

# **LCC Disability Grievance Procedure**

## **Philosophy**

Lansing Community College is committed to providing services and accommodations necessary to make its programs and activities accessible to all qualified students, regardless of a disabling condition. Services coordinated through the Office of Disabilities and Support Services department (ODSS) ensure eligible students equal access to an education. The goal is to maximize the student's educational potential while helping to develop and maintain the student's independence. The program philosophy is one that encourages self-advocacy. An important activity of the office is to inform students of services and adaptive equipment available to them on campus and in the community. Students are encouraged to independently access services and to best meet their individual needs. Students are required to identify their needs and to register with ODSS to be considered eligible for accommodations. All services are based on individual needs.

## **Compliance Responsibility**

Lansing Community College, in compliance with state and federal laws and regulations including the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973, 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.

## **Grievance Procedure**

Students with complaints regarding the college's compliance with particular provisions of Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act have the right to file a grievance. The Office of Civil Rights (OCR) within the U.S. Department of Education (ED) protects the rights of students in educational programs or activities that receive financial assistance from ED. Under these laws, ED funded programs and activities must be operated in a manner that insures that people who meet the programs qualifications and eligibility requirements are given equal opportunity to participate, regardless of their race, color, national origin, sex, disability or age.

Under the law, the College is also required to designate an individual as the ADA/504 Coordinator. The Coordinator ensures compliance with the law and is the main point of contact for external inquires. The ADA/504 Coordinator is: Jessica Gordon, 1130 Support Services Office 204.12 Gannon Building, Lansing, MI 48901-7210 (517) 483-1358, gordonje@lcc.edu.

If a student is not satisfied with the services provided by the College, and cannot resolve the issue using the internal process, the student may file a civil rights suit through the OCR, U.S. Department of Education. Michigan Department of Civil Rights, Capital Tower Building, 8<sup>th</sup> Floor; 110 West Michigan Avenue Lansing, MI 48913 Office: (517) 335-3165 Fax: (517) 241-7520

## **I. APPLICABILITY**

The grievance procedure set forth below applies to students of the College. It is designed to address disputes concerning:

- A. Disagreements regarding a requested service, an accommodation, or a modification of a College practice or requirement;
- B. Inaccessibility of a program or activity due to disability;
- C. Harassment or discrimination on the basis of disability;
- D. Violation of privacy in the context of disability.

## **II. INFORMAL RESOLUTION PROCESS**

 [Informal Student Disability Grievance Form](#)

Prior to initiating the formal complaint procedure students are strongly encouraged to first meet with one of the College's informal grievance chairs for assistance in resolving the matter informally within ten (10) working days excluding weekend days of the alleged denial of accommodations or act of discrimination (unless the designee determines there is a timeliness issue- in which case the issue will be placed on a fast-track). The informal grievance chairs will provide the student with a written report in a timely matter with their decision. If a resolution satisfactory to the student can not be achieved in ten working days; ten (10) days from the date the student receive written notification of the College's informal grievance chairs' report; the student may file a formal complaint. Although students are encouraged to pursue a resolution first through the informal complaint process, it is not mandatory. It should be noted, however, that many issues may be resolved quickly through the use of the informal resolution process.

The College will make every effort to resolve conflict by informal means. Throughout any of these procedures the student should expect to be treated with respect and dignity, receive a timely response, and have the issues handled in a confidential manner. The College expects the student to bring up any problems early, give clear and detailed information, follow applicable procedures and be respectful of the people who are involved.

In the event a student believes (i) that he or she has been denied an accommodation or the modification of a College practice or requirement to which he or she is entitled under applicable disability law or (ii) a program or activity has been inaccessible to him/her due to disability or (iii) he/she has been harassed or discriminated against because of a disability or perception of a disability by a college faculty or staff member or (iv) his/her privacy has been violated in the context of his/her disability, the student shall attempt to resolve the matter informally. If the student is unable to resolve the matter through the informal process, a formal complaint may be filed at the option of the student.

## **III. FORMAL COMPLAINT PROCESS**

 [Formal Student Disability Grievance Form](#)

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

**A. When To File A Complaint** - Complaints shall be filed within ten (10) working days of the end of the informal resolution process described above (if the informal process was used). If the informal resolution process was not used, the student must file the complaint within 10 working days of the administrative action or decision giving rise to the complaint (unless the informal grievance chair has placed the issue on a fast-track). The College reserves the right to waive the 10 day requirement for good cause.

**B. What To File** - A complaint must be in writing and must include all of the following:

- The student's name, address, e-mail address and phone number;
- The names of individuals, departments and/or programs involved;
- A detailed description as to which administrative decision (relating to disability) the student disagrees with or believes is discriminatory;
- A statement as to whether or not the student would like the opportunity to meet with the Disability Grievance Committee (hereinafter referred to as the "Committee") to discuss the issue in person. If the student chooses, the student may write a statement and submit it to the Committee to review in place of requesting a meeting.
- A statement of the remedy requested.

**C. Where To File A Formal Complaint** - The complaint must be filed with the Student Services Divisional Office, with the Student Compliance Liaison, located in GB 135 on the main campus.

**D. Notice Of Receipt** - Upon receipt of the complaint, the Student Compliance Liaison will review the complaint for timeliness and appropriateness for this grievance procedure, and will provide the student with written notice acknowledging its receipt. A copy of this acknowledgment will be sent to the ADA 504 Coordinator.

**E. Membership of the Disability Grievance Committee** - The Director of Student Compliance (or a designee) shall convene the committee within ten (10) days of written acknowledgement by the Student Compliance Liaison of the complaint, unless unusual circumstances prohibit it. Once the committee is convened, they will select a member to serve as a chair for the formal complaint proceedings. The Director of Student Compliance and the ADA/504 Coordinator (or a designee) may take appropriate action on an interim basis, when there is reasonable cause to believe that such action is needed for the health, safety, or welfare of the student or other member(s) of the College community, or to avoid disruption to the academic process. The Committee shall consist of:

- An Academic Advisor, Counselor, or a member of the Judicial Affairs Board \*
- One Administrator appointed by the Director of Student Compliance (or a designee) who is knowledgeable of the ADA and section 504 of the Rehabilitation Act
- A member from Carl Perkins Special Population or a support staff representative

\*A representative serving on the committee must not have personal knowledge or be currently working with the student in a professional capacity. In addition, the members should not have information about the specific issue being presented or the student who is initiating the grievance process.

**F. Fact-finding** - The Committee shall promptly initiate fact-finding. During fact finding, the Committee may interview, consult with and/or request a written response to the issues raised in the complaint from any individual the Committee believes to have relevant information, including faculty, staff and students. The student and any person towards whom the complaint might have been directed shall have the right to submit written materials to the Committee and suggest names of any faculty, staff, students or others from whom he/she believes the Committee should hear. The Committee may assign any member who has been adequately trained to conduct any part of the fact-finding as the Committee determines to be appropriate.

**G. Standard of Review** – The Committee uses the following as its basis for fact-finding and Standard of Review:

1. Whether more likely than not the administrative decision was appropriate given the circumstances;
2. Whether more likely than not inaccessibility into a program or activity resulted from a disability;
3. Whether more likely than not harassment or discrimination occurred as a result of a disability;
4. Whether more likely than not a privacy violation regarding a disability occurred.

**H. Information** - The student and the person whom the complaint has been directed against shall have the right to present personal knowledge and information regarding the issue, either in person or in writing. Since the matter is administrative and not legal in nature, attorneys are not allowed during meetings with the Committee, if one occurs.

**I. Findings and Notification** - Upon completion of the fact finding, the Disability Grievance Committee will prepare a report of the fact finding and a proposed disposition or recommendation. The Committee will then transmit the report to the Director of Student Compliance (or a designee). The committee's report should be submitted to the Director of Student Compliance within ten (10) working days of the date the Committee completes its fact finding, unless prohibited by unusual circumstances.

**J. Disposition** - The Director of Student Compliance (or a designee) shall take whatever actions are deemed appropriate (see Possible Decisions section below). He/she shall report his/her decision in writing to the student, person whom the complaint was directed against, ADA/504 Coordinator, and the Committee.

#### **IV. Possible Decisions**

Possible decisions under this grievance procedure may include corrective steps, actions to reverse the effects of discrimination or end harassment, and measures to provide a reasonable accommodation or proper ongoing treatment.

In addition, if the Director of Student Compliance (or a designee) determines that the administrative decision for which the grievance was filed was appropriate, the Director of Student Compliance (or a designee) shall report that decision in writing to the student and ADA/504 Coordinator.

#### **V. APPEAL**

Within ten (10) working days of the issuance of the final report, the student or the party against whom the grievance is directed may file an appeal to the Dean of Student Services for review.

The written request for an appeal must specify the particular substantive and or procedural basis for the appeal, and must be made on grounds other than general dissatisfaction with the 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 review by the Dean of Student Services shall be limited to the following considerations:

- Were the proper facts and criteria used to make the decision?
- Were any extraneous facts or criteria used to make the decision?
- Were there any procedural irregularities that substantially affected the outcome?
- Given proper facts, criteria, and procedure was the decision one that might be reasonably made?

The Dean's review is limited to information provided to the Disability Grievance Committee and ADA/504 Coordinator as part of the formal process above. A copy of the Dean's written decision will be expected within thirty (30) working days of the filing of the appeal and shall be sent to the appropriate parties. The Dean, for good cause, may extend the deadline. The decision of the Dean on the appeal is final.

For further information contact the ADA/504 Coordinator:

**Jessica Gordon, Disability Services Coordinator**  
1130 Support Services Office  
Lansing, MI 48901-7210  
(517) 483-1358  
gordonje@lcc.edu