that time.
- Statement of why the previous decision may be in error.

Upon receiving a written appeal, the Associate Dean of Students (“ADS”) shall determine whether or not he is able to preside over the matter without bias. If he can not, he shall assign a mutually agreeable person to partake in this task. The ADS or other mutually agreed upon person shall then decide if the appeal has merit (sufficient grounds) and should move forward. If it does not have merit, the ADS shall issue a letter to the student within 5 days of receipt of the complaint denying an appeal. If it does have merit, the ADS will select three members to serve as a hearing committee. At least one member on the committee shall have knowledge about the student’s specific diagnosis and the subject matter involved. This knowledge can be shared by the committee members.

The hearing committee shall meet and select a chair to issue the notice for hearing and the written recommendation to the ADS.

Within fifteen days of the receipt of the student’s appeal, the student shall be sent notification of the time and place of the hearing by the committee chair no later than five days prior to the hearing.

All parties have the right to issue an opening and closing statement no more than 5 minutes in length.

All parties have the right to present evidence on their behalf. Any new evidence introduced in the appeals process must be on file with the ADS one week prior to the student’s scheduled hearing. All new materials will be distributed to both parties involved in the appeals process at that time.

Each party may call witnesses to present evidence. Each party shall have the right to examine any witness called by the opposing party. If a witness is unable to appear, the committee may allow depositions. If the presence of a witness is required to ensure fairness to all parties and the witness is physically unable to attend, the hearing will not be postponed. Rather, while testimony of such witnesses by audio recording, by

telephone conference, by letter, by facsimile, by email, or by video conferencing is considered less viable, it may be allowed.

The decision will be based on the preponderance of the evidence.

The hearing committee arrives at a decision on the basis of a simple majority. The recommendation of the committee is relayed in writing to the ADS within fifteen days of the conclusion of the hearing.

The ADS may appoint a designee to assume his/her responsibilities pertaining to all matters relating to a grievance appeal.

The hearing committee, as described above, is not expected to meet during the first two weeks nor the last two weeks of a semester, nor will it usually meet during vacation periods or summer. During these times, an administrative hearing officer chosen by the ADS may substitute for the committee, or the ADS may choose to hear the case alone.

The ADS makes the final decision and notifies the student, in writing, of the decision within fifteen days of the receipt of the committee's recommendation or upon hearing the case.

In order to expedite the process, the student may request to forgo the hearing and have the ADS make the final ruling based on written submissions.

*8/23/12*

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