

# Student Disability Grievance Policy and Procedures

## Policy Statement and Scope

Johnson & Wales University has designed this policy and procedure to comply with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973. The university intends to provide an equitable and prompt grievance procedure to resolve complaints of discrimination or harassment or other alleged violations of the ADA, Section 504 of the Rehabilitation Act, and any similar, applicable state law. The policy and procedure apply to current university students.

## Definitions

A. "Grievance" means a written<sup>1</sup> complaint submitted in accordance with this policy and procedure and alleging a violation of the ADA, the Rehabilitation Act, or any similar, applicable state law carried out by employees, students, or third parties. At minimum, the Grievance shall contain the following information:

1. Petitioner's name, address, e-mail, and telephone number(s);
2. The date of the alleged violation(s) and a detailed description of the alleged violation(s);
3. All Respondents' names;
4. The specific action or relief the Petitioner seeks; and
5. Any and all other information on which the Petitioner is relying to support the Grievance.

B. "Investigator" means the Title IX Coordinator, or, in cases where the Title IX Coordinator is alleged to be responsible for the Grievance, the Vice President of Student Affairs and Dean of Students, or their respective designees.

C. "Petitioner" means a student submitting a Grievance.

D. "Respondent" means any person alleged to be responsible in the Grievance. A Petitioner may identify one Respondent or multiple Respondents, as appropriate, in a Grievance.

## Procedures Related to the Filing of a Grievance

A. Any Johnson & Wales University student may file a Grievance.

B. The university strongly encourages Petitioners to discuss their concerns informally with all Respondents to seek an informal resolution before they file any Grievance. If a Petitioner is unwilling to attempt informal resolution or if attempts at informal resolution fail, the Petitioner may then submit a Grievance to the Title IX Coordinator (hereinafter to include their designee) at the following address:

Title IX Coordinator  
Equity & Compliance Services  
Johnson & Wales University  
8 Abbott Park Place  
Providence, RI 02903  
Phone: 401-598-2703  
Matthias.Rubekeil@jwu.edu

If the Grievance is about the Title IX Coordinator, the grievance should be addressed to:

Associate Dean for Student Services  
Johnson & Wales University  
8 Abbott Park Place  
Providence, RI 02903

C. Petitioners must submit Grievances within 30 calendar days of the date upon which they become aware of the alleged violation but not later than 90 calendar days of the alleged violation. The university will not consider untimely Grievances.

D. Upon receipt of a Grievance, the Investigator shall send each Respondent a copy of the Grievance and ask each Respondent to submit a written response within 14 calendar days. The university will not consider untimely responses. Responses should include any and all information relied on to defend against the Grievance.

E. No Respondent shall retaliate against the Petitioner in any way. Unlawful retaliation will subject the Respondent to disciplinary action.

F. The Investigator shall conduct an investigation of the Grievance. As part of the investigation, the Investigator will give Petitioner and each Respondent an opportunity to identify relevant witnesses to be interviewed and/or submit

evidence relevant to the Grievance. The Investigator will review evidence presented and will interview witnesses identified, as determined appropriate by the Title IX Coordinator.

G. The Investigator will issue a written decision on the Grievance no later than 60 calendar days after its submission and will provide a copy to Petitioner and each Respondent. The Investigator shall solely overrule, reverse, or otherwise disturb a determination respecting a reasonable accommodation if it violates the ADA, the Rehabilitation Act, or any similar, applicable state law. The investigator's decision shall be final.

H. If the Investigator determines that disability discrimination or harassment has occurred, the university will take steps to prevent any recurrence of the alleged discrimination or harassment and to correct its effects on the Petitioner and others, if appropriate.

I. Students are not required to file a Grievance with the university and may file a complaint with these enforcement agencies at any time at the following addresses:

U.S. Department of Education  
Office for Civil Rights  
Customer Service Team  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100

U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Civil Rights Division  
Disability Rights Section - NYA  
Washington, D.C. 20530

Policy Contact(s)

• Title IX Coordinator (Matthias.Rubekeil@jwu.edu)

<sup>1</sup> Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.