Joint ADA Complaint?
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How would others manage the investigation of a complaint that has been filed jointly by two students who share the same residence, take the same classes and have the same disability? Initially, one of the students complained to an external advocate. After being contacted by the external advocate, I followed up with the student to request additional information that is collected on our complaint form.

He claimed that his partner also experienced the same treatment, so she would also be filing a complaint. Both students have now submitted nearly identical complaint forms listing the other as witness. They both attached duplications of the same identical evidence consisting of email conversations between the original complainant and the faculty member and/or others and his notes on them, and one email between his partner and the faculty member.

I have noticed when meeting with the two in the past that the first student tends to speak on behalf of his partner, so it would be logical for him to perceive that all the dialogue that has taken place between him and the faculty member was also on behalf of his partner. They each have identified attorneys as their representatives. (Hers is her father.) So, consistent with our common practice, we would allow each to have his or her representative present during an interview; however, we would not allow the other complainant/witness to be present at the same time. If his claims are accurate, both would logically have experienced the same disadvantages, as would any other student with the same disability. I am wondering if it is reasonable to consider this one “joint” complaint or to keep them separate.

This is an interesting and tough question. I have been chewing on it, and I think I’d approach it using the same analysis I would for any other type of alleged discrimination. If the responding party harmed the students simultaneously, joinder would be logical. Or, if the responding party is accused of a pattern of similar discrimination, then it makes sense to conduct a joint resolution, because each allegation could corroborate the other. Otherwise, they should be treated separately.