

**BETHANY COLLEGE**  
**POLICY & PROCEDURES FOR STUDENTS WITH DISABILITIES**  
**INCLUDING DOCUMENTATION, GRIEVANCE AND DISMISSAL PROCESS**

**504/ADA GRIEVANCE PROCEDURE**

**Overall 504/ADA Policy**

In compliance with Section 504 and the Americans with Disabilities Act, Bethany College seeks to support and accommodate students. Students with special needs should contact the Director of Educational Support Services to submit necessary paperwork and determine appropriate accommodations. In order to receive accommodations students must submit substantiating documentation from applicable professionals, review recommended accommodations with the director, sign the necessary release forms for extending accommodations, and share the Bethany forms for recommended accommodations with the requested faculty/staff.

Students need to take responsibility for proactively sharing substantiating documentation for accommodations with the Director of Educational Support Services, so that accommodations can be recommended to the appropriate faculty and staff in a timely manner at the beginning of each term. Accommodations are not granted on a retroactive basis. All students receiving accommodations under 504/ADA are to make appointments to meet individually with the director at the beginning of each term to review accommodations sheets for classes and residential needs. Students are also welcome to contact the director throughout each term to review their needs and receive support for pursuing a collaborative process with the faculty and staff of Bethany College in a desire to extend equal access and prevent discrimination.

Regardless of student disability, it is the students' responsibility to follow the policies and procedures of the college with regard to academic and technical qualifications, including faith and conduct, in order to be in good standing, or the student may risk warning, probation and potential disqualification/dismissal from Bethany College.

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 prohibit discrimination against individuals with disabilities. According to these laws, "No otherwise qualified individual with a disability shall, solely by reason of his/her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity of a public entity." Poor judgment and quick temper are not, in and of themselves disabilities, though they may be manifestations of a disability. After accommodations are granted for a student's disability, students must conform to conduct expectations of all Bethany College students.

"Qualified" with respect to post-secondary educational services means "a person who meets the academic and technical standards requisite to admission or participation in the educational program or activity, with or without reasonable modifications of rules, policies or practices; the removal of architectural, communication or transportation barriers; or the provision of auxiliary aids and services."

"Person with a disability" means "any person who: 1) has a physical or mental impairment which substantially limits one or more major life activities including walking, seeing, hearing, speaking, breathing, learning and working; 2) has a record of such impairment; or 3) is regarded as having such an impairment."

Disabilities covered by legislation include (but are not limited to) AIDS, cancer, cerebral palsy, spinal chord injuries, loss of limbs, multiple sclerosis, muscular dystrophy, diabetes, epilepsy, head injuries, hearing and visual impairments, specific learning disabilities, psychiatric disorders,

and speech impairments. Note that accommodations for disabilities under 504/ADA do not include personal services, remediation, or guaranteed success. The intent of Bethany College is to support qualified students with disabilities while following the requirements of the law.

### **Policy Regarding Dismissal**

A. No student who has a disability, or is regarded by the college as disabled, shall receive a long term suspension or dismissal or be asked to withdraw from the College unless he/she

- 1) has violated Bethany College's standards of conduct as outlined in the Student Handbook;
- 2) has failed to meet Bethany College's academic or other "technical" (including faith) standards for continued enrollment required of all students; or
- 3) is determined to constitute a direct threat to him/herself or others

B. Bethany College will not impose a long term suspension or dismissal/disqualification on a student with disabilities, or ask that such a student withdraw from Bethany College, for reasons that Bethany College or the student believe are related to, or caused by, the student's actual or perceived disability, without first providing the student with due process protections.

C. In the event that a student with disabilities is properly dismissed, consistent with these procedures, Bethany College may set requirements for his/her readmission that are more stringent than those imposed on students seeking initial admission. Examples of these higher requirements may involve, but are not limited to:

- 1) verification of a student's ability to live collaboratively in a residential setting,
- 2) having a one year history of emotional stability without being destructive toward self or others
- 3) an ability to maintain activities of daily living, such as health and personal hygiene for him/herself.

### **Process With Regard to Dismissal for Violation of Technical Standards**

1. Notice of the reasons for the proposed dismissal will have been preceded by the following steps:

- a) verbal warning, which will be clearly documented with date(s) and circumstances of infraction in student's file
- b) written warning of infraction(s) warranting continued concern in violation of Bethany College's technical standards, including Incident Reports brought to Student Life by Campus Security and other members of the Bethany community
- c) probationary contract entitled Statement of Probation signed by student and Dean of Students
- d) violation of contract leading to conference with student and dismissal/disqualification

The Director of Educational Support Services is be notified at the onset of any dismissal process for all students so that support to 504/ADA students can be provided while preserving confidentiality. In case of absence of the Director of Educational Support Services, the Vice President for Academics is to be notified and included in conference to ensure collaboration and supportive due process under 504/ADA.

2. At any point in this process the student will have an opportunity to hear and rebut evidence that the student has failed to meet the conduct or technical standards of Bethany College, or constitutes a direct threat to him/herself or others.

In the event of direct threat, a student may be placed on 72 hour suspension, extendable for good

cause and by mutual agreement, pending review by the Dean of Students, Vice President for Academic Affairs, and Director of Educational Support Services. Following their review, the student may face possible dismissal from the College, or be placed on probationary status.

Bethany College may dismiss a student from a college program, when, as a result of disability, the student's participation in the program constitutes a "direct threat." A direct threat is a significant risk of causing substantial harm to the health or safety of the student or others that cannot be eliminated or reduced to an acceptable level through the provision of reasonable accommodations. An assessment will be made by an individual qualified to assess whether a direct threat is present. It may be either an external person with expertise or an internal person from Bethany College who is qualified to make such a determination. In neither case will the person making the assessment be involved in making the decision whether or not to dismiss the student. The student will be provided opportunity to introduce counter evidence and independent professional assessment at both the assessment and decision points in the case of dismissal due to direct threat.

3. In the event that the student is judged to have failed to meet Bethany College's conduct or academic/technical standards, the student shall be permitted an opportunity to demonstrate any of the following:

- a) On the basis of equal treatment, his/her punishment should be mitigated (e.g. that students without disabilities were not dismissed for comparable offenses, or were readmitted based on extenuating circumstances).
- b) That he/she requested and was denied a reasonable accommodation that is reasonably connected to the failed performance or conduct.
- c) That, with reasonable accommodation, he/she can meet the standards of Bethany College in the future. This may include the accommodation of living off campus in an appropriately supportive environment (such as a group home), rather than residing in the college dorms, according to college policy.

### **Grievance Procedure for Dismissal/Disqualification Due to Violations of Technical Standards**

The grievance procedure for the prompt and equitable resolution of complaints of discrimination on the basis of disability will follow the appeal process outlined in the Student Handbook. Following a "discipline review meeting" in which an action of dismissal/disqualification is taken, a student who wishes to appeal that decision based on perceptions of discrimination due to a documented 504/ADA condition may pursue the appeal process described in the Student Handbook, as modified below for 504/ADA related issues. There are two levels of appeal at Bethany College for students who have been dismissed/disqualified due to violations of technical standards.

Level 1 Appeal is to the Disciplinary Review Advisory Committee (DRAC) assigned by the President, utilizing the format outlined in Appendix C, pages 70 and 71 of the Student Handbook. In the interest of protecting student's confidentiality regarding his or her disability, the composition of the committee will be modified so that no students serve in these situations. Appeals may be made to the DRAC if any of the following conditions exist:

1. There is evidence that procedural fairness was not granted during the disciplinary process.
2. New evidence has been discovered that the Student Life Team was unable to consider at the time of the initial discipline process.
3. There is substantial evidence that a member(s) of the Student Life Team was (were) biased

toward the student.

4. There is evidence that the dismissal/disqualification did not allow for mitigating circumstances due to accommodations granted through documented conditions covered under 504/ADA policies.

The appeal must be made in writing to the Dean of Students within 48 hours of the original decision. The written appeal shall consist of a statement of detailed facts that make the appeal necessary. The DRAC will meet within five days to hear the appeal and decide whether the appeal should proceed to a hearing. All disciplinary sanctions placed on the student will remain in effect while the appeal is in process.

Level 2 Appeal is to the President, and is the final stage of appeal at the college level.

If, after the DRAC dismisses or disqualifies a student, the student may appeal to the College President. The student must submit a formal letter of appeal to the President describing the rationale for the appeal. The student must also submit a formal letter to the Student Life Office requesting any data regarding the issue to be forwarded to the President's office. The letters must be submitted within five business days of the DRAC's decision.

The President shall review all information provided. The President shall exercise presidential prerogative on a case by case basis. This may involve conducting interviews, forming an advisory committee, refusing to review or opting not to hear an appeal based on his satisfaction with the DRAC's decision.

The decision of the President is final and no further appeal is open to the parties at the College. The President shall issue a decision in writing to the parties within five business days. All disciplinary sanctions placed on the student will remain in effect while the appeal is in process.

### **Process With Regard to Dismissal/Disqualification for Violation of Academic Standards**

1. Students must maintain Satisfactory Academic Progress as described in the College Catalog (see under Grade Policies) Note: All students with disabilities who have submitted substantiating paperwork to the Director of Educational Support Services and qualify under 504/ADA will have the support of the director as a secondary advisor, regardless of GPA. Also, all students on Academic Warning or Probation will have the director as a secondary advisor. The purpose is to assist and support students with special needs toward academic success at Bethany College.

a) Should a student enter Bethany College on Academic Probation, he/she must achieve a minimum cumulative GPA of 2.0 to attain Good Standing at the college. A student on Academic Probation is required to enroll in Study Skills and attend the Student Individualized Learning Center.

b) A continuing student who receives a term GPA below 2.0, but whose cumulative GPA remains above a 2.0, will be put on Academic Warning for one term and encouraged to enroll in Study Skills and utilize the Student Individualized Learning Center. If the student's term GPA in the succeeding semester does not increase to a 2.0, but his/her cumulative GPA remains above 2.0, Academic Warning status will be continued.

c) A student whose cumulative GPA drops below 2.0 will be placed on Academic Probation for one semester.

d) A student on Academic Probation who does not attain at least a cumulative 2.0 GPA will be Academically Disqualified from Bethany College.

e) A student must successfully complete a certain percentage of the credits attempted (currently 66%) to be considered to be making Satisfactory Academic Progress. This criterion, known as Rate of Progress toward completion, is also used in the Academic Progress Review. Failure to

meet Rate of Progress requirements leads to a student being placed on Academic Probation for a semester. If the student does not meet the Rate of Progress requirement after a semester, the student may be allowed to continue enrollment, but is not eligible to receive financial aid.

f) If progress is being made but criteria for Satisfactory Academic Progress has not been achieved, a second semester of Academic Probation may be requested by written appeal to the Vice President for Academics.

2. For all students, an Academic Honor Code violation will result in a student receiving an “F” in the class, and the Office of Academics will be notified so that if the student is involved in further plagiarism or cheating, he/she may face expulsion from the College.

a) As noted in the college catalogue, Bethany students are expected to exhibit Christian integrity in all aspects of their college life. Cheating on examinations or other course work will lead to disciplinary action by the faculty member involved and /or the Academic Affairs Committee.

b) Plagiarism is the stealing or passing off as one’s own the words or ideas of another. This includes using another’s words verbatim, in paraphrased form, or using another person’s ideas, thoughts, or theories without proper documentation; for example, all Internet sources must be cited.

3. For students qualifying under 504/ADA, course substitutions will be determined by a deliberative

process involving the following determinations:

a) The requirement’s value in the degree sought by the student; hence consideration will be given for the significance of the course content as essential core knowledge in the field of study.

b) Did the student take full advantage of proffered accommodations and tutoring support?

c) Did the student demonstrate with appropriate documentation that his/her weakness in a subject was itself disabling or sufficiently related to an ADA/504 disability?

d) When a course substitution is granted the student will receive notification allowing documentation and verifying informed consent, so that the student is made aware that the substitution is only applicable in this college and is not binding on any other college or program within the college; further, the student will be notified that the substitution may ultimately affect further studies at this college or other colleges and universities, including graduate studies, and finally, that the course substitution is being granted based on the student’s disability.

e) If a student has received a grade of F in a course as a result of causes later determined to be related to a qualifying 504/ADA disability, the student may request that the Instructor change the grade to an NC. If the instructor declines or is no longer employed by the College, the student may then appeal to the Academic Affairs Committee to have the grade changed to an NC. A grade of NC will not impact the student’s GPA, but may have an adverse impact on the student’s Rate of Progress.

### **Academic Appeals Procedure (as per Academic Catalog )**

1. Students qualifying under 504/ADA are required to follow the same academic appeals procedure as noted in the Academic Catalog, p.14, while recognizing that they will have first had the option of submitting the confidential form for recommended accommodations to their professors. Should the recommended accommodations have been inadequate for their needs, students should notify the Director of Educational Support Services in the first weeks of class to facilitate possible revisions. (Note: accommodations are presumed effective unless student notifies professor and Director of Educational Support Services otherwise. Accommodations do not guarantee academic success.)

2. All questions and complaints regarding grades and class issues should be discussed with the classroom instructor before the matter is appealed. (Students making allegations of harassment or hostile environment against a professor need not discuss those with the professor before continuing this appeal process.) A student who has questions should first be sure he/she has complied with the requirements of the syllabus and announcements made by the teacher in class, unless the student has received an agreed upon accommodation. Any disputes must be discussed with the professor within fourteen calendar days after the issuance of the disputed grade or assignment.

3. If a student continues to feel that a grade or assignment is unreasonable after conferring with the classroom instructor, he/she may appeal to the Vice President for Academic Affairs. If the student feels this relates to a lack of fairness concerning his/her disability, the Director of Educational Support Services may be consulted and assist the student in the appeal process. This appeal must be made in 14 calendar days following the conference with the instructor.

4. If the student wishes to appeal further, the Vice President for Academics may refer the matter to an *ad hoc* appeals committee composed of qualified faculty, staff and student representatives. If the appeal involves a 504/ADA disability, the composition of the appeals committee may be adjusted by the Vice President for Academics to preserve the confidentiality of the student who is making the appeal.

#### **Appeal Process for Academic Disqualification**

1. **Prior to the beginning of the next term**, a student who has received notice of Academic Disqualification may appeal to the Vice President for Academics. To be considered, the appeal must be submitted in writing consistent with the deadline outlined in the Letter of Disqualification. The Vice President for Academics will thoughtfully weigh the student's reasons and inform the student of the decision in writing prior to the first day of classes.

2. **Readmission Following Academic Disqualification** Students who have been disqualified may apply for readmission to Bethany College upon completion of 12 units of academic college work with a GPA of "C" or above according to the readmission policy of the College and pending other holds, financial or technical, on the student's record. No student with disabilities shall be discriminated against in this policy, but the student will be expected to fulfill any requirements of readmission discussed and recorded at the time of disqualification from the College.

3. **Recourse to the Office for Civil Rights** If the student is dissatisfied with his/her treatment and believes there to have been a violation of his/her rights under 504/ADA, the student may file a complaint with the U.S. Department of Education, Office for Civil Rights, Ninth Circuit, 50 United Nations Plaza, Room 239, San Francisco, California 94102.