

## **Delaware Valley University**

### **ADA and Section 504 Rehabilitation Act Grievance Procedures for Students**

#### **I. Purpose**

In its ongoing commitment to inclusion, equity, and accessibility, the Office of Accessibility Services (OAS) at Delaware Valley University has developed and implemented grievance procedures relating to disability-based discrimination as outlined under the Americans with Disabilities Act of 1990 (the “ADA”) and Section 504 of the Rehabilitation Act of 1973 (the “Rehabilitation Act”). The Rehabilitation Act and the ADA prohibit discrimination on the basis of disability and require that no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities at the University.

#### **II. Section 504 Coordinator**

Timothy Poirier, Dean of Students, serves as the Section 504 Coordinator for Delaware Valley University. The Section 504 Coordinator manages the efforts of the University to comply with the Rehabilitation Act and the ADA.

#### **III. Scope**

These procedures apply to all students at Delaware Valley University.

Any student who believes that they have been discriminated against on the basis of a disability may pursue a grievance under these procedures. Specifically, students may pursue a grievance about any of the following:

- a. A requested service or accommodation, including appeals of OAS determinations regarding reasonable accommodations;
- b. Refusal or failure of any University personnel to implement an approved accommodation;
- c. Inaccessibility of a University program or activity; or
- d. Harassment or discrimination on the basis of disability in violation of University policy.

This procedure is not intended to supersede the University’s Non-Discrimination and Non-Harassment Policy which the University may use to address alleged violations of the ADA or the Rehabilitation Act in lieu of this Grievance Procedure.

*Note:* This is not the procedure for students initially seeking accommodations. Such students who have a disability that may require reasonable accommodation should submit their request through the [Disability Accommodation Request Form](#).

### III. Submitting a Grievance

#### *Informal Grievance*

A student who has a concern or would like to make an appeal or submit a grievance should first discuss their concern with the Assistant Dean of Student Development and Accessibility Services. A conversation may resolve a concern/disagreement quickly.

Informal grievances that are time-sensitive should be made as far in advance as possible. Although the University tries to expedite urgent matters, requests made fewer than ten business days in advance of a deadline may not allow for adequate time for a review.

If the Assistant Dean feels that the concern can be resolved informally, the Assistant Dean will try to do so, working with the student and any other necessary individuals (such as, a faculty member or staff member). If the informal resolution is ineffective or impractical, the Assistant Dean will refer the student to the Formal Grievance process.

A student may choose to begin the Formal Grievance process at any time before, during, or after participating in the Informal Grievance process.

#### *Formal Grievance*

In order to initiate a Formal Grievance, a student must complete the [Section 504 Grievance Form](#). Grievances must be submitted within 30 calendar days of the date the person filing the grievance becomes aware of the alleged discriminatory action. Complaints received later than 30 days after the individual became aware of the alleged violation may be dismissed as untimely.

Once a completed grievance form is received, the Section 504 Coordinator will review the information and investigate the matter as needed. The student may be asked to provide additional information or documentation as needed. The Section 504 Coordinator will gather information from other appropriate individuals (such as, the Assistant Dean of Student Development and Accessibility Services). Once all necessary information is gathered and reviewed, the Section 504 Coordinator (or their designee) will issue a written determination as to the validity of the complaint and a description of the resolution of the grievance. The Section 504 Coordinator's decision shall normally be issued no later than 30 calendar days following submission of the grievance. This time frame may be adjusted based on the complexity of the matter, the availability of involved parties, or intervening events or circumstances.

Following issuance of the Section 504 Coordinator's determination, a grievant can request reconsideration of the decision if they are dissatisfied with the resolution. A request for reconsideration shall be made within seven calendar days to the Vice President for Campus Life and Inclusive Excellence (VPCLIE) at [april.vari@delval.edu](mailto:april.vari@delval.edu). The VPCLIE, or their designee, shall issue a written decision in response to the request for reconsideration normally no later than fifteen calendar days after its filing.

The decision of the VPCLIE, or their designee, shall be final.

**The availability and use of this Grievance Procedure does not prevent a person from pursuing other remedies, such as filing a complaint of discrimination on the basis of disability with the U.S. Department of Education's Office for Civil Rights.**

*Regarding formal appeals of disability accommodation requests, if the Section 504 Coordinator determines that an additional or different accommodation should be afforded, OAS will issue a (revised) accommodation letter(s) to the student and any other necessary parties (such as the instructor).*

#### **IV. Protection from Retaliation**

Retaliation in any form against an individual who exercises in good faith their right to file a grievance under this policy or who cooperates in the investigation of any such complaint is strictly prohibited, and will itself be cause for appropriate disciplinary action.

The University will make appropriate arrangements to ensure that persons with disabilities are provided reasonable accommodations, if needed, to participate in this Grievance Procedure. The Section 504 Coordinator (or his or he designee) will be responsible for making such arrangements.

#### **V. Privacy**

Reviews and investigations conducted pursuant to this Grievance Procedure will be conducted privately to the greatest extent possible and in compliance with the Family Educational Rights and Privacy Act. All participants in the process will be advised of their obligation to maintain privacy to the extent appropriate and consistent with applicable law.

#### **VI. Interpretation and Compliance – Section 504 Coordinator**

Questions about these procedures or rights and responsibilities concerning discriminatory behavior, including the application of the ADA and Section 504 of the Rehabilitation Act, may be brought to the University's Section 504 Coordinator. The Section 504 Coordinator may be contacted as follows:

*Section 504 Coordinator:*

**Name:** Timothy Poirier

**Title:** Dean of Students

**Address:** Student Center – 2<sup>nd</sup> Floor  
700 East Butler Ave  
Doylestown, PA 18901

**Phone:** 215.489.2215

**Email:** [timothy.poirier@delval.edu](mailto:timothy.poirier@delval.edu)

#### **VII. Related Policies**

[University Bias Incident Policy](#)

[Student Disability Accommodation Policy and Procedures](#)