

Furman University

Student Disability Grievance Procedure

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Effective Date: 6/1/2018

Furman University is committed to ensuring that no otherwise qualified individual with a disability is excluded from participation in, subjected to discrimination in connection with, or denied the benefits of any University programs or activities due to his or her disability. The University will take steps to prevent the recurrence of any discrimination and to correct discriminatory effects on the affected individual and others, if appropriate.

The University has adopted this internal Student Disability Grievance Procedure to provide for the prompt and equitable resolution of student complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 ("Section 504") or Title III of the Americans with Disabilities Act ("Title III") or otherwise alleging disability-related discrimination or harassment. Section 504 prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance, and Title III prohibits discrimination on the basis of disability by private entities (including universities) that provide places of public accommodation. These laws and accompanying regulations may be examined in the office of the Title IX and Section 504/ADA Coordinator, whom the University has designated to coordinate its efforts to comply with Section 504 and Title III ("the ADA Coordinator"). The following is the ADA Coordinator's contact information:

Melissa Nichols, Title IX and Section 504/ADA Coordinator
Trone Student Center, Suite 215
3300 Poinsett Highway
Greenville, SC 29613
864.294.2221
melissa.nichols@furman.edu

Who May Grieve?

Any student currently enrolled at the University who believes he or she has been discriminated against or harassed on the basis of disability by a University employee (e.g., administrator, faculty, staff, or other agent of the University), University student, or, in certain circumstances, by a visitor to the University, may use this process to file a grievance (the "Grievant").

What May Be Grieved?

An action or decision may be grieved if it involves alleged discrimination or harassment by a University employee; University student; or, in certain circumstances, by a visitor to the University against a student on the basis of that student's disability. Such actions may include, but are not limited to, unfavorable treatment of a student because of his or her disability, denial and/or inappropriate implementation of reasonable accommodations,

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and lack of physical access to University facilities or programs. Other alleged violations of the ADA and/or Section 504 may also be grieved under this Policy, including perceived retaliation due to a pending disability discrimination complaint.

Time Limit for Filing a Grievance

A grievance may be filed at any time. However, the University strongly encourages individuals to file grievances promptly. A delay in filing a grievance may limit the University's ability to investigate, as well as to address discrimination and its effects.

Confidentiality and Prohibition Against Retaliation

The University will treat all information submitted in connection with a grievance as confidential. Subject to FERPA and other applicable privacy laws, however, the University official investigating the grievance will inform individuals with a legitimate need to know of the grievance and may provide them related information as necessary to allow the University official to conduct a meaningful and thorough investigation. The University official investigating the grievance will inform all involved parties of the need to maintain the confidentiality of such information.

The University prohibits retaliation for submitting a grievance or participating in a grievance investigation. Retaliation includes threats, intimidation, reprisals, and adverse actions. The University official investigating the grievance will advise all involved parties of this strict prohibition against retaliation.

Informal Grievance Procedure

The Informal Grievance Procedure is designed to facilitate a satisfactory resolution of the grievance in an informal manner. The Grievant has the option to forego the Informal Grievance Procedure and move immediately to the Formal Grievance Procedure.

A Grievant initiates the Informal Grievance Procedure by contacting the Director of the Student Office of Accessibility Resources (SOAR) (the "SOAR Director"). If the SOAR Director is the subject of the grievance, the Grievant initiates the Informal Grievance Procedure by contacting the ADA Coordinator, who will assign an administrator in lieu of the SOAR Director. The Grievant may contact the appropriate official by e-mail, phone, or in person. To initiate the Informal Grievance Procedure, a Grievant is not required to submit the grievance in writing, but the SOAR Director/assigned administrator may ask the Grievant to do so or to submit other evidence, if necessary to facilitate a satisfactory resolution.

The SOAR Director/assigned administrator will attempt to expeditiously facilitate a satisfactory resolution. The SOAR Director/assigned administrator may meet in person with the Grievant, confer with the individual(s) against whom the grievance is filed, attempt to arrange a meeting between the Grievant and the individual(s) against whom the

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grievance is filed, or take any other steps the SOAR Director/assigned administrator believes will be useful in promoting resolution.

Within 21 calendar days after the Grievant initially contacts the SOAR Director/assigned administrator regarding the grievance, the SOAR Director/assigned administrator will inform the Grievant and, as appropriate, the individual(s) against whom the grievance is filed in writing of the outcome of the Informal Grievance Procedure.

Formal Grievance Procedure

If the Grievant is not satisfied with the resolution reached using the Informal Grievance Procedure, or if the Grievant chooses not to use the Informal Grievance Procedure, the Grievant may initiate the Formal Grievance Procedure by submitting a written complaint to the ADA Coordinator. The Grievant may, but is not required to, use the attached Student Disability Grievance Form. If the ADA Coordinator is the subject of the grievance, the Grievant initiates the Formal Grievance Procedure by contacting the senior officer in Human Resources (currently the Assistant Vice President for Human Resources), who will assign an administrator in lieu of the ADA Coordinator. A Grievant who chooses to initiate the Formal Grievance Procedure after participating in the Informal Grievance Procedure must do so within 14 calendar days of receipt of the SOAR Director's/assigned administrator's written notification of the outcome of the Informal Grievance Procedure. The written complaint must:

- be dated;
- state the problem or action alleged to be discriminatory and the date of the alleged action;
- state how the action is discriminatory (or how the decision is unreasonable if it is a denial of a requested accommodation);
- name the individual(s) against whom the grievance is filed;
- state the requested remedy; and
- be signed by the Grievant.

Within seven calendar days of receiving the written complaint, the ADA Coordinator/assigned administrator will provide written notification of receipt of the complaint to the Grievant and to the individual(s) against whom the grievance is filed. The ADA Coordinator/assigned administrator will also conduct a thorough and impartial investigation of the complaint, affording all relevant persons an opportunity to present witnesses and submit evidence regarding the allegations. Within 30 days of receipt of the written complaint, the ADA Coordinator/assigned administrator will provide the Grievant and the individual(s) against whom the complaint is filed a written decision regarding the grievance. The decision will include findings of fact, a conclusion, and, if applicable, an explanation of remedies. If the individual against whom the complaint is filed is a student, the ADA Coordinator/assigned administrator will, if applicable, refer the decision to the student conduct system for the determination and imposition of sanctions. If the individual against whom the complaint is filed is a member of the faculty, the ADA

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Coordinator/assigned administrator will, if applicable, refer the decision to the Dean of the Faculty for the determination and imposition of disciplinary sanctions. If the individual against whom the complaint is filed is a staff member, the ADA Coordinator/assigned administrator will, if applicable, refer the decision to the senior officer in Human Resources for the determination and imposition of disciplinary sanctions.

Appeal

The Grievant or the individual(s) against whom the grievance is filed may appeal within ten calendar days of receiving the ADA Coordinator's/assigned administrator's written decision and/or any associated disciplinary sanctions by writing to (1) the Associate Academic Dean, if the grievance involves an issue related to academic accommodations or alleged discrimination by a faculty member (2) the Vice President for Student Life, if the grievance does not involve an issue related to academic accommodations (the "Appeals Officer"). If the individual designated to be the Appeals Officer is the subject of the grievance, the Grievant may file an appeal by submitting a written appeal to the senior officer in Human Resources, who will assign an Appeals Officer. The written appeal must clearly set forth the grounds for the appeal and must include all supporting evidence. Generally, the Appeals Officer will limit his or her review of the ADA Coordinator's/assigned administrator's decision to determining whether the ADA Coordinator/assigned administrator considered the proper facts and whether there were any procedural irregularities. Within 21 days of receipt of the appeal, the Appeals Officer will provide the Grievant and the individual(s) against whom the complaint is filed a written decision regarding the appeal. The decision of the Appeals Officer is final, and the University will disregard any subsequent appeals (in any form) to any University representative, including the University President.

Adjustment of Deadlines

The ADA Coordinator or the Appeals Officer may change the above deadlines for good cause, such as semester or summer breaks. Likewise, if the application of time deadlines creates a hardship due to the urgency of the matter or the proximity of an event, then at the request of the Grievant, the ADA Coordinator or the Appeals Officer will determine whether an expedited procedure can be created.

Interim Measures

If necessary while any grievance investigation is ongoing, the University will take interim measures to stop discrimination and prevent its recurrence and to correct discriminatory effects on the complainant and others. Such interim measures may include, but are not limited to, limiting interaction between the parties, arranging for the provision of temporary accommodations, or staying a course grade.

Confidentiality of Records

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Once the ADA Coordinator or the Appeals Officer has made the final decision regarding the grievance, the records related to the grievance will be confidentially maintained for three years in the ADA Coordinator's Office or electronically.

Disability Accommodations

The University will make arrangements to ensure that students with disabilities are provided appropriate accommodations as needed to participate in this Student Disability Grievance Procedure. Requests for accommodations must be made to the SOAR Director, whose office is located in the SOAR office in the first floor of the Earle Student Health Center building. The SOAR Director will review the supporting disability-related documentation, make a decision about the request, notify the student about the decision, and, if applicable, make arrangements for approved accommodations. Accommodations may include, but are not limited to, providing interpreters for individuals who are deaf, providing recordings of materials for individuals who are blind, and assuring a barrier-free location for the proceedings.

External Complaints

The availability and use of this Student Disability Grievance Procedure does not prevent a student from filing a complaint of discrimination with external agencies such as the U.S. Department of Education, Office for Civil Rights.

Furman University Student Disability Grievance Form

To: ADA/Section 504 Coordinator
Trone Center, Suite 215
Furman University
3300 Poinsett Highway
melissa.nichols@furman.edu

From: Student ID _____
Student Name _____
Local telephone (_____) _____
Email _____

I am filing a grievance involving the following harassment or discrimination:

- Unfavorable treatment of a student because of his or her disability
- Denial and/or inappropriate implementation of reasonable accommodations
- Lack of physical access to University facilities and/or programs
- Other: _____

I have the following complaint:*

Provide the date(s) the actions occurred:

State how the action(s) is/are discriminatory (or how the decision is unreasonable if it is a denial of a requested accommodation):

This grievance is filed against the following individual: _____

The following individuals have information the University should consider in resolving this complaint:

I am seeking the following accommodation and/or resolution to my complaint:

Student's Signature and Date

Signature of Furman Employee Receiving Complaint and Date

*Use additional pages if needed and attach all supporting documentation