

**UNIVERSITY OF NEW HAVEN**  
**GRIEVANCE PROCEDURES FOR GRIEVANCES RELATED TO DISABILITY**

**Purpose and Scope:** The Americans with Disabilities Act of 1990 (ADA) and the Amendments Act of 2008 were enacted to protect individuals with disabilities against discrimination in areas of employment, housing, public accommodations, education, transportation, telecommunication, health services, and access to public services. Section 504 of the Rehabilitation Act prohibits discrimination against individuals with disabilities by recipients of federal funds. In accordance with these laws, the University of New Haven strictly prohibits discrimination in all of its programs, services, and employment on the basis of disability. The purpose of these procedures is to provide the process for addressing student disability discrimination grievances at the level where they occur and in a timely manner. They are means to help students understand methods available to them in the event a problem should arise regarding issues relating to the ADA or Section 504 and to ensure that all complaints of discrimination based on disability are thoroughly and fairly investigated. The University of New Haven will conduct a fair and impartial investigation of all allegations of discrimination, with due regard for the rights of all parties.

Faculty grievances are not within the scope of these procedures and should be submitted pursuant to the faculty grievance procedures set forth in the Faculty Handbook. Employee grievances are also not within the scope of these procedures and should be submitted pursuant to the separate Employee Conflict Resolution Protocol relating to complaints under the Americans with Disabilities Act Amendments Act and the Rehabilitation Act of 1973. These procedures do not replace any other University policies or procedures.

**Policy:** The University of New Haven is committed to providing equal access to its programs, services, and employment opportunities for all persons regardless of disability. We affirm our commitment that no qualified student with a disability will be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program, service, or activity sponsored by the University of New Haven. The University does not discriminate in admissions, educational programs and services or employment against any individual on account of the individual's disability.

Complaints arising from a matter regarding disability should be brought to the attention of the Director of Accessibility Resources Center and/or Senior Associate Dean of Students.

**Definitions**

A. *Grievance:* Grievance means a complaint alleging any policy, procedure or practice which would be prohibited by the Americans with Disabilities Act Amendments Act (ADAAA) or the Rehabilitation Act of 1973.

B. *Grievant:* Grievant means an student or other individual who submits a grievance

relevant to the ADA or the Rehabilitation Act of 1973.

*C. Respondent:* Respondent means any University officer, administrator, faculty or staff member acting in their official capacity and alleged to be responsible for the violation(s) alleged in a grievance. The term may be used to designate persons with direct responsibility for a particular action or those persons with supervisory responsibility for procedures and policies in those areas covered in the grievance.

*D. Investigator:* Investigator means the Director of Accessibility Resources Center or the Senior Associate Dean of Students who when acting in their official capacity is charged with the responsibility to hear, investigate, and make recommendations regarding alleged violations of the ADA or the Rehabilitation Act of 1973.

### **Informal Procedure**

Although a grievant is not required to utilize the informal procedure prior to initiating the formal grievance procedure, the grievant is strongly encouraged to attempt to resolve complaints informally if possible before filing a formal grievance. The necessary first step toward an informal solution is for the grievant to attempt to personally resolve the complaint by meeting with the person or persons alleged to be directly responsible for the possible violation and/or with persons with immediate supervisory authority related to the complaint. Other appropriate university officials who may have knowledge of the complaint or who may assist in its resolution may also be consulted (e.g. a faculty member, department chair, the Dean of Students, the Director of Accessibility Resources Center, the student ombudsman, the Director of Financial Aid or the University Registrar).

The appropriate university official will make every attempt to resolve the matter. This process should not exceed thirty (30) days. If the complaint cannot be resolved informally at this level, any student, who is not satisfied with this attempt at resolution, may file, in writing, a formal grievance as described below.

### **Formal Grievance Procedure**

A student who is not satisfied with the results of the informal process should initiate a formal grievance through the following procedure:

#### ***Grievance filing:***

1. The student shall submit a formal grievance to the Director of Accessibility Resources Center unless the grievance is against the Director of Accessibility Resources Center or other staff of the department. In this case, grievances shall be submitted to the Senior Associate Dean of Students. All grievances should be conducted in person and shall provide the following information in writing:
  - a. Name, address and telephone number of grievant(s);
  - b. Nature, date, and full description of the alleged violations including any relevant facts such as the complaining party's disability, name(s) of the person or persons responsible for the alleged violation(s), and identification of any witnesses who have knowledge related to the complaint;

- c. A summary of the steps the student has already taken in attempt to resolve the problem; including names of persons involved;
- d. A statement of the requested resolution for corrective action and the student's rationale for any requested accommodations, if any;
- e. Any background information and/or supporting documentation the grievant believes to be relevant;
- f. Signature of the person initiating the complaint.

***Time Limit for Grievance Filing:***

2. The grievance must be filed within (180) days of the alleged violation or within ten (10) days after the conclusion of the informal process if the student has chosen to utilize it, whichever comes first.

***Notification of Respondent(s):***

3. Upon receipt of the formal grievance, the Director of Accessibility Resources Center (or Senior Associate Dean of Students) will conduct an investigation of the matters set forth in the written grievance. In conducting this investigation, the Investigator may forward a copy of the grievant(s) statement to the person(s) whose actions (or inactions) are the subject of the grievance, and may request a written response from the appropriate individuals in the university within (20) workdays. Respondents will be specifically warned not to retaliate against the grievant in any way. Retaliation may subject the respondent to disciplinary action. The Investigator may also choose to interview witnesses, to meet with concerned parties, to receive oral or written statements, and to make appropriate inquiries. The investigation shall generally, but may not always, be completed within thirty (30) workdays. If the investigation cannot be completed within thirty (30) workdays, the Director or Senior Associate Dean of Students shall keep the complainant informed of the status of the investigation.
4. Within ten (10) workdays after completing the investigation, the Investigator will transmit a written copy of its findings and recommendation(s) to the parties and to the appropriate University official who is charged with making a final decision concerning whether to accept, reject or modify the investigator's recommendations. Either party may also submit to the individual designated to make the final decision, within 10 workdays of receiving the investigator's recommendations, written arguments in favor of or opposed to the adoption, modification, or rejection of the investigator's recommendations; or explaining why they believe they have been treated arbitrarily, capriciously, inequitably or in an unfair, unlawful or discriminatory manner. The Vice President for Student Affairs/Dean of Students, (who has been designated as the 504/ADA Coordinator) will make the final decision, and in the case of academic matters, will do so in consult with the Office of the Provost. The Vice President for Student Affairs/Dean of Students shall transmit the final decision in writing to both parties within ten (10) workdays. If a decision cannot be reached within ten (10) workdays, the Vice President will keep the complainant informed of the status of the decision-making process.

***Maintenance of Written Grievance Records:***

5. Records shall be kept of each grievance process for a period of seven (7) years. These shall include, at a minimum: the written grievance complaint filed by the grievant, the written response filed by the respondent, and the written finding(s) and/or recommendations of the Investigator. A file of these records shall be maintained in the office of the 504/ADA Coordinator. For purposes of the dissemination of grievance precedents, separate file records and statistics may be kept by the coordinator which indicates only the subject matter of each grievance, the resolution of each grievance and the date of the resolution. These records shall not refer to any specific individuals and shall be treated as confidential unless their disclosure is required by law.

***Retaliation:***

6. No person shall be subjected to retaliation for having utilized or having assisted others in the utilization of this grievance process. Retaliation against any individual who has filed a complaint of discrimination, or who has cooperated in the investigation of such a complaint, or opposes a discriminatory educational practice is unlawful under federal and state law, and is in violation of University of New Haven policy.

***Reconciliation:***

7. Nothing in these procedures is intended to prevent the grievant and respondent from resolving their grievance amicably by signing a written statement of agreement and submitting it for review and approval by the Investigator. If the agreement is approved, the pending grievance shall be deemed dismissed.

The right of a person to a prompt and equitable resolution of a complaint submitted hereunder shall not be impaired by the person's pursuit of other external remedies such as filing of a 504/ADA complaint with the responsible state or federal agency nor shall the use of this internal grievance procedure be a prerequisite to other external remedies. Complaints may also be filed by contacting the Office for Civil Rights at the following:

Office for Civil Rights  
U.S. Department of Education, 8<sup>th</sup> Floor  
5 Post Office Square  
Boston, MA 02109-3921  
(617) 289-0111

These rules shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards, and to assure that the University of New Haven complies with Section 504, the ADA and implementing regulations.

The *Director of Accessibility Resources Center* is located in the Accessibility Resources Center office suite, ground floor, rear of Sheffield Hall and can be reached at (203) 932-7332. The *Senior Associate Dean of Students* is located in Bartels Hall Campus Center, Room 208, and can be reached at (203) 932-7432. The *Vice President for Student*

*Affairs/Dean of Students* who has been designated the 504/ADA Coordinator, is located in Bartels Hall Room 203, and can be reached at (203) 932-7432.

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