

# Student Grievance Procedure

## Resolving Student Complaints under the Americans with Disabilities Act and the Rehabilitation Act of 1973

### Purpose and Scope

Kenyon College prohibits discrimination on the basis of disability. The purpose of this procedure is to provide a prompt and equitable process for resolving student disability discrimination grievances. Faculty, Staff, and Visitor grievances are not within the scope of these procedures and should be submitted pursuant to the separate Grievance Procedure relating to complaints under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 as set forth in the Employee Handbook. Nothing in this procedure replaces any other College policy or procedure.

### Definitions

A. *Grievance*: Grievance means a complaint alleging any policy, procedure or practice that would be prohibited by federal regulations implementing Section 504 of the Rehabilitation Act of 1973, as amended, and the ADA.

B. *Grievant*: Grievant means a student (or applicant) who submits a grievance relevant to the Rehabilitation Act of 1973.

C. *Respondent*: Respondent means any Kenyon College officer, administrator, faculty, employee, or staff member acting in his or her official capacity and alleged to be responsible for the violation(s) alleged in a grievance.

### Filing of Grievance

A. *Eligibility for Filing*: Any Kenyon College student or applicant may file a grievance relating to any allegation of discrimination, harassment, and/or retaliation under the Rehabilitation Act of 1973.

B. *Informal Pre-Grievance Meeting*: Prior to the filing of a written grievance, the grievant is strongly encouraged to discuss his or her their concerns in a pre-grievance meeting with the respondent(s) alleged to be directly responsible for the possible violation(s) in an effort to seek an informal resolution. When a matter cannot be resolved informally, or if a student prefers to file a formal grievance, a written grievance must be submitted to the College's Title IX/Section 504 Coordinator located at Eaton Center, 209 Chase Avenue, Gambier, OH 43022.

### Grievance Procedure

A. *Grievance Submission*: All grievances shall be submitted in writing and shall provide the following information:

(1) Name(s), address(es) and telephone number(s) of grievant(s);

- (2) The nature, date and a detailed description of the alleged violation(s);
- (3) The name(s) of the person or persons responsible for the alleged violation(s);
- (4) The specific requested relief or corrective action; and
- (5) Any background information the grievant(s) believe(s) to be relevant.

- B. *Timing of Grievance Submission:* A formal grievance must be filed within 30 calendar days of the date upon which the grievant(s) become(s) aware of the alleged prohibited action(s). Complaints received later than 30 calendar days after complainant(s) became aware of the alleged violation(s) will be dismissed as untimely.
- C. *Notification of Respondent(s):* Upon receipt of a grievance, the College's Title IX/Section 504 Coordinator shall send the respondent(s) a copy of the grievance and ask the respondent(s) to prepare a response within 14 calendar days. The respondent(s) will be specifically instructed not to retaliate against the grievant(s) in any way. Unlawful retaliation will subject the respondent(s) to disciplinary action. The response should include any denial, in whole or in part, of the charges.
- D. *Investigation:* The Section 504 Coordinator (or his/her designee) shall conduct a prompt and impartial investigation of the grievance. The investigation shall afford interested persons, including the grievant(s) and respondent(s) an opportunity to identify witnesses to be interviewed and/or submit evidence relevant to the grievance. The Section 504 Coordinator will maintain the files and records of the College relating to such grievances and will maintain the confidentiality of the grievant(s) to the degree possible given the nature of the grievance.
- E. *Decision:* The Section 504 Coordinator will issue a written decision on the grievance to the grievant(s) and respondent(s) no later than 30 calendar days after its submission.
- F. *Appeal:* If the grievance is not satisfactorily resolved by the decision of the Section 504 Coordinator, the grievant(s) may appeal the decision by submitting a written appeal to the Dean of Students within 14 calendar days of receiving the decision. The Dean of Students shall issue, to the grievant(s) and respondent(s), a written decision in response to the appeal no later than 30 calendar days after its filing. The decision of the Dean of Students shall be final.
- G. *Alternatives for Conflict Circumstances:* In the event that the Title IX/Section 504 Coordinator is central to the grievance, the grievance should be submitted to the Director of the Office of Student Rights and Responsibilities. Upon receipt of the grievance, the Director of the Office of Student Rights and Responsibilities, shall send the respondent(s) a copy of the grievance and ask for the response detailed in Paragraph C above. The Director of the Office of Student

Rights and Responsibilities shall conduct a prompt and impartial investigation of the grievance as required by Paragraph D above, issue the written decision required by Paragraph E, and maintain the files as required. Appeals of investigations conducted under this paragraph shall be submitted to the Dean of Students within 14 calendar days of receipt of the decision. However, if the Dean of Students is central to the grievance, a written appeal shall be made within 14 calendar days to the Provost. The timelines for such appeal will be governed by Paragraph F. The decision of the Dean of Students or Provost, when appropriate, shall be final.

- H. *OCR Filing:* An individual is not required to file a grievance with the College and may file a complaint with the U.S. Department of Education's Office for Civil Rights at any time.
- I. *Corrective Action:* In the event that an act of discrimination, harassment, and/or retaliation under the ADA or the Rehabilitation Act of 1973 is found to have occurred, a written decision issued under Paragraph D and/or E above will be provided to grievant(s) and notify grievant(s) that appropriate corrective and remedial measures will be undertaken by the College.
- J. *Reconciliation:* Nothing in these procedures is intended to prevent the grievant(s) and respondent(s) from resolving their grievance amicably by signing a written statement of agreement and submitting it for review and approval by the Section 504 Coordinator or the Director of the Office of Student Rights and Responsibilities, if appropriate. If the agreement is approved, the pending grievance shall be deemed dismissed.