

## Office for Accessible Education

# Grievance Procedure

The Office for Accessible Education (OAE) strives to provide equal access and reasonable, appropriate assistance and services to qualified students with disabilities. If a student is dissatisfied with OAE policies or procedures, or with decisions made regarding disability status or accommodations, the student is encouraged to resolve the matter by speaking with their Accessibility Coordinator or the Director. Equitable resolution of the matter between the parties should be sought through this discussion. If, after speaking with an Accessibility Coordinator or the Director, the student is still dissatisfied, they should initiate the informal dispute resolution procedure (if the student's specialist is the Director of OAE, the student should bypass the informal and initiate the formal dispute resolution procedure). If the student is dissatisfied with the outcome of the informal procedure, and at least one of the criteria for appeal has been met, they should initiate the formal dispute resolution procedure.

### INFORMAL PROCEDURE

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To file a complaint related to academic accommodations, contact the Director of OAE and outline the complaint in dispute as listed below. All informal complaints will be reviewed within ten (10) working days. All informal complaints should be submitted in writing, and should include the following information:

- Name, address, and phone number of complainant
- Date(s) of alleged incident
- Parties involved
- Witnesses (if applicable)
- Specific description of allegations of discrimination and impact of alleged incident on the learning process
- Signature of complainant

For complaints related to non-academic program accommodations, contact the Program Director or Department Chair of the program involved.

### FORMAL PROCEDURE

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(to be followed if the above procedure does not result in satisfactory results and at least one criteria for appeal is met)

A formal grievance must be filed within ten (10) days of the decision or incident for consideration by:

*Office of the Provost  
Marquette Hall 221  
(504) 865-3034*

The Office of the Provost coordinates the ADA-related review committee. This committee consists of a representative from the Provost's office, a faculty member, a student, and a representative from the Dean's office of the College or School in which the student is enrolled. All formal complaints will be reviewed by the committee within 30 days.

## Criteria for Appeal

A request for appeal of the informal decision will be considered if at least one of the following criteria for appeal is met:

- Procedural irregularities sufficient to affect the determination of the review committee and/or the decision of the Director of OAE or designee. The review committee and the Director of OAE or designee are expected to conduct themselves in accordance with their policies and procedures. Deviations from those policies and procedures that render their actions fundamentally unfair constitute a sufficient basis for an appeal. Procedural irregularities that are considered by the review committee to be harmless and did not, in the judgment of the committee, adversely affect the process, are not a basis for upsetting the determination of the review committee and/or the decision of the Director of OAE or designee. The student must describe how the procedures were not followed and how the conduct meeting was not conducted fairly in light of the allegations and information provided.
- New evidence that was not reasonably available for presentation during the investigation to the review committee, the introduction of which could reasonably be expected to affect the determination of the committee. All available evidence, including testimony of witnesses, is expected to be presented to the review committee. Only on that basis can the committee render fair and reasonable decisions. A student who seeks to introduce new evidence has the burden of demonstrating that the evidence was not reasonably available at the time of the original process, and that the introduction of such new evidence can be reasonably expected to affect the determination of the committee. If the committee determines that the student has satisfied this burden, the committee will reconsider the case in light of the new evidence. The student must submit, provide and describe the new and relevant information and explain why it was not available at the time of the original complaint.
- The student's specialist is the Director for Accessible Education.

## Consideration of Request and Determination of Appeal

- The committee will review the appeal request(s). The original finding and responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final.
- Where the committee finds that at least one of the grounds is met, and proceeds, additional principles governing the review of appeals include the following:
  - Appeals decisions by the committee are to be deferential to the original decision, making changes to the finding only where there is clear error and to the responsive action only if there is a compelling justification to do so.
  - Appeals are not intended to be a full rehearing of the complaint. In most cases, appeals are confined to a review of the written documentation or record of the original complaint, and pertinent documentation regarding the grounds for appeal.
  - The Office of the Provost will normally, after conferring with the review committee, render a written decision on the appeal to all parties within 5 business days from review of the appeal.
    - Once an appeal is decided, the outcome is final: further appeals are not permitted.
- Any student has the right to file a complaint with the Office of Civil Rights of the U.S. Department of Education. The office will investigate and issue a Letter of Findings either supporting the student or the institution. To file a complaint with the Office of Civil Rights, please contact:

U.S. Department of Education  
Office for Civil Rights  
Lyndon Baines Johnson Department of Education Bldg  
400 Maryland Avenue, SW  
Washington, DC 20202-1100

Telephone: 800-421-3481  
FAX: 202-453-6012; TDD: 800-877-8339  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Website: <https://www2.ed.gov/about/offices/list/ocr/index.html>
- Retaliation against any persons filing a complaint is prohibited under state and federal law.