

SECTION 504/ADA GRIEVANCE PROCEDURE

The University of Cincinnati (“University”) has adopted the following Grievance Procedure for addressing complaints of discrimination under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990. The University does not tolerate discrimination on the basis of disability in its programs or activities and will take prompt and effective steps to address disability discrimination (including disability harassment and retaliation), end a hostile environment if one has been created, and prevent the recurrence of disability discrimination.

This procedure applies to all individuals, including students and employees, who may experience or witness disability discrimination in a University program or activity. This procedure is designed to provide a prompt, reliable, and impartial procedure for the resolution of disability discrimination complaints.

For the purposes of this procedure, “business day” means any day other than Saturday, Sunday, or a federal holiday.

Step 1: Optional Informal Resolution

- A. The University encourages the reporting of incidents of disability discrimination. Individuals who believe they have experienced disability discrimination in a University program or activity are encouraged, but not required, to discuss the matter informally as follows:
- i. Students – Students who wish to participate in informal resolution of their concerns may contact

University OMBUDS
Swift Hall 607
2842 Campus Way
Cincinnati OH 45221-0180
Tel: (513) 556-5956
Kimberly.fulbright@uc.edu

If there is a conflict of interest with the OMBUDS, students may contact the University Section 504/ADA Coordinator (“the Coordinator”):

Chief Human Resources Officer
University Hall Suite 340
51 Goodman Drive
Cincinnati, OH 45221-0039
(513) 556-6381
HRONESTP@ucmail.uc.edu

- ii. Employees – Employees who wish to participate in the informal resolution process may contact their immediate supervisor. If there is a conflict of interest with the supervisor, employees may contact the University Section 504/ADA Coordinator.

- B. The representative of the OMBUDS office will facilitate discussion between the parties during the informal process. The parties may participate in joint and/or separate sessions with the facilitator to attempt to resolve the complaint. The sessions will be confidential to the extent permitted by law.
- C. Participation in the informal process is voluntary and the grievant may end the informal process at any time and file a formal complaint.
- D. The informal process generally will be concluded within 30 business days. Within 10 business days of the conclusion of the process, written notice of the outcome will be provided to the parties and the Coordinator.

Step 2: Formal Resolution

- A. 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 the Coordinator. The Coordinator will investigate the complaint personally or through his/her designee. If the Coordinator is the subject of the complaint or otherwise has a conflict of interest, the complaint shall be submitted to the Senior Vice President for Administration and Finance who will appoint another administrator to conduct the investigation.
- B. The complaint shall be signed or otherwise attested by the grievant and include 1) the grievant's name and contact information; 2) the facts of the incident or action complained of; 3) the approximate date of the incident or action giving rise to the complaint; 4) the type of discrimination alleged to have occurred; and 5) the specific relief sought. Names of witnesses and other relevant evidence may also be submitted. If in the investigator's judgment the complaint also falls within the jurisdiction of the Student Code of Conduct, the investigator shall refer the matter to the Office of Student Conduct and Community Standards. The investigation provided for in this procedure shall continue in parallel with any action taken by the Office of Student Conduct and Community Standards.
- C. An investigation of the complaint will be initiated within 5 business days following the submission of the written complaint. As appropriate, the investigation shall include an interview of the parties and witnesses, a review of relevant evidence, and any other steps necessary to ensure a prompt and thorough investigation of the complaint. The investigation shall generally be completed within 30 business days after initiation.
- D. A written disposition of the complaint shall be issued to the parties within 5 business days of completion of the investigation. If discrimination or harassment was found to have occurred by a preponderance of the evidence, the disposition will include the steps that the University will take to prevent recurrence of any discrimination/harassment and to correct its discriminatory effects on the grievant and others, if appropriate.

Step 3: Appeal Procedure

- A. If the grievant wishes to appeal the decision in Step 2 above, he/she may submit a signed or attested, written appeal to the Senior Vice President for Administration and Finance within 10 business days after receipt of the written disposition. The only permissible grounds for appeal shall be:
- (1) New information was discovered, which was not available at the time of the hearing, and such evidence is material and is likely to affect the outcome of the matter; or
 - (2) A substantial procedural error occurred in the process, which materially affected the decision; or
 - (3) A sanction of suspension or dismissal from the university was imposed and is not commensurate with the violation.
- B. Within 30 business days, the Senior Vice President for Administration and Finance or his/her designee shall review all the evidence presented to the previous investigator. If the Senior Vice President for Administration and Finance or his/her designee determines that he/she agrees with the grounds for appeal, he/she may, if deemed necessary, require that additional investigation be conducted, or shall make his/her own determination.
- C. Written notice of the Senior Vice President for Administration and Finance's decision will be given to both the grievant and the respondent. If discrimination or harassment was found to have occurred, the disposition will include the steps that the University will take to prevent recurrence of any discrimination/harassment and to correct its discriminatory effects on the grievant and others, if appropriate.

The University hereby provides assurance that it strictly prohibits any form of retaliation against any person for asserting his/her rights under Section 504 and/or the ADA. Anyone engaging in retaliation will be subject to disciplinary action. Complaints of retaliation may also be addressed through the foregoing procedure.

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, 1350 Euclid Avenue, Suite 325, Cleveland, OH 44115.