

## **Section 504/ADA - Grievance Procedure**

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Southern Nazarene University 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). Section 504 and ADA state, in part, that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by such an entity.”

Issues that may be grieved 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, harassment or retaliation based on disability. The following person has been designated as the compliance officer to handle complaints:

University Provost  
Southern Nazarene University  
Bresee Hall 200  
6729 NW 39<sup>th</sup> Expressway  
Bethany, OK 73008  
405-491-6300

The following steps explain the procedure:

1. A complaint should be filed in writing, and shall contain the name and address of the person filing it, and briefly describe the nature of the complaint and the alleged violation of the regulations.
2. A complaint should be filed within thirty (30) days after the complainant becomes aware of the alleged violation. Complaints received later than thirty (30) days after complainant became aware of the alleged violation will be dismissed as untimely.
3. An investigation, as may be appropriate, will follow the filing of a complaint. The investigation shall be conducted by the University’s Compliance Officer (or another administrator acting at the Compliance Officer’s request). These rules contemplate a prompt, impartial and thorough investigation which afford the complainant, the subject of the complaint, other interested persons, and their representatives, if any, an opportunity to submit documents and information relevant to the consideration of and resolution of the complaint.
4. An investigation will generally include the following steps:
  - a. Review the grievance report from the student or employee.
  - b. Gather any additional information from the student or employee that is needed.

- c. Gather a response and any additional information from the accused and any necessary witnesses.
  - d. Document and assess the finding of facts, including those agreed upon and those that are disputed.
  - e. Attempt a resolution of the grievance between the student or employee and the individual, if appropriate.
  - f. Determine final decision regarding the complaint.
5. If a determination is made that prohibited discrimination, harassment or retaliation has occurred, appropriate corrective and remedial actions will be taken by the University
  6. A written notice of the Compliance Officer's determination as to the validity of the complaint and a description of the resolution or remedial measures, if any, shall be issued by the University's Compliance Officer or another University office acting at the Compliance Officer's request and a copy forwarded to the complainant no later than fifteen (15) working days after receipt of the complaint.
  7. The University's Compliance Officer shall maintain the files and records of the University relating to complaints filed.
  8. The complainant can request reconsideration of the resolution if dissatisfied with the resolution. Requests for reconsideration should be made within seven (7) days to the appropriate senior officer – the Provost where a faculty member is the accused, the Vice President for Financial Affairs where a staff member is the accused, or the Vice President for Student Development where a student is the accused.
  9. The senior officer shall conduct a review to determine if:
    - a. The complaint alleges facts which, if true, would demonstrate a violation of an anti-discrimination statute or rule;
    - b. The investigation was conducted in accordance with the grievance procedures;
    - c. All relevant witnesses were interviewed and their testimony was recorded; and
    - d. The conclusions of the Compliance Officer or his or her designee are supported by the evidence.

If the senior officer finds that the initial investigation was not conducted properly, he or she must assign the case to a new investigating administrator within 15 calendar days. This new investigating administrator must not be an interested party to the allegation and must not be a subordinate of the original investigating administrator. If the senior officer finds that the initial investigation was conducted properly and the conclusions are valid, a written response to the appeal that explains this finding will be provided. The senior officer has thirty (30) days

to respond to the request for reconsideration. Decisions of the senior officer are final.

10. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies, such as the filing of a Section 504/ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.
11. The University will take reasonable action to assure that the complainant, the alleged offender, and those testifying on behalf of either party or supporting either party in other ways, are protected from retaliation. This action may come at any time during or following an investigation of a complaint. Persons who retaliate will be subject to disciplinary action.
12. To the extent possible, university proceedings will be conducted in a manner that protects the confidentiality of all parties involved.
13. Reasonable extensions of an investigation can be made for extenuating circumstances due to continuing a complex investigation, illness, scheduled vacations, professional presentations, etc. These extensions are granted by the Provost and the complaining party shall be informed of any such extensions.
14. This procedure shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards, and to assure that the Southern Nazarene University complies with Section 504/ADA and implementing regulations.
15. Retaliation against any complainant under this grievance procedure or against any person who assists a complainant in his/her pursuit of a complaint under this grievance procedure is prohibited.

*[Draft for approval – 12/07/2010 grievance policy3.doc - mjones]*