

This policy document has been revised. Please go to [Policy and Procedures For Resolving University 504/ADA Student Accommodation Disputes](#) for the current version of the policy.

Revised by: Disability Access Compliance Committee (DACC)

Revision Date: May 24, 2007

[Current policy](#)

Policy and Procedures For Resolving University 504/ADA Accommodation Disputes

Introduction:

It is the policy of California Polytechnic State University that "otherwise qualified" students who have disabilities shall have access to academic adjustments and auxiliary aids necessary to accommodate functional limitations (resulting from verified disabilities) impairing one or more major life activities. Accommodations are generally determined on an individual basis. Students must verify their disability through the campus Disability Resource Center and are encouraged to identify their needs as early as possible.

This document describes the remedies available to students, staff and faculty in the event that there is a dispute regarding the appropriateness of a particular student accommodation. Every effort will be made to resolve the dispute as expeditiously as possible. During the time that the accommodation is under review, the DRC recommendation for accommodation will remain in effect.

The following procedures have been developed in response to Section 504 of the Federal Rehabilitation Act of 1973, the Americans with Disabilities Act, State of California ACR 201 (1976), ACR 3 (1985), AB 746 (1987), and the "Policy for the Provision of Services to Students with Disabilities," coded memorandum AAES 89-07, The California State University System.

Informal Resolution Procedures

Students, faculty or staff should attempt to resolve disputes informally with either the party alleged to have committed the violation, and/or with the head of the department or unit in which the alleged violation occurred. **There is no requirement that a complainant utilize these informal procedures before filing a formal complaint. Experience has shown that the majority of complaints can be effectively resolved through the informal process. In the interest of efficiency all complainants are encouraged to resolve disputes via these informal processes when possible.** The Office of Judicial Affairs and the Disability Resource Center are available to provide advisory, mediation, and conciliation services to students raising such complaints.

Formal Resolution

To initiate the formal resolution process, a written complaint must be filed with the Office of Student Rights and Responsibilities within thirty (30) calendar days of the time the complainant could reasonably be expected to have had knowledge of the injury allegedly caused by the discriminatory action. The Director of Student Rights and Responsibilities will refer the complaint to the appropriate campus vice president (Provost and Vice President for Academic Affairs, Vice President for Student Affairs, Vice President for Administration and Finance or Vice President for Advancement). Complaints must include the following information:

- (a) the complainant's name, address, and phone number;
- (b) the specific act(s) or circumstances(s) alleged to constitute the discriminatory actions that are the basis of the complaint, including the time and place of the alleged discriminatory action; and
- (c) the remedy requested.

Formal Complaint Resolution Procedures

1. The Director of Student Rights and Responsibilities will direct the complaint to the appropriate campus vice president (Provost/Vice President for Academic Affairs, Vice President for Student Affairs, Vice President for Administration and Finance or Vice President for Advancement). The vice president, or his/her designee will, within five (5) working days, evaluate the complaint and send the complaint to the appropriate department chair, department head, or director for resolution.
2. If the department chair, department head, or director is unable to resolve the dispute within five (5) working days, it will be referred to the Accommodation Review Board (ARB) by the vice president/designee.
3. The ARB will review the complaint to decide if the complaint appears to have merit. If the ARB decides the complaint has merit, a hearing will be scheduled. The ARB findings and recommendations will be forwarded to the appropriate vice president/designee within fifteen (15) working days of receiving the case for review.
4. The vice president/designee will issue an implementation letter within ten (10) working days of receipt of the ARB recommendation. The vice president/designee has the authority to accept, reject, or modify the recommendations of the ARB. The vice president/designee's decision is final and ends the formal University 504/ADA Accommodation Disputes Resolution process.

Accommodation Review Board

Members of the Accommodation Review board (ARB) are selected from the DACC (Disability Access and Compliance Committee) by the DACC chair as needed. All DACC members, except students, are eligible to serve on the ARB. Student members do not serve on the ARB due to the confidentiality requirements pertaining to medical documentation. The Vice Provost for Academic Programs and Undergraduate Education shall also participate and serve as the chairperson of the ARB. (originally adopted 5.13.99 as AS-513-99; revised by DACC 7.27.06 as motion 2.006)

Hearing Procedures

1. The chairperson of the ARB upon receipt of the complaint will schedule a meeting of the ARB. A quorum shall consist of four (4) voting members, one (1) of whom must be a faculty representative.
2. In order to avoid potential conflicts of interest, board members may excuse themselves if they have a significant direct involvement in the dispute. They will be replaced temporarily by a designee selected by the nominating authority of the excused member.
3. The ARB will allow each principal party, who may be accompanied by an advisor, to present his/her case personally, call and question witnesses and present exhibits. The Board may request copies of any materials it believes are relevant to the hearing. If the complainant or her/his advisor is an attorney, the ARB chairperson must be notified in writing of that fact prior to the scheduling of the hearing. In such cases, the University will be represented by the University Legal Counsel.
4. Each Board member may ask questions of either party or any witnesses.
5. The Board itself may call witnesses or recall witnesses.
6. The Board will keep a summary file of each case and will tape record the hearing.
7. The Board will close the hearing when it is satisfied that both sides have been heard.
8. The Board will deliberate in private.
9. Decisions will be reached by simple majority vote with the Vice Provost for Academic Programs and Undergraduate Education voting only when needed to break a tie.

10. The chairperson of the Board will send a copy of its recommendation to the vice president/deisgnee.

11. Should any Board member wish to file a minority recommendation, it will be attached to the Board's majority recommendation.

Training for the Board will be provided annually by the University's ADA/504 Compliance Officer and the Office of the Disability Resource Center.