

## **Student Section 504 Process Grievance Policy**

### **1. Nazareth College Nondiscrimination Policy**

Nazareth College prohibits discrimination against any individual on the basis of disability in violation of Section 504 of the Rehabilitation Act. Nazareth College will use the grievance procedures described below in order to provide for the prompt, equitable, and impartial resolution of grievances alleging action prohibited by Section 504. Retaliation against anyone who makes a good faith complaint of discrimination or participates in the investigation process violates Nazareth College policy. Nazareth College cannot ensure total confidentiality in its grievance process, but will make every reasonable effort to protect individuals' privacy.

According to the Student Handbook, "The College does not permit discrimination or harassment in its programs and activities on the basis of ... disability, medical condition, ..." <https://www2.naz.edu/student-handbook/>. See also, <http://catalog.naz.edu/index.php?catoid=89>.

### **2. Section 504 Coordinator**

The College's AVP for Human Resources serves as the College's 504 Coordinator and is responsible for the implementation of this policy. Questions and concerns can be sent to the Section 504 Coordinator at [section504@nazareth.edu](mailto:section504@nazareth.edu). The Section 504 Coordinator's contact information can be found here: <https://www2.naz.edu/student-accessibility-services/contact-us>. Grievances and appeals should be filed as described below, in accordance with the type of grievance and appeal.

### **3. Disability Discrimination Complaints Made by Employees**

Employee (staff and faculty) requests, questions, complaints or concerns related to employment-related disability accommodations, allegations of disability discrimination, and other related matters should be directed to the Nazareth College Office of Human Resources.

### **4. Reasonable Accommodations**

Nazareth College provides reasonable accommodations to students with disabilities unless such accommodations would pose an undue burden or fundamental alteration to the program in question. The determination of reasonable accommodations is a collaborative process between the student and the Director of Student Accessibility Services. Decisions are made on a case-by-case basis by the Director of Student Accessibility Services. Information regarding requesting accommodations can be found here: <https://www2.naz.edu/student-accessibility-services/accommodations-services>

### **5. Grievance and Appeal Contents**

Regardless of the nature of the grievance and appeal filed, a student filing a grievance or an individual filing an appeal under this policy should include the following in the grievance and appeal: A statement that is specific as possible in describing the disagreement/action/inaction that

resulted in the grievance and appeal, including date, place, persons involved, efforts made to resolve the matter informally, and the outcome sought, together with all supporting documentation.

6. Student Grievance Related to the Determination of Reasonable Accommodations

In the event a student wishes to grieve the Director's decision regarding requested accommodations, the student should submit a written grievance to the Director of Student Accessibility Services within 10 days of notification of the decision. The written grievance should contain the information described in Section 5 above.

The Director will consider the grievance and will respond in writing within 10 business days of receipt the grievance. The response will include a summary of findings and a rationale for the decision. If the decision of the Director is not satisfactory to the student, the student may file an appeal with the Assistant Vice President of Student Support Services (AVPSSS).

7. Student Appeal of Outcome of Grievance Related to the Determination of Reasonable Accommodations

In the event a student wishes to appeal the Director's decision regarding requested accommodations, the student should submit a written appeal to the AVPSSS within 10 business days of the receipt of the Director's decision. The written appeal should contain the information described in Section 5 above.

The AVPSSS will review the appeal and will strive to provide a written decision within 10 business days of receipt of the appeal. The AVPSSS reserves the right to convene a panel of three members selected from the campus Accessibility Committee to review the appeal and advise the AVPSSS regarding the decision. The decision of the AVPSSS shall be final.

8. Student Dissatisfaction with the Implementation of Accommodations

If the student is not satisfied with the manner in which a faculty/staff member has implemented or not implemented a Director-approved accommodation, the student should meet with the Director for assistance. As applicable and appropriate, the Director will provide the student with assistance in explaining the approved accommodations to the faculty/staff member.

If the student's dissatisfaction with the implementation is not resolved after consultation with the faculty/staff member, the Director will contact the faculty/staff member and/or the faculty/staff member's supervisor (Department Chairperson, Dean or Director), in the Director's discretion. The Director may modify the accommodations based upon any new information received during this process.

If the student remains dissatisfied with the implementation of the accommodations and/or the revised accommodations, the Director will present the case to the Provost for a final, written decision.

9. Student Grievance Alleging Disability Discrimination Unrelated to Accommodations

In the event a student files a grievance under this section alleging discrimination on the basis of disability in violation of Section 504, Nazareth College will use the grievance procedures described below to provide for the prompt, equitable, and impartial resolution of the grievance.

a. *The Parties*

The individual filing the grievance shall be referred to as the grievant and the individual(s) against whom the grievance is filed shall be referred to as the respondent(s). Respondents can be students, faculty or staff. Collectively, the grievant and respondent(s) shall be referred to as the parties.

b. *Right to an Advisor*

Each party has the right to choose an advisor, or not, to assist and advise them, and each party has the right to be accompanied by their advisor throughout the process, including during all related meetings. Unless an exception is made by the Section 504 Coordinator, an advisor must be a Nazareth College peer, staff member or faculty member. An individual who may provide information as a witness in the investigation (see next section) cannot serve as an advisor to a party. Each parties' advisor provides support to parties, but does not serve as a proxy voice for parties. Therefore, parties can confer quietly with their advisee as needed, but if there is a need for an extended discussion, the party should ask for a break in the meeting.

Advisors may not speak or make statements or arguments or answer questions on behalf of parties during meetings or interviews and cannot direct the party how to answer a question. Advisors must conduct themselves quietly and professionally, must not disrupt any meeting or interview and must comply with any rules of decorum imposed by Nazareth College. An advisor who does not follow the guidelines above may be removed from the meeting, interview. Each party should notify the Section 504 Coordinator promptly of the name, title, and contact information for their advisors and any change in their advisor.

c. *Investigation*

An investigation will be conducted by the Section 504 Coordinator or designee. During the investigation, the grievant will have the opportunity to describe their allegations and present supporting witnesses or other evidence. The respondent will have the opportunity to respond to each allegation and present supporting witnesses or other evidence. The investigator will review evidence presented and will meet with additional witnesses identified by the grievant, the respondent or third parties, as determined by the investigator. All parties involved in the investigation are expected to cooperate and provide truthful information throughout the investigation process.

d. *Outcome*

At the conclusion of the investigation, the outcome, or the decision on the grievance, will be determined. Based upon the conduct found to have occurred and the goals of preventing the recurrence of problems, remedying the effects of any violative conduct, and ensuring compliance with Section 504, the Section 504 Coordinator, in consultation with the AVPSSS (or someone

other than the AVPSSS, as designated by the Section 504 Coordinator at the outset of the process), will (1) determine whether the information gathered indicates that the respondent violated Nazareth's policy prohibiting discrimination and harassment on the basis of disability, and (2) make a decision regarding any corrective actions and remedies deemed necessary due to the policy violation(s).

The Section 504 Coordinator will notify the grievant and the respondent in writing when the grievance process has concluded. The parties will be informed of the aspects of the outcome that relate to each respective party.

e. *Appeal*

The outcome may be appealed by the grievant or respondent within five (5) business days of the party's receipt of the determination from the Section 504 Coordinator. An appeal must be made in writing to the Provost and must state any substantive or procedural reasons for the appeal. The Provost will review the appeal and issue a written decision, which will be final and not subject to further appeal.

Note: Nazareth College Bias and Response Team (NBRET)

The goal of Nazareth's bias reporting and response process is community-building and education. Through our restorative justice process, people participate in a process wherein they recognize harm that has been done and to take responsibility for harming others, and the community has a chance for healing and rebuilding trust. Any party wishing to engage with the NBRET social justice model to address concerns of harm can also submit a [bias incident form](#). Allegations shared with NBRET that fall within the scope of this Section 504 Grievance Policy will be referred to the Section 504 Coordinator.