

GRIEVANCE PROCEDURE UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973.

The following internal grievance procedures have been adopted for students and employees of Spring Arbor University who have complaints alleging a violation of Section 504, pertaining to disability discrimination, including harassment based upon disability. Please note that as provided for in CFR 34 §104.7(b), these procedures do not apply to Section 504 complaints from applicants for employment or from applicants for admission to the University, which is a private, postsecondary educational institution.

- I. **Disability Discrimination.** If an individual believes they have been discriminated against on the basis of disability they may make a complaint that their rights under Section 504 have been denied. Complaints of disability discrimination, including complaints of disability harassment carried out by employees, other students, or third parties, may be filed under this Section 504 grievance procedure. Such a complaint is referred to in these procedures as a “grievance”. The person who has the grievance is referred to in these procedures as the “grievant”. The person or entity against whom the grievance is made is referred to in these procedures as “the respondent”.

- II. **Filing of a grievance.** A grievance must be set forth in writing, be signed by the grievant, and filed with the University’s Section 504 Grievance Administrator. A grievance must contain the name, address, and contact information of the grievant, how the grievant believes he or she was discriminated against, and identify the person or entity which the grievant believes engaged in the discriminatory action. The grievance must be filed with the Grievance Administrator within 60 days of the date the discrimination is alleged to have occurred. Failure to file a grievance within the required 60 day time period will result in the grievance being dismissed as untimely. The Grievance Administrator for Spring Arbor University is the University’s Assistant Vice President of Human Resources. Filing of a grievance may be made by hand delivery, by first class mail, or by fax transmission. The address, telephone number, and fax number for the Grievance Administrator is: **Section 504 Grievance Administrator, Spring Arbor University Human Resources Office, 106 East Main Street, Spring Arbor, MI 49283; telephone number (517) 750-6426; fax number (517) 750-3227.** If the Grievance Administrator is alleged to have been involved in the discrimination or harassment, the grievance should be filed with the University’s Section 504 Coordinator and the steps listed in these grievance procedures to be taken by the Grievance Administrator shall be taken instead, by the Section 504 Coordinator. The address, telephone number, and fax number for the Section 504 Coordinator is: **Section 504 Coordinator, Spring Arbor University, Academic Student Connections Office, 106 East Main Street, Spring Arbor, MI 49283; telephone number (517) 750-6479; fax number (517) 750-6650.** The Grievance Administrator will maintain the files and records of the University regarding any grievance. Records shall be retained for three years from the date of the conclusion of the grievance and may thereafter be destroyed.

- III. **Receipt of grievance.** Upon receipt of a timely grievance, the Grievance Administrator, (or his or her designee), shall provide a copy of the grievance to the respondent and inform the respondent that they may file a written response to the grievance. The written response shall be due within ten days of delivery of the grievance to the respondent. The Grievance Administrator also shall provide a copy of the grievance to the Section 504 Coordinator. If the respondent files a written response with the Grievance Administrator, a copy of the response shall be provided to the Section 504 Coordinator and to the grievant.
- IV. **Informal resolution process.** At any time during the grievance process, the Grievance Administrator may inquire of the parties if they wish to participate in an informal resolution of the grievance. If both the grievant and the respondent agree to do so, the Grievance Administrator will meet with them informally to attempt to resolve the grievance. If a resolution of the grievance is reached between the parties, the agreement shall be reduced to writing and signed by the grievant and the respondent, the grievance will be considered resolved and no further action will be taken on the grievance.
- V. **Investigation process.** The Grievance Administrator shall commence an investigation of the grievance within seven business days of receipt of the grievance. As a part of the investigation, the Grievance Administrator may interview the grievant and the respondent. Both the grievant and the respondent shall have the right to provide names and contact information of any witnesses they believe may have information regarding the facts involved in the grievance, and to provide any evidence to the Grievance Administrator which they believe may be relevant to the grievance. The Grievance Administrator shall use his or her best efforts to locate any witnesses named by the grievant and respondent and to interview any available witnesses. Any interviews may be conducted in person or by telephone.
- VI. **Involvement of Section 504 Coordinator.** It is the goal of the University that the investigation process be adequate, reliable and impartial, in order to fairly and adequately process grievances filed under this procedure. During the investigation process, the Grievance Administrator shall involve the Section 504 Coordinator in the investigation to the extent reasonably necessary to ensure adherence to the requirements of Section 504 and its implementing regulation. The Grievance Administrator shall discuss with the University's Section 504 Coordinator the facts and evidence discovered during the investigation and may designate the Section 504 Coordinator, or any other individual, to conduct an investigation in the place of the Grievance Administrator.
- VII. **Timing of investigation.** The investigation process should be completed within fifteen business days from the date of commencement of the investigation. If, in the judgment of the Grievance Administrator, particular circumstances require that the investigation period be extended, the grievant, the respondent, and the Section 504 Coordinator will be notified that additional time is required to complete the investigation. The notice shall include a date by which the investigation will be concluded, which should be not longer than fifteen business days from the date of the notice.

- VIII. **Findings of investigation.** Upon conclusion of the investigation, the Grievance Administrator will discuss his or her findings as to the investigation with the Section 504 Coordinator and shall thereafter set forth in writing, the Grievance Administrator's findings as to whether the results of the investigation uphold the grievance or whether the grievance is denied as being unsupported by the results of the investigation. The written report will be completed within one week following the conclusion of the investigation.
- IX. **Delivery of report.** A copy of the report will be delivered to the President of the University, the grievant, the respondent, and the Section 504 Coordinator within three business days of its completion. For all delivery requirements under these grievance procedures, delivery shall be deemed to have been made as of the date of hand delivery, mailing by first class mail, or transmission by fax.
- X. **Remedial Steps.** If the report of the Grievance Administrator finds that disability discrimination has occurred, the University will thereafter take such steps as are necessary to ensure that the discriminatory effects on the grievant, and others, if appropriate, are corrected. In the case of disability harassment, the University also will take steps to prevent recurrence of any such harassment.
- XI. **Right of appeal.** If either the grievant or the respondent is dissatisfied with the findings of the investigation report, they may file an appeal with the Grievance Administrator. The appeal must be in writing, signed by the person making the appeal, and must be delivered to the Grievance Administrator within ten calendar days of the date the report was delivered to the person who is filing the appeal. If the Grievance Administrator determines that the appeal is not timely filed, no further action shall be taken in regard to the appeal.
- XII. **Hearing on appeal.** If a timely appeal is filed, the Grievance Administrator will take steps to arrange for the selection of a hearing panel and schedule a hearing on the grievance. The hearing shall be held within fifteen calendar days of receipt of the appeal. The hearing panel shall consist of three members; one chosen by the grievant, one chosen by the respondent, and one chosen by the Grievance Administrator. The individuals chosen must be current faculty, staff, students, or employees of the University, and unrelated by blood or marriage to either the grievant or respondent, in order to be eligible to serve on the hearing panel. The panel members shall designate one of their members to serve as chairman of the panel. The Chairman shall commence and end the hearing and maintain order during the hearing process.
- XIII. **Hearing Procedure.** To protect the confidentiality of the parties involved, the hearing shall be a non-public hearing unless both the grievant and the respondent request that the hearing be public. This is an internal grievance proceeding, and neither the grievant nor the respondent has a right to representation by an attorney or any other agent at the hearing. The grievant and the respondent shall have the right to present witnesses and evidence to the panel, and to question witnesses. The grievant and the respondent also shall be entitled to make an oral statement to the panel at the commencement of the

hearing, to state their position as to the grievance, if they wish to do so. The panel members also may ask any questions of the witnesses, the grievant, and the respondent, which the panel deems relevant to the matter.

- XIV. **Decision of hearing panel.** At the conclusion of the hearing, the panel shall meet privately to reach a decision as to whether the finding contained in the written report should be upheld. A majority of the panel must vote in favor of a decision, in order for the decision of the panel to be valid.
- XV. **Delivery of panel decision.** The decision of the panel shall be reduced to writing, signed by the panel members voting in favor of the decision, and shall be delivered to the President of the University, the Grievance Administrator, the grievant, the respondent, and the Section 504 Coordinator, within three business days following the conclusion of the hearing.
- XVI. **Final appeal.** If either the grievant or the respondent is dissatisfied with the decision of the appeal panel, they may file a final appeal with the President of the University. The appeal must be in writing, signed by the person making the appeal, and must be filed within seven calendar days of delivery of the panel's decision to the person making the appeal. If the President determines that the appeal is not timely filed, it shall be dismissed without any action taken. Upon receipt of a timely appeal, the President of the University shall review such materials regarding the grievance as the President deems necessary to make an informed decision as to the appeal. Within ten days of receipt of a timely appeal, the President shall issue a written decision regarding the appeal. A copy of the decision shall be delivered to the Grievance Administrator, the grievant, the respondent, and the panel members. The decision of the President shall be final and non-appealable.

NOTICE: Retaliation against individuals who file disability discrimination complaints or who participate in this grievance process is prohibited. Individuals who believe they have been retaliated against for filing a grievance or for participating in the grievance process should notify the University's Section 504 Coordinator at the address and telephone number set forth above, or the University's Chief of Staff, at 106 East Main Street, Spring Arbor, MI 48126; telephone number (517) 750-6308.

The University reserves the right to amend, change, or substitute, in whole or in part, any of the grievance procedures set forth herein, in the event there are changes in applicable law or regulations which require changes in these procedures.