Disability-Related Grievance Procedure

The Mount St. Joseph University has designated the Director of the Learning Center & Disability Services, The Learning Center, 1st Floor Seton Center, (513) 244-4524 as the individual responsible for the coordination of efforts to comply with its responsibilities under Section 504 of the Rehabilitation Act of 1973.

Employees with concerns or complaints arising out of the University's responsibilities under Section 504 of the Rehabilitation Act of 1973 may follow the following grievance procedures:

Informal Resolution

Any employee who feels that he/she has been discriminated against on the basis of a disability, or who feels that a requested reasonable accommodation has not been provided or implemented in an effective or timely manner, or who feels that he/she has been subjected to an act of discrimination or harassment on the basis of disability* is encouraged to first attempt to resolve the matter informally with any individuals involved. The employee is free, as part of this informal process, to consult with the Director of the Learning Center & Disability Services, the Director of Human Resources, or the Provost.

Formal Resolution

1. If the employee chooses not to attempt an informal resolution, or if an informal resolution is attempted but not achieved, the employee may file a formal grievance with the Director of Human Resources. If the complaint is against the Director of Human Resources, the employee may file the formal grievance with the Director of the Learning Center & Disability Services/504 Coordinator. The contact information for these offices is as follows: Director of Human Resources, Office of Human Resources, 1st Floor Seton Center, 513-244-4979; Director of the Learning Center & Disability Services/504 Coordinator, The Learning Center, 1st Floor Seton Center, 513-244-4524.

2. The grievance must be filed within thirty (30) calendar days of the occurrence of the event(s) giving rise to the complaint.

3. The grievance must be in writing and signed by the employee.

4. The grievance must contain the following:
   - The name, address, and phone number of the employee.
   - The name and position of the person against whom the complaint is made.
   - A clear statement of the complaint and suggestions for resolution.
   - The names of any witness(es) or individual(s) who the employee believes has knowledge or information supporting the allegations contained in the grievance.

5. An ad hoc grievance resolution committee will be convened by the Director of the Learning Center & Disability Services within ten (10) calendar days of the date on which the University receives the formal grievance. The make-up of the committee will vary
depending on the nature of the complaint or issue and will include individuals with expertise specific to the disability and/or issue who have been appropriately trained in Section 504 standards and investigative methods. The Section 504 Coordinator will be an ad hoc member of the committee. The committee will interview the employee, the individual(s) against whom the complaint is made, any individuals identified by the employee as having knowledge or information supporting the grievance, and any other involved parties. The committee will also collect and review any documentation or other evidence identified by the employee, and other information related to the complaint as appropriate.

6. In most instances, the grievance committee will make a good faith decision regarding the merits of the grievance within twenty (20) days of the date on which it convened. In cases where the grievance committee is unable to make a decision within this timeframe, it will notify the complainant of the need for additional time, the reason, and an approximate date upon which a decision will be made.

   a. If the grievance committee, in its good faith discretion, determines that there is reason to believe a grievance has merit, it will notify all parties in writing of that determination, as well as suggest a proposed resolution. The grievance committee will then convene a meeting with the employee to discuss the proposed resolution of the grievance and to hear alternative proposals for a resolution offered by the employee. The ultimate resolution of any grievance, or determination of whether a new, modified, or additional accommodation will be provided to the employee, rests in the sole discretion of the grievance committee and the University.

   b. If the grievance committee, in its good faith discretion, determines that there is not sufficient evidence to support the claims made in the formal grievance, it will notify all parties of that determination in writing.

7. An employee who disagrees with the resolution of a grievance, or with the determination by the grievance committee that the evidence provided does not support the claims made in the formal grievance, may appeal to the Director of Human Resources. Such an appeal must be made in writing within seven (7) days of the grievance committee’s decision.

7. In substantiated cases of disability-related discrimination or harassment, the University will take appropriate steps to prevent recurrence and to correct discriminatory effects on the complainant and others, if appropriate.

8. The University will maintain all documents and other materials related to the grievance proceedings for a period of two (2) years.

This policy applies equally to all persons visiting or attending events at the University. Any visitor who feels that he/she has been discriminated against on the basis of a disability or who feels that he/she has been subjected to an act of discrimination or harassment on the basis of disability* is encouraged to first attempt to resolve the matter informally with any individuals involved. However, he/she is free to pursue a formal resolution as outlined in steps 1 through 8 above. His/her complaint should be filed with the Director of the Learning Center & Disability Services/504 Coordinator.
Right To Pursue External Complaints

Nothing in this process should be construed as impeding or prohibiting an employee from filing a discrimination complaint with the appropriate external governmental agency. Although an employee with a complaint is encouraged to attempt to resolve his/her grievance within this procedure, he/she has the right to file a grievance directly with the Office of Civil Rights or the Ohio Civil Rights Commission, before or after the internal process has begun. The internal process will continue through completion, regardless of whether a grievant files a complaint with the appropriate external governmental agency.

Complaint Referral

If, at any point during the informal or formal grievance procedure, it becomes known or apparent that the grievance or concern arises from acts of discrimination or harassment not related to the University’s obligations under Section 504 of the Rehabilitation Act, the grievance or concern will be promptly referred to the Chief Compliance and Risk Officer, Director of Human Resources, or the Provost as appropriate, pursuant to the University’s Policy Against Discrimination, Harassment, Sexual Harassment and Misconduct, and Retaliation. In such cases, the University will conduct only a single investigation pursuant to the applicable policy and procedures.

Prohibition Against Retaliation

Reports of retaliation will be investigated promptly in a manner intended to protect confidentiality as much as practical, consistent with the University’s obligation to conduct a full and fair investigation. The party conducting the investigation will notify the employee of the results of the investigation.

*Harassment of any person or group of persons on the basis of race, color, national origin, religion, sex, age, disability, sexual orientation, gender identity, or other minority status is prohibited by the University. Prohibited harassment includes any words or conduct (verbal, physical, graphic or written) directed against any person or group of persons because of their race, national origin, religion, sex, age, disability, sexual orientation, or other minority status. Harassment also includes any words or conduct (verbal, physical, graphic or written) that have the purpose or reasonably foreseeable effect of creating an offensive, demeaning, intimidating, or hostile environment.