

Grievance and Appeal Policy – Office of Disability Services

January 15, 2013

The University of Miami School of Law has adopted a grievance procedure providing for prompt resolution of all complaints by students who believe they have been subjected to discrimination, harassment, and/or retaliation, on the basis of disability. This grievance procedure will be distributed to all students registered with the Office of Disability Services. All complaints of disability discrimination, harassment, and/or retaliation will be addressed in accordance with Section 504 of the Rehabilitation Act, Title III of the Americans with Disabilities Act, and any other applicable laws. The Dean of the Law School shall ensure that an appropriate and knowledgeable individual will review the merits of the complaint, as set out below. The procedure set out below is the exclusive method of grievance and appeal within the School of Law.

I. Informal Grievance Resolution Procedure

Any complaint of discrimination, harassment, and/or retaliation, on the basis of disability, should be brought to the attention of the Disability Coordinator as soon as possible, who will make every effort to resolve the issue informally.

II. Formal Grievance Procedure/First Level

A. Academic/Psychological accommodations

A student who wishes to appeal the denial or partial denial of a request for academic or psychological accommodations by the University's Academic Resource Center shall file a written complaint with the Law School Office of Disability Services within twenty working days of receipt of the letter denying or partially denying accommodations. This office will immediately acknowledge in writing the receipt of the appeal, review the accompanying file and issue a written determination within twenty (20) working days of the receipt of the complaint, stating the reasons and including a notice of the right to appeal and a copy of this grievance procedure.

B. Building or Event Accessibility

A student wishing to complain about building or event accessibility shall file a written complaint with the Law School's Associate Dean for Administration and Counsel to the Dean. This office will investigate the complaint and issue a written determination within twenty (20) working days of the receipt of the complaint, stating the reasons and including a notice of the right to appeal and a copy of this grievance procedure.

C. Discrimination/Harassment/Retaliation by Faculty, Staff, or Third Party

A student wishing to complain about discrimination, harassment, and/or retaliation, on the basis of disability, by any student, faculty, staff, or third party affiliated with the Law School, including the Dean of Students Office, and the Office of Disability Services, shall file a written complaint with the Law School's Vice Dean within twenty working days of the allegedly discriminatory event. This office will

investigate the complaint and issue a written determination within twenty (20) working days of the receipt of the complaint, stating the reasons and including a notice of the right to appeal and a copy of this grievance procedure. If the complaint concerns the Vice Dean, then the complaint shall be filed with the Law School's Associate Dean for Administration and Counsel to the Dean.

D. *Computer/IT Access*

A student wishing to complain about computer or web accessibility shall file a written complaint with the Law School's Director of Information Technology. This office will investigate the complaint and issue a written determination within twenty (20) working days of the receipt of the complaint, stating the reasons and including a notice of the right to appeal and a copy of this grievance procedure.

A student who is on leave, has been suspended, has been withdrawn, or has been expelled, can avail him/herself of the First Level Review set forth in this Section II. Such a student may also avail him/herself of the Final Appeal to the Dean, as set forth in Section III. However, as set forth in Section III, below, the deadlines for the Dean to rule on the appeal are different if the student is not presently enrolled.

III. *Formal Grievance Process/Final Appeal*

If a student is dissatisfied with the determination of his or her complaint at the first level, the student may file a final written appeal with the Dean of the School of Law, Room 223, 1311 Miller Drive, Coral Gables, Florida 33124. The appeal must be filed within twenty (20) working days of receipt of the initial determination and must state in writing the grounds for the appeal.

If the circumstances require, the Dean will consult with an independent and neutral expert in making her final determination. If the complaint alleges that specific School of Law policies or procedures violate Section 504 of the Rehabilitation Act or the Americans with Disabilities Act, the Dean will make a final determination of the validity of the complaint and, if valid, revise the Law School policies or procedures accordingly, in consultation, as appropriate, with the University. The Dean may affirm, reverse or modify the first-level decision. The decision of the Dean is final. If appropriate, the Dean will take steps to prevent the recurrence of discrimination, harassment, and/or retaliation, based on disability.

Provided the appeal was timely filed and provided the student is still enrolled in the Law School, the decision will be issued no later than thirty (30) working days from the receipt of the written appeal. If the student is no longer enrolled as a result of a leave, suspension, or withdrawal, the decision will be issued no later than thirty (30) working days from the receipt of the written appeal.. If the student has been expelled, either

prior to submitting the written appeal to the Dean, or thereafter, the decision by the Dean will be issued no later than thirty (30) working days from the receipt of the written appeal. The foregoing deadlines may be modified by the Dean in the event of extraordinary circumstances such as acts of God, and/or the temporary closure of the Law School and/or the University.

IV. **Miscellaneous**

A. Retaliation Prohibited

Any retaliation against a person who files a grievance, opposes a policy that he/she believes is discriminatory, or reports discrimination, is prohibited. Complaints of retaliation are to be processed in the same manner as complaints of discrimination and/or harassment.

B. Confidentiality

Unless the student consents to release of information, every participant in the grievance process will preserve the confidentiality of the student making the complaint, except to the extent necessary to properly investigate the complaint. Consistent with the University's FERPA policy, to the extent necessary as provided in Section III, above, the Dean may share relevant information with the independent and neutral expert with whom she consults.

C. Student Access to Records Regarding Complaint

Students will be granted access to copies of records submitted to the Academic Resource Center and/or the Law School Office of Disability Services.

D. Amendment of the Grievance Process

The Law School Reserves the right to amend or modify this grievance procedure at any time. No amendment or modification that takes place during the pendency of an individual student grievance will be effective as to that student if it operates to prejudice or disadvantage the student's procedural rights.