

## **Disability Grievance Policy and Procedure**

Date of original implementation: March 15, 2013

Date of Last Revision: May 2013

Cambridge College is committed to providing a learning and working environment that is free from discrimination. Cambridge College does not discriminate on the basis of disability. As such, the College has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. These laws prohibit discrimination on the basis of disability in the programs, activities, and employment opportunities available at the College. These laws also prohibit retaliation against an individual who alleges discrimination.

Students, faculty, staff, applicants, guests, contractors, and other third parties of the college who are qualified individuals with disabilities as defined by law may request reasonable accommodations which afford them equal opportunity to access, use, and participate in the programs, activities, facilities, and employment available at Cambridge College. Accommodations are provided unless they would present an undue burden, make a fundamental alteration to the nature of the academic program or activity at issue, or an exception is otherwise permitted under law. In some cases, the College may provide an equally effective alternative to the requested accommodation.

If a requested accommodation is not provided, the College will attempt to propose alternatives if appropriate. The College will work with the person requesting the accommodation to determine if there are acceptable alternatives. If a dispute concerning an accommodation is not resolved by the College's interactive process, the individual may file a complaint using the process outlined below.

Individuals who wish to request an accommodation or who have questions about the process should contact:

Rebecca Sheils  
Coordinator of Academic and Disability Support Services  
(Section 504 Disability Coordinator)  
Room 319  
1000 Massachusetts Avenue  
Cambridge, MA 02138  
617-873-0191 (phone)  
617-873-0454 (fax)  
rebecca.sheils@cambridgecollege.edu

The College's *Equal Access to Education Policy* and *Disability Declaration and Documentation Policy* give more information for students and applicants and the *ADA and Reasonable Accommodations Policy* gives more information for employees.

Any person who believes he/she has been discriminated against or has been the victim of retaliation on the basis of disability by any party at Cambridge College may file a grievance. Discrimination or retaliation complaints grieved under this policy may be directed against fellow students, employees, contractors or other third parties. The College will investigate the grievance and if there is a finding that discrimination occurred, the College will take steps to prevent recurrence of discrimination and address any resulting discriminatory effects on the complaining party if appropriate.

### **Filing a Grievance**

Grievances must be addressed in writing directly to the Section 504 Disability Coordinator. The written grievance should contain as much information as possible but at a minimum should contain:

1. The name and contact information for the person filing the grievance
2. A description of the problem or action alleged to be discriminatory or retaliatory
3. Where applicable, the names and titles of any persons who were involved in the act of discrimination or who witnessed the discrimination
4. The proposed remedy sought if appropriate

Any employee or student who is aware of someone wishing to pursue a grievance under this policy, should direct the individual to the Section 504 Disability Coordinator.

If the complainant has an issue directly with the Section 504 Disability Coordinator, he/she may file a grievance with a Regional Center Director, the Director of Human Resources, the Dean of Students, or the Academic Dean for his/her program. Contact information for all parties can be found in the College catalog as well as the College's public web site. In all cases, the Section 504 Disability Coordinator will be made aware that a grievance has been filed so that she/he can direct the process to the appropriate designee, monitor the progress of the grievance procedure, and assure compliance with all applicable laws.

### **The Designee for Investigating the Grievance**

The Section 504 Disability Coordinator will identify the appropriate person ("the designee") to investigate the grievance. When grievances are filed regarding academic matters such as academic adjustments, the designee will be the academic dean for the program involved because he/she has the most relevant knowledge of the academic requirements and applicable technical standards for the program of study. When grievances are filed regarding non-academic matters such as facilities, operations, events, outside contractors, or parking, the designee will be the Dean of Students. When grievances relate to employment, the designee shall be the Director of Human Resources.

### **Procedure**

The designee will determine if the investigation of the grievance will follow an informal process or a formal process.

For informal processes, the designee will speak directly with the complainant to gather all relevant information and will also seek information from any other parties mentioned in the written grievance. The complainant must agree to proceed with the informal process.

For formal processes, the designee will meet with all involved parties. This includes but is not limited to administrators, advisors, faculty members, witnesses, health care providers, the complainant, and legal advisors. In circumstances where legal advisors are present for the complainant, the legal advisor may consult with the complainant but may not lead or participate in the meeting.

During the meeting, the designee will hear all relevant information from involved parties. The complainant will have the opportunity to voice his/her grievance and to present any evidence or witnesses to support his/her case. The designee will be committed to impartial investigation of grievances and will include the opportunity for all parties to present witnesses and evidence.

### **Timing**

Academic grievances related to the implementation or denials of accommodations are to be filed as soon as possible but no later than the end of the subsequent term in which the alleged discrimination occurred. Non-academic grievances and employment grievances should be filed as soon as possible but no later than 180 days after the alleged discrimination occurred.

When proceeding formally, the meeting will be scheduled within ten working days of the filed grievance and no later than 30 calendar days from the filing unless extenuating circumstances arise. For both formal and informal procedures, the designee will provide his/her response to the complainant within ten working days, unless extenuating circumstances arise.

### **Resolution**

During deliberation, the designee is encouraged to communicate with the College's General Counsel for guidance regarding the legal standards and basis of the decision under the circumstance of the complaint.

Once the designee has made a determination, he/she will respond to the grievance in writing, giving reasoning for his/her determination and outlining any additional actions that will need to take place. If the designee determines that disability discrimination occurred, the College will take steps to correct any discriminatory effects on the complainant and others, if appropriate. The Section 504 Disability Coordinator will be made aware of the response for tracking purposes and to answer any questions or concerns that the complainant has. Other appropriate parties involved in the grievance who have an administrative need to know (e.g. faculty member involved, program chair, facilities director, supervisor, regional center director, Human Resources, etc.) will also be informed of the determination as appropriate.

Previously determined accommodations that are being grieved will remain in place until a determination has been made. The designee may decide to approve an alternative temporary accommodation while the grievance procedure is followed but will be clear with the complainant that the alternative accommodation is temporary in nature.

### **Outside Agency**

Use of this grievance procedure is not a prerequisite to the pursuit of other remedies, such as the filing of a 504/ADA complaint with the responsible federal department or agency, although it is strongly suggested that this grievance procedure be used first.

If a student or employee is dissatisfied with the grievance process at any time, he/she may use the following groups for assistance:

#### *Massachusetts*

Massachusetts Office on Disability  
One Ashburton Place, Room 1305, Boston, MA 02108  
Voice/TTY 617-727-7440 or 800-322-2020  
Fax 617-727-0965

Office for Civil Rights

U.S. Department of Education

5 Post Office Square, 8<sup>th</sup> Floor  
Boston, MA 02190  
Voice phone (617) 280-0111  
FAX (617) 617-289-0150

*Other States*

Please ask your Cambridge College regional center director to put you in touch with state advocacy agencies.

Individuals Responsible for Revision and Implementation: Provost and Vice President for Academic Affairs, Coordinator of Academic and Disability Support, Dean of Student Affairs