

Americans Disabilities Act (504) Grievance Procedure Transylvania University

Transylvania University prohibits discrimination on the basis of disability for faculty, staff, students, and visitors. Transylvania University has adopted an internal grievance procedure providing a prompt and equitable resolution of complaints by any member of the Transylvania University community alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 ([§29 U.S.C. 794](#)) of the U.S. Department of Education regulations implementing the Act, and the Americans With Disabilities Act, 1990 Title II & III ([§42 U.S.C. 126](#)). Section 504 and the ADA, Sections Title II & Title III prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance. The Law and Regulations are available for review in the office of Ashley Hinton-Moncer, Title IX/504 Coordinator and University Compliance Officer by phone at 859-233-8854 and by email ahinton@transy.edu, who has been designated to coordinate the efforts of Transylvania University to comply with Section 504 and the ADA.

In accordance with the disability laws, persons (including students, faculty, staff, and applicants) who are qualified individuals with disabilities as defined by law may request reasonable accommodations which afford them equal opportunity to access, use, and/or participate in the programs, activities, facilities and employment available at Transylvania University. The University will provide reasonable accommodations unless they would present an undue financial or administrative burden or make a fundamental alteration to the nature of the program or activity. If a requested accommodation presents an undue burden or makes a fundamental alteration, the University will attempt to propose alternative solutions and/or accommodations which do not create such hardship or make such alteration. The University will work in good faith with the person requesting the accommodation to determine the availability of an acceptable alternative. Students who wish to request a reasonable accommodation, or who have questions about that process, should contact Amber Morgan, Disability Services Coordinator at admorgan@transy.edu. Non-students who wish to request a reasonable accommodation, or who questions about the process, should contact the office of Human Resources.

Any participants, beneficiaries, applicants, or employees, including students, staff, faculty, and visitors who believe they have been subjected to discrimination on the basis of disability (or is unsatisfied with accommodations provided) may file a grievance under this procedure. It is against the law for Transylvania University to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance. The Section 504/ADA Coordinator should be notified immediately if anyone associated with the grievance procedure is subjected to retaliation as a result of that person's participation in the grievance process.

Transylvania University has both informal and formal mechanisms in place to resolve concerns about disability discrimination, denial of access to services, accommodations required by law, or an auxiliary aid they believe they should have received ("disability-related issues"), such as:

- Disagreements regarding a requested service, accommodation, modification of a University practice or requirement, or denial of a request
- Inaccessibility of a program or activity
- Violation of privacy in the context of a disability

Complaints and Steps to Resolution

If an individual has reason to believe that they have been denied equal access to any campus program, service or activity including requests for accommodations, there are mechanisms in place to assist in bringing about a timely resolution. The burden of proof that an accommodation was wrongly denied, must be sustained by the student.

Independent Resolution

Transylvania University encourages students with concerns about a disability-related issue to first discuss the matter with the Amber Morgan at admorgan@transy.edu, Disability Services Coordinator, who will attempt to facilitate a resolution. Non-students with concerns about a disability-related issues are encouraged to first discuss the matter with Jeff Mudrak at jmudrak@transy.edu, Associate Vice President and Director of Human Resources. Individuals are not required to pursue the informal process first and may engage the formal grievance process as their first step if preferred.

If the office of disability services (for students) and/or Human Resources (for non-students) is not successful in achieving a satisfactory resolution, within ten working days from the date, the disability-related issue is raised, or the complaint is against the Office itself, a formal grievance may be filed as described below.

The purpose of the informal process is to make a good faith effort to resolve the issue quickly and efficiently; however, the individual may ask to implement the formal process at any time during the informal resolution or instead of the formal resolution.

Formal Grievance

A formal grievance must be filed with Ashley Hinton-Moncer, Title IX/504 Coordinator and University Compliance Officer by phone at 859-233-8854 and by email ahinton@transy.edu within 21 working days of the date of the Informal decision, if applicable, or within 30 calendar days of the occurrence of the disability-related issue. The grievance must be in writing and include the following:

- The grievant's name, address, email address and phone number
- A full description of the situation
- A description of the efforts which have been made to resolve the issue informally, if any
- A statement of the requested remedy, e.g. requested accommodation

If the grievance involves confidential medical information, the Title IX/504 Coordinator and University Compliance Officer will maintain the confidentiality of that information and will not release that information without the individual's permission, except as allowed by law.

The Title IX/504 Coordinator and University Compliance Officer will review the grievance for timeliness and appropriateness under this grievance procedure and notify the grievant if the grievance has been accepted.

The Title IX/504 Coordinator and University Compliance Officer either will commence an investigation or will select a trained investigator who will promptly initiate an investigation. The investigator will be an individual who is trained on disability or civil rights issues. In undertaking the investigation, the Title IX/504 Coordinator and University Compliance Officer or investigator may interview, consult with and/or request a written response to the issues raised in the grievance from any individual the investigator believes to have relevant information, including but not limited to faculty, staff, students, and visitors to Transylvania University. All parties will have an opportunity to provide the investigator with information or evidence that the party believes is relevant to his or her grievance. All parties involved will receive a fair and equitable process and be treated with care and respect. The investigator will respect the privacy of all parties.

The investigation will be completed within thirty calendar days of the filing of the written complaint. At the request of the grievant, the Title IX/504 Coordinator and University Compliance Officer will determine whether the formal grievance process can and should be expedited.

Findings and Notification

Within five working days of the completion of the investigation, the investigator will make a recommendation regarding appropriate actions to be taken. The investigator will summarize the evidence that supports the recommendation, and the grievant will be advised in writing of the outcome of the investigation.

Appeal

Within five calendar days of receiving the determination from the Title IX/504 Coordinator and University Compliance Officer, the grievant or the party against whom the grievance is directed, if any, may appeal the determination. To appeal, the party must file a written request for review with the Title IX/504 Coordinator and University Compliance Officer. The written request for appeal must be based on the grounds of improper procedure, or new evidence that was unavailable at the time of the investigation. The Title IX/504 Coordinator and University Compliance Officer will refer this appeal to the Appeal Board if the individual appealing the decision establishes standing for the appeal consideration.

The Title IX/504 Coordinator and University Compliance Officer will provide the person appealing with a copy of the appeal written decision within five calendar days of the filing of the appeal. The appeal decision will be the final determination of Transylvania University.

Additional Avenues for Resolution

Filing a complaint within the University grievance system in no way precludes an individual's right to file a grievance with the Department of Education or the Department of Justice.