



ADA / 504 Grievances Policy

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Responsible Officer(s): R. Yvette Clark, SVP and General Counsel

Effective Date: October 16, 2017

Review Period: Annually or as deemed necessary

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1 Introduction

Southern New Hampshire University (the University) is dedicated to providing equal access to individuals with disabilities in accordance with Section 504 of the Rehabilitation Act of 1973 and Title III of the Americans with Disabilities Act (ADA) of 1990, as amended by the Americans with Disabilities Act Amendments Act of 2008. The University prohibits unlawful discrimination on the basis of disability and takes action to prevent such discrimination by providing reasonable accommodations to eligible individuals with disabilities. The University has adopted this policy providing for prompt and equitable resolution of complaints regarding any action prohibited by the ADA or Section 504.

2 Definitions

Complaint	Disability discrimination concern handled informally through the appropriate department as outlined in the Informal Complaint Process
Grievance	Disability discrimination concern handled formally through the appropriate department as outlined in the Formal Grievance Process

3 Policy

3.1 Scope

It is the policy of Southern New Hampshire University to not discriminate on the basis of disability. This policy extends to all rights, privileges, programs, and activities including housing, employment, admissions, financial assistance, and educational and athletic programs. It is also the policy of the University to provide reasonable accommodations to persons with disabilities unless such accommodations would impose an undue burden or fundamental alteration to the program in question; or for employees, would unreasonably interfere with the performance of the position's essential functions.

3.2 Purpose

The purpose of this policy is to ensure that all complaints based on disability are thoroughly and fairly investigated by the authorized units of the University, which will conduct an adequate, reliable, and impartial investigation of all complaints, with due regard for the rights of all parties. The University will take steps to prevent the recurrence of any discrimination or harassment and to correct its discriminatory effects on the complainant and others, if appropriate. Retaliation against any individual who has filed a complaint, or who has cooperated in the investigation of such a complaint, is unlawful and in violation of University policy.

The University has adopted an internal grievance process providing for prompt and equitable resolution of complaints regarding any action prohibited by the Americans with Disabilities Act

(ADA) and by the Department of Education regulations implementing Section 504 of the Rehabilitation Act of 1973, as amended. Section 504 states, in part, that "no otherwise qualified individual with a disability...shall solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance..." Complaints can include physical, electronic, or programmatic barriers (such as an inoperative elevator, an inaccessible website, or a blocked access ramp), a refusal to make a reasonable accommodation, failure to follow an approved accommodation, the inadequacy of an accommodation that has been granted, etc.

4 Procedure

Any student, faculty, staff, or member of the public who believes he or she has been subject to discrimination on the basis of disability, by any party, may file a complaint or grievance under this procedure. Concerns can be handled through an *informal complaint process* or can be escalated to a more *formal grievance process*. Steps for both options are outlined below.

Southern New Hampshire University will make appropriate arrangements to ensure that persons with disabilities are provided reasonable accommodations, if needed, to participate in the grievance process. The complainant should contact the ADA/504 Compliance Coordinator by email at adacompliance@snhu.edu or phone 603.645.9664 for such arrangements.

Informal Complaint Process

The University encourages the informal resolution of complaints and will assist any individual with that process. The University is also committed to the prompt investigation and resolution of concerns pertaining to the civil rights of individuals attending the University, employed by the University or participating in University functions, of which it is aware regardless of the filing of an actual grievance. Complaints can be resolved informally by:

- College of Online and Continuing Education (COCE) and College for America (CfA) students should contact:
Director, Online Accessibility Center
866.305.9430
oac@snhu.edu
- University College (UC) and Program in Clinical Mental Health Counseling (PCMH) students should contact:
Director, Office of Disability Services
603.644.3118
disabilityservices@snhu.edu
- Staff and Faculty of the University should contact their local HR Business Partner or request information from:
Hr4u@snhu.edu
- Members of the public and those with questions should contact:
ADA/504 Compliance Coordinator

adacompliance@snhu.edu

Phone: 603.645.9664

- Students working in a paid capacity for the University should contact the appropriate department depending on the circumstances. Student-related complaints would be handled through the student channels listed above. Employment-related complaints would be handled through Human Resources.

Formal Grievance Process

1. An individual dissatisfied with the informal resolution attempt or wishing to forego an informal resolution may follow the more formal grievance process. A formal grievance should be filed as soon as possible after the incident or informal resolution attempt and no more than 180 calendar days from date of the incident. A formal grievance must be filed in writing and should contain a statement of facts, as specific as possible, regarding the concern or action. Any person having an issue with completing the grievance form may contact the ADA/504 Compliance Coordinator by email at adacompliance@snhu.edu or by phone at 603.645.9664 for assistance.

- **COCE & CfA:**

Students should file a grievance using the following form:

https://cm.maxient.com/reportingform.php?SouthernNHUnivCOCE&layout_id=3

- **UC & PCMH:**

Students should file a grievance using the following form:

https://cm.maxient.com/reportingform.php?SouthernNHUnivCOCE&layout_id=55

- **HR:**

Staff and Faculty should contact their local HR Business Partner or request information from: Hr4u@snhu.edu

- The formal grievance process for employees will differ from the steps below. Employees should refer to the Employee Handbook and Master Agreement for details on the employee grievance process. Contact Human Resources for more information.

- **Members of the public:**

- Members of the public may file a formal grievance by requesting a formal grievance form from the ADA/504 Compliance Coordinator by email at adacompliance@snhu.edu or by phone at 603.645.9664.

- The formal grievance process for members of the public will be similar to the processes identified below and will be investigated by the appropriate reviewer depending on the nature of the grievance.

- Students working in a paid capacity for the University should contact the appropriate department depending on the circumstances. Student-related complaints would be

handled through the student channels listed above. Employment-related complaints would be handled through Human Resources.

2. To be timely, a formal grievance must be filed within 180 calendar days of the date the incident.
3. Once a formal grievance form is received, the reviewer will investigate the matter set forth in the written grievance, as may be appropriate, within 20 working days following the opening of a grievance. These rules contemplate thorough investigations, affording all interested persons and their representatives, if any, an opportunity to present witnesses and submit evidence relevant to the grievance. In conducting an investigation, the reviewer may forward a copy of the grievance statement to the persons whose actions (or inactions) are the subject of the grievance and may request a written response from appropriate individuals within the University. The reviewer may also interview witnesses, meet with concerned parties, receive oral or written statements, and make other appropriate inquiries.
4. The reviewer will issue a written determination as to the validity of the grievance and a description of the resolution, if any, and forward a copy to the complainant's SNHU email account, and respondent if applicable, no later than 20 working days after the grievance is received. The deadline may be extended for good cause.

- **COCE & CfA:**

After completing the investigation, if no discrimination is found, the reviewer will forward a copy of the report and recommendation to the Director of Dispute Resolution. If discrimination is found, the reviewer will forward a copy of the report and recommendation to the appropriate University officials as follows:

COCE:

- If the grievance arises out of an academic unit, the report will be forwarded to the Director of Dispute Resolution as well as the Dean of the appropriate school or college, unless he or she is the subject of the grievance. In such cases, the report will be sent to the COCE Vice President of Academic Affairs (or designee).
- If the grievance arises from a non-academic unit, the report will be forwarded to the Director of Dispute Resolution as well as the administrative head of the unit, unless he or she is the subject of the grievance. In such cases, the report will be forwarded to the COCE Assistant Vice President of Student Success (or designee).
- In all cases, formal written notification will be sent to the student's SNHU email account at the conclusion of the investigation.

CfA:

- If the grievance arises out of an academic unit, the report will be forwarded to the Director of Online Accessibility Center as well as the Chief Academic Officer, unless he or she is the subject of the grievance. In such cases, the report will be sent to the Executive Director (or designee).
- If the grievance arises from a non-academic unit, the report will be forwarded to the Director of Online Accessibility Center as well as the Chief Learning Architect.

- In all cases, formal written notification will be sent to the student's SNHU email account at the conclusion of the investigation.
- **UC& PCMH:**
After completing the investigation, if no discrimination is found, the reviewer will forward a copy of the report and recommendation to the Director of Disability Services. If discrimination is found, the reviewer will forward a copy of the report and recommendation to the appropriate University officials as follows:
 - If the grievance arises out of an academic unit, the report will be forwarded to the Director of Disability Services as well as the Dean of the appropriate school or college, unless he or she is the subject of the grievance. In such cases, the report will be sent to the Vice President of Academic Affairs (or designee).
 - If the grievance arises from a non-academic unit, the report will be forwarded to the Director of Disability Services as well as the administrative head of the unit, unless he or she is the subject of the grievance. In such cases, the report will be forwarded to the Dean or administrative head of the division.
 - In all cases, formal written notification will be sent to the student's SNHU email account at the conclusion of the investigation.
5. Southern New Hampshire University will keep all files and records related to the grievances filed for seven years.
 6. The complainant, or respondent if applicable, may appeal the decision of the initial grievance within 10 working days to the ADA/504 Compliance Coordinator who will involve other University officials as deemed necessary. A link to the appeals form will be included in the formal written notification sent to the complainant, and respondent if applicable, at the conclusion of the formal investigation.

The appeal must specify the particular substantive and/or procedural basis for the appeal, and must be made on grounds other than general dissatisfaction with the current resolution. In the written appeal, the appellant must explain why he or she believes the factual information considered was incomplete, the analysis of the facts was incorrect, and/or the appropriate standard or procedure was not applied, *and* how this should change the University's determination of the matter.

A copy of the ADA/504 Compliance Coordinator's written decision will be sent to the reviewer of the formal grievance, the Director of Dispute Resolution (for COCE and CfA students) or Director of the Office of Disability Services (for UC and PCMH students), and the complainant's SNHU email account, and respondent's if applicable, within 20 working days of the filing of the appeal. The decision of the ADA/504 Compliance Coordinator is final.

7. The informal resolution option remains available at all stages of a grievance, up to and including appeal.

These rules will be construed to protect the substantive rights of interested persons, meet the appropriate due process standards, and assure that Southern New Hampshire University complies with the ADA and Section 504 and their implementing regulations. Any of the above time frames for the University may be extended if the University determines there are extenuating circumstances. Examples of extenuating circumstances include University holidays and absence or illness of witnesses or personnel. Under such circumstances, the complainant, and respondent if applicable, will be notified in writing as to the delay and a projected date for resolution.

5 List of Appendices

None

6 Related Policies

None