

ADA (AMERICANS WITH DISABILITIES ACT)/SECTION 504 GRIEVANCE PROCEDURE (STUDENT)

ADA (Americans with Disabilities Act)/Section 504 Grievance Procedure (Student)

For information more generally concerning policies and procedures for students with disabilities, see the Diversity & Access Office (<http://www.stanford.edu/dept/diversityaccess>) web site, or the ADA/Section 504 Compliance Officer, Diversity and Access Office, Kingscote Gardens, 419 Lagunita Drive, Suite 130, Stanford, CA 94305-8550; (650) 723-0755 (voice), (650) 723-1791 (fax), equal.opportunity@stanford.edu (email); see also the Office for Accessible Education (OAE) (<http://studentaffairs.stanford.edu/oae>) web site.

Policy

The following is the policy:

I. Policy

Stanford University, in compliance with state and federal laws and regulations, including the Americans with Disabilities Act of 1990 (ADA; as amended 2008) and Section 504 of the Rehabilitation Act of 1973 (Section 504), does not discriminate on the basis of disability in administration of its education-related programs and activities, and has an institutional commitment to provide equal educational opportunities for disabled students who are otherwise qualified.

Students who believe they have been subjected to unlawful discrimination on the basis of disability, or have been denied access to services or accommodations required by law, have the right to use this grievance procedure.

II. Applicability

As a general proposition, the grievance procedure set forth below is applicable to undergraduate and graduate students of the University. In general, it is designed to address disputes concerning the following:

1. Disagreements regarding a requested service, accommodation, or modification of a University practice or requirement;
2. Inaccessibility of a program or activity;
3. Harassment or discrimination on the basis of disability;
4. Violation of privacy in the context of disability.

As a general proposition, this grievance procedure supplants the Student Academic Grievance Procedure (<http://exploreddegrees.stanford.edu/academicpoliciesandstatements/#studentacademicgrievanceproceduretext>) and the Student Non-Academic Grievance Procedure (<http://exploreddegrees.stanford.edu/nonacademicregulations/#text-studnonagrieproc>) (both of which are set forth in this bulletin) for disability-related grievances. Questions of applicability will be decided by the Director of the Diversity and Access Office.

III. Compliance Officers

Stanford University's Compliance Officers are responsible for administering this grievance procedure as well as ensuring compliance with applicable laws. The Director of the Diversity and Access Office is the designated ADA / Section 504 Compliance Officer. That office is located in Kingscote Gardens, 419 Lagunita Drive, Suite 130,

Stanford, CA 94305-8550; (650) 723-0755 (voice), (650) 723-1791 (fax), equal.opportunity@stanford.edu (email).

Additional Compliance Officers may be designated from time to time by the Provost from those faculty and staff members knowledgeable concerning disability issues and the legal mandates of state and federal disability statutes.

IV. Informal Resolution

Prior to initiating the formal complaint procedure set forth below, the student should, in general, first discuss the matter orally or in writing with the individual(s) most directly responsible. If no resolution results, or if direct contact is inappropriate under the circumstances, the student should then consult with the Compliance Officer at the Diversity and Access Office who will attempt to facilitate a resolution. (The informal resolution process may involve consultation with the Associate Vice Provost for Student and Academic Services and University Registrar.)

If the Compliance Officer is not successful in quickly achieving a satisfactory resolution (that is, generally within seven calendar days), the Compliance Officer will inform the student of his or her efforts and the student's right to file a formal complaint.

V. Formal Complaint

If the procedure set forth above for informal resolution does not yield a successful resolution, then the student may file a formal complaint in the following manner:

1. When to File Complaint: Complaints must be filed as soon as possible, but in no event later than 10 days after the end of the quarter in which the concern arose.
2. What to File: A complaint must be in writing and include the following:
 - a. The grievant's name, address, email address and phone number;
 - b. A full description of the problem;
 - c. A description of what efforts have been made to resolve the issue informally;
 - d. A statement of the remedy requested.
3. Where to File Complaint: the complaint is to be filed with the Compliance Officer at the Diversity and Access Office, Kingscote Gardens, 419 Lagunita Drive, Suite 130, Stanford, CA 94305-8550; (650) 723-0755 (voice), (650) 723-1791 (fax), equal.opportunity@stanford.edu (email).
4. Notice of Receipt: upon receipt of the complaint, the Compliance Officer reviews the complaint for timeliness and appropriateness for this grievance procedure, and provides the grievant with written notice acknowledging its receipt.
5. Investigation: the Compliance Officer will promptly initiate an investigation and may refer the matter (or any part of it) to a grievance officer or other designee, who will look into and/or address the matter as the Compliance Officer directs. In undertaking the investigation, the Compliance Officer or grievance officer may interview, consult with, and/or request a written response to the issues raised in the grievance from any individual the grievance officer believes to have relevant information, including faculty, staff, and students.
6. Representation: the grievant and the party against whom the grievance is directed each have the right to have a representative. The party shall indicate whether he or she is to be assisted by a representative and, if so, the name of that representative. For purposes of this procedure, an attorney is not an appropriate representative.
7. Findings and Notification: upon completion of the investigation, the grievance officer will prepare and transmit to the student, and to the party against whom the grievance is directed, a final report containing a summary of the investigation, written findings, and a proposed disposition. This transmission will be expected within 60 calendar days of the filing of the formal complaint. The deadline may

be extended by the Compliance Officer for good cause (including for reasons relating to breaks in the academic calendar), and will nearly always be extended during summers and the winter closure. The final report may also be provided, where appropriate, to any University officer whose authority will be needed to carry out the proposed disposition or to determine whether any personnel action is appropriate.

during summers and the winter closure. The decision of the Provost on the appeal is final.

8. Final Disposition: the disposition proposed by the Compliance Officer will be put into effect promptly. The grievant or any party against whom the grievance or the proposed disposition is directed may appeal. The appeal to the Provost (as set forth below) will not suspend the implementation of the disposition proposed by the grievance officer, except in those circumstances where the Provost decides that good cause exists making the suspension of implementation appropriate.

VI. Urgent Matters

Whenever the application of any of the time deadlines or procedures set forth in this grievance procedure creates a problem due to the nature of the complaint, the urgency of the matter, or the proximity of the upcoming event, the Compliance Officer will, at the request of the grievant, determine whether an appropriate expedited procedure can be fashioned.

VII. Remedies

Possible remedies under this grievance procedure include corrective steps, actions to reverse the effects of discrimination or to end harassment, and measures to provide a reasonable accommodation or proper ongoing treatment. As stated above, a copy of the Compliance Officer's report may, where appropriate, be sent to University officer(s) to determine whether any personnel action should be pursued.

VIII. Appeal

Within ten calendar days of the issuance of the final report, the grievant or the party against whom the grievance is directed may appeal to the Provost the grievance officer's determination.

An appeal is taken by filing a written request for review with the Compliance Officer at the Diversity and Access Office, Kingscote Gardens, 419 Lagunita Drive, Suite 130, Stanford, CA 94305-8550; (650) 723-0755 (voice), (650) 723-1791 (fax), equal.opportunity@stanford.edu (email).

The written request for review must specify the particular substantive and/or procedural basis for the appeal, and must be made on grounds other than general dissatisfaction with the proposed disposition. Furthermore, the appeal must be directed only to issues raised in the formal complaint as filed or to procedural errors in the conduct of the grievance procedure itself, and not to new issues.

The Compliance Officer will forward the appeal to the Provost, and also provide copies to the other party or parties. If the grievance involves a decision that is being challenged, the review by the Provost or his or her designee usually will be limited to the following considerations:

1. Were the proper facts and criteria brought to bear on the decision? Were improper or extraneous facts or criteria brought to bear that substantially affected the decision to the detriment of the grievant?
2. Were there any procedural irregularities that substantially affected the outcome of the matter to the detriment of the grievant?
3. Given the proper facts, criteria, and procedures, was the decision a reasonable one?

A copy of the Provost's written decision will be expected within 30 calendar days of the filing of the appeal and will be sent to the parties, the Compliance Officer and, if appropriate, to the University officer whose authority will be needed to carry out the disposition. The deadline may be extended by the Provost for good cause (including for reasons relating to breaks in the academic calendar), and will nearly always be extended