

## **Dispute Resolution Processes for Students with Disabilities in College<sup>1</sup>**

You have the right to pursue dispute resolution regarding your rights under Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act (ADA), and the Colorado Anti-Discrimination Act (CADA). Before pursuing any formal resolution processes, it may be helpful to formally request *in writing* what you would like from your college to resolve your concerns, if you have not done so already. Further, your school should have an office dedicated to disability services (often called Disability Services), and they may be able to help you resolve your concerns without having to file a formal complaint.

### **What dispute resolution processes are available if I cannot resolve my concerns with the college?**

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| <a href="#"><u>OCR Complaint</u></a> | Section 504, Title II of the ADA (public schools)                      | Must be filed within 180 calendar days of the alleged violation | <ul style="list-style-type: none"> <li>• Easy process to file.</li> <li>• Can raise issues such as harassment, retaliation, physical accessibility, equal access, and different treatment based on disability.</li> <li>• Can also raise claims based on race, national origin, color, sex, and age.</li> <li>• Potential to resolve concerns through OCR's mediation process (called Facilitated Resolution between the Parties (FRBP)).</li> </ul> | <ul style="list-style-type: none"> <li>• Short timeline to file.</li> <li>• OCR likely will not open your complaint if you have other ongoing complaints.</li> <li>• OCR complaints can sometimes take six months or more to resolve.</li> <li>• If not resolved through FRPB, you do not have a say in the resolution terms.</li> </ul> |
| <a href="#"><u>DOJ Complaint</u></a> | Section 504, Titles II and III of the ADA (public and private schools) | No specified timeline.  | <ul style="list-style-type: none"> <li>• Easy process to file.</li> <li>• Can raise issues such as harassment, retaliation, physical accessibility, equal access, and different treatment based on disability.</li> <li>• Can also raise claims based on race, national origin, color, sex, and age.</li> <li>• DOJ has a mediation process you can use to try to resolve your concerns.</li> </ul>  | <ul style="list-style-type: none"> <li>• May take a while for your complaint to be acknowledged as received by DOJ.</li> <li>• DOJ complaints can take a long time to resolve.</li> <li>• You do not have a say in the resolution terms.</li> </ul>  |

<sup>1</sup> Although the term "college" is used throughout this document, this guidance is applicable to universities, community colleges, and vocational schools (other than schools of medicine, dentistry, nursing, and other health-related schools).

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| <a href="#">CCRD Complaint</a> | CADA | Must be filed within 60 calendar days of the alleged violation. | <ul style="list-style-type: none"><li>• Can raise claims of retaliation and disparate treatment.</li><li>• Can also raise claims based on disability, race, creed, color, sex, sexual orientation (which is statutorily defined as "including transgender status" - i.e. Gender Identity), marital status, national origin, and ancestry.</li><li>• CCRD has a mediation process you can use to try to resolve your concerns.</li></ul> | <ul style="list-style-type: none"><li>• Extremely short timeline to file.</li><li>• Limited to protections afforded by CADA.</li></ul> |
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If you need help or have questions about your rights, you can contact [Disability Law Colorado](#).

\*\*\* DISCLAIMER: This is not intended as legal advice, but rather for informational purposes only. Always consult a lawyer if you have questions about your legal rights. \*\*\*

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