



ADA GRIEVANCE PROCEDURE

This Grievance Procedure is effective on July 1, 2017. The seminary reserves the right to amend such procedures.

Any seminary student who believes they have been subjected to discrimination on the basis of disability who has been denied access or accommodation(s) required by law shall have the right to invoke this Grievance Procedure. In general, this Grievance Procedure is designed to address the following types of concerns:

1. Disagreements or denials regarding requested services, accommodations, or modifications to curriculum requirements.
2. Alleged harassment or discrimination on the basis of a disability; and
3. Any other alleged violations of the ADA and/or Section 504.

Filing a Grievance

All grievances, following these procedures, 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 seminary shall not review a grievance which is untimely or fails to contain all required information, including a clear statement of the 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 complaint. The seminary reserves the right to redirect a grievance to the proper grievance procedure or to any other appropriate review procedure.

Informal Grievance

With respect to any grievance covered under this policy, a student shall first attempt to resolve their complaint informally by meeting with the Associate Dean. If the grievance is not resolved informally, then the student shall have the right to invite the Formal Grievance Procedure detailed below.

Formal Grievance

1. An otherwise qualified student with a disability as defined by the ADA and the Rehabilitation act shall have the right to request that the Grievance Committee* review the denial of any requested academic accommodation or service by fully complying with the procedures detailed below. These provisions shall also apply to a student requesting academic accommodation(s) who believes they have been wrongly denied certification of a disability by the seminary.

* The Grievance Committee shall be led by the Vice President of Academic Affairs/Dean and shall include the following: Vice President of Finance and Administration, a staff person not implicated in the Letter of Accommodation, and a representative from the student body. Both staff and student representatives to the Grievance Committee will be appointed by the Vice President of Academic Affairs/Dean.

2. The student shall fully complete the “ADA Review Request Form” (attached) and submit it to the Vice President of Academic Affairs/Dean within 30 days following the date of the denial of the requested academic accommodation(s) or service. The student’s completed form must clearly state:
 - The basis and rationale for the review
 - The specific facts and/or policies supporting the student’s position
 - The remedy and resolution desired by the student
 - All other information required on the form
3. A timely “ADA Review Request Form” is considered incomplete and not eligible for review if it does not contain all required information. The student is solely responsible for supplying all required information on the form. Upon receiving a timely “ADA Review Request Form,” the Grievance Committee shall send a notice of acknowledgement of receipt to the student.
4. The Grievance Committee shall assess the “ADA Review Request Form” and review all information necessary to render a written determination. If requested by the committee, the student shall supply any additional information pertaining to the grievance as requested by the committee. The committee will issue a written “Letter of Determination” on the student’s “ADA Review Request Form” within 30 days after receiving the student’s completed form, or as soon as possible thereafter. Further, the committee shall provide the student with a copy of the “Letter of Determination.”
5. Within ten (10) days following the receipt of the committee’s written “Letter of Determination,” if the student disagrees with the determination, the student may seek a review with the Vice President of Academic Affairs/Dean. The student shall submit a written letter requesting a review of the committee’s “Letter of Determination.” The written request must identify the specific facts and grounds which form the basis for the student’s appeal. Upon receiving a timely letter seeking a review of the “Letter of Determination,” the Vice President of Academic Affairs/Dean shall, at their sole discretion, gather additional information necessary for the consideration of the student’s appeal, including, but not limited to, interviewing individuals, including the student, who may possess relevant information. The Vice President of Academic Affairs/Dean shall complete their review within 30 days or as soon as possible thereafter.
6. After completing their review, the Vice President of Academic Affairs/Dean shall send a second written “Letter of Determination” in response to the student’s appeal, setting forth their decision.

The Vice President of Academic Affairs/Dean second “Letter of Determination” shall constitute the final decision of the seminary.

7. During the grievance process, the student will be entitled to receive the academic accommodation(s)/services offered, if any, by the seminary in the original “Letter of Accommodation.” The seminary recognizes the importance of a student’s concerns and pledges to address issues promptly so as not to inhibit the student’s participation in a course or program.

NOTE: For purposes of calculating all time periods set forth in this Grievance Procedure, official seminary holidays and breaks set forth in the seminary’s academic calendar (i.e. Thanksgiving break, Christmas break, Holy Week break, etc.) or dates the seminary officially closes 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.

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 seminary shall establish a mutually acceptable time and location for the student to review the requested records.

No Retaliation

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

Self-Representation

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

Urgent or Unusual Matters

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

OCR Complaint

Although students are encouraged to attempt to resolve complaints pertaining to disabilities by utilizing this Grievance Procedure, they have the right to file a complaint with the U.S. Department of Education, Office for Civil Rights (OCR) (Dallas Regional Office). Information regarding applicable timelines and procedures is available from OCR.

<https://www.usa.gov/agencies/office-for-civil-rights-department-of-education>



ADA Review Request Form

Submission of this form serves as a formal request for the Phillips Grievance Committee to review your grievance. A grievance might include, in your estimation, 1) that a disability accommodation or service was not adequately addressed in your Accommodation Letter, 2) that an accommodation was not implemented adequately in a classroom or other institutional space, or 3) that your request for accommodation was denied.

Name of Student _____ Date _____

Degree Program _____ Academic Term _____

Please complete this form in its entirety.

1. Please explain in the space below your basis and/or rationale for the review. What accommodation requested by you and/or recommended by your physical was not met?

2. Please include specific facts and/or policies supporting your request for this review. Attach to this form any documentation you have collected to support the facts provided here.

3. What remedy or resolution do you desire as a result of the filing of this grievance?

Signature, Requesting Student

Date

INSTRUCTIONS: Submit this form within 30 days following the date of the denial of the requested academic accommodation(s) or service (e.g., within 30 days of delivery of your initial Accommodation letter. Submit the form to the Vice President of Academic Affairs/Dean.