Davidson College
Student Disability Grievance Procedure

Davidson College is committed to ensuring 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 his or her disability.

The College has adopted this internal grievance procedure to provide for the prompt and equitable resolution of student complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (“Section 504”) or Title III of the Americans with Disabilities Act (“Title III”). Section 504 prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance, and Title III prohibits discrimination on the basis of disability by private entities (including Colleges and Universities) that provide places of public accommodation. These laws and accompanying regulations may be examined in the office of the Associate Dean of Students, who the College has designated to coordinate its efforts to comply with Section 504 and the ADA (“504/ADA Coordinator”).

Who May Grieve?

Any student currently enrolled at the College who believes he or she has been discriminated against on the basis of disability by a College employee (e.g., administrator, faculty, staff, adjunct faculty, or other agent of the College) or, in certain circumstances, by a visitor to the College, may use this process to file a grievance.

What May Be Grieved?

An action or decision may be grieved if it involves alleged discrimination by a College employee (or, in certain circumstances, by a visitor to the College) against a student on the basis of that student’s disability. Such actions or decisions of alleged discrimination may include, but are not limited to, denial of appropriate accommodations, lack of physical access to appropriate College facilities or programs, or disability harassment. This process may not be used to file a complaint against a fellow student. In that situation, the grievant should follow the Code of Responsibility found in the student handbook.

Confidentiality and Prohibition Against Retaliation

The College will treat all information submitted in connection with a grievance as confidential. Subject to FERPA and other applicable privacy laws, however, the College official investigating the grievance will inform individuals with a legitimate need to know of the grievance and may provide them related information as necessary to allow the College official to conduct a meaningful and thorough investigation. The College official investigating the grievance will inform all involved parties of the need to maintain the confidentiality of such information.

Davidson College prohibits retaliation for submitting a grievance or participating in a grievance investigation. Retaliation includes threats, intimidation, reprisals, and adverse actions. The
College official investigating the grievance will advise all involved parties of this strict prohibition against retaliation.

**Informal Grievance Procedure**

The Informal Grievance Procedure is designed to facilitate a satisfactory resolution of the grievance in an informal manner. The student has the option to forego the Informal Grievance Procedure and move immediately to the Formal Grievance Procedure.

A student initiates the Informal Grievance Procedure by contacting the 504/ADA Coordinator. If the 504/ADA Coordinator is the subject of the grievance, the student initiates the Informal Grievance Procedure by contacting the Vice President for Academic Affairs (“VPAA”). The student may contact the appropriate official (the “Investigator”) by e-mail, phone, or in person. To initiate the Informal Grievance Procedure, a student is not required to submit the grievance in writing, but the Investigator may ask the student to do so or to submit other evidence, if necessary to facilitate a satisfactory resolution.

If a grade dispute is the subject of the grievance, the student must follow the process set forth below for grade disputes.

The student is encouraged to initiate the Informal Grievance Procedure as soon as practicable after the action or decision of alleged discrimination occurs. Delaying filing a grievance could limit the College’s ability to investigate the alleged discrimination and/or provide a satisfactory resolution.

The Investigator will attempt to expeditiously facilitate a satisfactory resolution. The Investigator may meet in person with the student, confer with the individual(s) involved with the subject matter of the grievance or against whom the grievance is filed, attempt to arrange a meeting between the student and one or more of those individual(s), or take any other steps the Investigator believes will be useful in promoting resolution.

Within 21 calendar days after the student initially contacts the Investigator regarding the grievance, the Investigator will inform the student in writing of the outcome of the Informal Grievance Procedure.

**Formal Grievance Procedure**

If the student is not satisfied with the resolution reached using the Informal Grievance Procedure, or if the student chooses not to use the Informal Grievance Procedure, the student may initiate the Formal Grievance Procedure by submitting a written complaint to the appropriate Investigator. A student who chooses to initiate the Formal Grievance Procedure after participating in the Informal Grievance Procedure must do so within 14 calendar days of receipt of the Investigator’s written notification of the outcome of the Informal Grievance Procedure. The written complaint must:

- Be dated;
• state the problem or action alleged to be discriminatory and the date 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 grievance or against whom the grievance is filed;
• state the requested remedy; and
• be signed by the student.

If a grade dispute is the subject of the grievance, the student must follow the process set forth below for grade disputes.

The student is encouraged to initiate the Formal Grievance Procedure as soon as practicable after the action or decision of alleged discrimination occurs. Delaying filing a grievance could limit the College’s ability to investigate the alleged discrimination and/or provide a satisfactory resolution.

Within seven calendar days of receiving the written complaint, the Investigator will provide written notification of receipt of the complaint to the grievant and to the individual(s) against whom the grievance is filed. The Investigator will also conduct a thorough investigation of the complaint, affording all relevant persons an opportunity to submit evidence regarding the allegations. Within 30 days of receipt of the written complaint, the Investigator will provide the grievant and the individual(s) involved with the subject matter of the grievance or against whom the complaint is filed a written decision regarding the grievance. The decision will include findings of fact, a conclusion, and, if applicable, an explanation of remedies.

**Appeal**

The student may appeal within fourteen calendar days of receiving the Investigator’s written decision by writing to the President. The student’s written appeal must clearly set forth the grounds for the appeal and must include all supporting evidence. Generally, the President will limit his or her review of the Investigator’s decision to determining whether the Investigator considered the proper facts and whether there were any procedural irregularities. Within 21 days of receipt of the appeal, the President will provide the grievant and the individual(s) against whom the complaint is filed a written decision regarding the appeal. The decision of the President is final.

**Grade Disputes**

If a grade dispute is the subject of a disability-related grievance, the student initiates the grievance by submitting a written complaint to the VPAA. The written complaint must:

• Be dated;
• state the problem or action alleged to be discriminatory and the date of the alleged action;
• state how the action is discriminatory (or how the decision is unreasonable if it a denial of a requested accommodation);
• name the individual(s) involved with the subject matter of the grievance or against whom the grievance is filed;
• state the requested remedy; and
• be signed by the student.

The student must initiate a grievance regarding a grade dispute no later than the end of the sixth week of the academic semester following the semester in which the grade was assigned.

Within seven calendar days of receiving the written complaint, the VPAA will provide written notification of receipt of the complaint to the grievant and to the individual(s) involved with the subject matter of the grievance or against whom the grievance is filed. The VPAA will also conduct a thorough investigation of the complaint, affording all relevant persons an opportunity to submit evidence regarding the allegations. Within 30 days of receipt of the written complaint, the VPAA will provide the grievant and the individual(s) against whom the grievance is filed a written decision regarding the grievance. The decision will include findings of fact, a conclusion, and, if applicable, an explanation of remedies.

The decision of the VPAA on a grievance regarding a grade dispute is final.

Adjustment of Deadlines

The Investigator, President, or VPAA may change the above deadlines for good cause, such as semester or summer breaks. Likewise, if the application of time deadlines creates a hardship due to the urgency of the matter or the proximity of an event, the Investigator, President, or VPAA, at the request of the student, will determine if an expedited procedure can be created.

Interim Measures

If necessary while any grievance investigation is ongoing, the College may take interim measures to stop discrimination or prevent its recurrence. Such interim measures may include, but are not limited to, limiting interaction between the parties, arranging for the provision of temporary accommodations, or staying a course grade.

Confidentiality of Records

Once the Investigator, President, or VPAA has made the final decision regarding the grievance, the records related to the grievance will be confidentially maintained in the Office of the Dean of Students for three years.

Disability Accommodations

Davidson College will make appropriate arrangements to ensure that students with disabilities are provided reasonable accommodations as needed to participate in this grievance procedure. Requests for accommodations must be made to the 504/ADA Coordinator. The 504/ADA Coordinator will review the supporting disability related documentation, make a decision about
the request, notify the student about approved accommodations and make arrangements for the accommodations. Accommodations may include, but are not limited to, providing interpreters for the deaf, providing recordings of materials for the blind, and assuring a barrier-free location for the proceedings.

**External Complaints**

The availability and use of this grievance procedure does not preclude a student from filing a complaint of discrimination with external agencies such as the U.S. Department of Education, Office for Civil Rights.