

**Disabilities Appeals & Grievances**  
**SAS**  
**03-19-2020**

Students who believe they have been subjected to unlawful discrimination on the basis of disability, or have been denied public access (e.g. use of services, activities and/or physical spaces) or accommodations, can make use of Marymount's grievance process to resolve that concern/complaint. Depending upon the nature of the complaint listed below, students are encouraged to contact the following university representatives to resolve the issue in-house:

**The Office of the Provost if:**

- The student believes that Student Access Services (SAS) inappropriately denied their request for accommodations and would like to appeal that decision. Specifically, the student considers themselves to have a definable and significant impairment which can best be managed if provided accommodations that reduce or remove an identified barrier to their "access."
- The student was unable to access a Marymount program or activity due to disability. Public access challenges do not require that students reveal themselves as disabled to SAS and be approved for use of accommodations by SAS. (SAS is focused upon providing students with academic-related accommodations.) This access request, then, typically applies to students who need access to public/common areas such as transit services, event seating, and event communications (e.g. interpreting services).
- The student believes to have experienced discrimination and/or harassment based on their having a disability or being perceived as having a disability by any person/s on campus.

**Student Access Services (SAS) if:**

- The student was approved to use SAS accommodations and believes that the campus individual or unit whose responsibility it was to implement those accommodations fell short of doing so, or did not do so at all. Student accommodations typically include course instruction, student housing, and dining accommodations. This grievance, then, would be against the person who is believed to have not properly implemented the SAS-approved accommodations on behalf of the student.
- The student believes they experienced a violation of privacy in the context of a disability during his/her participation or attempt to participate in an academic program or related activity (e.g. housing and dining services).

**Making a Grievance**

When submitting a grievance to either the Provost's Office or SAS, students should include the following information:

- A clear and concise statement of the problem or issue to be reviewed and a summary of steps taken, if any, by the student to resolve the problem and/or related issue prior to submitting the grievance.
- A reasonably detailed description of the relevant facts, including the student's purported disability, names of persons with relevant information, and a description or copies of relevant documents or other evidence related to the grievance. Also, a chronology of events is appreciated.
- The name, contact information and signature of the student initiating the complaint.

### **Response to a Grievance**

Marymount's response to a grievance, typically includes some or all of the following steps:

- Meeting online with the student reporting the grievance;
- Contacting those persons who are reported to have caused the grievance to discuss the events giving rise to the grievance;
- Requesting relevant medical documentation or an independent medical evaluation (if not already on-hand and if needed) to assess the need for an accommodations appeal;
- Gathering other relevant information through a fact-finding process.

If the Disabilities Review Authority (which is either the Provost's Office or SAS) determines that a fact-finding process is required (beyond the other steps described above), then the student grievant will be so informed. The Disabilities Review Authority will interview the student grievant and other fact witnesses as necessary, and will review documents and other evidence in order to make a determination as to what steps, if any, should be taken on behalf of the complainant. The Disabilities Review Authority may request that an accommodation be provided on a provisional basis pending the conclusion of this fact-finding process, which could take approximately 45 days to complete.

Best efforts will be made to complete the investigation within 45 University working days of receipt of the complaint. If there are circumstances that affect Marymount's ability to reach fact witnesses and to review documents (e.g., school breaks, the availability of parties with information), the timeline may be extended.

### **Confidentiality**

Marymount will strive to maintain the confidentiality of information shared throughout the grievance process. However, disclosures may be required for the purpose of fact-finding or efforts to resolve the grievance. In the few instances where disclosures must be made, disclosures will be limited to those persons necessary to proceed in the fact-finding process or to otherwise address the grievance.

All persons involved in the student's grievance will be advised of the importance of confidentiality in the process and asked to maintain the confidentiality of the information discussed during the fact-finding process and the identity of the grievant.

A grievant should understand that where a grievance is specifically directed against one or more specific individuals, the grievance itself or portions of the grievance will be disclosed to the accused individual(s) for purposes of response.

### **Prohibition Against Retaliation**

Marymount prohibits retaliation against any person who requests accommodations, files a grievance alleging disability discrimination, or participates in the grievance process. Any concerns about retaliation related to this process should be disclosed immediately to the Disabilities Review Authority.

**Alternative Avenues for Redress of Grievances**

Although all Marymount students may avail themselves of this policy and procedure, students are encouraged to try to resolve matters informally whenever necessary. If a student believes that an informal resolution is possible, even in the context of a filed grievance, the student is encouraged to describe a proposed course to the Marymount Disabilities Review Authority.

While students are encouraged to utilize Marymount's process towards resolving disability-related complaints (above), all students have a right to file a grievance directly with either or both of the below:

Arlington County Office of Human Rights

2100 Clarendon Boulevard, Suite 318

Arlington, Virginia 22201

Telephone: 703-228-3929

FAX: 703-228-4390

TTY: 703-228-4611

Washington DC (Metro)

Office for Civil Rights

U.S. Department of Education

400 Maryland Avenue, SW

Washington, D.C. 20202-1475

Telephone: 202-453-6020

FAX: 202-453-6021;

TDD: 800-877-8339

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