

**Reasonable Accommodations Grievance Procedures for Students**

[Faculty, staff, applicants for admission and employment may file disability-related grievances under the University's Discrimination and Sexual Harassment Policy]

Policy Category: Institutional Policy

Subject: Disability Discrimination

Office Responsible for Review of the Policy: Human Resources, Academic Affairs, Campus Life

Related University Policies: Student Conduct Code, the WCL Honor Code, Faculty Manual, Staff Personnel Policies Manual.

Related Local and Federal Laws prohibiting discrimination against individuals with a disability:

- *Section 504 of the Rehabilitation Act of 1973* (“Section 504”)
 - The Americans with Disabilities Act of 1990
 - *DC Human Rights Act*
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I. SCOPE

Students may use this policy to file complaints about disability-related reasonable accommodations with the University.¹ Students should use the University's Discrimination and Sexual Harassment Policy to grieve disability discrimination not related to reasonable accommodation.

This policy is distinct from the University's Discrimination and Sexual Harassment Policy. If there is ambiguity regarding which policy and procedures apply to a particular discrimination complaint, the relevant Designated Official will decide which policy to apply in resolving a particular discrimination complaint. This is to avoid duplication of resolution efforts.

II. POLICY STATEMENT

Nondiscrimination and Equal Opportunity in Programs and Activities

¹ Faculty and staff may use the Discrimination and Sexual Harassment Policy to grieve all disability-related matters (including reasonable accommodation).

American University is an equal opportunity, affirmative action institution that operates in compliance with applicable laws and regulations. The University does not discriminate on the basis of disability. The University is committed to providing equal and integrated access for students with disabilities to all University programs, activities, and services. This resolve is grounded in the law and the University's own commitment to the inclusion of all members of the University community.

Complaint Resolution

The University will respond promptly and effectively to disability-related reasonable accommodations complaints and will take appropriate preventive and corrective action, and if necessary, to discipline individuals who violate this policy. Members of the University Community who have relevant information are expected to cooperate with the University's efforts to resolve these matters.

Retaliation

The University prohibits retaliation against a member of the AU Community for filing a complaint of discrimination or assisting in the filing of a complaint, or participating in the resolution of a complaint. Retaliation includes, but is not limited to, threats, intimidation, and/or adverse actions related to employment or education.

III. DISABILITY GRIEVANCE PROCEDURE FOR STUDENTS

Students who feel that they have not been provided reasonable accommodations by the University may use these grievance procedures to file a complaint with the University's 504 Coordinator for Students. The 504 Coordinator for Students is responsible for the University's compliance efforts to provide a learning, living, and work environment free from disability-related discrimination and discriminatory harassment for students. The role of the 504 Coordinator for Students is served by the Director of Student Conduct and Conflict Resolution Services, Office of Campus Life, Butler Pavilion 407, American University, 4400 Massachusetts Avenue, NW, Washington DC, 20016; (202)885-3328; conduct@american.edu.²

² Faculty who have complaints about disability matters in their work may file a grievance with the 504 Coordinator for Faculty. The role of 504 Coordinator for Faculty is served by: Mary Clark, Dean of Academic Affairs, Office of the Provost, American University, www.american.edu/provost/academicaffairs, Phone (202) 885-2125, Email deanofacademicaffairs@american.edu

Staff who have complaints about disability matters in their work may file a grievance with the 504 Coordinator for Staff. The role of 504 Coordinator for Staff is served by: Beth Muha, Assistant Vice President, Office of Human Resources, American University, www.american.edu/hr, Phone (202) 885-2591, Email employeerelations@american.edu

A complaint must be filed as soon as possible, but no later than 180 calendar days after receiving a decision on an accommodation request. Timely complaint filing gives the University the best chance to conduct a meaningful opportunity to resolve the problem. A delay in filing a complaint may severely affect available remedies. The University may extend this time frame for good cause, such as illness, incapacity, or other circumstances beyond a Complainant's control. Requests for extensions of the 180-day filing period must be made in writing to the 504 Coordinator.

1. **Purpose.** The purpose of the grievance procedure is to provide needed corrective action. Actions may include reasonable accommodations, and/or measures to ensure proper ongoing accommodations.
2. **Filing a Complaint.** A complaint should be submitted in writing and contain the name and address of the person filing the complaint ("Complainant"), a description of the alleged failure to accommodate, and any efforts undertaken to resolve the matter. The complainant must provide specific facts and circumstances and include any supporting documentation.
3. **Resolution Procedures.** The 504 coordinator for Students will advise all parties of the procedures under this policy.
 - a. *Informal Resolution.* If appropriate and voluntarily entered into by all parties, the 504 Coordinator for Students will work with the parties to reach a mutually acceptable agreement. The agreement or results from the meeting will be issued in writing and forwarded to the relevant parties.
 - b. *Formal Resolution.* If informal resolution is not viable or appropriate, formal procedures to resolve the grievance will begin. In such instances, the 504 Coordinator for Students will investigate the complaint or refer the matter to the relevant 504 Coordinator (e.g. 504 Coordinator for Faculty, 504 Coordinator for Staff) who will conduct an investigation. The investigator will communicate the outcome to the complainant and respondent.
 - c. *Appeal.* For cases in which there is sufficient evidence to support a finding of failure to accommodate, the decision of the relevant 504 Coordinator may be appealed on the following limited bases: (1) new information that significantly alters the findings of fact; (2) improper procedures in handling the formal grievance which are significant and resulted in an adverse finding; or (3) inappropriate remedy. Both the complainant and the respondent may appeal the decision of the 504 Coordinator to the appropriate vice president(s) or provost of the university who will render a final decision. The appeal must be delivered to the 504 Coordinator within seven (7) calendar days after the decision of the formal grievance. The 504 Coordinator for Students will forward the grievance file including, without limitation, the 504 Coordinator's report and the appellant's appeal to the reviewing vice president(s) or provost. The reviewing vice president(s) or provost may affirm or modify the decision of the 504 Coordinator or may remand the case for further consideration. Decisions rendered by the vice president(s) or provost are final.
4. **Estimated Timeline for Resolution.** At the initial meeting with the Complainant, the 504 Coordinator will explain the informal and formal resolution procedures that are identified above. The University strives to complete resolution of complaints within sixty (60) days from when the University has notice of the grievance. However, during winter breaks and

summer sessions, when witnesses may not be available, the case is complex, or in other comparable situations, the sixty-day timeframe may be adjusted to accommodate these circumstances. Where the estimated timeline cannot be adhered to, the 504 Coordinator will notify the parties and provide an anticipated completion date.

5. **Advisors.** At their own discretion, complainants and respondents may be advised by an American University student, faculty, or staff member. The role of advisor is limited to consultation and support. Advisors may be present at any meetings with the complainant and respondent. Legal counsel is not permitted.
6. **Request for Accommodations.** A party may contact the 504 Coordinator to request an accommodation for a disability to participate in the grievance process. Generally, five (5) business days advance notice of an accommodation is required to review reasonable accommodation requests. However, a response to an immediate need for accommodation will be considered to the fullest extent possible. Accommodations may include, but are not limited to, sign language interpreting services or information in alternative formats.

V. CONFIDENTIALITY

The University will maintain the confidentiality of information shared throughout the complaint process. However, disclosures may be required for the purpose of fact-finding or efforts to resolve the complaint. In the limited instances where disclosures must be made by the University, disclosures will be limited to those persons necessary to proceed in the fact-finding process or to otherwise address the grievance. All persons involved in the grievance will be advised of the importance of confidentiality in the process and asked to maintain confidentiality of the information discussed during the fact-finding process.

VI. FALSE OR FRIVOLOUS CHARGES

The University encourages good faith reporting of grievances. These procedures shall not be used to bring false or frivolous complaints against students, faculty, or staff. Those bringing such charges may be subject to disciplinary action.

VII. RECORDS

The grievance file will be maintained by the 504 Coordinator. All records are confidential, accessible only to individuals with a legitimate need to know, and maintained in accordance with the University's records and retention policy.

VIII. NOTIFICATION REQUIREMENT

The University will issue periodic statements of the University's intent not to discriminate on the basis of disability. All University publications and advertisements will include the most current

version of the Equal Opportunity Notice. Other forms of internal notification will be determined by the 504 Coordinator.

IX. QUESTIONS

Questions about overall compliance with applicable laws and regulations related to disability discrimination may be directed to 504 Coordinator for Students (see contact information above). Additional information may be obtained by visiting the U.S. Department of Education, Office for Civil Rights ("OCR") website at <https://www2.ed.gov/about/offices/list/ocr/frontpage/pro-students/protectingstudents.html>.

IX. EFFECTIVE DATE

This Policy and Procedure document was approved September 1, 2017.

X. SIGNATURE, TITLE AND DATE APPROVED

This document was approved and signed by:



Scott A. Bass

Provost



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Vice President of Campus Life



Beth Muha

Assistant Vice President of Human Resources



Doug Kudravetz

Vice President of Finance and Treasurer

On September 1, 2017