



**AUHS POLICY AND PROCEDURE REGARDING:**  
**RESPONDING TO STUDENT COMPLAINTS THAT A PROFESSOR IS NOT**  
**IMPLEMENTING AN APPROVED ACADEMIC ADJUSTMENT**

AUHS is committed to a fair process for the resolution of student complaints that a Professor is not implementing an approved academic adjustment.

The following process may be used by students with disabilities to resolve complaints that a Professor is not implementing an approved academic adjustment.

A student who believes that his or her Professor is not implementing the student's approved academic adjustment(s) is encouraged to seek resolution through the office of the Director of Student Affairs. Students are encouraged not to discuss any disagreement with the Professor regarding academic adjustments directly with the Professor. If the Professor initiates such a conversation, the student is encouraged to refer the Professor to the office of the Director of Student Affairs.

A student who believes that his or her Professor is not implementing the student's approved academic adjustment(s) should promptly inform the Office of the Director of Student Services so that an investigation can take place and corrective action, if necessary, can be taken to prevent recurrence and to correct its effects. Complaints that a Professor is not implementing the student's approved academic adjustments generally cannot be resolved until the student informs the office of the Director of Student Affairs of the situation.

While it is recommended that the student promptly inform the office of the Director of Student Services, all complaints must be filed no later than 60 calendar days after the event giving rise to the complaint, or within 30 calendar days after the end of the quarter, whichever is longer. The time period for filing a complaint may be extended for good cause as determined by the Provost or his/her designee. Students are encouraged to use the Student Grievance Form for Claims of Discrimination, Harassment and Retaliation ("Complaint") but it is not required, and submit it to the Director of Student Services, or a designee of the Director of Student Services. If a Complaint is presented in another written format, such as a letter, the University may ask the student to provide additional information for completeness and clarity. If a student is unable to complete the complaint form due to a disability, a designee of the Director of Student Affairs will assist the student. A copy of the Complaint form can be found at [www.auhs.edu/resources](http://www.auhs.edu/resources).

A student may choose to participate in an Optional Informal Managed Resolution Process, or the Formal Resolution Process, described below. While a student is encouraged to begin with an informal resolution, a student may choose to start with formal resolution.



## **1. Handling of a Complaint and Interim Measure:**

- 1.1 After a complaint is received, AUHS's Director of Student Services or the Director's designee will either assign him or herself the role of Investigator, or select an impartial staff member from the office of the Director of Student Affairs who has received training in the University's obligations with regards to Section 504 of the Rehabilitation Act of 1973 and the University's policies and procedures regarding the implementation of students' approved academic adjustments. The Investigator may have access to legal counsel as determined by the Director of Student Affairs or the Provost.
- 1.2 After a complaint is received, the Investigator shall determine whether interim measures are necessary to protect the student involved. Any interim measures will be implemented in a manner that attempts to minimize the burden on the student.

## **2. Optional Informal Managed Resolution Process**

- 2.1 Within two school days of receiving the complaint, the Investigator shall notify the student of the option to proceed with an informal managed resolution process. This is an optional process that the student may terminate at any time. The student is not required to participate in this process or meet directly with the Professor.
- 2.2 If the student accepts the option to proceed with an informal managed resolution process, the Investigator and the Dean of Students shall promptly confer with the Professor regarding implementing the student's approved academic adjustment. In conferring with the Professor, the Investigator and the Dean of Students shall respect the privacy of the student regarding his or her disability and will not disclose to the Professor what the student's disability is. Once approved, the Professor must promptly and immediately implement a student's approved academic adjustments, upon notice. If the Professor has questions or concerns about how to properly implement the approved academic adjustment, the Investigator and the Dean of Students will guide the Professor in implementing the adjustment.

In the event that the Professor disagrees with the student's approved academic adjustments, an interactive process will be engaged between the student, professor, Office of Student Services, and the Dean of Students to determine any appropriate changes to the students' approved academic adjustments. Students denied a requested accommodation may appeal the decision through the University's informal and formal dispute resolution process. AUHS has adopted and published grievance procedures providing for appropriate due-process procedures and for prompt and equitable dispute resolution. If the Professor continues to dispute the appropriateness of an accommodation for a particular course, the Investigator and the Dean of Students will refer the disagreement to the Provost. The Provost will confer with the Investigator and the Dean of Students regarding an alternate accommodation, or agree that no accommodation is appropriate, or agree that the current approved academic adjustment is



to be honored by the Professor. The professor is legally obligated to provide the approved academic adjustments to the student until the interaction and appeal process to change them have been completed. The student is not responsible for managing disagreements between the administration and a Professor regarding the appropriateness of an approved academic adjustment.

The results of the determination by the administration will be memorialized in an Optional Informal Resolution Agreement that is sent to the student. If the student accepts the proposed informal resolution, the matter will be closed. The Professor shall sign the Optional Information Resolution Agreement, if accepted by the student, affirming that the Professor will abide by its terms and implement all approved adjustments. The Investigator will follow up with the student within 30 calendar days of acceptance of the Optional Informal Resolution Agreement to see if there have been new incidents or retaliation for making a complaint.

2.3 If the student does not accept the Optional Informal Resolution Agreement, the Complaint will be processed using the Formal Resolution Process.

### **3. Formal Resolution Process**

#### **3.1 Investigation into Complaint:**

An investigation into a Complaint will commence within five school days from receiving the complaint, unless Section 1 above is applicable, or the student withdraws the complaint.

The Investigator will investigate the Complaint and document his or her efforts and findings. The investigation shall include, but not be limited to, review of records, notes, or statements related to the complaint; interviewing witnesses (if applicable); interviewing the student; and interviewing the Professor. At no time will the student and the Professor be interviewed together.

The Investigator will make reasonable efforts to protect the privacy of the student and the Professor. In the course of the investigation it may be necessary to reveal the names of the parties involved to witnesses. If this occurs, the investigator will stress to the witness(es) that this is a confidential matter and ask that it not be discussed outside the investigation. Unfortunately, because the investigation may involve third parties who are not under the control of AUHS, AUHS cannot ensure confidentiality in connection with any investigation.

The student and the Professor will have an equal opportunity to present relevant witnesses and evidence to the Investigator. Each party shall have the opportunity to comment to the Investigator, either in writing or in person, on the information learned in the investigation.



A student's refusal to provide the Investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in other acts to hinder the investigation may result in the dismissal of the Complaint because of a lack of evidence to support the allegations. Similarly, the Professor's refusal provide the Investigator with documents or other evidence related to the allegations in the complaint, failure to participate in the investigation, or engagement in other acts to hinder the investigation may result in a finding that the Professor automatically violated his or her obligation to implement all approved academic adjustments to the student.

The investigation must be completed within 30 calendar days after receiving a Complaint. This time period maybe extended by the Provost upon a showing of good cause that additional time is necessary to conduct a fair investigation. However, it is AUHS's policy to make reasonable efforts to complete the investigation within the 30-calendar-day time period. If an extension is needed, the Provost will notify the student and the Professor in writing of the extension and the reason for the extension.

### **3.2 Written Report**

Within 10 calendar days after the completion of an investigation, the Investigator will provide a written report of the investigation to the Provost and, if applicable, the Dean in charge of the Professor. The written report will include a summary of the allegations, a description of the investigation, a description of the relevant information gathered, and a determination of whether or not the Professor improperly failed to implement the student's approved academic adjustments.

### **3.3 Response to Complaint**

Within seven calendar days after receiving the report from the Investigator, the Provost must determine a response to the Complaint. In reaching a decision as to how to respond, the Provost may take into consideration the following:

- a. The report and recommendation of the Investigator;
- b. The effect of the misconduct on the student;
- c. The type, frequency, and duration of the misconduct;
- d. Other incidents of alleged misconduct by the Professor;
- e. Advice of legal counsel or other professionals;
- f. Whether an Optional Informal Resolution Agreement was violated; and
- g. Any other information the Provost deems as relevant.

If the Provost determines that the Professor improperly failed to implement the student's approved academic adjustment, the Provost will also determine the steps that will be taken to prevent recurrence of this, and to correct its effects on the student, and others.

Within eight calendar days after receiving the report from the Investigator, the Provost will provide a written notice to the student (Complainant Notice) concerning the outcome of the investigation. The Complainant Notice shall state that an investigation was



performed, the outcome of the investigation, and any remedies provided to the student. In order to maintain privacy rights, the Provost is not required to disclose every detail about the nature of any corrective action taken against the Professor. However, the Complainant Notice will include the consequences imposed on the Professor that relate directly to the subject of the complaint.

The Complainant Notice shall advise the student that if he or she continues to be denied approved academic adjustments he or she should immediately report such incidents to the Investigator. Further, the Investigator will follow up with the student within 30 calendar days of the Provost's Complainant Notice to see if there have been new incidents or retaliation for making a complaint. The Investigator will keep a record of his or her findings and promptly investigate any further allegations and will notify the Provost in writing of the further allegations and investigation within 10 calendar days of learning of the further allegations.

If the outcome of the investigation is that there was no failure to implement an approved academic adjustment, the Complainant Notice will also include the student's right to appeal the decision of the Provost within 15 calendar days of the date of the Provost's Complainant Notice. The Complainant Notice will include the procedures for initiating such an appeal.

Within eight calendar days after receiving the report from the Investigator, the Provost will send a separate notice of the outcome to the Professor (Accused Notice). The Accused Notice shall state the outcome of the investigation, whether the allegations were substantiated and what, if any, corrective action will be taken to prevent recurrence of the issue and to correct its effects. The Professor will have the opportunity to appeal any finding that he or she violated the obligation to implement approved academic adjustments by filing an appeal within 15 calendar days of the date of the Accused Notice. The Accused Notice will include the procedures for initiating such an appeal.

Should no request for an appeal be initiated within the time to appeal, the decision of the Provost will be final and binding.

#### **4. Appeal Process**

To appeal a decision of the Provost, the appealing party must provide written notice ("Notice of Appeal") to the Dean of Students of his or her intent to appeal within 15 calendar days of the date of the Complainant or Accused Notice by the Provost. The Notice of Appeal must include the specific reasons for the appeal and any evidence the appealing party would like considered as part of the appeal. Within three school days of receiving the Notice of Appeal, the Dean of Students will provide notice to the non-appealing party of the appeal and the basis for the appeal. The non-appealing party will have 15 calendar days to respond to the statements in the appeal.



The appeal process will be limited to determining (1) whether the decision was supported by a preponderance of evidence; (2) whether the findings of the Investigator as to whether or not the incidents occurred are supported by a preponderance of the evidence; and (3) whether the investigation was conducted in a fair and impartial manner.

The appeal will be decided by an impartial panel selected by the President. The panel shall consist of three impartial persons who have received training in the legal obligations of Section 504 of the Rehabilitation Act. The President will appoint one person to chair the panel. The panel will receive and review the Notice of Appeal, a copy of the investigation notes, the report by the investigator, and the Complainant and Accused Notices. The chairperson will arrange meetings of the panel to discuss the appeal and render a decision.

The written appeal decision shall include a summary of the issues raised on appeal, a summary of the evidence considered, a decision as to the appeal, what evidence supports the decision, and what additional remedies, if any, are necessary. The panel will provide a written appeal decision of its findings to the student, the Professor, the Provost, and the Investigator within 50 calendar days of receipt of the Notice of Appeal.

The decision of the panel is final and will conclude the complaint process.

The following link provides access to the Implementation of Approved Reasonable Accommodations Form:

 [Implementation of Approved Reasonable Accommodations.pdf](#)