

## **New Mexico Tech Accommodation Grievance Policy for Students with Disabilities**

If a student believes that they have been discriminated against in connection with any University program or activity because of a disability, they have the right to seek a review of such concerns. It is the policy of New Mexico Tech (NMT) that no qualified student with a disability shall be denied the benefits of, excluded from participation in, or otherwise subjected to discrimination under any NMT program or activity. In response to a request made by a qualified student with a properly documented disability, NMT will arrange for the provision of reasonable accommodations determined by the Office of Counseling and Disability Services (OCDS) to be necessary to afford the student access to NMT programs.

### **Grievances Covered**

This policy and protocol are applicable to grievances arising from disagreements or misunderstandings regarding requested accommodations. It does not cover complaints alleging that NMT has violated applicable disability anti-discrimination law. Complaints of that nature should be filed directly with NMT's Director Affirmative Action and Compliance/EEOC who also serves as the ADA/504 Coordinator. Also, this policy is not intended for the resolution of disputes arising from requests for modifications or waivers of academic requirements or standards. Any student who seeks a review of the denial of such a request, or who has a grievance that is primarily academic in nature, shall be referred to the chair/head of the relevant academic department. NMT will handle the student's complaint in accordance with NMT's academic grievance procedures and in compliance with applicable law. Nothing in this policy shall be deemed to require NMT to fundamentally alter its programs by modifying or waiving academic requirements that are deemed essential to a course of study, or materially altering applicable codes of conduct or academic integrity.

### **Confidentiality**

The student's confidentiality shall be maintained to the extent allowable by law.

# **Accommodation Grievance Procedures for Students with Disabilities in the Office of Counseling and Disability Services (OCDS)**

## **Informal Complaints**

OCDS understands that there are times when there may be disagreement on a decision regarding accommodations, or problems that may arise during the process of receiving accommodations that have been already determined. Before initiating a formal complaint process under these procedures, the student shall begin the complaint or grievance process at the lowest level. If a student wishes to challenge an OCDS decision of accommodations, or has a complaint about accommodations they are receiving, the first step should be to speak directly with the Director of OCDS or the Disability Case Manager (DCM) as soon as a concern is noted. It is the sole responsibility of the student to make their concerns known to OCDS as soon as possible as accommodations are not retroactive. The Director or DCM will evaluate the situation and attempt an informal resolution within ten (10) business days.

If the student has a concern regarding the application of accommodations in the classroom, the student will first attempt to resolve the matter through informal consultation directly with the office/person involved, usually the professor. If this route proves unsuccessful, the student will contact OCDS, who will discuss options with the student and may, at that time, facilitate a meeting between the student, academic faculty and/or other appropriate administrators over a period not to exceed ten (10) business days. If the complaint is not resolved to the student's satisfaction, the student may initiate a formal grievance process as described below.

If the initial consultation with OCDS does not resolve the matter, the accommodation in question will not be newly implemented or altered until a decision in the formal grievance process has deemed it to be reasonable and necessary.

Faculty, who have questions or concerns regarding approved accommodations through OCDS, shall direct any and all inquiries to the Director of OCDS or DCM. At no time shall faculty engage the student in a discussion regarding the validity of approved accommodations.

## **Formal Complaints**

A student must first put forth an earnest effort to resolve their concern in the informal process prior to commencing the formal process. To begin the formal complaint process, a written complaint for review must be submitted to the Director Affirmative Action and Compliance/EEOC, who serves as NMT's ADA/504 Coordinator, no later than fourteen (14) calendar days following the conclusion of the informal process, and shall include the following information:

1. A full description of the problem and any relevant facts;
2. A summary of the steps the student has already taken in attempt to resolve the problem, including the names and persons involved;
3. A statement of the requested resolution and the student's rationale for the requested accommodations;
4. Any supporting documentation; and

5. The name, contact information and signature of the person initiating the complaint.

The ADA/504 Coordinator will promptly investigate the grievance. They will review or consult with the student and any other individual believed to have relevant information, including faculty, staff and students. The ADA/504 Coordinator will conclude their investigation within ten (10) business days of initiating the investigation and provide to the student and relevant department or other individuals a written summary of the investigation. The written findings will include findings of fact and a proposed solution, if any. The ADA/504 Coordinator will take whatever action(s) believed to be warranted based on their findings, which may include corrective steps and measures to provide reasonable accommodations or a determination that the student is not entitled to the accommodations requested. The decision of the ADA/504 Coordinator will be final and any actions taken in response will complete the grievance process.

It is important to note that at any time during the process, a student may choose to contact the Office of Civil Rights (OCR) on the following websites: [www.ed.gov/ocr/docs/howto.html](http://www.ed.gov/ocr/docs/howto.html) or [www.ed.gov/ocr](http://www.ed.gov/ocr).

Or, a student may contact:

Marisa Smith

Regional Manager, Southwest Region (Arkansas, Louisiana, New Mexico, Oklahoma, Texas)

Office for Civil Rights

U.S. Department of Health and Human Services

1301 Young Street, Suite 1169

Dallas, TX 75202

Customer Response Center: (800) 368-1019

Fax: (202) 619-3818

TDD: (800) 537-7697

Email: [ocrmail@hhs.gov](mailto:ocrmail@hhs.gov)