

UA 504/ADA STUDENT GRIEVANCE PROCEDURE

I. Policy Statement

The University of Arkansas, Fayetteville (University), is committed to a policy of ensuring that no otherwise qualified individual with a disability is excluded from participation in, denied the benefits of, or subjected to discrimination in University programs or activities due to their disability. The University is fully committed to complying with all requirements of the Americans with Disabilities Act of 1990 (ADA); the ADA Amendments Act (ADAAA) of 2008; and the Rehabilitation Act of 1973 (Section 504) as amended, and to providing equal educational opportunities to otherwise qualified students with disabilities.

In accordance with [Academic Policy 1520.10](#), the University of Arkansas seeks to provide students with disabilities the opportunity to participate fully in its educational programs. In keeping with this philosophy, it is University policy that students with documented disabilities receive reasonable accommodations when they request them to meet program and course requirements.

II. Scope and Application of Grievance Procedure

Any University student who believes that they have been denied access or accommodations required by University policy shall have the right to invoke this Grievance Procedure. In general, this Grievance Procedure is designed to address:

- **ACCOMMODATIONS & SERVICES:** This procedure may be used by students with disabilities to resolve complaints about denial of accommodations, decisions regarding eligibility for accommodations, determinations of specific appropriate accommodations or provision of accommodations.
- **COURSE SUBSTITUTIONS:** This procedure may be used by students with disabilities at the conclusion of any grievance procedure and appeal(s) within the college or school, if a student believes they have been denied a course substitution in violation of University policy, or alternatively, if no such grievance procedure exists within the college or school.

This Grievance Procedure, however, is not intended and shall not supersede other University policies and procedures that may exist for addressing alleged violations of the Americans with Disabilities Act and/or Section 504 of the Rehabilitation Act or other issues of concern for which separate University policies and procedures exist, including, for example, discrimination or grade appeals. Students are encouraged to consult with the Director of the Center for Educational Access, the Director of Accommodation and Accessibility Services in the Office of Equal Opportunity and Compliance (OEOC), or their respective designees regarding the most appropriate University policy or procedure to address a particular concern.

IMPORTANT:

Students seeking to report discrimination, discriminatory harassment or inappropriate conduct on the basis of a disability, or to report the inaccessibility of a University program or activity, shall follow the complaint procedures established by the University consistent with [Fayetteville Policies and Procedures 214.1](#) and submit the Complaint Form to the OEOC Director of Accommodation and Accessibility Services or designee via the [OEOC website](https://oeoc.uark.edu/) at <https://oeoc.uark.edu/>.

III. Procedures

Regardless of the specific grievance procedure invoked by a student, all grievances must be filed within 30 days of the event or action giving rise to the student's complaint(s). As an initial matter, all grievances shall be reviewed to determine whether they are submitted within a timely manner and/or whether they contain all required information. The University shall not review a grievance that is untimely or fails to contain all required information, including a clear statement of all grounds for the grievance. To facilitate a clear and prompt resolution, once initiated, a grievance shall not be expanded beyond the issues presented in the student's initial statement. The University reserves the right to redirect a grievance to the proper grievance procedure or to any other appropriate review procedure.

During the Grievance Process, the student will be entitled to receive the academic accommodations/services offered, if any, by the University. The University recognizes the importance that the student's concerns be addressed promptly so that their participation in the course or activity is not affected.

A. Informal Grievance Procedure

With respect to any grievance covered under this procedure and as a prerequisite to initiating one of the formal grievance procedures described in Sections III.B. and III.C. below, a University student shall first attempt to resolve their grievance informally by meeting with the Director of the Center for Educational Access or designee. If the grievance is not resolved informally, then the student shall have the right to invoke the appropriate formal grievance procedure detailed below.

B. Formal Grievance Procedure for the Denial of Accommodations and Services

The Center for Educational Access (CEA) determines eligibility for accommodations and identifies reasonable accommodations through an interactive process. An otherwise qualified student with a disability, as defined by the ADA and Section 504, shall have the right to request a review of the denial of any requested academic accommodation or service (other than course substitutions, which are addressed in Section III.C. of this procedure) by fully complying with the procedure detailed below. This provision shall also apply to a student requesting an academic accommodation who believes they have been wrongly denied certification of a disability by the University.

1. To initiate the formal grievance procedure, the student shall fully complete a Grievance Form and forward it to the Director of the Center for Educational Access or designee within 30 days following the date of the denial of the requested academic accommodation or service. A student may obtain a copy of the [Grievance Form](#) on the Center for Educational Access [website](#) at <https://cea.uark.edu> or in Room 209 of the Arkansas Union. The student's completed Grievance Form must clearly state:
 - a) The basis and rationale for the grievance;
 - b) The specific facts and/or policies supporting the student's position;
 - c) The remedy and resolution desired by the student; and
 - d) All other information required on the form.

A timely grievance will not be considered to have been filed unless it includes all the required information. The student is solely responsible to supply all required information in the Grievance Form.

2. Upon receiving a timely grievance, the Center for Educational Access shall send a notice of acknowledgment of receipt to the student.

3. The Director of the Center for Educational Access or designee will notify the relevant department chair or program director and the CEA Grievance Panel ("Panel"), which is comprised of objective persons who collectively are knowledgeable about the academic and/or program area, any applicable licensing, accreditation and/or program requirements, the student's disability, and accommodation methods. The Panel is not limited exclusively to individuals from the department that provides the course or program.
4. During its review, the Grievance Panel will conduct an individualized and extensive inquiry and may ask the student to provide additional information so that the Panel can carefully and thoroughly reassess the initial determination(s) made. The Panel may request additional information and/or documents, including disability-related documentation, if necessary, to determine the extent of the student's limitations related to the course requirements. Each member of the Panel must maintain the confidentiality of the medical information examined. This information may be shared with other University employees only on a strict need-to-know basis. The Director of CEA or designee will work with the student through the accommodation grievance process and indicate what, if any, information the student will need to provide as part of the review.
5. The Grievance Panel will issue a decision providing the reasons for the decision, including identification of other accommodations discussed with the parties and considered by the Panel. This decision will be issued within fifteen (15) business days of CEA notification that the Panel process is being utilized. This timeframe may be extended for good cause, which includes but is not limited to the need to obtain additional medical documentation.

The Director of CEA or designee will issue a written Letter of Determination detailing the Grievance Panel's decision to the student and relevant faculty/staff member(s) and take any steps necessary to implement the decision, including, but not limited to, providing a copy of the Letter of Determination to appropriate University officials.

6. Within ten (10) days following receipt of the written Letter of Determination detailing the Grievance Panel's decision, if the student is dissatisfied with the Panel's decision, the student may submit a written appeal to the Director of Accommodation and Accessibility Services of the Office of Equal Opportunity and Compliance (OEOC) with a copy to the Director of CEA. The student's letter of appeal shall be in writing and must include the following information:
 - a) The name, address, e-mail address and phone number of the student;
 - b) The specific facts and grounds that form the basis for the student's appeal, including the specific basis of the student's disagreement with the Panel's Letter of Determination; and
 - c) All other information the student reasonably believes is relevant to the appeal.

A timely appeal of the Panel's Letter of Determination will not be considered to have been filed unless the student's letter of appeal includes all of the required information. Upon receiving the student's letter of appeal, the Director of CEA shall forward a copy of the original Grievance Form, the Panel's Letter of Determination, and all other records or documents forming the basis of the Grievance Panel's decision to the OEOC Director of Accommodation and Accessibility Services.

7. Upon receiving a timely appeal, the OEOC Director of Accommodation and Accessibility Services shall send the student a notice of acknowledgment of receipt of appeal.

8. The OEOC Director of Accommodation and Accessibility Services or designee shall review the entire written record, including the student's letter of appeal, the Grievance Form, the Panel's Letter of Determination and any additional records or documents forwarded by the CEA Director. The OEOC Director of Accommodation and Accessibility Services or designee, at their sole discretion, may also gather additional information necessary to the consideration of the student's appeal, including, but not limited to, interviewing individuals, including the student, who may possess relevant information. If requested, the student shall supply any additional information and/or documents as requested by the OEOC Director of Accommodation and Accessibility Services or designee.

The OEOC Director of Accommodation and Accessibility Services or designee will issue a written Final Grievance Response on the student's appeal within 60 days after receiving it, or as soon as possible thereafter. The OEOC Director of Accommodation and Accessibility Services shall provide the student with a copy of the Final Grievance Response and take any steps necessary to implement the decision, including, but not limited to, providing a copy of the Final Grievance Response to appropriate University officials.

9. The decision of the OEOC Director of Accommodation and Accessibility Services or designee shall be final and no additional University appeals shall be available.

C. Formal Grievance Procedure for the Denial of Course Substitution Pertaining to Disabilities

Consistent with [Academic Policy 1520.10](#), at the conclusion of any grievance procedure and appeal(s) within the college or school, if a student believes they have been denied a course substitution in violation of University policy, or alternatively, if no such grievance procedure exists within the college or school, then the student shall follow the grievance procedure provided in this Section III.C.

1. To initiate the grievance process for denial of course substitution, the student shall fully complete a Grievance Form and forward it to the Director of Accommodation and Accessibility Services or designee of the Office of Equal Opportunity and Compliance (OEOC) within 30 days following the date of the denial of the requested course substitution. A student may obtain a copy of the [Grievance Form](#) on the Center for Educational Access [website](#) at <https://cea.uark.edu> or in Room 209 of the Arkansas Union. Alternatively, the student shall prepare a written grievance that shall contain the following information:
 - a) The name, address, e-mail address, and telephone number of the student;
 - b) A detailed description of the basis and rationale for the grievance and a clear statement of any University rules, policies, and/or actions concerning or relating to the grievance;
 - c) All documents that the student believes support the grievance;
 - d) The specific date(s) of any action or event giving rise to the grievance;
 - e) The names of any individuals with knowledge of the issue(s) and/or matter(s) comprising the student's grievance;
 - f) Any actions taken by the student to resolve the issue(s) and/or matter(s) prior to initiating the grievance process;
 - g) The outcome desired by the student, including, but not limited to any suggested remedies or corrective actions; and

- h) All other relevant information the student reasonably desires to submit in support of their grievance.

A timely grievance will not be considered to have been filed unless the student's written grievance includes all the required information. The student is solely responsible to supply all required information in the written grievance.

2. The student's written grievance shall be submitted to the Director of Accommodation and Accessibility Services of the Office of Equal Opportunity and Compliance (OEOC).
3. Upon receiving a timely written grievance, the OEOC Director of Accommodation and Accessibility Services shall send the student a notice of acknowledgment of receipt.
4. The OEOC Director of Accommodation and Accessibility Services or designee shall review all documentation submitted in support of the grievance. The OEOC Director of Accommodation and Accessibility Services or designee, at their sole discretion, may also gather additional information necessary to the consideration of the student's grievance, including, but not limited to, interviewing individuals, including the student, who may possess relevant information. If requested, the student shall supply any additional information and/or documents as requested by the OEOC Director of Accommodation and Accessibility Services or designee. The OEOC Director of Accommodation and Accessibility Services or designee will issue a written Letter of Determination within 60 days after receiving the grievance, or as soon as possible thereafter. The OEOC Director of Accommodation and Accessibility Services or designee shall provide the student with a copy of the Letter of Determination and take any necessary steps to implement the decision, including, but not limited to, providing a copy of the Letter of Determination to appropriate University officials. The OEOC Director of Accommodation and Accessibility Services/designee Letter of Determination shall also expressly identify the Provost or other appropriate University official(s) to whom the student may appeal the Letter of Determination.
5. Within ten (10) days following the receipt of the OEOC Director of Accommodation and Accessibility Services' Letter of Determination, if the student disagrees with the determination, the student may submit a written appeal to the Provost or other appropriate University official(s) identified by the OEOC Director of Accommodation and Accessibility Services in the Letter of Determination, with a copy of the letter of appeal provided to the OEOC Director of Accommodation and Accessibility Services. The student's letter of appeal must be in writing and shall including the following information:
 - a) The name, address, e-mail address and phone number of the student;
 - b) The specific facts and grounds which form the basis for the student's appeal as well as the specific basis of the student's disagreement with the OEOC Director of Accommodation and Accessibility Services' Letter of Determination; and
 - c) All other information the student reasonably believes is relevant to the appeal.

A timely appeal of the OEOC Director of Accommodation and Accessibility Services' Letter of Determination will not be considered to have been filed unless the student's letter of appeal includes all the required information. Upon receiving a copy of the student's letter of appeal, the OEOC Director of Accommodation and Accessibility Services shall forward the student's original grievance and all documents comprising the written record to the Provost or University official(s) responsible for reviewing the student's appeal.

6. Upon receiving a timely appeal, the Provost or University official(s) responsible for reviewing the appeal shall send the student a notice of acknowledgment of receipt.
7. The Provost or University official(s) responsible for reviewing the appeal shall review the student's appeal and all information forwarded by the OEOC Director of Accommodation and Accessibility Services and issue a written decision resolving the appeal within 45 days after receiving a timely grievance containing all required information, or as soon as possible thereafter. For purposes of the appeal, the scope of the appeal shall ordinarily be limited to the student's letter of appeal and the written record considered by the OEOC Director of Accommodation and Accessibility Services or designee; however, in the sole discretion of the Provost or University official(s) considering the appeal, additional information relevant to the grievance may be obtained by the reviewing official. The decision of the Provost or University official(s) responsible for reviewing the appeal shall constitute the final University decision with respect to the student's grievance, and there shall be no further appeal.

IV. Time Periods

For purposes of calculating all time periods set forth in this Grievance Procedure, official University holidays and breaks set forth in the University's academic calendar (such as Thanksgiving break, winter break, and spring break) or dates the University officially closes (such as for inclement weather) shall be excluded in determining the time period for taking any required action. Moreover, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of any time period provided in the Grievance Procedure shall be included, unless it is a Saturday or Sunday, and in such an event, the next business day shall be counted in the time period.

V. Right to Review Records

A student filing a grievance shall have the right to review all records maintained in the grievance file or relied upon by any decision-maker, unless any such review is prohibited by Federal or state law. Upon a student's request, the University shall establish a mutually acceptable time and location for the student to review the requested records.

VI. No Retaliation

Retaliation against any person who files a bona fide complaint of discrimination, participates in an investigation, or opposes a discriminatory employment or education practice or policy is prohibited by University policy and federal and state law.

VII. Self-Representation

A student exercising their right to invoke this Grievance Procedure is free to consult with others but shall be expected to represent themselves directly in the grievance process.

VIII. Appeal by Faculty or Staff Member

A faculty or staff member who disagrees with a determination made by a decision-maker in a formal grievance process is permitted to appeal the decision by notifying the appropriate University official of the basis of the appeal consistent with the procedures outlined in the above procedures.

IX. Urgent or Unusual Matters

Depending upon the specific circumstances and the urgency of any issue(s) raised by a student in their grievance, the University reserves the right (but shall not be required) to modify its procedures or conduct an expedited review.

X. OCR Complaint

Although students are encouraged to attempt to resolve grievances pertaining to disabilities by utilizing this Grievance Procedure, they have the right to file a complaint directly with the U.S. Department of Education, Office for Civil Rights (OCR). The OCR office for Arkansas is located at:

Kansas City Office
Office for Civil Rights
U.S. Department of Education
One Petticoat Lane
1010 Walnut Street, 3rd floor, Suite 320
Kansas City, MO 64106

Telephone: 816-268-0550
FAX: 816-268-0599; TDD: 800-877-8339
Email: OCR.KansasCity@ed.gov

Information regarding applicable timelines and procedures is available from OCR.

XI. Effective Date

This Grievance Procedure shall be effective on April 15, 2005. The University reserves the right to amend its Grievance Procedures.

Appendix: <https://provost.uark.edu/policies/152010.php>