Flagler College Student Disability Grievance Procedure

Flagler College ("Flagler" or the "College") is committed to ensuring that no otherwise qualified individual with a disability is excluded from participation in, subjected to discrimination in connection with, or denied the benefits of any College programs or activities due to his or her disability. The College will take steps to prevent the recurrence of any discrimination and to correct discriminatory effects on the complainant and others, if appropriate.

The College has adopted this internal Grievance Procedure to provide for the prompt and equitable resolution of student complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 ("Section 504") or Title III of the Americans with Disabilities Act ("Title III") or otherwise alleging disability-related discrimination or harassment. Section 504 prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance, and Title III prohibits discrimination on the basis of disability by private entities (including Colleges) that provide places of public accommodation. These laws and accompanying regulations may be examined in the office of the Director of Disability Support Services, who the College has designated to coordinate its efforts to comply with Section 504 and Title III ("the Director"). The following is the Director's contact information:

Ms. Lynn Francisco, Director of Disability Services  
Room 211 of the Proctor Library  
Saint Augustine, Florida 32084  
904-819-6460  
EFrancisco@flagler.edu

Who May Grieve?

Any student currently enrolled at the College who believes he or she has been discriminated against or harassed on the basis of disability by a College employee (e.g., administrator, faculty, staff, adjunct faculty, or other agent of the College); College student; or, in certain circumstances, by a visitor to the College, may use this process to file a grievance (the "Grievant").

What May Be Grieved?

An action or decision may be grieved if it involves alleged discrimination or harassment by a College employee; College student; or, in certain circumstances, by a visitor to the College against a student on the basis of that student’s disability. Such actions may include, but are not limited to, denial of accommodations or lack of physical access to College facilities or programs.
Confidentiality and Prohibition Against Retaliation

The College will treat all information submitted in connection with a grievance as confidential. Subject to FERPA and other applicable privacy laws, however, the College official investigating the grievance will inform individuals with a legitimate need to know of the grievance and may provide them related information as necessary to allow the College official to conduct a meaningful and thorough investigation. The College official investigating the grievance will inform all involved parties of the need to maintain the confidentiality of such information.

Flagler prohibits retaliation for submitting a grievance or participating in a grievance investigation. Retaliation includes threats, intimidation, reprisals, and adverse actions. The College official investigating the grievance will advise all involved parties of this strict prohibition against retaliation.

Informal Grievance Procedure

The Informal Grievance Procedure is designed to facilitate a satisfactory resolution of the grievance in an informal manner. The Grievant has the option to forego the Informal Grievance Procedure and move immediately to the Formal Grievance Procedure.

A Grievant initiates the Informal Grievance Procedure by contacting the Director. If the Director is the subject of the grievance, the Grievant initiates the Informal Grievance Procedure by contacting the Vice President for Academic Affairs, whose office is located on the first floor of Ponce Hall and who will assign an administrator in lieu of the Director. The Grievant may contact the appropriate official by e-mail, phone, or in person. To initiate the Informal Grievance Procedure, a Grievant is not required to submit the grievance in writing, but the Director may ask the Grievant to do so or to submit other evidence, if necessary to facilitate a satisfactory resolution.

The Director will attempt to expeditiously facilitate a satisfactory resolution. The Director may meet in person with the Grievant, confer with the individual(s) against whom the grievance is filed, attempt to arrange a meeting between the Grievant and the individual(s), or take any other steps the Director believes will be useful in promoting resolution.

Within 21 calendar days after the Grievant initially contacts the Director regarding the grievance, the Director will inform the Grievant and, as appropriate, the individual(s) against whom the grievance is filed in writing of the outcome of the Informal Grievance Procedure.

Formal Grievance Procedure

If the Grievant is not satisfied with the resolution reached using the Informal Grievance Procedure, or if the Grievant chooses not to use the Informal Grievance Procedure, the Grievant may initiate the Formal Grievance Procedure by submitting a written complaint to the Director. If the Director is the subject of the grievance, the Grievant initiates the Formal Grievance Procedure.
Procedure by contacting the Vice President for Academic Affairs, whose office is located on the first floor of Ponce Hall and who will assign an administrator in lieu of the Director. A Grievant who chooses to initiate the Formal Grievance Procedure after participating in the Informal Grievance Procedure must do so within 14 calendar days of receipt of the Director’s written notification of the outcome of the Informal Grievance Procedure. The written complaint must:

- Be dated;
- state the problem or action alleged to be discriminatory and the date of the alleged action;
- state how the action is discriminatory (or how the decision is unreasonable if it a denial of a requested accommodation);
- name the individual(s) against whom the grievance is filed;
- state the requested remedy; and
- be signed by the Grievant.

Within seven calendar days of receiving the written complaint, the Director will provide written notification of receipt of the complaint to the Grievant and to the individual(s) against whom the grievance is filed. The Director will also conduct a thorough and impartial investigation of the complaint, affording all relevant persons an opportunity to present witnesses and submit evidence regarding the allegations. Within 30 days of receipt of the written complaint, the Director will provide the Grievant and the individual(s) against whom the complaint is filed a written decision regarding the grievance. The decision will include findings of fact, a conclusion, and, if applicable, an explanation of remedies, which may include the imposition of disciplinary sanctions and/or referral to an individual’s supervisor or another administrator for the determination and imposition of disciplinary sanctions.

**Appeal**

The Grievant or the individual(s) against whom the grievance is filed may appeal within fourteen calendar days of receiving the Director’s written decision and/or any associated disciplinary sanctions by writing to the Vice President for Academic Affairs. The written appeal must clearly set forth the grounds for the appeal and must include all supporting evidence. Generally, the Vice President for Academic Affairs will limit his or her review of the Director’s decision to determining whether the Director considered the proper facts and whether there were any procedural irregularities. Within 21 days of receipt of the appeal, the Vice President for Academic Affairs will provide the Grievant and the individual(s) against whom the complaint is filed a written decision regarding the appeal. The decision of the Vice President for Academic Affairs is final, and the College will disregard any subsequent appeals (in any form) to any College representative, including the College President.

**Adjustment of Deadlines**

The Director or the Vice President for Academic Affairs may change the above deadlines for good cause, such as semester or summer breaks. Likewise, if the application of time deadlines
creates a hardship due to the urgency of the matter or the proximity of an event, the Director or Vice President for Academic Affairs, at the request of the Grievant, will determine if an expedited procedure can be created.

Interim Measures

If necessary while any grievance investigation is ongoing, the College will take interim measures to stop discrimination and prevent its recurrence and to correct discriminatory effects on the complainant and others. Such interim measures may include, but are not limited to, limiting interaction between the parties, arranging for the provision of temporary accommodations, or staying a course grade.

Confidentiality of Records

Once the Director or Vice President for Academic Affairs has made the final decision regarding the grievance, the records related to the grievance will be confidentially maintained in the Office of Disability Support Services for three years.

Disability Accommodations

Flagler will make arrangements to ensure that students with disabilities are provided appropriate accommodations as needed to participate in this Grievance Procedure. Requests for accommodations must be made to the Director, whose office is located in Room 211 of the Proctor Library. The Director will review the supporting disability-related documentation, make a decision about the request, notify the student about approved accommodations, and make arrangements for the accommodations. Accommodations may include, but are not limited to, providing interpreters for the deaf, providing recordings of materials for the blind, and assuring a barrier-free location for the proceedings.

External Complaints

The availability and use of this Grievance Procedure does not prevent a student from filing a complaint of discrimination with external agencies such as the U.S. Department of Education, Office for Civil Rights.