

Policy/Procedure

DISABILITY-RELATED COMPLAINTS POLICY

Related Information

Dickinson College is committed to providing equal educational opportunities for all qualified individuals in accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973. It is our commitment that no otherwise qualified individual with a disability is excluded from participation in, subjected to discrimination in connection with, or denied the benefits of any college programs or activities due to a disability. Dickinson College has adopted this process to deliver prompt and equitable resolution of any student complaints alleging action prohibited by the ADA or Section 504 of the Rehabilitation Act of 1973.

When to Initiate a Complaint

Any Dickinson College students who believe that they have been subjected to discrimination on the basis of disability or have been denied access or accommodations required by law, shall have the right to invoke this Complaint Process. Students have the option of pursuing an Informal Complaint process or initiating a Formal Complaint process that is timely and equitable. The Complaint process is in place to address the following concerns:

- Disagreements or denials regarding disability designation and status
- Denial of requested accommodations, auxiliary aids, and/or services
- Claims of inaccessibility of a College program, activity, or facility
- Alleged harassment or discrimination on the basis of a disability by the College or any of its employees.

The Complaint Process is not intended to supersede other College policies and procedures which may exist for addressing alleged violations of the ADA and/or Section 504, or other issues for which separate policies and procedures exist. Complaints from faculty and staff should follow the process as articulated in the relevant employee and/or academic handbooks and policies. For complaints of bias, please refer to www.dickinson.edu/bias. For concerns of harassment or discrimination by another student, please contact the Dean of Students' office.

All disability-related Complaints should be brought to the attention of Access and Disability Services Dean and Director Marni Jones as soon as possible, but not later than 60 days after the incident or issue of concern has arisen, following the guidelines indicated below.

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Informal Complaint

An Informal Complaint process is suggested as the first step when a student wishes to file a disability-related complaint. An Informal Complaint should include the following:

- Description of the incident/issue of concern (including any relevant dates, expectations, and related actions taken or not taken)
- Name(s) of any other individuals involved in the complaint
- Any additional evidence to support the complaint
- Remedy / resolution sought

This should be submitted in writing to Marni Jones, Dean and Director of Access and Disability Services, by either email to jonesmar@dickinson.edu and copying access@dickinson.edu or via mail to:

Marni Jones
Dean and Director of Access and Disability Services
Dickinson College
PO Box 1773 -- Old West 005
Carlisle, PA 17013

If need be, alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available to students with disabilities upon request. The Dean and Director will conduct a thorough and impartial investigation of the complaint, and will involve or defer to all other necessary parties, as relevant. She will typically issue a written decision on the Complaint no later than 30 days after receiving the student's Complaint. Should this course of action not result in an accepted resolution, students may choose to later pursue the Formal Complaint process.

The Formal Complaint process presented below should be followed if:

- The complaint is not resolved through the Informal Complaint process
- The complainant chooses not to participate in the Informal Complaint process through Access and Disability Services

Formal Complaint

If the student is not satisfied with the resolution reached using the Informal Complaint procedure, the student may initiate the Formal Complaint process. It is recommended that this be done as soon as practicable, but must be done within 15 calendar days of receipt of the written notification of the outcome of the Informal Complaint process.

If a student chooses not to use the Informal Complaint process, the student may initiate a Formal Complaint process within 60 days of the incident or issue of concern. Delaying filing a Complaint could limit the college's ability to investigate the alleged discrimination and/or provide a satisfactory resolution.

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A student who chooses to initiate the Formal Complaint process must do so by sending a written complaint either via email to access@dickinson.edu or mailed to:

Access and Disability Services
Dickinson College
PO Box 1773 -- Old West 005
Carlisle, PA 17013

The Formal Complaint must:

- be dated;
- state the problem or action alleged to be discriminatory;
- state the date (and, if relevant, location) of the alleged action;
- state how the action is discriminatory (or how the decision is unreasonable if it is a denial of a requested accommodation);
- name the individual(s) involved with the subject matter of the Complaint or against whom the Complaint is filed;
- state the facts and/or policies supporting the Complaint;
- include any supporting evidence;
- state the requested remedy / resolution desired; and
- be either signed by the student, or sent from the student's Dickinson email account.

Upon receipt, the Dean and Director of Access and Disability Services, will promptly review the information and related materials, and forward them to the appropriate Dickinson College Administrator.

NOTE: Following these Complaint procedures is not a substitute for and does not negate the complainant's right to file an ADA complaint with the appropriate agency or department of the federal government of the United States. However, if the complainant does file a complaint with the federal government before this Complaint procedure is completed, the Complaint procedures will be terminated.

Process of Investigation for Formal Complaints

The College Administrator or designee handling the Formal Complaint will:

- Undertake a prompt and expeditious investigation.
- Interview all parties and obtain potentially relevant documents, information and witnesses.
- Interview witnesses as deemed necessary, and secure any relevant documentation (such as notes, e-mails, pictures, grades, etc.) and information.
- Respect privacy to the extent possible. Complainants must understand that the college cannot guarantee absolute confidentiality because it cannot conduct an effective investigation without revealing certain information to witnesses or respondents.
- Retain the right to inform persons who may have a need-to-know and to utilize information obtained during the investigation for legitimate College purposes.

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- Abide by Federal/State laws and College Policy when reviewing the complaint.
- Act as an impartial fact finder in the matter
- Render a written decision to all parties, typically no later than 30 days after receiving the student's Complaint.

Appeal Process

Students who are dissatisfied with the resolution issued by the College Administrator or their designee can request a reconsideration of the decision. The appeal for reconsideration must be made in writing within five (5) business days of issuance of the decision to the appropriate Senior Officer of the College. (Students can email jonesmar@dickinson.edu or access@dickinson.edu to request the name and contact information for this individual). A written response will typically be issued within ten (10) business days after receipt of the request for reconsideration. The decision of the Senior Officer reviewing the appeal is final.

Retaliation/Confidentiality

Dickinson College strictly prohibits retaliation against any individual who files or otherwise participates in the investigation of a disability-related Complaint. Anyone who believes that they have been retaliated against for filing or otherwise participating in the investigation of a Complaint should report the matter in writing to the Dean and Director of Access and Disability Services, or to Tony Boston, Vice President and Chief Diversity Officer.

<h3>History/Revision Information</h3>

Responsible Division/Office: Academic Affairs: Access and Disability Services

Approval Date: 9/2/19

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Last Amended Date: 9/2/23

Next Review Date: 9/2/24

Also Found In: ADS Policy and Procedural Statement (linked)