

SECTION 504/ADA GRIEVANCE PROCEDURE

Western Dakota Technical Institute (hereinafter “the Institute”) does not discriminate on the basis of disability in its education-related programs and activities and provides equal educational opportunities to persons with disabilities. The Institute has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the American with Disabilities Act and/or Section 504 of the Rehabilitation Act of 1973. These Laws and Regulations may be examined in the office of the Institute’s Disability Coordinator (“the Coordinator/Director of Student Success”), 1-605-394-4034, who has been designated to coordinate the effort of the Institute to comply with the ADA and Section 504 of the Rehabilitation Act of 1973.

The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U.S. Department of Education, Office for Civil Rights, and Department of Justice, Civil Rights Division.

The Institute will make appropriate arrangements to ensure that persons with disabilities are provided other accommodations, if needed, to participate in this grievance process. Such arrangements may include, but are not limited to, providing interpreters for the hearing impaired, providing recordings of material for the visually impaired, or assuring a barrier-free location for the proceedings. The Director of Student Success will be responsible for such arrangements.

Any person who believes he or she has been subject to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for the Institute to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

Level 1 (Grievance): Grievances should be submitted as soon as possible, but no later than twenty-five (25) calendar days after the alleged act of discrimination. A grievance must be submitted to the Director of Student Success (or her/his designee), Western Dakota Technical Institute, 800 Mickelson Drive, Rapid City, South Dakota 57703. In the event the grievance is against an action taken by the Director of Student Success, the complainant may file his/her grievance with the Human Resources Manager, Western Dakota Technical Institute, 800 Mickelson Drive, Rapid City, South Dakota 57703; 1-605-718- 2402.

A grievance must be in writing and contain the following:

- The name, mailing address, e-mail address, and phone number of the individual filing the grievance;
- A full description of the problem; and
- A statement of the remedy or relief requested.

Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The Director of Student Success/Human Resources Manager (or his/her designee) shall conduct a prompt investigation of the complaint. This investigation may be informal, but must be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The Director of Student Success/Human Resources Manager, at his or her sole discretion, may gather additional information necessary to the consideration of the grievance, including, but not limited to, interviewing individuals who may possess relevant information. The Director of Student Success/Human Resources Manager will maintain the files and records of the Institute relating to such grievances. Complaints will remain confidential except to the extent necessary to conduct a review of facts and to the extent authorized by law.

Within thirty (30) calendar days after receipt of the grievance, the Director of Student Success/Human Resources Manager will respond in writing, and where appropriate, in a format accessible to the person filing the complaint, such as large print, Braille, or audio tape. This deadline may be extended for good cause, as determined by the Director of Student Success/Human Resources Manager, or by written agreement of the parties. The Director of Student Success/Human Resources Manager’s written decision shall also include notice of complainant’s right to appeal the decision.

If the Director of Student Success/Human Resources Manager finds that the requested accommodation is reasonable and does not create an undue burden, then the Director of Student Success/Human Resources Manager shall orally, or in writing, communicate with the student's instructors regarding the accommodation to be implemented. Instructors shall respond promptly, orally or in writing, to the Director of Student Success/Human Resources Manager's notification and work with the Director of Student Success/Human Resource Manager to ensure that the accommodation is implemented.

Level 2 (Appeal): If the complainant disputes the Director of Student Success/Human Resources Manger's verification of a disability, determination regarding the need for an accommodation, and/or denial of an accommodation, then the complainant may appeal the Level 1 decision to the WDT President of the Institute within fifteen (15) calendar days after receipt of the Level 1 decision. The appeal must be submitted to the Director of Student Success/Human Resources Manager.

The appeal must be in writing and contain the following:

- The name, mailing address, e-mail address, and phone number of the individual filing the grievance;
- The specific factual and/or procedural basis for the appeal or disagreement with the Level 1 decision.

An appeal must be directed only to issues raised in the original grievance, and cannot raise new issues. Upon receipt of an appeal, the Director of Student Success/Human Resources Manager shall submit the appeal and the materials prepared at the Level 1 grievance (including the results of the Level 1 investigation) to the President.

The President shall review the written appeal and the investigative materials. The President, at his or her sole discretion, may request additional information necessary for consideration of the appeal. Within thirty (30) calendar days of the filing of the appeal, the President shall issue a written decision. This deadline may be extended by the President for good cause.