

Mohave Community College ADA/504 Policies and Grievance Procedures

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 it is an equal opportunity employer. For more information, call the Office of the Chief Student Services Officer at 928.757.0803, 1971 Jagerson Ave. Kingman, AZ 86409. 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

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 it is an equal opportunity employer. For more information, call the Office of the Chief Student Services Officer at 928.757.0803, 1971 Jagerson Ave. Kingman, AZ 86409. Grievance procedures are available in the Student Handbook, on the Mohave Community College website and in the Student Services offices at each campus.

The Compliance Office 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
3. The Chief Student Services Officer and the Compliance Officer will act as ADA coordinators to oversee compliance in the area of student accommodations.
4. The procedure for requesting accommodations: If a student with a disability wants or 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 Compliance 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 the Compliance Office/ADA Coordinator before registering for classes. Mohave Community College requires up to six weeks' notice to provide disability related "reasonable

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accommodation” or assistance to the person requesting accommodation, provided the accommodation does not create an undue hardship on the financial or structural operation of the college. Wherever possible, the college may provide reasonable accommodation(s) with less than a six-week period provided an undue hardship on the financial or structural operation of the college does not exist.

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 Compliance Office of his or her need for special assistance accommodation. When the request for assistance or accommodation is received, the Compliance Office will:

1. Determine if the individual is qualified by taking appropriate steps. Request documentation of the disability to include completion of the disability verification form by a physician or qualified health professional.
2. Consult with the qualified student with a documented disability who has identified his or her need for assistance and evaluate reasonable accommodation.
3. Research available accommodations and resources. Consult with the Compliance Officer in considering types of reasonable accommodations.
4. Consider the preference of the student with a documented disability. In most cases, the college is free to choose the readily achievable accommodation. This could be the least expensive or the easier to provide; however, if accommodation avenues are equal, the student’s preference will be provided.

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).

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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. Students who believe they have been discriminated against on the basis of disability by Mohave Community College may file complaints pursuant to the following procedures.

Contact Person for Disability Discrimination Complaints: Mohave Community College, ADA Coordinators Compliance Office, 1971 Jagerson Ave. Kingman, AZ 86409, 1-866-664-2832

4.020.20 ADA Grievance Procedure

MCC has established a complaint procedure for disabled students under the Americans with Disabilities Act ("ADA") and Section 504 of the Rehabilitation Act ("Section 504"). Under this procedure a disabled student may file a complaint regarding any determination that has been made by the College, or its employees or agents, concerning a student's disability, including the following: (1) whether a student is a disabled student; (2) whether an accommodation, academic adjustment and/or an auxiliary aid or service is reasonable and/or timely; (3) whether a student is being discriminated against in violation of the ADA and/or Section 504; or (4) whether a student is being subjected to unlawful retaliation in violation of the ADA and/or Section 504.

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

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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 accused students and the complainant(s) for any given conduct code allegation.

Level 1 - Informal grievance resolution process

The College encourages informal resolution of student concerns and complaints. If a student has a concern or complaint regarding any of the matters set forth in the first paragraph of Section I above, the student must first attempt to resolve the problem through an informal discussion with the student's DS Specialist. To be timely, the student must initiate this informal discussion with his or her DS Specialist within twenty (20) school 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 within five business days. Failure of the aggrieved party to initiate Step 1 of the formal grievance procedures within the time allowed may constitute waiver.

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

Level 2 - Formal grievance resolution process – Compliance Officer.

A student may file a formal complaint by contacting and filing a written complaint with the ADA/504 coordinator, the Compliance Officer. To be timely, within thirty (30) working days of the Level 1 resolution being offered, a student wishing further action on the grievance must complete and return an ADA grievance resolution form. This form is available from an advisor and in the student forms repository on the MCC website. The form must be completed and must be returned to the advisor. The advisor will forward a copy of the ADA Student Grievance Resolution form to the Compliance Officer at the district office. The student must keep a copy of his/her completed complaint form. Within ten (10) working days of the receipt of the written complaint, the director will work with all parties involved to resolve the grievance and notify

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the student 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 ADA Coordinator will conduct the investigation. These rules contemplate informal, 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).

A written determination as to the validity of the complaint and a description of the resolution if any, shall be issued by the ADA Coordinator and a copy forwarded to the complainant no later than 30 calendar days after filing. The ADA Coordinator shall maintain the files and records for Mohave Community College relating to the complaints filed. The complainant may request a reconsideration of the case if s/he is dissatisfied with the resolution. The request for reconsideration should be made within 10 calendar days to the ADA Coordinator.

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.

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Level 3 – Appeal to College ADA Coordinator – Chief Student Services Officer.

In the event that the student is dissatisfied with the written decision of the Compliance Officer Services, he or she has the right to file a Level Three Grievance with the Chief Student Services Officer. Within ten (10) working days of the Level 2 resolution being offered, a student wishing further action on the incident must submit a copy of his/her completed grievance resolution form to the Dean. The Chief Student Services Officer reserves the right to refuse to investigate Grievance Appeals filed more than (10) working days after the date of the written decision of the Compliance Officer.

Upon receipt of a Level Three Grievance, the Chief Student Services Officer or his/her designee shall investigate the matter and inform in writing the student, all parties named in the complaint, the Compliance Officer and ADA Coordinator. Investigation will ordinarily involve interviewing relevant individuals and reviewing reasonably available documents.

The Dean may take one or more of the following actions:

1. Offer a resolution to the grievance.
2. Dismiss the grievance.
3. Take appropriate action

Upon completion of the investigation, the Chief Student Services Officer will issue the student a written determination which will specify findings and, if appropriate, the resolution of the matter. Such written determination shall ordinarily be issued within thirty (20) working days of the date of the request for review. Circumstances which may prolong the response of the College ADA/504 Coordinator 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 College ADA/504 Coordinator shall maintain files and records relating to all Level Three Grievances. The right of the student 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.

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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):

The OCR office for Arizona is located at:

Denver Office
Office for Civil Right
U.S. Department of Education
Cesar E. Chavez Memorial Building
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582
Telephone: (303) 844-5695
Fax: (303) 844-4303
TDD: (800) 877-8339
[Email: OCR.Denver@ed.gov](mailto:OCR.Denver@ed.gov)

The OCR National Headquarters is located at:

U.S. Department of Education
Office for Civil Rights
Lyndon Baines Johnson Department of Education Bldg.
400 Maryland Avenue, SW
Washington, DC 20202-1100
Telephone; (800) 421-3481
Fax: (202) 453-6012
TDD: (800) 877-8339
Email: OCR@ed.gov