

A. POLICY STATEMENT

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). Title III states, in part, that "no qualified individual with a disability will, by reason of such disability, be excluded from the participation in or be denied the benefits of services, programs, or activities of a public entity or be subjected to discrimination by any such entity." This procedure may be used by any student, employee, or visitor of Stephens College alleging a violation of the Americans with Disabilities Act.

Please note that the following grievance procedure timeframes may be altered due to the College's summer and holiday break hours.

B. FILING A COMPLAINT

A complaint, which must be registered with the College's ADA/Section 504 Coordinator, should be made in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the alleged violation as well as describe a possible remedy (relief) for resolution. The College asks that this information be recorded on the Grievance Form (see attached); however, alternative means of filing complaints will be made available for persons with disabilities upon request. The following is contact information for the College's ADA/Section 504 Coordinator; the form can be sent via mail, e-mail, and/or fax—or delivered in person to the Coordinator:

Sady Mayer Strand
ADA/Section 504 Coordinator at Stephens College
Campus Box 2111
1200 E. Broadway
Columbia, MO 65215
573-876-7240
smayer@stephens.edu
Fax: 1-800-672-4318

- i. The grievance should be submitted by the complainant as soon as possible but no later than thirty (30) business days after the alleged violation; however, the College encourages employees, students, and visitors to register a complaint as soon after the alleged discrimination as possible to enable a fair and quality investigation. (A business day is defined for the purposes of this procedure as any day in which the College's administrative offices are open. Summer hours and holiday break hours may cause variance in the Procedure timeframe.)
- ii. Within ten (10) business days after receipt of the grievance, the ADA/Section 504 Coordinator will meet with the complainant to discuss the complaint and the possible resolutions. During this meeting, the ADA/Section 504 Coordinator will provide the complainant with a copy of the College's procedures for handling ADA grievances and discuss these procedures to ensure the complainant understands the process. This will include outlining options available to the complainant, the procedures for the College's investigation and grievance hearing, and the possible outcome of such hearing and investigation. (If the ADA/Section 504 Coordinator is involved in the complaint or unavailable to complete either the informal or formal grievance procedures, a designee will assume the role of the ADA/Section 504 Coordinator.)

C. INFORMAL PROCEDURE

- i. The ADA/Section 504 Coordinator will attempt to resolve allegations of ADA violations independently as a first step in the resolution process. The goal of the informal procedure is to resolve concerns at the earliest stage possible, with the cooperation of all parties involved. The ADA/Section 504 Coordinator will act as a mediator and assist the complainant in seeking resolution through the appropriate College channels. Informal resolution may include inquiry into the facts, but typically does not include a formal investigation. This should take no more than thirty (30) business days, except in extraordinary circumstances.
- ii. If the matter is resolved informally to the satisfaction of all parties, the ADA/ Section 504 Coordinator will maintain records of the informal procedure for three (3) years.

D. FORMAL PROCEDURE

- i. If a satisfactory resolution of the grievance cannot be reached through the first step, the complainant may request a hearing by the ADA Hearing Panel, which will be selected from among the members of the ADA Committee—and possibly from other members of the campus community if members of the Committee have to recuse themselves due to conflicts of interest. The request must be made in writing within five (5) business days after the ADA/Section 504 Coordinator completes the resolution attempt.
- ii. To be eligible to serve on the ADA Hearing Panel, a panel member must complete training beforehand in the Hearing Panel process and have no conflict of interest in the complaint. In the case of a conflict of interest, another member will be selected.
- iii. The Hearing Panel will elect a chair by majority vote. He or she will serve as the convener of the Panel.
- iv. The ADA/Section 504 Coordinator notifies the ADA Committee of a hearing request and provides relevant documentation to the members. After the Hearing Panel is selected, the Panel Chairperson, in consultation with panel members, will designate a hearing date and time. Except in extraordinary circumstances (including failure of the complainant and/or key parties to attend the hearing), the date of the hearing will be within ten (10) business days of the filing of the request.
- v. The Panel Chairperson will notify both the complainant and respondent of the date, time, and place of the hearing in writing (or by alternative means upon request) no fewer than five (5) days prior to the hearing date. At this time, both the complainant and respondent will be notified of their right to produce witnesses and present documentation supporting or negating the alleged discrimination. If the complainant is a student, he or she will also be notified of his/her right to be assisted by and accompanied by a support person, who can be either internal to the college community or external to the college; the support person does not take part in the actual hearing proceedings; the person's sole purpose is to provide support. (If the student does not have a relationship with someone who could fulfill that role, the College will appoint such an individual upon request. The support person will not be permitted to testify, serve as a witness, or provide a statement on behalf of the complainant, though he or she may converse with the complainant privately during the proceedings.) The complainant will be asked to submit the names of any witnesses and support persons to appear at the hearing at least three (3) business days prior to the hearing date. If persons are called to give testimony or serve as

- support, the Panel Chairperson will notify them of the date, time, and place of the hearing at least two (2) business days prior to the hearing date.
- vi. Any student, employee, or visitor needing accommodations for this hearing will make the request for such accommodations to the ADA/Section 504 Coordinator at least two (2) business days prior to the hearing. In the event that a necessary accommodation cannot be provided by the College by the date of the hearing, the hearing will be rescheduled for an alternate day.
 - vii. During the hearing, the Panel will review the complaint and conduct an investigation, which will include a meeting with the complainant and respondent as well as any witnesses if appropriate. Hearings will be conducted in private to ensure confidentiality. The Panel Chairperson will inform the panel members, complainant, respondent, witnesses, and support person that they must observe strict confidentiality throughout the proceedings and any subsequent grievance process. All information associated with the proceedings is completely confidential; students or employees believed to have violated confidentiality will be subject to disciplinary action.
 - viii. The hearing will be informal and need not adhere to procedural rules or technical rules of evidence followed by courts of law. However, the Panel Chairperson will determine the appropriateness of all evidence and testimony as well as the relevance of all questions.
 - ix. A detailed record of the hearing will be maintained, and the Panel will determine the method of recording. This will be kept on record at the College for at least three (3) years.
 - x. Hearings will proceed in the following order, with the Panel Chairperson presiding:
 - a. The Panel Chairperson reads the charges.
 - b. The complainant gives his/her statement of position with respect to the charges.
 - c. The respondent presents evidence privately and answers questions from the ADA Hearing Panel.
 - d. The complainant presents evidence privately and answers questions from the ADA Hearing Panel.
 - e. Both parties give brief closing statements.
 - f. The ADA Hearing Panel deliberates. (The deliberation process will take no longer than five (5) business days).

E. RESOLUTION AND APPEALS

- i. No later than fourteen (14) business days after the conclusion of a hearing and subsequent deliberation, the Panel Chairperson will transmit the Panel's findings and determinations in writing to the complainant, the respondent, and the ADA/Section 504 Coordinator. Where appropriate, the findings and determinations will be delivered in a format accessible to the complainant. The response will explain the position of Stephens College and offer options for a resolution.
- ii. If the Panel's response does not satisfactorily resolve the issue, either or both parties may appeal the decision within five (5) business days after receipt of the response to the College President's designee, who will serve as the Appellate Officer. The request for appeal must contain the rationale for the appeal, documentation if appropriate, and a requested remedy. The Appellate Officer may request in writing additional information or documentation from the Hearing Panel, who shall provide it only after notification to the appellant. The scope of the Appellate Officer's review will be limited to 1) determining whether a fair hearing was provided and 2) determining whether the resolution was just.

The Appellate Officer may approve, reject, or modify the decision in question. Hearings and oral presentations will be conducted at the discretion of the Appellate Officer. When possible, such hearings and presentations should be completed within five (5) business days of the Appellate Officer's receipt of the appeal. All appeals shall be decided within ten (10) business days of the Appellate Officer's receipt of the written appeal or when hearings or oral presentations are held, within fifteen (15) business days of their completion. The Appellate Officer shall notify the appellant, the ADA/Section 504 Coordinator, and the Hearing Panel in writing of all decisions.

- iii. The decision on appeal is final; however, if the complainant is a student and is not satisfied with the decision above, upon request, the College will furnish to the complainant transcripts of the process which the complainant may forward to other appropriate federal, state, or local agencies, as is the student's right under ADA.
- iv. All written complaints received by the ADA/Section 504 Coordinator, the appeals to the President's designee, and the responses from these two offices as well as the hearing documents will be retained by Stephens College for at least three (3) years.

F. FORMS

Available online at XXXXX

or

ADA/Section 504 Coordinator at Stephens College
Campus Box 2111
1200 E. Broadway