



Updated 7/2022

STUDENT DISABILITY GRIEVANCE PROCEDURE

Wingate University is committed to ensuring that no otherwise qualified individual with a disability is excluded from participation in, subjected to discrimination in connection with, or denied the benefits of any University programs or activities due to his or her disability.

The University has adopted this internal grievance procedure to provide for the prompt and equitable resolution of student complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (“Section 504”) or Title III of the Americans with Disabilities Act (“Title III”) or otherwise alleging disability-related discrimination or harassment. Section 504 prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance, and Title III prohibits discrimination on the basis of disability by private entities (including Universities) that provide places of public accommodation. These laws and accompanying regulations may be examined in the office of the Executive Director of the Academic Resource Center, whom the University has designated to coordinate its efforts to comply with Section 504 and the ADA (“the Director”).

WHO MAY GRIEVE?

Any student currently enrolled at the University who believes he or she has been discriminated against or harassed on the basis of disability by a University employee (e.g., administrator, faculty, staff, adjunct faculty, or other agent of the University); University student; or, in certain circumstances, by a visitor to the University, may use this process to file a grievance.

WHAT MAY BE GRIEVED?

An action or decision may be grieved if it involves alleged discrimination or harassment by a University employee; University student; or, in certain circumstances, by a visitor to the University against a student on the basis of that student’s disability. Such actions may include, but are not limited to, denial of accommodations or lack of physical access to University facilities or programs.

CONFIDENTIALITY AND PROHIBITION AGAINST RETALIATION

The University will treat all information submitted in connection with a grievance as confidential. Subject to FERPA and other applicable privacy laws, however, the University official investigating the grievance will inform individuals with a legitimate need to know of the grievance and may provide them related information as necessary to allow the University official to conduct a meaningful and thorough investigation. The University official investigating the grievance will inform all involved parties of the need to maintain the confidentiality of such information.

Wingate University prohibits retaliation for submitting a grievance or participating in a grievance investigation. Retaliation includes threats, intimidation, reprisals, and adverse actions. The University official investigating the grievance will advise all involved parties of this strict prohibition against retaliation.



Updated 7/2022

INFORMAL GRIEVANCE PROCEDURE

The Informal Grievance Procedure is designed to facilitate a satisfactory resolution of the grievance in an informal manner. The student has the option to forego the Informal Grievance Procedure and move immediately to the Formal Grievance Procedure.

A student initiates the Informal Grievance Procedure by contacting the Executive Director of the Academic Resource Center. If the Executive Director is the subject of the grievance, the student initiates the Informal Grievance Procedure by contacting the Vice Provost for Academic Success and Initiatives. The student may contact the appropriate official (the “Investigator”) by e-mail, phone, or in person.

Ms. Kristin Wharton, Executive Director of the Academic Resource Center
704-233-8366
arc@wingate.edu

Office location: Ethel K. Smith Library, Academic Resource Center (second floor)

Dr. Brooke Mitchell, Vice Provost of Academic Success and Initiatives
704-233-8060
bmclaugh@wingate.edu

Office location: Stegall Administration Building, Provost’s suite (second floor)

To initiate the Informal Grievance Procedure, a student is not required to submit the grievance in writing, but the Investigator may ask the student to do so or to submit other evidence, if necessary to facilitate a satisfactory resolution.

The Investigator will attempt to expeditiously facilitate a satisfactory resolution. The Investigator may meet in person with the student, confer with the individual(s) against whom the grievance is filed, attempt to arrange a meeting between the student and the individual(s), or take any other steps the Investigator believes will be useful in promoting resolution.

Within 21 calendar days after the student initially contacts the Investigator regarding the grievance, the Investigator will inform the student in writing of the outcome of the Informal Grievance Procedure.

FORMAL GRIEVANCE PROCEDURE

If the student is not satisfied with the resolution reached using the Informal Grievance Procedure, or if the student chooses not to use the Informal Grievance Procedure, the student may initiate the Formal Grievance Procedure by submitting a written complaint to the appropriate Investigator. A student who chooses to initiate the Formal Grievance Procedure after participating in the Informal Grievance Procedure must do so within 14 calendar days of receipt of the Investigator’s written notification of the outcome of the Informal Grievance Procedure.



Updated 7/2022

The written complaint must:

- be dated;
- state the problem or action alleged to be discriminatory and the date of the alleged action;
- state how the action is discriminatory (or how the decision is unreasonable if it is a denial of a requested accommodation);
- name the individual(s) against whom the grievance is filed;
- state the requested remedy; and
- be signed by the student.

Within seven calendar days of receiving the written complaint, the Investigator will provide written notification of receipt of the complaint to the grievant and to the individual(s) against whom the grievance is filed. The Investigator will also conduct a thorough investigation of the complaint, affording all relevant persons an opportunity to submit evidence regarding the allegations. Within 30 days of receipt of the written complaint, the Investigator will provide the grievant and the individual(s) against whom the complaint is filed a written decision regarding the grievance. The decision will include findings of fact, a conclusion, and, if applicable, an explanation of remedies, which may include the imposition of disciplinary sanctions and / or referral to an individual's supervisor or another administrator for the determination and imposition of disciplinary sanctions. The Investigator's findings shall be based on the preponderance of evidence standard of proof.

APPEAL

The student or the individual(s) against whom the grievance is filed may appeal within fourteen calendar days of receiving the Investigator's written decision and / or any associated disciplinary sanctions by writing to the Provost's office. The written appeal must clearly set forth the grounds for the appeal and must include all supporting evidence. Generally, the Provost will limit his or her review of the Investigator's decision to determine whether the Investigator considered the proper facts and whether there were any procedural irregularities. Within 21 days of receipt of the appeal, the Provost will provide the grievant and the individual(s) against whom the complaint is filed a written decision regarding the appeal. The decision of the Provost is final, and the University will disregard any subsequent appeals (in any form) to any University representative, including the University President.

Dr. Jeff Frederick, Provost

j.frederick@wingate.edu

704-233-8123

Office location: Stegall Administration Building, Provost's suite (second floor)

ADJUSTMENT OF DEADLINES

The Investigator, Vice Provost of Academic Success and Initiatives, or the Provost may change the above deadlines for good cause, such as semester or summer breaks. Likewise, if the application of time deadlines creates a hardship due to the urgency of the matter or the proximity of an event, the Investigator, the Vice Provost of Academic Success and Initiatives, or the Provost, at the request of the student, will determine if an expedited procedure can be created.



Updated 7/2022

SUPPORT PERSONS/ADVISORS

The student who initiates the grievance may have one support person/advisor present to support and assist them during any meetings. The student is not limited in their choice of support person/advisor. The student may consult privately with their respective support person/advisor during meetings provided that such consultation is not disruptive. Support person/advisors, may not, directly participate in any meeting.

A support person/advisor may be required to leave a meeting if their presence is disruptive at the Investigator's request. A support person must maintain confidentiality regarding any and all communications exchanged.

INTERIM MEASURES

If necessary while any grievance investigation is ongoing, the University may take interim measures to stop discrimination or prevent its recurrence. Such interim measures may include, but are not limited to, limiting interaction between the parties, arranging for the provision of temporary accommodations, or staying a course grade.

CONFIDENTIALITY OF RECORDS

Once the Investigator, Vice Provost of Academic Success and Initiatives, or Provost has made the final decision regarding the grievance, the records related to the grievance will be confidentially maintained in the Office of Disability Support Services for three years.