

Accommodation Dispute Resolution

Policy Information			
Policy#:	ACA.6070	Reviewed Date(s):	
Date Created:	March 2, 2023	Revised Date(s):	
Policy Owner:	Director Center HF Teaching and Learning	Council/Committee Recommendation:	Provost Council
Responsible University Administrator:	VP Academic Affairs/Provost	President Council Approved Date:	March 2, 2023

1. Purpose

- 1.1. To provide a policy and an efficient and effective process to resolve disputes related to the provision of ADA accommodations to Baptist Health Sciences University students.

2. Policy

- 2.1. Baptist Health Sciences University (Baptist University) is committed to a fair process for resolving complaints of failure to reasonably accommodate disability-related academic needs.
- 2.2. Baptist University designates the Vice President of Academic Affairs/Provost as the administrator with the authority to resolve disputes regarding the provision of accommodations for students with disabilities.
- 2.3. The Accommodation Dispute Resolution Process may be used by students with disabilities to resolve complaints about the following matters:
 - 2.3.1. Denial of academic accommodations;
 - 2.3.2. Decisions regarding eligibility for academic accommodations; and
 - 2.3.3. Determinations of specific appropriate academic accommodations, provision of accommodations, auxiliary aids and services.
- 2.4. Students may address concerns about academic accommodation decisions in two ways:
 - 2.4.1. Pursue an informal resolution.
 - 2.4.2. Pursue a formal complaint.
- 2.5. Baptist University encourages students to begin with an informal resolution; however, a student may choose the formal complaint process at any time. Examples of complaints include, but are not limited to, the following allegations:
 - 2.5.1. Procedural error or violation of policy by the ADA Coordinator;
 - 2.5.2. Specific mitigating circumstances beyond the student's control that were not properly taken into account in a decision affecting the student's services;
 - 2.5.3. Ongoing, repeated failure by Baptist University to provide auxiliary aids and services for which the ADA Coordinator has determined the student is eligible.

- 2.5.4. Refusal of an instructor to observe recommendations in an accommodation letter issued by the ADA Coordinator following notice of the instructor's disagreement with a proposed accommodation by the ADA Coordinator.
- 2.5.5. Decision of ADA Coordinator to deny an accommodation request.
- 2.6. Any situation in which an assertion is made that a requested/granted accommodation is unreasonable, the assertion will always be adjudicated as a formal complaint and follow the procedure in 4.2 below. The ADA imposes an obligation to investigate whether a requested accommodation is reasonable. Factors that will be considered in determining whether a requirement or technical standard is essential include:
 - 2.6.1. The nature and purpose of the program;
 - 2.6.2. The relationship of the standard to the functional elements of the program;
 - 2.6.3. Whether exceptions or alternatives are permitted;
 - 2.6.4. Whether the standard is required in similar programs in other institutions;
 - 2.6.5. Whether the standard is essential to a given vocation for which the program is preparing students; and
 - 2.6.6. Whether the standard is required for licensure or certification in a related occupation or profession.
- 2.7. Relevant officials including persons knowledgeable about the academic program in question, as well as disability compliance issues, will be part of the decision-making process.
- 2.8. Necessary considerations including whether a) the standard can be modified; b) there are alternatives for the standard (if there are potential alternatives, decision makers must consider their feasibility, cost and effect on the academic program); and c) alternative accommodations are available and would be equally effective.
- 2.9. Consideration of accommodations that impact essential requirements (e.g., modification or elimination of technical standards, extended time for assignments, flexible attendance, and modifications regarding class participation, etc.) should maintain a clear nexus between the student's disabling condition and the identified manifestations to support the need for the academic adjustment.

3. Definitions

- 3.1. Class days – All timeframes in this policy refer to class days and are subject to modification as necessary. For this policy, class days defined as Monday through Friday when classes are in session, excluding officially recognized Baptist University holidays.

4. Procedure

- 4.1. Informal Resolution Process
 - 4.1.1. A student may pursue informal resolution of a complaint by scheduling a meeting with the Vice President of Academic Affairs/Provost to discuss the complaint and explore possible avenues of resolution.
 - 4.1.2. Informal complaints must be submitted within thirty (30) class days from the time the student knew or could reasonably be expected to have known of the action that is the subject of the complaint. The campus may treat untimely complaints as having been waived by the student based upon failure to assert the complaint in a timely manner.
 - 4.1.3. Vice President of Academic Affairs/Provost evaluates the complaint and makes a recommendation to the appropriate decision maker regarding the outcome of the complaint

within fourteen (14) class days of the date it was received absent any extraordinary circumstances.

4.1.4. If a satisfactory solution cannot be reached, the student may then initiate a formal complaint.

4.2. Formal complaint

4.2.1. A formal complaint regarding a decision made by the ADA Coordinator or provision of (or denial of) an academic disability accommodation or service must be made in writing, must state unambiguously that it is a "formal complaint," and may be submitted via email to the Vice President of Academic Affairs/Provost.

4.2.2. Individuals who need accommodations to participate in the formal process should contact the Vice President for Enrollment Management & Student Affairs.

4.2.3. The formal complaint must describe the following:

4.2.3.1. The specific accommodation or service issue that is the subject of the complaint

4.2.3.2. The date that the issue arose;

4.2.3.3. The facts on which the complaint is based; and

4.2.3.4. The resolution requested.

4.2.4. If a complaint is judged insufficient to warrant processing, the complainant will be informed of what specific information is either missing or unclear. The reason for judging the submission defective or deficient will be provided with enough specificity so that the complainant/grievant may respond to the concern.

4.2.5. If the student initially opts for the formal complaint process, the timeframe remains at thirty (30) class days from the time the student knew or could reasonably be expected to have known of the action that is the subject of the complaint.

4.2.6. If the student participates in the informal resolution process and subsequently wishes to file a formal complaint, the timeframe is within fourteen (14) class days of the Vice President of Academic Affairs/Provost's decision regarding the outcome of the informal complaint.

4.2.7. The campus may treat untimely complaints as waived by the student based upon failure to assert the complaint within the timeline described in this policy.

4.2.8. Upon receipt of a written complaint, the Vice President of Academic Affairs/Provost will:

4.2.8.1. Conduct an interview of the complainant.

4.2.8.2. Review of any relevant written materials submitted by the complainant.

4.2.8.3. Obtain information from relevant individuals (i.e. interviews, written statements or documents).

4.2.8.4. Provide the student complainant the opportunity to respond to all information submitted.

4.2.9. Vice President of Academic Affairs/Provost will evaluate the complaint and make a recommendation to the appropriate decision maker regarding the outcome of the complaint based on the following grounds:

4.2.9.1. The decision or action in question reflects a failure to follow Baptist University policy;

4.2.9.2. There is new information that was not taken into consideration at the time of the initial decision or action; and/or,

4.2.9.3. The decision or action reflects an abuse of discretion by the decision maker.

4.2.9.4. Actions or decisions regarding discrimination or harassment are directed to the Vice President of Administrative Services as outlined in the Non-Discrimination Policy-Student.

- 4.2.10. The Vice President of Academic Affairs/Provost aims to complete its review and notify the student of the outcome of the complaint within thirty (30) class days of the date it was received, absent any extraordinary circumstances.
- 4.2.11. Vice President of Academic Affairs/Provost or that person's designate shall notify the student in writing of the decision regarding the complaint.
- 4.2.12. If the student complainant is either not satisfied with the response to the formal complaint or chooses not to use the ADA Grievance Policy, the student may at any time:
 - 4.2.12.1. Contact the TN Higher Education Commission and complete a Request for Complaint Review at <https://www.tn.gov/thec/bureaus/student-aid-and-compliance/postsecondary-state-authorization/request-for-complaint-review.html>.
 - 4.2.12.2. Contact the US Department of Education, Office of Civil Rights (OCR). The location and contact information for the OCR are:

Atlanta Office
U.S. Department of Education
61 Forsyth Street S.W., Suite 19T10
Atlanta, GA 30303-8927
Telephone: (404) 974-9406
Facsimile: (404) 974-9471
Email: OCR.Atlanta@ed.gov
- 4.3. Faculty who feel the approved accommodation substantially impacts the essential requirements of the course must communicate the concern to the ADA Coordinator within fourteen (14) calendar days of receiving the accommodation assignment communication. The approved accommodation must be provided in the interim.
- 4.4. The ADA Coordinator will work with the faculty of the relevant course(s) to
 - 4.4.1. Determine whether essential requirements would, in fact, be impacted by the requested or proposed accommodation;
 - 4.4.2. Explore the availability of alternative means of accommodating the student; and if necessary,
 - 4.4.3. Determine whether a balance can be struck between the student's needs and essential course/program requirements in arriving at the specifics of the academic adjustment and the logistics regarding its use.
- 4.5. If an accommodation is not identified within seven (7) class days of receiving the initial communication from faculty, an impasse is reached. The ADA Coordinator will then provide support for the necessity of the accommodation and require the instructor and/or program administrator to provide support for the position that the requirement(s) is essential and no modification or alternative is acceptable.
- 4.6. Resolution of the impasse is assigned to Vice President of Academic Affairs/Provost and the ADA Coordinator, who will make a final determination within seven (7) class days of receiving the documentation.
- 4.7. Written notice of the determination is provided to the student and faculty, including detailed reasons for denials and/or offers of alternative academic adjustments, auxiliary aids and/or services.
- 4.8. The accommodation in dispute will be provided while the matter is being resolved.

5. Related Information

- 5.1. ACA.6069 Academic Accommodation Services Policy
- 5.2. ACA.6071 Accommodation for the Clinical Setting Policy
- 5.3. STU.5013 Service & Support Animal Policy

6. Publications

Yes	Publication	Yes	Publication
	University Academic Catalog		University Website
	University Student Handbook		MyCampus
	University Faculty and Staff Handbook		Other University Publication: