



### Americans with Disabilities/504 Grievance Procedure

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, which prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance. The Law and Regulations are available for review online and in the office of [Disability Services](#), 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, all 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 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 may propose alternative solutions and/or accommodations which do not create such hardship or make such alterations. 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 the [Disability Services Coordinator](#). Non-students who wish to request a reasonable accommodation, or who have questions about the process, should contact [Human Resources](#).

Any participant, beneficiary, applicant, or employee, including a student, staff member, faculty, or visitor (the Grievant) who believes they have been subjected to discrimination on the basis of a 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 Disability Services 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 a grievance pertaining to disability discrimination, denial of access to services, accommodation required by law, or an auxiliary aid the Grievant believes they should have received (“disability-related issues”), such as: disagreements regarding a requested service, accommodation, modification of a University practice or requirement, denial of a request, or inaccessibility of a program or activity, or 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 accommodation, 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 Grievant.

### **Informal Mechanism**

Transylvania University encourages a student Grievant with concerns about a disability-related issue to first discuss the matter with the [Disability Services Coordinator](#) who will attempt to facilitate a resolution. Non-student Grievants with concerns about a disability-related issue are encouraged to first discuss the matter with [Human Resources](#).

If the Office of Disability Services (for students) and/or Human Resources (for non-students) is not successful in achieving a satisfactory resolution or the complaint is against the Office itself, a formal grievance may be filed as described below.

The purpose of the *Informal Mechanism* is to make a good faith effort to resolve the issue quickly and efficiently; however, the Grievant may ask to implement the *Formal Mechanism* at any time during the *Informal Mechanism* or instead of the *Informal Mechanism* process.

### **Formal Mechanism (Grievance)**

A formal grievance must be filed with the [Disability Services Coordinator](#) within five (5) working days of the date of the disposition of an Informal decision, if applicable, or otherwise within thirty (30) calendar days of the occurrence of the disability-related issue. The grievance must be in writing and include all of the following:

1. The Grievant’s name, campus address (or personal address if not a student or employee), email address and telephone number
2. A full description of the situation

3. A description of the efforts which have been made to resolve the issue informally, if any
4. A statement of the requested remedy, e.g. requested accommodation

The Disability Services Coordinator and/or designee may also require the grievant to provide additional information that is specific to the accommodation(s) being requested.

The Disability Services Coordinator will review the grievance for timeliness and appropriateness under the *Formal Mechanism* grievance procedure and notify the Grievant if the grievance has been accepted.

If the grievance meets the requirements specified above, The Disability Services Coordinator will work with the grievant to either a.) assess and address the accommodation(s) being requested, or b.) if the grievant is reporting discrimination based on a disability, commence an investigation or select a trained investigator who will promptly commence an investigation. The investigator will be an individual who is a trained Civil Rights Investigator. In undertaking the investigation, the investigator may interview, consult with and/or request a written response to or statement about 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 their grievance. All parties involved will receive a fair and equitable process and be treated with care and respect. An investigative report will document information gathered throughout the process and the outcome will be made available to the parties with a legitimate need to know. There is no fixed time frame under which a school must complete a Civil Rights investigation, however, every effort will be made to resolve the grievance in a timely manner.

Within five (5) 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 those parties with a legitimate need to know will be advised in writing of the outcome of the investigation. The Disability Services Coordinator will review the recommendation with the Dean of Students and/or designee, who will make the final determination.

### **Appeal**

Within five (5) business days of receiving the determination from The Disability Services Coordinator, the grievant or the party against whom the grievance is directed, if any, may appeal the determination. [JMS2] To appeal, the grievant must file a written request for review with the Disability Services Coordinator. The written request for appeal must be based on the grounds of either improper procedure or new evidence that was unavailable at the time of the

formal grievance was filed, or both. The Disability Services Coordinator will refer this appeal to a Hearing Appeals Officer, only if the individual appealing the decision establishes standing for the appeal consideration.

The Hearing Appeals Officer will review the record, including any statement submitted with the appeal, and generally will render a decision within five (5) business days after receiving the appeal from the Disability Services Coordinator. The Hearing Appeals Officer may request a response from the party who did not appeal. If the Hearing Appeals Officer needs more than five (5) business days, he/she will notify the parties. The Hearing Appeals Officer or designee will communicate the outcome to all involved parties and all University personnel that need to know in a timely manner. Once an appeal is decided, the outcome is final; further appeals are not permitted under this policy.

### **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. Transylvania University's internal dispute resolution process should be pursued initially.