



POLICY & PROCEDURE DOCUMENT

NUMBER: 6.1010

DIVISION: Enrollment and Student Experience

TITLE: **Student Grievance Procedure under Section 504 and Title II**

DATE: April 15, 2013
Revised: March 9, 2022

Authorized by: President's Cabinet

I. Purpose and Scope

Western Kentucky University (WKU) has adopted an internal grievance procedure for prompt and equitable resolution of grievances of alleged conduct in violation of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C., Section 701) and Title II of the ADA of 1990 (42 U.S.C., Section 12102 et. seq.).

Section 504 of the Rehabilitation Act of 1973 states in part, that "No otherwise qualified individual with a disability in the United States shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Title II of the Americans With Disabilities Act (ADA) of 1990 states in part, that "No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, program, or activities of a public entity, or be subject to discrimination by any such entity."

Under this policy and procedure, a student alleging noncompliance with terms of Section 504 and Title II of the ADA may lodge a grievance against a student, employee, or third party alleging discrimination, harassment, and/or a failure to accommodate on the basis of a disability, and seek a prompt and equitable resolution of the grievance.

II. Notice to Students

Prior to the beginning of each academic year, the Section 504 Coordinator will send an email to all WKU student email accounts (with policy #6.1010 attached) that notifies students of the grievance procedures under Section 504 and Title II. In addition, posters will be displayed in various buildings on campus that notify students about grievance procedures under Section 504 and Title II.

III. Policy and Procedure for Filing a Grievance

Western Kentucky University has designated Dr. Peggy Crowe, Director of the Student Accessibility Resource Center (SARC), to serve as the University's Section 504 Coordinator.

Dr. Peggy Crowe
Downing Student Union, Room 1074
peggy.crowe@wku.edu

(270)745-5004

Individuals with disabilities who have experienced discrimination or harassment by students, employees, or third parties, or who have been denied an accommodation after complying with the process provided in WKU [Student Disability Accommodations/ Section 504 and ADA Compliance Policy \(#6.1020\)](#), can file a written grievance with the Section 504 Coordinator.

The grievance should contain the name and contact information of the person filing the grievance, a summary of the alleged action/violation of Section 504 and Title II, and the proposed remedy or relief sought.

The Section 504 Coordinator will conduct an investigation of the allegations contained within the grievance. This investigation may be informal, but it will be thorough, affording all interested persons an opportunity to present witnesses and submit other evidence relevant to the grievance. The Section 504 Coordinator will maintain documentation submitted in support of the grievance.

At the conclusion of the investigation, the Section 504 Coordinator will issue a written decision, in an accessible format, to the involved parties along with the basis for the decision; if appropriate, the Section 504 Coordinator will provide a description of remedies afforded to the aggrieved party.

A copy of the grievance and notice of outcome will be provided to WKU's ADA Coordinator, Dean of Students, Vice President of Enrollment and Student Experience, and other WKU employees, as necessary.

Individuals accused of violating this or other WKU policies may be referred to the Office of Student Conduct or Human Resources, when appropriate.

The University will take steps to prevent recurrence of any prohibited actions, and correct discriminatory, harassing, and/or retaliatory effects on any party involved in this grievance process, including witnesses.

IV. Timeframe Governing the Grievance Process

As may be appropriate, every effort will be made to begin an investigation within twenty-four (24) hours of receiving the grievance.

The length of time necessary to complete an investigation will depend on the nature of the allegations, the amount of evidence presented in support or defense of the grievance, and other factors; however, a written decision by the Section 504 Coordinator will be distributed to individuals involved in the grievance within forty-five (45) business days after its filing.

The University specifically reserves the right to modify and/or amend any or all of the procedure(s) outlined herein at any time as circumstances may require. As may be applicable, the affected parties will be notified in the event circumstances arise which warrant procedural amendments.

V. Right of Parties to Appeal Findings

After receipt of the written decision, any party to the grievance may appeal the decision of the Section 504 Coordinator. The appeal should be made in writing to the ADA Coordinator, whose contact information is set forth below, within fifteen (15) calendar days of receiving the Section 504 Coordinator's decision.

Mr. Joshua Hayes
Wetherby Administration Building, Room G33
joshua.hayes@wku.edu
(270) 745-5121

The ADA Coordinator shall review all documentation provided to the Section 504 Coordinator, and issue a written decision in response to the appeal within forty-five (45) business days after its filing. A copy of the appeal and notice of outcome will be provided to the Section 504 Coordinator, Dean of Students, Vice President of Enrollment and Student Experience, and other WKU employees, as necessary.

VI. External Agencies

Inquiries about allegations of discrimination and/or harassment for individuals with disabilities may also be made directly to the Office for Civil Rights, U.S. Department of Education, The Wanamaker Building, Suite 515, 100 Penn Square East, Philadelphia, PA 19107, (215) 656-8548; the Kentucky Commission on Human Rights, 832 Capital Plaza, 500 Mero Street, Frankfort, KY 60601, (502) 564-3550; or the Equal Employment Opportunity Commission, 600 Martin Luther King, Jr. Place, Suite 268, Louisville, Kentucky 40202, 1-800-669-4000; TTY (800) 669-6820.

VII. Alternate Format

To request a copy of this in an alternate format, please contact SARC through the following:

- Email: sarc.connect@wku.edu
- Phone: (270) 745-5004
- TDD: (270) 745-3030
- Fax: (270) 745-6289

Note:

November 8, 2021: Updated to show Dr. Peggy Crowe as WKU's 504 Coordinator.

Email address for the ADA Coordinator changed to joshua.hayes@wku.edu.

March 9, 2022: Updated to extend calendar days, inserted wording on page 2 regarding warranted modifications of this policy when required, and removed duplicate SARC email address.