

# Marywood University

## Policies and Procedures

### Disability Grievance Procedures

#### Policy Statement:

It is the policy of Marywood University not to discriminate on the basis of disability. The University has adopted an internal grievance procedure providing for prompt and equitable resolution of grievances by either students or employees alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) or the relevant U.S. Department of Health and Human Services regulations implementing the Act (34 C.F.R. Part 104) (together, "Section 504"). Section 504 prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance. The Law and Regulations may be examined in the office of the Section 504 Coordinator, Dr. Yerodin Lucas, Interim Director of Equity and Inclusion | Title IX Coordinator, who has been designated to coordinate the efforts of the University to comply with Section 504.

Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for the University to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance. The University will make every effort to protect the grievant from retaliatory action. Any individual who retaliates against the grievant will be subject to discipline up to and including discharge from employment and/or termination of student status.

#### Definitions:

#### Procedures:

All alleged incidents involving disability discrimination are to be dealt with immediately. When a Marywood University employee or student believes s/he has been the victim of disability discrimination or witnessed disability discrimination, the following procedures should be used:

1. Grievances must be submitted to the Section 504 Coordinator, or his designee, within 30 calendar days of the date the person filing the grievance becomes aware of the alleged discriminatory action. (Special circumstances warranting later filings will be considered on a case-by-case basis.) A grievant may contact the Vice President for Enrollment Management if he or she feels he or she cannot contact the Section 504 Coordinator, who will designate an appropriate person to fulfill the Section 504 Coordinator's responsibilities under this policy.
2. A grievance must be in writing and must contain the name, address and other contact information of the grievant, describe the problem or alleged action alleged to be discriminatory in sufficient detail to inform the Section 504 Coordinator of the nature and date of the alleged violation and permit an adequate investigation to be conducted, include the names of University employees or students involved and state the remedy or relief sought.
3. The Section 504 Coordinator (or his or her designee) shall conduct an investigation of the grievance. The investigation may be informal, but it will:
  - a. be impartial and thorough;

- b. permit the grievant and his or her representative, and in the case of students, his or her parents, to examine relevant records maintained by the University and participate in the process;
  - c. afford the grievant an opportunity to present witnesses and evidence;
  - d. afford all other interested persons an opportunity to submit evidence relevant to the grievance;
  - e. remain confidential except to the extent necessary to conduct a review of the facts and to the extent authorized by law.
4. The University will make appropriate arrangements to ensure that disabled persons are provided other accommodations, if needed, to participate in this grievance process. Such arrangements may include, but are not limited to, providing interpreters for the deaf, providing taped cassettes of material for the blind, or assuring a barrier-free location for the proceedings. The Section 504 Coordinator will be responsible for such arrangements.
  5. The Section 504 Coordinator will issue a written decision on the grievance no later than 30 days after its filing, unless further time is necessary to investigate thoroughly the grievance due to unusual circumstances or the grievant agrees to a continuance. The decision will contain a summary of the grievance and the proceedings to date, a determination as to the validity of the grievance and a description of the resolution, if applicable. A copy will be provided to the grievant and the accused.
  6. The person filing the grievance may appeal the decision of the Section 504 Coordinator by writing to the President of the University within 15 days of receiving the Section 504 Coordinator's decision. In the appeal notice the grievant may, but is not required to, explain his or her objections to the Section 504 Coordinator's decision. The President of the University or her or his designee will consider those objections, review the record and the Section 504 Coordinator's decision and conduct further investigation if warranted. The President of the University shall issue a written decision in response to the appeal no later than 30 days after its filing, unless further time is necessary to thoroughly investigate the appeal due to unusual circumstances or the grievant agrees to a continuance. A copy will be provided to the grievant.
  7. The Section 504 Coordinator will maintain the files and records relating to such grievances and decisions.
  8. The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U. S. Department of Health and Human Services, Office for Civil Rights, the Pennsylvania Human Relations Commission, or any other federal, state or local government agency charged with investigating such complaints.
  9. These rules will be construed to protect the substantive rights of interested persons, meet appropriate due process standards and ensure that the University complies with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act and their implementing regulations.

Questions about this policy or the procedures described above should be directed to the Section 504 Coordinator, Dr. Yerodin Lucas, Interim Director of Equity and Inclusion | Title IX Coordinator.

### **History:**

1996 - Grievance Procedures for Administrative, Professional, and Hourly Employees re Disability Discrimination

1996 - Grievance Procedures for Students re Disability Discrimination

04/03/00 - Approval by the President to combine several civil rights procedures into one document as recommended by the Policy Committee of the University  
07/21/03 - Civil Rights Complaint Procedures were revised to incorporate procedures involving students, including disability discrimination  
06/24/09 - New Disability Complaint Procedures approved by the President of the University as recommended by the Executive Committee of the Policy Committee of the University  
10/04/13 - Approval by the President to conform to procedures in other University policies  
07/16/20 - The name of the Section 504 Coordinator was updated to reflect the name of the individual currently holding this position.  
09/08/20 - The full title of the Section 504 Coordinator was updated.

## **Related Policies:**

### **Committee responsible for oversight of this policy proposal:**

- Policy Committee of the University**
- Employee Benefits Committee**
- Academic Council**
- President's Cabinet**

### **Policies and Procedures Manual**

**(You may select more than one section.)**

- Board of Trustees
- University-Wide
- Presidential Area
- Academic Affairs
- Business Affairs
- Student Life
- University Advancement
- Administrative Services
- Not a University Policy

### **Faculty Handbook**

**(You may select more than one section.)**

- 1 – Organization and Governance
- 2 – Faculty Policies
- 3 – Academic Policies and Practices
- 4 – Administrative and Financial Policies and Practices
- 5 – Student Life Information
- 6 – University Advancement Information
- Does not appear in the Faculty Handbook

### **Personnel Handbook**

**(You may select more than one section.)**

- 1 – Organization and Governance
- 2 – Recruitment and Hiring
- 3 – Employment Policies and Practices
- 4 – Compensation and Salary Administration

- 5 – Employee Benefits and Programs
- 6 – Employee Training
- 7 – Employee Health and Safety
- 8 – Other Pertinent Information
- Does not appear in the Personnel Handbook

**Student Handbook**

- Yes
- No

**Board of Trustees Handbook**

- Yes
- No

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POLICIES AND PROCEDURES**

**Mary Theresa Gardier Paterson, Esquire  
Secretary of the University and General Counsel**