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**HANDICAPPED STUDENT GRIEVANCE PROCEDURES**  
**[Replaces 77-31]**  
**{n.b., Currently, these issues are referred to the**  
**Director of Disabled Student Services, SHC A-106}**

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**I. General Policy:**

It is the policy of California State University Dominguez Hills to comply with the Section 504 Regulations [now, Americans with Disabilities Act] adopted by the Department of Health, Education and Welfare. Accordingly, any student at California State University Dominguez Hills who believes that there has been a violation of the Regulations is encouraged to discuss the matter with the Dean of University College\* and the campus Handicapped Regulations Coordinator and/or the Handicapped Services Coordinator\*\* and such persons as may be identified by the Handicapped Regulations Coordinator in order to resolve the matter in a prompt and equitable manner. If such discussions do not resolve the matter, the student<sup>1</sup> may then initiate a grievance.<sup>2</sup>

**II. Grievance:**

A grievance is initiated by completing the "Section 504 Complaint Form" (these forms may be obtained from the Handicapped Regulations Coordinator or from the Handicapped Services Coordinator or from the Dean of University College, and by filing the completed form with the Handicapped Regulations Coordinator. The Handicapped Regulations Coordinator may assist the grievant in completing the Section 504 Complaint Form, and shall assist grievants with impaired sensory or manual skills who need such assistance, but will not serve as an advocate for the grievant. When the Handicapped Regulations Coordinator receives the completed form, he or she will, upon verification that the grievant is a student, sign and date the form and forward a copy of it to the grievant, to each member of the campus community named in the complaint, to any other person the Handicapped Regulations Coordinator believes would be interested in responding to the complaint, and to the campus President.

Upon receipt of a complaint, the President may designate any officer of the campus, other than an attorney, to represent the President and the campus, and that person, hereafter referred to as the Officer of the Campus, will in writing to the Handicapped Regulations Coordinator respond to the complaint. Copies of all responses received by the Handicapped

Regulations Coordinator will be forwarded to the grievant and the Dean of University College\*.

As soon as reasonably possible after receipt of the complaint and the response from the Officer of the Campus, the Handicapped Regulations Coordinator will ask the President to designate an Administrative Officer to review the complaint and any responses to the complaint. (In the alternative, the President may designate a committee which will function as the Administrative Officer by majority vote.)

The Administrative Officer should be a person who is not serving as Officer of the Campus for the complaint under investigation, who is not an attorney, or who, insofar as possible, has had no prior involvement in the matters that led to the complaint. The grievant may challenge any person appointed as an Administrative Officer for cause. The President will rule on all challenges for cause.

Upon being designated, the Administrative Officer will conduct an initial review of the grievance to determine if the complaint:

- (a) Alleges facts which, if true, would demonstrate a violation of the Section 504 Regulations;
- (b) Contains allegations that appear to be substantially credible;
- (c) Addresses a violation which, if it exists, results in a personal wrong to the grievant;
- (d) Was filed in a timely manner; and
- (e) Is not frivolous.

If the complaint does not meet all of these standards, the Administrative Officer must terminate the grievance and inform the grievant, the Handicapped Regulations Coordinator, Dean of University College, and the President. Any such termination is final.

If the Administrative Officer does not terminate the grievance after an initial review, he or she will schedule a meeting with the grievant, any member of the campus community whom the Administrative Officer believes to be interested in the complaint (hereafter referred to as an interested person), and the Officer of the Campus appointed by the president to represent the campus. At the meeting the grievant and each interested person may be represented by any person other than an attorney. The purpose of the meeting is to afford the grievant an opportunity to persuade the Administrative Officer that the charges made in the complaint are true and that appropriate relief should be granted.

As soon as reasonably possible after the meeting, the Administrative Officer will determine whether a violation of the

Section 504 Regulations has been demonstrated and, if so, whether the requested relief should be granted. If the Administrative Officer determines that some remedial action should be taken, he or she will make an appropriate recommendation to the campus President. Such relief need not be limited to that requested by the grievant and may include a change in campus policy.

The President may accept or reject the recommendation of the Administrative Officer, and the President's decision is final. The President will advise the grievant and all others involved of his or her decision. If the President determines that a violation of the Section 504 Regulations exists but that the violation is a result of systemwide policy or other reasons beyond the control of the campus, the President will make an appropriate recommendation to the Chancellor.

### **III. Meeting Procedures:**

#### **A. Conduct**

The Administrative Officer will make all rulings on matters relating to the conduct of the

hearing, including:

- (1) Matters regarding admission of evidence;
- (2) The calling and questioning of witnesses;
- (3) Whether the meeting will be open or closed;
- (4) Whether a tape recording of the meeting or notes of the meeting

kept by the

Administrative Officer will serve as the official record of the meeting. The grievant will be

given a copy of the official record of the meeting upon request, provided the campus is

reimbursed for its expense in providing the copy.

The Administrative Officer will maintain an orderly meeting and permit no person to be

subjected to abusive treatment. In this regard he or she may eject or exclude any

person who refuses to be orderly.

Care should be taken to ensure that adequate means of communication are

available for visually or hearing impaired persons involved in any meeting or

hearing.

#### **B. Access to Campus Records**

The Administrative Officer, upon request of the grievant, the campus representative or any interested person, may obtain copies of all campus records

that are relevant to the complaint and that may, under applicable campus policies, be released by the campus. The Administrative Officer will refuse to obtain such records if he or she determines that the burden of producing them outweighs the probative value of the records.

### **C. Legal Advice**

The Administrative Officer may on the basis of his or her own need, or at the request of the grievant, the campus representative or any interested person, request legal advice from the Office of General Counsel.

### **IV. Time for Filing Complaint:**

The Handicapped Regulations Coordinator will refuse to investigate, and the Administrative Officer will refuse to review, any allegations of a complaint that are based on events that occurred more than 60 calendar days prior to the date the complaint was filed. However, if the grievant did not know, and did not have reason to know of the event when it occurred, the 60 days shall begin to run as of the date the grievant learned or reasonably should have learned of the occurrence of the event. These time limits may be extended by a mutual agreement expressed in writing by the grievant and the Dean of University College. In absolutely no case, however, will an allegation be reviewed if it arises out of events that occurred more than one year prior to the date the complaint was filed.

### **V. Standing to File a Grievance:**

The Handicapped Regulations Coordinator will refuse to investigate, and the Administrative Officer will refuse to review, any complaint filed by a person who is not a student at the time of filing the complaint unless the complaint is filed by a person who, although not a student at the time of filing of the complaint, was a student within thirty days prior to the date on which he or she filed the complaint.

Notwithstanding any other provision of this Section V, the Handicapped Regulations Coordinator may investigate, and the Administrative Officer may review, any complaint filed by a former student when, in his or her judgment, fairness compels such action.

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### **VI. Definitions:**

For purposes of these procedures, the following definitions control the interpretation of the terms set out below:

#### **A. Section 504 Regulations**

Section 504 Regulations are the administrative regulations adopted by the Department of Health, Education and Welfare pursuant to Section 504 of the Rehabilitation Act of 1973. The regulations are found in Part 84 of Title 45 of the Code of Federal Regulations.

**B. Student**

Student means a person who has gained admission to California State University Dominguez Hills. Student also means a person who is considered a continuing student at California State University Dominguez Hills pursuant to campus regulations.

**C. Admission**

Admission means selection for full-time or part-time regular, special, extension, external, associate, transfer, exchange, or any other enrollment, membership, or matriculation in or at any educational program or activity of the campus.

**D. Grievance**

Grievance means a complaint filed by one or more grievants which alleges a violation of one or more provisions of the Section 504 Regulations.

**E. Grievant**

Grievant means a student who claims to have been personally wronged by an alleged violation of the Section 504 Regulations.

**F. President**

President means the campus President or the designee of the campus President.

**G. Officer of the Campus**

Officer of the Campus is any officer of the campus, other than an attorney, who is designated by the President to represent the President and the campus in the investigation of a grievance.

**H. Administrative Officer.**

Administrative Officer is any officer of the campus, other than an attorney or the Officer of the Campus designated to represent the President and the

campus, who is designated by the President to conduct the review of the grievance and to determine whether a violation of the Section 504 regulations has been demonstrated and, if so, whether the requested relief should be granted.