

Grievance Procedure under the Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). Its purpose is to provide for prompt and fair resolution of complaints of discrimination on the basis of disability by students who allege discrimination in the provision of programs, services and activities offered by the department of Disability Resources and Services (DRS).

These guidelines provide information on how to proceed if a student believes he/she has been denied equal access in the form of appropriate accommodations, modifications, auxiliary aids, effective communication or suffered discriminatory harassment as described in the Americans with Disabilities Act.

These guidelines are not mandatory, and students may proceed with their complaint at any of the steps listed below, including addressing the complaints to the university's Office of Equal Opportunity Compliance (EOC). A student is not required by law to use the institutional grievance procedure before filing a complaint with the Office for Civil Rights (OCR) of the U.S. Department of Education; however, both the OCR and the university encourage using internal grievance procedures before filing a complaint with OCR.

I. Internal Grievance Procedures

For complaints related specifically to services and accommodations for students with disabilities provided through the department of Disability Resources and Services, the following procedures should be followed.

- A. If students have difficulty with academic adjustments approved by the department of Disability Resources and Services, they are encouraged to informally discuss their concerns with the coordinator who initially made the recommendations.
- B. If a disagreement about the appropriateness of recommendations continues, the student can file a complaint with the Senior Associate Director of Disability Resources and Services within 15 working days from the date of the alleged complaint.
- C. The complaint should be submitted in writing by the student and contain the name and address of the person(s) filing it and briefly describing the alleged violation of the regulations.
- D. An investigation conducted by the Senior Associate Director, as may be appropriate, shall follow the filing of a complaint. The investigation shall be informal but thorough, and it should afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.
- E. written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the Senior Associate Director and forwarded to the student no later than 15 university working days after the filing, unless circumstances require additional time to complete the investigation.
- F. The Senior Associate Director shall maintain files and records relating to the complaints for a period of three years.

- G. If a grievance is against the Senior Associate Director of Disability Resources and Services, the above procedures will be followed with the exception that the initial complaint will be made with the Director's supervisor, the Assistant Dean of Students, or his or her designee.
- H. If the response by either the Senior Associate Director or his or her supervisor (or designee) does not satisfactorily resolve the issue, the student may appeal the decision within 15 working days after receiving the response to the Office of Equal Opportunity Compliance (EOC), who handles affirmative action compliance and investigation. EOC is responsible for assisting the University in complying with civil rights/affirmative action laws and regulations, including Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA).
- I. EOC will be responsible for conducting a prompt investigation of a formal complaint. The purpose of the investigation is to establish whether there is a reasonable basis for believing that a violation of Temple University policies has occurred. During such investigations, every reasonable effort will be made to protect the privacy rights of all parties, but confidentiality cannot be guaranteed.
- J. EOC will follow its procedures for investigating and responding to complaints in reviewing the matter and responding in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. All parties will be informed promptly about the outcome of the investigation.
- K. If the response by EOC does not satisfactorily resolve the issue, the student may appeal the decision to the Office for Civil Rights (OCR) in accordance with their policies and procedures.

Disability Resources and Services (DRS)

1755 N. 13th Street
Student Center South, Suite 420
Philadelphia, PA 19122
215-204-1280 | 215-204-6794 (fax)
<http://disabilityresources.temple.edu>

Equal Opportunity Compliance (EOC)

1810 Liacouras Walk, 5th floor
Philadelphia, PA 19122
215-204-8890 | 215-204-8897 (fax)
<http://temple.edu/eoc>

Dean of Students (DOS)

1755 N. 13th Street
Student Center North, Suite 304
Philadelphia, PA 19122
215-204-7188 | 215-204-1663 (fax)
<http://temple.edu/studentaffairs/deanofstudents>

II. External Grievance Procedures

Prior to filing a complaint with OCR against an institution, a potential complainant may want to find out about the institution's grievance process and use that process to have the complaint resolved. However, a complainant is not required by law to use the institutional grievance process before filing a complaint with OCR. If a complainant uses an institutional grievance process and also chooses to file the complaint with OCR, the complaint must be filed with OCR within 60 days after the last act of the institutional grievance process.

The United States Office for Civil Rights (OCR) is the agency responsible for addressing complaints related to discrimination based on disability.

III. Timeliness

A complaint must be filed within 180 calendar days of the date of the alleged discrimination, unless the time for filing is extended by OCR for good cause.

IV. How to File a Complaint

Complainants wishing to file a complaint may do so by:

- A. Mail or Facsimile: Complainants may mail or send by facsimile a letter or use the OCR's Discrimination Complaint Form available from one of OCR's enforcement offices listed below. In your correspondence, please include:
- The complainant's name, address and, if possible (although not required), a telephone number where the complainant may be reached during business hours.
 - Information about the person(s) or class of persons injured by the alleged discriminatory act(s) (names of the injured person(s) are not required).
 - The name and location of the institution that committed the alleged discriminatory act(s).
 - A description of the alleged discriminatory act(s) in sufficient detail to enable OCR to understand what occurred, when it occurred, and the basis for the alleged discrimination (race, color, national origin, sex, disability, age or the Boy Scouts of America Equal Access Act).
- V. E-mail: Complainants may file a complaint, using the following e-mail address: ocr@ed.gov. (Use the same procedures as above.)
- VI. Online: Complainants may file a complaint with OCR using OCR's electronic complaint form at the following website: <http://www2.ed.gov/about/offices/list/ocr/complaintintro.html>

For those without current e-mail accounts, internet access may be freely available from your local public library, and free e-mail accounts are available from many large providers.

For further information contact:

U.S. Department of Education
Office for Civil Rights, Lyndon
Baines Johnson of Education Bldg.
400 Maryland Avenue, SW
Washington, DC 20202-1100
800-421-3481 | 202-453-6012
<https://www.pa.gov/agencies/phrc>

Office of the PA Human Relation Commission
Philadelphia Regional Office
110 N. 8th Street, Suite 501
Philadelphia, PA 19107
215-560-2496 | 215-560-3599 (TTY)
<https://www.pa.gov/agencies/phrc>

* Note: Copies of the DRS Grievance Procedure are available in alternate format upon request. OCR complaint forms may be obtained from the department of Disability Resources and Services and the Office of Equal Opportunity Compliance.