



# **Civil Rights Policy**

Resolving Complaints under the  
Americans with Disabilities Act and the  
Rehabilitation Act of 1973

# I. Employee and Visitor Grievance Procedure/Resolving Complaints under ADA/Section 504

## RESOLVING COMPLAINTS UNDER THE AMERICANS WITH DISABILITIES ACT AND THE REHABILITATION ACT OF 1973

### Purpose and Scope

The University prohibits discrimination on the basis of disability. MVNU has adopted an internal grievance procedure for prompt and equitable resolution of complaints alleging any action prohibited by federal regulations implementing Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990 (ADA).

Issues that are grievable include, but are not limited to, a denial of a requested accommodation, the inadequacy of an accommodation, the inaccessibility of a program or activity due to disability, or discrimination or harassment based on disability.

### How to File a Grievance

All such complaints/grievances should be submitted to the University's Section 504 Coordinator who is located in the **lower level of The Barn**, Mount Vernon Nazarene University within 30 calendar days of the date upon which the grievant becomes aware of the alleged prohibited action. Complaints received later than 30 calendar days after complainant became aware of the alleged violation will be dismissed as untimely.

### **TIX Deputy / 504 Coordinator**

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### Grievance Procedure

The following steps explain the procedure:

- (a) A grievance should be filed in writing and shall contain the following information:
  - (1) Name, address and telephone number of grievant(s);
  - (2) The nature, date and detailed description of the alleged violation(s);
  - (3) The name(s) of the person or persons responsible for the alleged violation(s);

- (4) The specific requested relief for corrective action; and
- (5) Any background information the grievant believes to be relevant.

(b) An informal investigation, as may be appropriate, will follow the filing of a grievance. The investigation shall be conducted by MVNU's Section 504 Coordinator (or designee). This procedure contemplates a prompt and thorough investigation which affords the grievant, the subject of the grievance, other interested persons, and their representatives, if any, an opportunity to present information, submit witness names, and/or submit other evidence and information relevant to the grievance. If the Director/Section 504 Coordinator is central to the complaint, the informal investigation will be conducted by the Vice President for Finance and Administration (or designee).

(c) A written determination on the grievance and a description of the resolution, if any, shall be issued by the MVNU's Section 504 Coordinator (or designee) or, if appropriate, The Director of Human Resources (or designee). The written determination shall be forwarded to the grievant no later than 30 calendar days after the submission of the grievance.

(d) The MVNU's Section 504 Coordinator (or designee), or, if appropriate, The Director of Human Resources (or designee) shall maintain the files and records of the University relating to grievances filed.

(e) The grievant may request reconsideration of the resolution if they are dissatisfied with the resolution. Requests for reconsideration from a faculty member should be made within fourteen calendar days to the Vice President for Academic Affairs. Requests for reconsideration by staff and visitors should be made within fourteen calendar days to the Director of Human Resources. The Vice President for Academic Affairs or the Director of Human Resources then has thirty calendar days to respond to the request for reconsideration. The decision of the Vice President for Academic Affairs or the Director of Human Resources shall be considered final. If the Vice President for Academic Affairs or the Director of Human Resources is central to the complaint, requests for reconsideration should be made within fourteen calendar days to the Vice President for Student Life (or designee) who will follow the process described above.

(f) The right of a person to a prompt and equitable resolution of the grievance filed under the procedure shall not be impaired by the person's pursuit of other remedies, such as the filing of a Section 504/ADA complaint with the Office for Civil Rights.

(g) Retaliation against any person under this grievance procedure or against any person who assists a grievant in his/her pursuit of a grievance under this grievance procedure is prohibited.

(h) In the event that an act of discrimination, harassment, and/or retaliation under the ADA or the Rehabilitation Act of 1973 is found to have occurred, the University shall take steps to stop the discrimination, harassment, and/or retaliation, prevent its recurrence, and remedy its effects on the grievant or others.

## **II. Student Grievance Procedure/ Resolving Complaints under ADA / 504**

### **RESOLVING STUDENT COMPLAINTS UNDER THE AMERICANS WITH DISABILITY ACT (ADA) AND THE REHABILITATION ACT OR 1973 (SECTION 504)**

#### **Purpose and Scope**

The University prohibits discrimination on the basis of disability. The purpose of this procedure is to provide a prompt and equitable process for resolving student disability discrimination grievances. Employee and Visitor grievances are not within the scope of these procedures and should be submitted pursuant to the separate Grievance Procedure relating to complaints under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 as set forth in the Staff and Faculty Handbook. Nothing in this procedure replaces any other MVNU policy or procedure.

#### **Definitions**

A. *Grievance*: Grievance means a complaint alleging any policy, procedure or practice that would be prohibited by federal regulations implementing Section 504 of the Rehabilitation Act of 1973, as amended, and the ADA.

B. *Grievant*: Grievant means a student (or applicant) who submits a grievance relevant to the Rehabilitation Act of 1973.

C. *Respondent*: Respondent means any MVNU officer, administrator, faculty, employee, or staff member acting in his or her official capacity and alleged to be responsible for the violation(s) alleged in a grievance. Respondent also includes any MVNU student alleged to be responsible for the violation(s) alleged in a grievance.

#### **Filing of Grievance**

A. *Eligibility for Filing*: Any MVNU student or applicant may file a grievance relating to any allegation of discrimination, harassment, and/or retaliation under the Rehabilitation Act of 1973.

B. *Informal Pre-Grievance Meeting*: Prior to the filing of a written grievance, the grievant is strongly encouraged to discuss his or her their concerns in a pre-grievance meeting with the respondent(s) alleged to be directly responsible for the possible violation(s) in an effort to seek an informal resolution. When a matter cannot be resolved informally, or if a student prefers to file a formal grievance, a written grievance must be submitted to the University's Section 504 Coordinator.

## **Grievance Procedure**

A. *Grievance Submission*: All grievances shall be submitted in writing and shall provide the following information:

- (1) Name(s), address(es) and telephone number(s) of grievant(s);
- (2) The nature, date and a detailed description of the alleged violation(s);
- (3) The name(s) of the person or persons responsible for the alleged violation(s);
- (4) The specific requested relief or corrective action; and
- (5) Any background information the grievant(s) believe(s) to be relevant.

B. *Timing of Grievance Submission*: A formal grievance must be filed within 30 calendar days of the date upon which the grievant(s) become(s) aware of the alleged prohibited action(s). Complaints received later than 30 calendar days after complainant(s) became aware of the alleged violation(s) will be dismissed as untimely.

C. *Notification of Respondent(s)*: Upon receipt of a grievance, the University's Section 504 Coordinator shall send the respondent(s) a copy of the grievance and ask the respondent(s) to prepare a response within 14 calendar days. The respondent(s) will be specifically instructed not to retaliate against the grievant(s) in any way. Unlawful retaliation will subject the respondent(s) to disciplinary action. The response should include any denial, in whole or in part, of the charges.

D. *Investigation*: Section 504 Coordinator (or his/her designee) shall conduct a prompt and impartial investigation of the grievance. The investigation shall afford interested persons, including the grievant(s) and respondent(s) an opportunity to identify witnesses to be interviewed and/or submit evidence relevant to the grievance. The Section 504 Coordinator will maintain the files and records of the University relating to such grievances and will maintain the confidentiality of the grievant(s) to the degree possible given the nature of the grievance.

E. *Decision*: Section 504 Coordinator will issue a written decision on the grievance to the grievant(s) and respondent(s) no later than 30 calendar days after its submission.

F. *Appeal*: If the grievance is not satisfactorily resolved by the decision of the Section 504 Coordinator, the grievant(s) may appeal the decision by submitting a written appeal to the Vice President for Student Life within 14 calendar days of receiving the decision. The Vice President for Student Life shall issue, to the grievant(s) and respondent(s), a written decision in response to the appeal no later than 30 calendar days after its filing. The decision of the Vice President for Student Life shall be final.

G. *Alternatives for Conflict Circumstances*: In the event that the Section 504 Coordinator is central to the grievance, the grievance should be submitted to the Director of Residential Life. Upon receipt of the grievance, the Director of Residential Life, shall send the respondent(s) a copy of the grievance and ask for the response detailed in Paragraph C above. The Director of Residential Life shall conduct a prompt and impartial investigation of the grievance as required by Paragraph D above, issue the written decision required by Paragraph E, and maintain the files as required. Appeals of investigations conducted under this paragraph shall be submitted to the

Vice President for Student Life within 14 calendar days of receipt of the decision. However, if the Vice President for Student Life is central to the grievance, a written appeal shall be made within 14 calendar days to the Vice President for Academic Affairs. The timelines for such appeal will be governed by Paragraph F. The decision of the Vice President for Student Life or the Vice President for Academic Affairs, when appropriate, shall be final.

H. *OCR Filing*: An individual is not required to file a grievance with the College and may file a complaint with the U.S. Department of Education's Office for Civil Rights at any time.

I. *Corrective Action*: In the event that an act of discrimination, harassment, and/or retaliation under the ADA or the Rehabilitation Act of 1973 is found to have occurred, a written decision issued under Paragraph D and/or E above will be provided to grievant(s) and notify grievant(s) of the steps that will be undertaken by the University to stop the discrimination, harassment, and/or retaliation, prevent its recurrence and remedy its effects.

J. *Reconciliation*: Nothing in these procedures is intended to prevent the grievant(s) and respondent(s) from resolving their grievance amicably by signing a written statement of agreement and submitting it for review and approval by the Section 504 Coordinator or the Director of Residential Life, if appropriate. If the agreement is approved, the pending grievance shall be deemed dismissed.