

Section 504/ADA Grievance Procedure

- I. **Scope:** This policy and procedures applies to all students, employees, third-party guests, and visitors.

II. Policy Statement

The Americans with Disabilities Act (ADA) prohibits the exclusion of people from jobs, services, activities, or benefits based on disabilities. In addition, Section 504 states that no otherwise qualified individual with a disability shall, solely by reason of their disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance from the U.S. Department of Education. Further, it specifically ensures that no qualified individual with a disability shall, on the basis of disability, be subjected to discrimination under any program or activity that receives federal financial assistance.

Consistent with its nondiscrimination policy, the College of Southern Maryland has made many accommodations to facilitate a fully accessible, to the extent possible, barrier-free environment. The College of Southern Maryland will, upon disclosure, attempt to make other reasonable accommodations if appropriate. Employee or applicant requests for ADA accommodations are handled in accordance with the Access for Employees with Disabilities policy: HR: 4005.

Students requesting accommodations based on a disability should follow the Procedures for Requesting Reasonable Accommodations available at the following link on the CSM website:
<https://www.csmd.edu/student-services/disability-support/apply-for-services.html>

Individuals who believe they have been discriminated against, in violation of the Act, should follow the procedures described below.

III. Scope of Grievance

Any student, employee, or third-party guest or visitor who believes that he or she has been subjected to discrimination on the basis of disability by employees, students, or third parties or has been denied access or accommodations 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 College of Southern Maryland practices or requirements;
2. Alleged inaccessibility of a College of Southern Maryland program or activity;
3. Alleged harassment or discrimination on the basis of a disability; and
4. Any other alleged violations of the ADA and/or Section 504.
5. Perceived retaliation due to a pending disability discrimination complaint.

This Grievance Procedure, however, is not intended and shall not supersede other College of Southern Maryland policies and procedures which may exist for addressing issues of concern unrelated to disabilities for which separate CSM policies and procedures exist, including, for example, a student appealing a grade. For these types of alleged violations, students should use the Student Grievance Policy procedures. Questions of applicability will be decided by the Executive Director of Equity and Inclusive Diversity or the College.

IV. ADA/Section 504 Coordinator and Office of Equity and Inclusive Diversity

The College's ADA/ Section 504 Coordinator is responsible for overseeing the College's compliance with all federal and state laws applicable to disabilities.

The ADA/Section 504 Coordinator ("Coordinator") is assisted in meeting compliance obligations and the coordination of this grievance procedure by the college's Executive Director of Equity and Inclusive Diversity. The Coordinator is responsible for interpretation of ADA/Section 504 law and policy in all academic areas, student services, employment, services to the public, transportation, facilities, and any other college activities and programs subject to the requirements of the ADA and Section 504. The Coordinator provides training to faculty, staff and administration on disability awareness, accommodation and compliance issues. The Coordinator consults on accommodation and access concerns for faculty, staff, students and guests, and reviews concerns, denials and appeals of accessibility and reasonable accommodation determinations for students, faculty, staff and guests. The designated Coordinator ("Coordinator") is:

Christina Centineo ADA/504
Coordinator Student Affairs
8730 Mitchell Road
P. O. Box 910
La Plata, Maryland 20646-0910 Phone:
301-934-7614
E-Mail: crcentineo@csmd.edu TDD:
800-735-2258

The Executive Director of Equity and Inclusive Diversity also investigates and issues determinations regarding complaints of disability discrimination, harassment and retaliation. In the absence of the Executive Director, the Interim Associate Vice President of Human Relations is:

Dr. Trenace Richardson 8730
Mitchell Road
P.O. Box 910
La Plata, Maryland 20646 Phone: 301-
934-7735
E-mail: tnrichardson@csmd.edu

V. Procedures

All disability-related grievances covered by these procedures must be filed within 60 days of the alleged violation. The college may extend this time frame when a delay is due to circumstances beyond the individual's control, e.g., illness or incapacity. 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 college shall not review a grievance that is untimely or fails to contain all required information, including a clear statement of all 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 individual's initial complaint. The college reserves the right to redirect a grievance to the proper grievance procedure or to any other appropriate review procedure.

The written complaint shall include the following:

1. A full description of the problem and any relevant facts;
2. A summary of the steps the complainant has already taken in attempt to resolve the problem, including the names of persons involved;
3. A statement of the requested resolution and the complainant's rationale for the requested accommodations for each perceived violation;
4. Any supporting documentation; and
5. The name, contact information and signature of the person initiating the complaint.

Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for individuals upon request.

Informal Grievance Procedures

Students, faculty, staff and other members of the college community who have a complaint may also first attempt to resolve the complaint informally. All complainants should first attempt to discuss the matter orally or in writing with the individual most directly responsible. If no resolution results, or the complainant feels that direct contact is inappropriate under the circumstances, complainants may contact the Coordinator who will attempt to facilitate a resolution. If the complainant is grieving determinations or actions of the Coordinator, the complainant may contact the Executive Director of Equity and Inclusive who will attempt to facilitate a resolution.

If a satisfactory resolution is not achieved within 10 working days, the Coordinator or Executive Director will inform the complainant of their right to file a formal complaint.

Formal Grievance Procedures

If no satisfactory resolution is reached after the above informal attempts to resolve the complaint are made, or if the individual chooses to bypass the above informal complaint process, he/she should submit a written complaint. Investigations of complaints will be adequate, reliable and impartial. If the complainant attempts to resolve the matter informally and that attempt has failed

or the complainant decides to end the informal process for any other reason, the complainant will have an additional 10 days to file a formal complaint. A listing of all meetings and/or written attempts to resolve the issue should be included with the formal complaint.

A. Student or Guest Complaints

1.
 - a. Where the complaint by a student or guest alleges the failure to provide a reasonable accommodation, denial of an approved accommodation or service, or inaccessibility of a program or other college activity by a staff or faculty member, or third-party vendor, contractor or other engaged in business with the college, the complaint should be filed with the Coordinator. The Coordinator, or designee, shall assess the formal complaint and review all information necessary to render a written determination to the complainant and to any administrator whose authority will be needed to carry out the proposed resolution. This will include providing the complainant and accused with an opportunity to submit evidence, including identifying witnesses and documents for the Coordinator's consideration as part of the investigation.

The Coordinator, or designee, will issue a letter of determination to the complainant and the individual whose decision is being challenged of their findings within 10 working days of the formal complaint.

- b. If the complainant disagrees with the determination given by the Coordinator, he/she may seek a reconsideration of the determination by the Executive Director of Equity and Inclusive Diversity. The Executive Director will review the letter of determination offered by the Coordinator and all information necessary to render a written determination. If needed, the complainant shall submit any additional information and/or documents as requested. The Executive Director will issue a letter of determination within 10 working days of receiving the request, supply the complainant and relevant parties with a copy of the letter of determination, and take any steps necessary to implement their decision, including but not limited to, providing a copy of the letter of determination to the appropriate college officials. The decision of the Executive Director is final.
 - c. If the complaint is against the Coordinator or designee or other member of the Disability Support Services Office, (e.g., regarding the denial of requested accommodations or access to a college program or activity) the complaint should be filed with the Executive Director of Equity and Inclusive Diversity. The Executive Director will review the determination offered by the Coordinator and all information necessary to render a written determination. This will include providing the complainant and accused with an opportunity to submit evidence, including identifying witnesses and documents for the Executive Director's consideration as part of the investigation.

The Executive Director will issue a letter of determination within 10 working days of receiving the complaint, supply the complainant and relevant parties with a copy of the letter of determination, and take any steps necessary to implement their decision, including but not limited to, providing a copy of the letter of determination to the appropriate college officials. The decision of the Executive Director is final.

2.
 - a. All other complaints of disability discrimination covered by this procedure (e.g., alleging harassment, other discrimination based on disability, or retaliation) should be filed with the Executive Director of Equity and Inclusive Diversity. The Executive Director or their designee under their direction will conduct an investigation of the complaint. This will include providing the complainant and accused with an opportunity to submit evidence, including identifying witnesses and documents for the Executive Director's consideration as part of the investigation.

The Executive Director or designee will issue a written letter of determination as to the validity of the complaint and any resolution. Unless there are extenuating circumstances, the Executive Director will issue the letter of determination within fifteen (15) working days of receiving the formal complaint. If extenuating circumstances cause a delay, the Executive Director will notify the complainant in writing of the delay along with an anticipated timeframe for issuance of the final letter of determination. The Executive Director will supply the complainant and relevant parties with a copy of the letter of determination and take any steps necessary to implement their decision, including but not limited to, providing a copy of the letter of determination to the appropriate College officials.

- b. The complainant or any party against whom the grievance or the proposed resolution is directed may appeal and request reconsideration of the determination to the Vice President of Student Equity and Success. The request for appeal must be submitted in writing to the Executive Director of Equity and Inclusive Diversity within ten (10) working days. The written request for appeal must specify the particular substantive and/or procedural errors that are the basis of the appeal, and must be made on reasons other than general dissatisfaction with the determination of the Executive Director. The Executive Director will forward the appeal to the Vice President of Student Equity and Success and also provide copies to the other parties.

The Vice President of Student Equity and Success or their designee shall review the student's letter, all pertinent records, and documentation. The Vice President or designee will send a written decision to the parties, the Executive Director, and if appropriate to the division administrator whose authority will be needed to carry out the decision, within thirty (30) working days of the complainant's request unless there are extenuating circumstances. If extenuating circumstances cause a delay, the Vice President of Student Equity and Success will notify the complainant in writing of the delay along with an anticipated timeframe for review and issuance of the written decision. The decision of the Vice President of Student Equity and Success on the appeal is final.

B. Faculty and Staff Complaints

1.
 - a. Where the complaint alleges the failure to provide a reasonable accommodation or denial of an approved accommodation by another member of staff or administration, the complaint should be filed with the Associate Vice President of Human Resources ("Associate Vice President"). The Associate Vice President, or designee, shall assess the formal complaint and review all information necessary to render a written determination to the complainant and to any administrator whose

authority will be needed to carry out the proposed resolution. This will include providing the complainant and accused with an opportunity to submit evidence, including identifying witnesses and documents for the Associate Vice President's consideration as part of the investigation. The Associate Vice President, or designee, will issue a letter of determination to the complainant and the individual whose decision is being challenged of their findings within 10 days of the formal complaint.

- b. If the complainant disagrees with the determination given by the Associate Vice President, he/she may seek a reconsideration of the determination by the Executive Director of Equity and Inclusive Diversity. The Executive Director of Equity and Inclusive Diversity will review the letter of determination offered by the Associate Vice President and all information necessary to render a written determination. If needed, the complainant shall submit any additional information and/or documents as requested. The Executive Director of Equity and Inclusive Diversity will issue a letter of determination within 10 working days of receiving the request, supply the complainant and relevant parties with a copy of the letter of determination, and take any steps necessary to implement their decision, including but not limited to, providing a copy of the letter of determination to the appropriate college officials. The decision of the AVP, Institutional Equity and Diversity is final.
- c. If the complaint is against the Associate Vice President or designee or other member of the Human Resources Department, (e.g., regarding the denial of requested accommodations or access to a college program or activity under the Access for Employees with Disabilities HR: 4005 policy) the complaint should be filed with the Executive Director of Equity and Inclusive Diversity. The Executive Director of Equity and Inclusive will review the determination offered by the AVP of Human Resources and all information necessary to render a written determination. If needed, the complainant shall submit any additional information and/or documents as requested. The Executive Director of Equity and Inclusive Diversity will issue a letter of determination within 10 working days of receiving the complaint, supply the complainant and relevant parties with a copy of the letter of determination, and take any steps necessary to implement their decision, including but not limited to, providing a copy of the letter of determination to the appropriate college officials. The decision of the Executive Director of Equity and Inclusive Diversity is final.

2.

- a. All other complaints of disability discrimination covered by this procedure (e.g., alleging harassment, other discrimination based on disability, or retaliation) should be filed with the Executive Director of Equity and Inclusive Diversity. The Executive Director or their designee under their direction will conduct an investigation of the complaint. This will include providing the complainant and any accused with an opportunity to submit evidence, including identifying witnesses and documents for the Executive Director's consideration as part of the investigation.

The Executive Director or designee will issue a written letter of determination as to the validity of the complaint and any resolution. Unless there are extenuating circumstances, the AVP will issue the letter of determination within fifteen (15) working days of receiving the formal complaint. If extenuating circumstances cause a delay, the Executive Director will notify the complainant in writing of the delay along with an anticipated timeframe for issuance of the final letter of determination. The Executive Director will supply the complainant and relevant parties with a copy

of the letter of determination and take any steps necessary to implement their decision, including but not limited to, providing a copy of the letter of determination to the appropriate College officials.

- b. The complainant or any party against whom the grievance or the proposed resolution is directed may appeal and request reconsideration of the determination to the President or their designee. The President may consider the appeal or appoint a designee to decide the appeal. The request for appeal must be submitted in writing to the Executive Director within ten (10) working days. The written request for appeal must specify the particular substantive and/or procedural errors that are the basis of the appeal, and must be made on reasons other than general dissatisfaction with the determination of the Executive Director. The Executive Director will forward the appeal to the President and also provide copies to the other parties.

The President or their designee shall review the complainant's letter, all pertinent records, and documentation and send a written decision to the parties, the Executive Director, and if appropriate to the division administrator whose authority will be needed to carry out the decision, within thirty (30) working days of the complainant's request unless there are extenuating circumstances. If extenuating circumstances cause a delay, the President or designee will notify the complainant in writing of the delay along with an anticipated timeframe for review and issuance of the written decision. The decision of the President or designee on the appeal is final.

VI. Timelines

The term "days" refers to days when the College is open for business and does not include official College holidays or other closures during the regular fiscal year.

VII. Remedies

The college will impose remedies intended to correct the discriminatory effects on the complainant or others and to prevent the recurrence of any prohibited acts.

VIII. External Complaints

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):

Delaware, Maryland, Kentucky, Pennsylvania, West

Virginia

Office for Civil Rights, Philadelphia Office
U.S. Department of Education
Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107

Telephone: 1-215- 656-8541
FAX# 215- 656-8605; TDD 215- 656-8604

In addition, other complainants may also file a disability discrimination complaint with the responsible federal or state department or agency including the federal Equal Employment Opportunity Commission or the Maryland Commission on Human Rights.

IX. 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 CSM policy. Retaliation may be subject to disciplinary action up to and including termination. Students or any individual who has participated in the grievance process in support of the grievant may file a grievance under these procedures with the AVP, Institutional Equity and Diversity if they feel they have been retaliated against.

X. Records

The ADA/ Section 504 Coordinator and AVP, Institutional Equity and Diversity shall maintain the files and records of all complaints for which he/she is responsible under this grievance procedure.

References: Board Policy Gen: 417
Access for Employees with Disabilities, HR: 4005

For more information contact the Section 504/ADA Coordinator at 301-934-2251, Ext. 7614; or Executive Director of Equity and Inclusive Diversity at 301-934-7659 or in the absence of the Executive Director, the Interim Associate Vice President of Human Resources at 301-934-7735.

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