

Liberty University

Student Disability Grievance Policy and Procedures

Introduction and Policy Summary

Liberty University (“Liberty” or the “University”) policy strictly prohibits unlawful disability discrimination as defined by applicable federal and state laws, including Section 504 of the Rehabilitation Act of 1973 (“Section 504”) and the Virginians with Disabilities Act (“VDA”). Moreover, Liberty University is committed to providing its qualified students who have documented disabilities with equal access to its education programs and activities through reasonable accommodations that neither fundamentally alter its programs and activities nor cause an undue burden on the University. Retaliation against anyone who makes a good faith report of disability discrimination, retaliation against anyone who opposes in a reasonable manner an act believed to constitute disability discrimination, and retaliation against someone for participating in either an investigation or a grievance procedure related to disability discrimination is strictly prohibited as well.

This document outlines the University’s grievance policies and procedures for students who (1) believe they were wrongly denied an accommodation requested through the Office of Disability Accommodation Support (“ODAS”) in accordance with ODAS procedures, or (2) were granted an accommodation by ODAS that they believe is not being provided or effectively implemented. This document references the University’s separate complaint policies and procedures for students who (1) believe they were wrongly retaliated against in violation of the University’s policy concerning disability discrimination, or (2) believe they were unlawfully discriminated against on the basis of disability. This policy also outlines procedures the University uses to investigate and respond to student grievances related to disability accommodations and references the separate procedures the University uses to investigate and respond to complaints of disability retaliation and discrimination.

The University’s Vice President of Inclusion, Diversity, and Equity

The Vice President of Inclusion, Diversity, and Equity coordinates the University's compliance with applicable disability laws. The Vice President of Equity and Inclusion oversees the University's centralized response to reports of discrimination, including reports of disability discrimination, to ensure consistent implementation of University policies and procedures, including the *Discrimination, Harassment, and Sexual Misconduct Policy*.

The Vice President for Inclusion, Diversity, and Equity’s contact information is:

Greg Dowell
Vice President for Inclusion, Diversity, and Equity
Liberty University Division of Inclusion, Diversity, and Equity
Green Hall, Room 2750
Lynchburg, Virginia 24502
434-592-4333
equityandinclusion@liberty.edu

The Vice President of Equity and Inclusion may delegate responsibilities to designated administrators with appropriate training and/or experience, such as the Executive Director of ODAS. The Executive Director of ODAS's contact information is:

Denny McHaney
Executive Director of ODAS
Liberty University Office of Disability Accommodation Support (ODAS)
DeMoss Hall, Room 1264
434-582-2159
wdmchane@liberty.edu

The University will make reasonable efforts to respect the privacy of parties involved in disability-related grievances and complaints, and information may be disclosed only as necessary to facilitate the thoroughness and integrity of the resolution process. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"). The privacy of an individual's medical records generally is protected by the Health Insurance Portability and Accountability Act ("HIPAA") and where University treatment records are concerned, is protected by FERPA.

Accommodation Grievance Procedures

Liberty University students are required to request disability accommodations from ODAS in accordance with the policies and procedures located on the ODAS Official Website. Liberty University is not required to provide disability accommodations that are requested outside of ODAS's policies and procedures. Thus, if a student requested a disability accommodation outside of ODAS that was either denied or not provided, the request should be re-submitted to ODAS using the Accommodation Request found on <https://www.liberty.edu/disability-support/>.

Students with a grievance related to a denied request for disability accommodation that was processed by ODAS are encouraged to follow the grievance procedures outlined below. If the grievance relates to an ODAS-approved accommodation not being provided or effectively implemented, students should first attempt to resolve the grievance directly with the faculty or employee believed to not be providing the accommodation. Grievances should be filed as soon as possible to ensure a timely resolution with minimal effects on the student. Students are not required to follow the grievance procedures below before filing a report of discrimination with the Office of Equity and Compliance.

Grievances Related to an ODAS-Denied Request for Disability Accommodation

1. If a student's request for a disability accommodation is denied by ODAS, which also includes cases when accommodations are approved but the specific accommodations requested by the student were denied, the student may contest the decision to the Executive Director of ODAS. The grievance must be submitted to the Executive Director of ODAS within 60 calendar days of denial via email to odas@liberty.edu. The grievance must include the accommodation requested; the reason(s) that the student believes the (specific) requested accommodation should have been approved (and any supporting documentation); and, if applicable, a description of the efforts made to informally resolve the issue with the student's disability advisor.

2. Once the written grievance is received, the Executive Director of ODAS will strive to review the grievance and issue a written decision to the student via email within fifteen (15) business days.
3. If the student is unsatisfied with the Executive Director of ODAS's resolution of the grievance, the student may submit an appeal to the Office of Equity and Compliance. Students must submit an appeal to the Office of Equity and Compliance via email to equityandcompliance@liberty.edu within five (5) business days of receiving the Executive Director of ODAS's decision. The appeal must include all of the materials and documentation that the student submitted to the Executive Director of ODAS; the reason(s) for the appeal; and any additional information or documentation that should be considered. Upon receipt of the student's appeal, an investigator from the Office of Equity and Compliance will schedule a meeting with the student to discuss the appeal. After the scheduled meeting with the student, an investigator designated by the Office of Equity and Compliance will strive to review the grievance and issue a written decision to the student via email within fifteen (15) business days.

Grievances Related to Not Providing an ODAS-Approved Disability Accommodation

1. If a student believes that a Liberty employee (including faculty) did not provide or did not effectively implement a disability accommodation that was approved by ODAS, he or she may file a grievance with ODAS. Such grievance must provide a clear and concise statement of the accommodation that was approved by ODAS and the Liberty employee who did not provide the accommodation. The grievance must be submitted to the Executive Director of ODAS within 60 calendar days via email to odas@liberty.edu. The Executive Director of ODAS will review the grievance; conduct an inquiry into the matter, if necessary; and then determine whether the grievance is supported. If so, the Executive Director of ODAS will work with appropriate Liberty employees, which may include department chairs, deans, the Provost's Office, and/or Human Resources to resolve the student's grievance. The Executive Director of ODAS will strive to review the grievance and issue a written decision to the student and Liberty employee, including findings and any resolution, via email within fifteen (15) business days.
2. If the Executive Director of ODAS determines the student's grievance is supported but is unable to resolve the grievance by providing a written decision to the student and Liberty employee, the matter will be referred to the Provost's Office or Human Resources, as appropriate based on the employee's status as staff or faculty. The Provost's Office or Human Resources may delegate the matter to a Dean or to the Director of Employee Relations, respectively, who will gather information and render a final decision that will be communicated to the student in writing within fifteen (15) business days of receiving the referral. To resolve grievances, the Provost's Office or Human Resources may work with the Office of Equity and Compliance, as needed, to implement approved accommodations or impose any employee discipline. Students will not be informed of any disciplinary actions involving the employee.

Disability Retaliation and Discrimination Complaint Procedures

Liberty University Office of Equity and Compliance Complaints

Any student may file a complaint concerning wrongful retaliation under the University's disability policy or of disability discrimination with the University's Office of Equity and Compliance pursuant to the Discrimination, Harassment, and Sexual Misconduct Policy. All complaints of disability retaliation and discrimination will be processed thoroughly, promptly, and fairly according to the Resolution Options outlined in the Discrimination, Harassment, and Sexual Misconduct Policy. A complaint may be filed by

filling out the SpeakUP form, by email at equityandcompliance@liberty.edu, by phone at 434-592-4999, or by scheduling an appointment with the Office of Equity and Compliance. A copy of the *Discrimination, Harassment, and Sexual Misconduct Policy* is available at www.liberty.edu/equityandcompliance.

External Complaints of Disability Retaliation and Discrimination

Complaints about the University's application of Section 504 may be addressed to the U.S. Department of Education, Office for Civil Rights (ocr@ed.gov or 800-421-3481).