

GRIEVANCES UNDER THE AMERICANS WITH DISABILITIES ACT

Members of the public, students or employees who believe they have been treated unfairly or unlawfully regarding the provisions of the Americans With Disabilities Act (Public Law 101-336) may file a grievance.

See following pages for procedure.

Cross Reference 5430H
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Members of the public, students or employees who believe they have been treated unfairly or unlawfully regarding the provisions of the Americans With Disabilities Act (Public Law 101-336) may file a grievance. The Americans With Disabilities Act is hereinafter referred to as the ADA.

General

Individuals may file a grievance with the College President via the ADA Grievance Committee. The College will grant release time, if necessary, to employees involved in the grievance procedure. The College will pay for any administrative costs associated with processing the grievance.

ADA Compliance Coordinator

The Vice President for Administrative Services is appointed as the College's ADA Compliance Coordinator. The primary responsibilities of the ADA Compliance Coordinator include helping college employees understand the ADA requirements as they apply to members of the public, students and employees, helping to resolve concerns associated with the ADA, and serving as the key institutional contact person regarding compliance with the ADA.

Informal Resolution

Individuals must first attempt to resolve the problem informally with appropriate College officials. The ADA Compliance Coordinator should be involved in this effort. Should the grievance not be resolved satisfactorily via this informal method, then a formal grievance may be filed as outlined below.

STEP 1: FILING A FORMAL GRIEVANCE

Individuals must file a formal grievance with the Vice President for Administrative Services within 30 calendar days after the act or omission that caused the dissatisfaction to occur or within 30 days after the grievant knew (or reasonably should have known) of this act or omission. A grievance submitted after the 30 day limit will not be considered.

Grievants must complete and return a college ADA Grievance Form to the Vice President for Administrative Services. Forms may be obtained in the Human Resources Office.

In connection with this procedure, neither party (College nor the grievant) will be allowed the use of legal counsel during the hearing conducted by the Grievance Committee or during any meetings attended by both parties.

STEP 2: FORMATION OF ADA GRIEVANCE COMMITTEE

The Committee will be formed and will meet at the earliest practical date, will be ad hoc in nature and will consist of five (5) members. The grievant shall submit to the College President a list of five individuals. From this list, the College President shall select two individuals to serve on the Committee. Independently, the College President shall appoint the remaining three individuals to serve on the Committee, one of whom must have some recognized expertise or significant level of knowledge about the nature of the handicap of the grievant, if applicable, or about the ADA requirements. After receiving the list of names from the grievant, the President has 5 days to appoint committee members and notify the committee members of their appointment.

The Committee shall select a chairperson from its membership at the first meeting which must occur within 10 days after committee members have been notified of their appointment.

STEP 3: COMMITTEE'S REVIEW OF THE GRIEVANCE

The ADA Grievance Committee will hear the grievance, keep a record and issue written findings and recommendations to the College President. The grievant will be allowed to present his/her case to the Committee in person and will be allowed to have other individuals in attendance (except legal counsel) speak on his/her behalf. The Committee may consult with various individuals as felt necessary to assist in making a decision on the grievance. The ADA Grievance Committee must complete its review and send its findings and recommendations to the College President within 15 days after its first meeting. The findings and recommendations will be sent to the College President, the ADA Compliance Coordinator, the grievant and other appropriate individuals.

STEP 4: PRESIDENTIAL REVIEW

After receiving the Committee's findings and recommendations, the College President will rule on the grievance within 14 days after having received the findings and recommendations. His/her decision is final. A copy of the decision will be sent promptly to the Committee members, the ADA Compliance Coordinator and to the grievant.

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