

Duquesne University: Section 504 of the Rehabilitation Act of 1973 And ADA Disability Discrimination Grievance Procedure

It is the policy of Duquesne University not to discriminate based upon disability. Duquesne University has adopted the following Grievance Procedure for addressing complaints of disability discrimination and harassment under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.

The purpose of this policy is to provide a prompt and equitable grievance process for all claims of disability discrimination to promote access to the University's programs and activities. There are no rights relating to this grievance procedure other than those set forth herein. This policy applies to employees, students and visitors. If a person has filed related claims under University TAP 30, the University may consolidate the cases as it deems appropriate depending on the circumstances of the matter.

A person is not required to use this procedure and may instead file a complaint directly with the U.S. Department of Education's Office for Civil Rights:

Step 1: A person who believes that they have been discriminated against or harassed based upon a disability, perceived disability, or record of disability by Duquesne University, Duquesne employees, Duquesne students, or third parties on the University's campus is encouraged, but is not required, to discuss the matter informally with the Director of Disability Services, Tiana Brophy (412) 396-6658 or brophyt1@duq.edu. The Director of Disability Services may also be contacted if an individual who is receiving accommodations has questions or concerns with their implementation. NOTE: If the Director of Disability Services is the subject of the complaint, the grievant may, instead, contact the Duquesne University Section 504 Coordinator, Associate Vice President of Student Life Duquesne University, (412) 396-6657, deanofstudents@duq.edu.

The person receiving the complaint shall look into the matter, make a determination based upon a preponderance of the evidence standard and verbally convey their findings to both the person who alleged the violation and the person who is the subject of the complaint generally within 30 business days. The grievant may, at any time, end the informal Step 1 process and initiate the formal process set forth in Step 2.

Step 2: If the informal Step 1 process does not resolve the matter, or if the grievant does not wish to use the informal procedures set forth in Step 1, a written complaint may be submitted to Duquesne University Section 504 Coordinator. The Section 504 Coordinator or their designee will investigate the complaint applying a preponderance of the evidence standard. NOTE: If the Duquesne Section 504 Coordinator is the subject of the complaint, the complaint should be submitted to the Chief Human Resources Officer of Duquesne University who will appoint another administrator or outside investigator to conduct the investigation. The complaint shall be signed by the grievant and include 1) the grievant's name and contact information; 2) the facts of the incident(s) or action(s) complained about; 3) the date of the incident(s) or action(s) giving rise to the complaint; 4) the type of discrimination/harassment alleged to have occurred; and 5) the specific relief sought. Names of witnesses and other evidence as deemed appropriate may also be submitted. An investigation of the complaint will generally be conducted within 30 business days.

following the submission of the written complaint. This time period may be extended for good cause and all parties will be informed when an extension is needed. The investigation may include an interview of the parties and relevant witnesses, a review of relevant evidence, and any other steps necessary to ensure a prompt and thorough investigation of the complaint. Relevance shall be determined by the assigned investigator. A written disposition of the complaint shall generally be issued within 30 business days of completion of the investigation, unless an extension of time is appropriate. Copies of the disposition will be given to both the grievant and the person who is the subject of the complaint. If discrimination or harassment was found to have occurred, the disposition will include the steps that Duquesne University will take to prevent recurrence of any discrimination/harassment and to correct its discriminatory/harassing effects on the grievant and others, if appropriate. This does not mean that confidential personnel information will be shared.

Step 3: If the grievant or responding party wishes to appeal the decision in Step 2 above, they may submit a signed, written appeal to the Chief Diversity Officer and Senior Advisor to the President ("CDO") within 10 business days after receipt of the written disposition. There are two bases for appeal:

1. Procedural irregularity that affected the outcome of the matter; or
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome.

The CDO or their designee shall respond to the complaint, in writing, generally within 10 business days of the date of the appeal. Copies of the response shall be provided to both the grievant and the person who is the subject of the complaint.

Duquesne University strictly prohibits any form of unlawful retaliation against persons who use this Grievance Procedure.

Grievants are encouraged to use these grievance procedures. However, the University acknowledges the rights of Complainants to seek redress from any external enforcement agency, including the Equal Employment Opportunity Commission, the Pennsylvania Human Relations Commission, the Pittsburgh Commission on Human Relations, or the Office of Civil Rights of the U.S. Department of Education. The grievance procedures listed herein will stop upon the University receiving notice (orally or in writing, from any person, including the Grievant) that the Grievant has filed an external complaint, but the University, in its discretion, may continue to investigate and/or address reported violations of University Policy.

If you have questions regarding these procedures or desire to file a complaint, please contact Duquesne University Section 504 Coordinator: Associate Vice President of Student Life at Duquesne University, (412) 396-6657, deanofstudents@duq.edu.

Duquesne will make appropriate arrangements to ensure that persons with disabilities are provided reasonable accommodations, if needed, to participate in this grievance process. Examples of such arrangements may include, but are not limited to, providing interpreters for the deaf, providing audio files or materials in braille for the blind, or assuring a barrier-free location for meetings. The Section 504 Coordinator will be responsible for such arrangements.

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