



Office of the Commissioner of Higher Education
Personnel Policies

SUBJECT: ADA Complaint Resolution Procedure

Policy Number: 202.0

Adopted: December 10, 2001; Updated: March 2016

I. Policy

The Office of the Commissioner of Higher Education has adopted this complaint resolution procedure to provide prompt and equitable resolution of complaints alleging violation of the requirements of the Americans with Disabilities Act (ADA).

II. Coverage

The procedures outlined herein shall be utilized by employees, applicants for employment, or members of the public who believe that they have been subject to unlawful discrimination on the basis of disability.

III. Procedures

A. Rules for Processing ADA Complaints:

1. Complaints, requests for accommodations, or questions related to the ADA should be addressed to ADA Coordinator, 2500 Broadway, P.O. Box 203101, Helena, MT 59620-3101 (Phone 444-6570).
2. All complaints must be filed in writing and contain: a) the name address, and telephone number of the individual or representative filing the complaint; b) an explanation of the discrimination or denial of service; c) the corrective action or other remedy being sought; and d) a signature of the person filing the complaint.
3. The complaint must be received within thirty (30) calendar days of the alleged violation. This time may be extended for good cause shown as determined by the ADA Coordinator.
4. In the event an individual chooses to pursue a complaint alleging ADA violation through an alternative procedure prior to exhaustion of the procedure established herein, the OCHE shall have no obligation to continue to investigate the same or a similar complaint through this internal procedure.

B. Steps for Processing ADA Complaints

Step 1: The complaint must be filed with the ADA Coordinator within thirty (30) calendar days from the event which gave rise to the complaint. The ADA Coordinator will promptly investigate the complaint. Interested parties will be provided an opportunity to submit information relevant to the complaint. The ADA Coordinator will respond in writing to the person filing the complaint no later than thirty (30) calendar days from the date the complaint was filed. If necessary, the ADA Coordinator may take an additional thirty (30) days to complete the investigation after notifying the complaining party of the need for such an extension.

Step 2: Complaints which are not resolved at Step 1 may be filed in writing with the Commissioner of Higher Education within thirty (30) calendar days from receipt of the Step 1 decision. The Commissioner shall respond to the complaint in writing within thirty (30) days from the date of submission.

Step 3: Complaints which are not resolved at Step 2 may be filed in writing with the Board of Regents within thirty (30) calendar days from receipt of the step 2 decision in accordance with Board of Regents Policy 203.5.2. Such appeals shall be in writing, and be addressed to the Board in care of the Commissioner, and shall state the basis for the appeal and the relief desired. The Commissioner shall place the matter on the Board agenda, though the Board may choose



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not to entertain the appeal. If the Board accepts the appeal, it will specify the scope of review and may request a full or partial hearing. The decision of the Board affirming, reversing, modifying, or refusing to hear the appeal is the final administrative determination.