

Disability Accommodations Grievance Procedure for Students

Simon's Rock at Bard College and Bard Academy is committed to providing individuals with disabilities equal access to all of its programs, services, and facilities. This commitment is grounded in Simon's Rock and Bard Academy's own commitment to fostering an inclusive campus and also in the law, including Section 504 of the Rehabilitation Act of 1973 and Title III of the Americans with Disabilities Act of 1990. Towards that end, the College and Academy has adopted a Disability Accommodation Policy and a Nondiscrimination Policy. These policies may be reviewed in the Simon's Rock and Bard Academy Student Handbook. In addition to these policies, Simon's Rock's and Bard Academy's Director of Accessibility and Learning Supports, Jean Altshuler, works with students, faculty and staff to ensure that Simon's Rock/Bard Academy provides appropriate and reasonable accommodations and services to students with disabilities. The Director of Accessibility makes accommodation decisions on an individual, case-by-case basis consistent with Simon's Rock and Bard Academy's Disability Accommodation Policy in the Student Handbook.

Simon's Rock and Bard Academy strives to resolve disability-related concerns through open dialogue amongst its students, faculty, and staff. Simon's Rock and Bard Academy has also adopted formal processes for addressing such concerns. The Simon's Rock and Bard Academy's Disability Accommodations Grievance Procedure for Students applies to disability accommodation requests and other concerns regarding disability accommodations specifically.

Students may also have concerns regarding their disability status that do not relate to accommodations. Students who believe that they have been discriminated against on the basis of disability in ways that do not involve accommodations should contact the Dean of Students and Equitable Community, Sarah Liddell Montgomery sliddellmontgomery@sr.bard.edu or their designee. Faculty and staff with disability-related concerns should contact the Office of Human Resources by phone 845-758-7428 or by email at HR@bard.edu.

Director of Accessibility & Learning Supports

Simon's Rock encourages its students to first discuss disability accommodation requests and concerns with its Director of Accessibility & Learning Supports, Jean Altshuler, before raising a concern with the ADA/504 Coordinator for students, **John Weinstein**. Jean Altshuler may be reached at jaltshuler@sr.bard.edu

ADA/504 Coordinator

John B. Weinstein, Provost and Vice President, serves as Simon's Rock and Bard Academy's designated ADA/504 Coordinator for all student-related concerns involving Simon's Rock and Bard Academy's compliance with Title III of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973. He may be reached at jweinstein@sr.bard.edu.

Statement of Confidentiality

Simon's Rock endeavors to maintain the confidentiality of disability accommodations, grievances, or appeals, to the extent possible. Disability-related information is shared on a "need to know" basis (particularly for the implementation of accommodations) or when written permission has been given by the student.

Statement of Non-Retaliation

Any retaliation against a person involved in the grievance or appeals process is strictly prohibited. Students who believe that they have experienced retaliation should promptly consult with the Dean of Students and Equitable Community or the ADA/504 Coordinator.

Informal Resolution Process

Simon's Rock and Bard Academy encourages students who disagree with a decision concerning a requested accommodation to attempt to resolve their concerns by first discussing them with the Director of Accessibility, either orally or in writing. This informal resolution process operates entirely independent of the formal grievance procedure set forth below. During this process, the Director, in an effort to clarify and resolve issues, may, among other things:

1. meet with the student to obtain appropriate information;
2. facilitate discussions between a student and any other relevant persons when appropriate;

3. consult with the appropriate dean (e.g., the Dean of Studies for academic accommodations, and the Dean of Students for residential and campus-related accommodations) and/or other administrators who may be able to help resolve the student's concerns; and/or
4. consult with other disability professionals who work in higher education.

If the Director of Accessibility is unavailable, either the Dean of Studies (for academic accommodations), the Dean of Students (for residential and campus-related accommodations), or another designee may serve in the Director's role for the informal resolution process.

The informal resolution procedure is voluntary and is not a prerequisite to the filing of a formal grievance.

Formal Grievance Procedure

Any student who believes that a decision regarding disability accommodations has not been made in accordance with Simon's Rock and Bard Academy's stated policy or does not recognize the student's disability related need(s) may file a formal grievance with the ADA/504 Coordinator for student-related concerns, John Weinstein. This formal grievance will be investigated and resolved in accordance with the following procedure:

STEP 1: Completing and Filing a Grievance Statement

To file a formal grievance concerning a disability accommodation decision, an individual must provide the ADA/504 Coordinator with a written grievance statement that contains:

1. a description of the issue and any relevant facts;
2. a summary of any steps the student has taken to resolve the issue, including the names of persons involved;
3. a statement of the requested resolution, including the student's rationale for any requested accommodation;
4. any supporting documentation; and
5. the name and contact information of the person initiating the complaint.

This statement must be emailed to the ADA/504 Coordinator (jweinstein@sr.bard.edu) no later than thirty (30) calendar days from the date of the challenged decision.

Simon's Rock and Bard Academy may extend this time frame where a delay is due to circumstances beyond a student's control, such as illness or incapacity.

STEP 2: Notification

Upon receipt of a formal grievance statement, the ADA/504 Coordinator or designee will initiate an investigation and notify the Director of Accessibility, who may provide a written response to the grievance statement.

STEP 3: Investigation

The ADA/504 Coordinator or designee may investigate the grievance through some or all of the following steps: meeting with the student, Director of Accessibility, or other involved parties to hear their respective positions; requesting written or oral statements from witnesses (such as faculty members, administrators, or students); requesting additional medical documentation; requesting an independent medical evaluation; consulting with professionals with applicable expertise; and gathering information that the ADA/504 Coordinator considers relevant through other means. During the investigation, the student and Director of Accessibility may submit materials that they believe are relevant to the investigation of the grievance to the ADA/504 Coordinator.

STEP 4: Deliberation

Simon's Rock and Bard Academy will endeavor to complete the investigation and issue a determination on the grievance within sixty (60) calendar days of receiving a written grievance statement. If Simon's Rock or Bard Academy is unable to issue its determination within that time frame, Simon's Rock or Bard Academy will advise the student. After a determination has been made, the ADA/504 Coordinator will prepare a written report setting forth the determination, and the report will be made available to the student, the Director of Accessibility, and others on a need-to-know basis.

The report will contain a summary of the investigation (including any witnesses interviewed and documents reviewed), the ADA/504 Coordinator's written analysis, and his determination on the grievance. The ADA/504 Coordinator will also append the student's formal grievance and the Director of Accessibility's response (if any) to the report.

Filing a Grievance Outside of Simon's Rock at Bard College and Bard Academy

Although Simon's Rock encourages its students to avail themselves of this grievance procedure, students also have a right to seek other remedies, including by filing a complaint directly with the U.S. Department of Education's Office of Civil Rights ("OCR"):

U.S. Department of Education
Office for Civil Rights
New York — Region II
32 Old Slip, 26th Floor
New York, NY 10005

Telephone: 646-428-3800
Email: OCR.NewYork@ed.gov

The OCR office for New York is located at:

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

The College's informal or formal grievance procedure is not a prerequisite to the pursuit of other remedies, including those with OCR.