

## Mohave Community College ADA/504 Policies and Grievance Procedures

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**4.020.01 Equal Opportunity Statement.** Mohave Community College does not discriminate on the basis of sex, color, race, religious preference, age, disability, national origin, or any other legally protected class in any of its policies, practices, and procedures, and is an equal opportunity employer. For more information, call the Office of the Dean of Student Services 1971 Jagerson Ave. Kingman, AZ 86409 928.707.0803. Grievance procedures are available in the Student Handbook, on the Mohave Community College website and in the Student Services offices at each campus.

### **4.020.10 Disability Services**

Each campus has a Disability Services Specialist that coordinates assistance to persons with disabilities. These individuals provide disability related accommodations, information and referral services. They serve as a connecting link between students with disabilities and the college.

1. The college shall facilitate, within reason, appropriate resources, services, and auxiliary aids to allow each qualified person with a documented disability equitable access to educational programs, social experiences, and career opportunities.
2. The Americans with Disabilities Act (ADA) of 1990 focuses attention on disability access to facilities, programs and services. The Americans with Disabilities Act, specifically Title II, prohibits discrimination against individuals with disabilities in all services and programs offered by public entities such as Mohave Community College. In addition, Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in programs and activities that receive Federal funding, including Mohave Community College.
3. The Dean of Student Services and the Director of Disability Services will act as ADA coordinators to oversee compliance in the area of student accommodations.
4. The procedure for requesting accommodations: Under Section 504 and the ADA, the college will provide reasonable accommodations and make such modifications to its academic requirements as are necessary to ensure that the requirements do not discriminate on the basis of disability. If a student with a disability needs reasonable accommodation, it is the responsibility of the student to request such accommodation in writing, as well as to provide the college with documentation of the disability to the local campus disability services office. (Medical reports of records, diagnostic evaluations, a letter(s) from a qualified medical professional or completion of the disability verification form are examples of such documentation). Students needing accommodations should contact a disability services specialist at the campus he or she plans to attend before registering for classes, or as early in the semester as they become aware of the need for accommodation. Whenever possible, Mohave Community College will facilitate accommodations within 2 weeks or less, however, some accommodations may require up to six weeks notice to facilitate.

## Mohave Community College ADA/504 Policies and Grievance Procedures

5. Under the ADA, an individual with a disability is someone with a physical or mental impairment that substantially limits one or more major life activities. An individual is considered to be a person with a disability if he/she has the disability, has a record of the disability or is regarded as having the disability. It is the college's intention and obligation to provide reasonable accommodation to qualified students with disabilities provided the accommodation does not create undue hardship on the financial or structural operation of the college. Reasonable accommodation is the provision of an auxiliary aid, or modification of the facility, service or program, which may allow access by a student with a documented disability.

6. Evaluation and provision of accommodations: It is the responsibility of the student with a documented disability to inform the disability services office of his or her need for accommodation. When the request for accommodation is received, the disability services office will:

1. Request documentation of the disability by a physician or other qualified health professional. (Disability verification forms are available from the Disability Services Office to facilitate this step.)
2. Review the provided documentation to determine if the student is a qualified individual with a disability, on an individual case by case basis.
3. Consult with the qualified student with a documented disability to determine the appropriate reasonable accommodation(s).
4. Research available accommodations and resources.
5. Consult with the disability services director, as necessary, in considering types of reasonable accommodations.
6. Consider the preference of the student with a documented disability. The student's preference will be given first priority, however, the college may provide an alternative, equally effective accommodation, giving consideration to price and convenience.

### **(4.020.15) Grievances and Appeals**

**ADA Section 504/Title II grievance procedures provide for the prompt and equitable resolution of complaints pursuant to and in accordance with 34 C.F.R § 104.7(b) and 28 C.F.R § 35.107(b).**

The Americans with Disabilities Act (ADA) provides that no qualified individual with a disability be denied access to or participation in services, programs, and activities of a public entity. Mohave Community College strives to maintain the highest standards of integrity and fairness in its policy of nondiscrimination on the basis of disability. Mohave Community College has adopted an internal grievance procedure providing for the prompt and equitable resolution of complaints alleging any action prohibited by the ADA and Section 504 of the Rehabilitation Act of 1973. Individuals who believe they have been discriminated against on the basis of disability by Mohave Community College may file complaints pursuant to the following procedures.

# Mohave Community College ADA/504 Policies and Grievance Procedures

**Contact Person for Disability Discrimination Complaints:** Mohave Community College, ADA Coordinators: Director of Disability Services, 1971 Jagerson Ave. Kingman, AZ 86409, 928.757.0848 or Janice E. Woods, Dean of Student Services, 1971 Jagerson Ave, Kingman, AZ 86409 928.757.0803,

## (4.020.20) ADA Grievance Procedure

MCC has established a procedure for filing complaints under the Americans with Disabilities Act (“ADA”) and Section 504 of the Rehabilitation Act (“Section 504”). Under this procedure an individual may file a complaint regarding any alleged violation of the ADA or Section 504. (This may include, but is not limited to, issues related to academic adjustments, different treatment based on disability, disability-related harassment or retaliation, physical accessibility, **ect.**)

Any of the time frames set out below may be extended for good reason, such as (but not limited to) when classes are not in session or upon mutual agreement by the student filing the complaint and the ADA/Section 504 Coordinator.

### **Definitions:**

**Day/Business Day** - shall refer to a college business day (8:00 am – 5:00 pm, Monday – Friday, Fall through Spring Terms; 7:00 am – 5:00 pm, Monday – Thursday, Summer Term) unless otherwise noted.

**Student** - all persons enrolled in any College courses, regardless of where courses are taught, whether they are enrolled full-time or part-time, for credit or non-credit or not-for credit or contract education, and whether or not s/he is planning to earn a degree, certificate of achievement or other certification. Persons who are enrolled in online or hybrid courses are also considered 'students'.

**Complainant** - means any person who submits a complaint alleging a violation of ADA/504 and any person who believes that s/he has been a victim of discrimination based on his/or her disability.

**Parties** – include the complainant(s) and all others involved in the complaint.

### **Level 1 - Informal grievance resolution process**

The College encourages informal resolution of concerns and complaints. If a qualified individual with a disability has a concern or complaint regarding any of the matters set forth in the first paragraph of 4.020.20 above, the individual may first, voluntarily, attempt to resolve the problem through an informal discussion with the local campus Disability Services Specialist. To be timely, the individual must initiate this informal discussion with the Disability Services Specialist within forty-five (45) business days of the alleged act that gave rise to the complaint. If the grievance is satisfactorily resolved at the conclusion of the conference, the matter will be considered closed with no need for advancement to formal grievance process. If the conference is unsuccessful, the aggrieved party has the right to proceed with the formal grievance process. Failure of the aggrieved party to initiate a formal grievance within the time allowed by the Level 2 procedures may constitute waiver.

## Mohave Community College ADA/504 Policies and Grievance Procedures

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Disability Services specialists will document all informal grievance conferences by memorializing the date, time, persons present, issues in dispute, and agreements reached. Copies will be submitted to Director of Disability Services and the Dean of Student Services within five (5) business days of the conclusion of any conference.

If the individual does not wish to voluntarily attempt to resolve the grievance with an informal process, that individual may file a formal grievance.

### **Level 2 - Formal grievance resolution process—Director of Disability Services.**

In the event an individual is dissatisfied with the informal grievance resolution, or does not wish to voluntarily attempt to resolve the grievance with an informal process, the individual may file a formal complaint by contacting and filing a written complaint with the, the Director of Disability Services. To be timely, the written complaint must be filed within thirty (30) days after the Disability Services Specialist has submitted the results of the Level 1 process; or if the individual does not choose to pursue the Level 1 process, within forty-five (45) business days of the alleged discriminatory action. The written complaint must be completed using the ADA/504 Grievance Resolution Form (SS0021), which is available in the office of the campus Director of Student Services and in the student forms repository on the MCC website. Untimely filing and/or not using the appropriate form may constitute a waiver of the claim. If an accommodation and/or assistance in filling out the grievance form are needed, please contact Disability Services at your home campus for assistance.

The form must be completed and must be returned to the campus Director of Student Services. If another type of communication is used to notify the college of a possible grievance, the individual filing the grievance will be given an opportunity to complete the ADA/504 Grievance Resolution Form and instructed on how to do this. The campus Director of Student Services will forward a copy of the ADA/504 Student Grievance Resolution form to the Director of Disability Services at the district office. The student must keep a copy of his/her completed complaint form. Within twenty (20) business days of the receipt of the written complaint, the director will work with all parties involved to resolve the grievance and notify the individual and all interested parties in writing of the decision. Any or all of the parties involved may have a person accompany them during any discussions.

An investigation, as may be appropriate, shall follow the filing of a complaint. The Director of Disability Services or his/her designee will conduct the investigation. These rules contemplate non-adversarial, but thorough, investigations, affording all interested persons an opportunity to submit evidence relevant to the complaint. Notification will be sent to the aggrieved party and all parties named in the complaint that the formal grievance process has been initiated. By the same notification, the parties will be advised that an investigation of the allegations will be conducted, the nature of the investigation and the expected time of completion.

The investigative process will include, but not be limited to, interviews of all interested parties and witnesses and the collection and indexing of pertinent documents, written statements and other evidence. The notes or transcriptions of the interviews and the evidence collected will be compiled in a record to which the investigator's findings and conclusions will be attached. The record will remain confidential (to the extent allowable by law).

## Mohave Community College ADA/504 Policies and Grievance Procedures

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A written determination as to the validity of the complaint and a description of the resolution if any, shall be issued by the Director of Disability Services or his/her designee and a copy forwarded to the complainant and all other interested parties no later than 20 business days after filing.

The Director of Disability Services shall maintain the files and records for Mohave Community College relating to the complaints filed. The complainant may request an appeal of the case if s/he is dissatisfied with the resolution. The request for an appeal should be made within 10 business days to the Dean of Student Services, pursuant to the Level 3 procedures below.

If the college determines that discrimination occurred, it will take steps to prevent recurrence, and to correct the effects of the discrimination on the complainant or others, if appropriate. Mohave Community College will initiate any agreed upon resolutions in a timely and equitable manner.

**OTHER REMEDIES:** The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies, such as the filing of an ADA Complaint with the responsible Federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

**RULE CONSTRUCTION:** These rules shall be constructed so as to protect the substantive rights of interested persons, to meet appropriate due process standards, and to assure that Mohave Community College complies with the ADA and the implementing regulations.

**OTHER PROCEDURES:** The procedures provided herein are in addition to, and not in lieu of, any other procedures or remedies available under the law or otherwise.

### **Level 3 – Appeal to College ADA Coordinator—Dean of Student Services**

In the event that the individual is dissatisfied with the written decision of the Director of Disability Services or his/her designee, he or she has the right to file a Level Three Grievance with the Dean of Student Services. Within ten (10) business days after the Director of Disability Services has issued the written notice concluding the Level 2 resolution process, an individual wishing further action on the incident must submit a copy of his/her completed grievance resolution form, and any additional information to the Dean of Student Services. The Dean of Student Services reserves the right to refuse to investigate Grievance Appeals filed more than (10) business days after the date of the written decision of the Director of Disability Services.

Upon receipt of a Level Three Grievance, the Dean of Student Services or his/her designee shall investigate the matter and inform - in writing - the student, all parties named in the complaint, and the Disability Services Director of the outcome of the investigation. Investigation will ordinarily involve interviewing relevant individuals and reviewing reasonably available documents. Upon completion of the investigation, the Dean of Student Services will issue the aggrieved individual, and all other interested parties, a written determination which will specify findings and, if appropriate, the resolution of the matter. Such written determination shall ordinarily be issued within twenty (20) business days of the date of the request for review. Circumstances which may prolong the response of the Dean of Student Services

## Mohave Community College ADA/504 Policies and Grievance Procedures

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include the intervention of a semester break and such other circumstances which may render unavailable persons necessary to an appropriate resolution of the complaint.

The Dean of Student Services shall maintain files and records relating to all Level Two and Level Three Grievances. The right of the individual to an equitable and timely resolution of a complaint filed hereunder shall not be impaired by the person's pursuit of other remedies\* such as the filing of a complaint with the responsible federal or state department agency.

**All records regarding decisions and actions taken regarding the grievance will be housed in the District Administration Office.**

**NOTE:** Any time limit herein may be extended by five (5) business days by the ADA coordinator with notice to the filing individual. Timelines may be further modified by mutual agreement.

**RETALIATION:** The College prohibits retaliation against any individual for filing a grievance under this process or against any other individual participating in the investigation of a grievance. Any such retaliation is against state and federal laws and Mohave Community College Policy. Retaliation may be subject to disciplinary action. Students or any individual who has participated in the grievance process in any capacity (for example, a neutral witness not associated with either party) are protected from retaliation and may file a grievance under these procedures with the Dean of Student Services Office if they feel they have been retaliated against.

**RULE CONSTRUCTION:** These rules shall be constructed so as to protect the substantive rights of interested persons, to meet appropriate due process standards, and to assure that Mohave Community College complies with the ADA and the implementing regulations.

**OTHER PROCEDURES:** The procedures provided herein are in addition to, and not in lieu of, any other procedures or remedies available under the law or otherwise.

**\*OTHER REMEDIES:** The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies, such as the filing of an ADA Complaint with the responsible Federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies. Although students are encouraged to attempt to resolve complaints pertaining to disabilities by using this grievance procedure, they have the right to file a complaint directly with the U.S. Department of Education, Office for Civil Rights (OCR):

**Arizona, Colorado, New Mexico, Utah, Wyoming**

Office for Civil Rights,

*Denver Office*

U.S. Department of Education

Cesar E. Chavez Memorial Building

1244 Speer Boulevard, Suite 310

## Mohave Community College ADA/504 Policies and Grievance Procedures

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Denver, CO 80204-3582

Telephone: (303) 844-5695

Facsimile: (303) 844-4303

[Email: OCR.Denver@ed.gov](mailto:OCR.Denver@ed.gov)

### **Confidentiality**

The student's confidentiality shall be maintained by each person involved in the informal or formal investigation or resolution of a student grievance under this policy. Any disclosures regarding the student or the investigation shall be limited to the minimum necessary to accomplish the investigation or address the student's grievance.