

**POLICY REGARDING
SECTION 504 OF THE REHABILITATION ACT OF 1973 AND
TITLE III OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) prohibits discrimination against individuals with a disability in any program receiving Federal financial assistance. Similarly, Title III of the Americans with Disabilities Act of 1990 (“Title III” or “ADA”) prohibits discrimination against individuals with a disability by any private entity who owns, leases (or leases to), or operates a place of public accommodation. To be protected under Section 504 and the ADA (“collectively, “Section 504/ADA”), an individual must (1) have a physical or mental impairment that substantially limits one or more major life activities; (2) have a record of such an impairment; or (3) be regarded as having such an impairment.

To fulfill its obligation under Section 504/ADA, the University of Saint Joseph (the “University”) recognizes a responsibility to avoid discrimination in policies and practices regarding its personnel, students, and members of the public who participate in University-sponsored programs, which may require reasonable modifications to such policies and practices. In this regard, the University prohibits discrimination against any person with a disability in any of the services, programs, or activities of the University.

Any person, including, but not limited to, a student or employee, who believes they have been subjected to discrimination on the basis of disability, including as a result of actions of a third party who is not a student or employee of the University, may file an internal complaint regarding any type of discrimination on the basis of disability by or within the University by utilizing the complaint procedures outlined in the accompanying University of Saint Joseph Section 504/ADA Complaint Procedures Regarding Discrimination Against Students on the Basis of Disability, and/or may file a complaint with the Office for Civil Rights, U.S. Department of Education (“OCR”):

Office for Civil Rights, Boston Office
U.S. Department of Education
9th Floor
5 Post Office Square
Boston, MA 02109- 3921
(617) 289-0111
OCR.Boston@ed.gov

Anyone who wishes to file a complaint with the University, or who has questions or concerns about this policy, should contact Abby-Lyn Dorman, the Director of Accessibility Services and Section 504/ADA Coordinator for the University of Saint Joseph, at phone number 860-231-5730 or email adorman@usj.edu

University of Saint Joseph Section 504/ADA
Complaint Procedures Regarding Discrimination on the Basis of Disability

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) and Title III of the Americans with Disabilities Act of 1990 (“Title III” or “ADA”) (collectively, “Section 504/ADA”) prohibit discrimination on the basis of disability. For the purposes of Section 504/ADA, the term “disability” with respect to an individual means: (a) a physical or mental impairment that substantially limits one or more major life activities of such individual; (b) a record of such an impairment; or (c) being regarded as having such an impairment.

I. Definitions

Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working. A major life activity also includes the operation of a major bodily function, such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive systems. The operation of a major bodily function includes the operation of an individual organ within a body system.

Physical or mental impairment is (a) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems, such as: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; (b) any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability; or (c) an impairment that is episodic or in remission if it would substantially limit a major life activity when active. Physical or mental impairment includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech, and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic), tuberculosis, alcoholism and individuals no longer engaging in the illegal use of drugs and who are in a rehabilitation program for such drug use. Please note, the University is permitted to take disciplinary action against students with disabilities using drugs or alcohol to the same extent as students without disabilities.

Days shall mean calendar days.

II. Procedures for Complaints Alleging Discrimination on the Basis of Disability

- A. Any person, including, but not limited to, any student, faculty member, or other employee who feels that the individual has been discriminated against on the basis of disability (including differential treatment, harassment and retaliation), may submit a written complaint to the designated Section 504/ADA Coordinator (*see* contact information below) for the University of Saint Joseph (the “University”) within ninety days (90) of the date the person filing the complaint becomes aware of the alleged discriminatory action. Complaints should be submitted in writing using the University’s online reporting form, available [here](https://cm.maxient.com/reportingform.php?UnivofStJoseph&layout_id=60) (https://cm.maxient.com/reportingform.php?UnivofStJoseph&layout_id=60).
- B. Timely reporting of complaints facilitates the prompt investigation and resolution of such complaints.
- C. If a complaint is filed relating to alleged discrimination occurring more than ninety (90) days of the date the person filing the complaint becomes aware of the alleged discriminatory action, the University’s ability to investigate the allegations may be limited by the passage of time. Therefore, complaints received after ninety (90) days of the date the person filing the complaint becomes aware of the alleged discriminatory action shall be investigated to the extent possible, given the passage of time and the impact on available information, witnesses, and memory. The Section 504/ADA Coordinator or designee will provide assistance to individuals who request help reducing their complaint to writing.
- D. Retaliation against any individual who complains pursuant to the University’s policy and procedures listed herein is strictly prohibited. The University will not tolerate any retaliation that occurs as a result of the good faith reporting or complaint of disability-based discrimination or as a result of an individual’s participation or cooperation in the investigation of a complaint. The University will take necessary actions to prevent retaliation as a result of filing a complaint or the participation in an investigation of a complaint.
- E. If the Section 504/ADA Coordinator is the subject of the complaint, the complaint should be submitted directly to the Dean of Student Life (if the complainant is a student) or the Director of Human Resources (if the complainant is an employee) who may conduct the investigation or appoint a designee to conduct the investigation in accordance with these procedures. If the Dean of Student Life or Director of Human Resources is the subject of the complaint, the President shall designate an appropriate party to conduct the investigation in accordance with these procedures.
- F. Complaints will be investigated promptly. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information, and other extenuating circumstances. Confidentiality will be maintained by all persons involved in the investigation to the extent possible.

G. The complaint should contain the following information:

1. The name, mailing address, and email address of the complainant;
2. The date of the complaint;
3. The date(s) of the alleged discrimination;
4. The names of any witnesses or individuals relevant the complaint;
5. A detailed statement describing the circumstances in which the alleged discrimination occurred; and
6. The remedy requested.

However, all complaints will be investigated to the extent possible, even if such information is not included in the complaint. In such circumstances, additional information may be requested by the investigator as part of the investigation process.

I. Upon receipt of the complaint, the individual investigating the complaint shall:

1. Review the complaint to determine whether the Section 504/ADA Coordinator has jurisdiction to investigate. If not, the Section 504/ADA Coordinator will advise the complainant and will not investigate the report further. However, the Section 504/ADA Coordinator may refer the report to other appropriate University offices for further review;
2. Provide a copy of the written complaint to the Dean of Student Life (if the complainant is a student) or the Director of Human Resources (if the complainant is an employee);
3. Meet separately with the complainant and the respondent within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant and respondent believe have relevant information, and obtain any relevant documents the complainant and respondent may have;
4. Provide the complainant and the respondent with a copy of the applicable University Section 504/ADA Policy and these administrative regulations;
5. Consider whether and which interim measures might be appropriate for an alleged victim and the respondent pending the outcome of the University's investigation;
6. Suggest to the complainant the option of facilitating an informal resolution process, such as mediation, to resolve the complaint without the need for a formal investigation (as set forth in subsections 7 through 11 below). Prior to agreeing to any resolution, the complainant has the right to withdraw from the informal resolution process and resume the formal investigation process with respect to the complaint. If a satisfactory resolution is reached through this informal process, the matter will be considered resolved. If these efforts are unsuccessful, the

formal investigation process will continue. Nothing in this subsection precludes a complainant from filing a complaint of retaliation for matters related to an informal resolution.

7. Conduct an investigation of the factual basis of the complaint that is adequate, reliable, and impartial, including conducting interviews with individuals with information and review of documents relevant to the complaint;
8. Communicate the outcome of the investigation in writing to the complainant, and to the respondent (to the extent permitted by state and federal confidentiality requirements), within thirty (30) days from the date the complaint was received by the Section 504/ADA Coordinator. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify how the University will remedy any identified violations of Section 504/ADA. The investigator may extend this deadline for no more than thirty (30) additional days if needed to complete the investigation. The complainant and the respondent shall be notified of any such extension;
9. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint, and no later than thirty (30) days after the start of the following school year. The complainant and the respondent will receive notice if the investigation has been impeded by the summer recess, and interim measures may be implemented as necessary (see subparagraph 5);
10. Ensure that appropriate corrective action is taken whenever allegations are substantiated. When allegations are substantiated, including, without limitation, during any informal resolution process, ensure that measures to remedy the effects of the discrimination and prevent its recurrence are appropriately considered, and offered, when appropriate. Corrective action should include steps to avoid continuing discrimination. The Dean of Student Life (if the complainant is a student) or the Director of Human Resources (if the complainant is an employee) will be responsible for monitoring the implementation of corrective actions of the University, its employees and agents, and students which may be required as a result of the final decision. The University will take such steps as are necessary to prevent the reoccurrence of any prohibited action and to correct its discriminatory effects on the complainant and others;
11. In the event the investigator concludes that there is no violation of Section 504/ADA, the University may attempt to resolve the complainant's ongoing concerns, if possible.

- J. The University will make appropriate arrangements to ensure that persons with disabilities are provided reasonable accommodations, if needed, to participate in the investigation. Examples of such arrangements may include, but are not limited to, providing interpreters for the deaf, providing audio files or materials in braille for the blind, or assuring a barrier-free location for meetings. The Section 504/ADA Coordinator is responsible for such arrangements.
- K. If the complainant or the respondent is not satisfied with the findings and conclusions of the investigation, the dissatisfied party may request review and reconsideration of the conclusion of the complaint (an “Appeal”) within fifteen (15) days of receipt of the written outcome. In requesting an Appeal, the appealing party must submit to the Dean of Student Life (if the complainant is a student) or the Director of Human Resources (if the complainant is an employee) the complaint, the written outcome of the complaint, and explain why such party believes the factual information relied upon by the investigator was incomplete, the analysis of the facts was incorrect, and/or the appropriate legal standard was not applied, *and* how this information would change the investigator’s determination in the case. Failure to provide all such information may result in the denial of the Appeal.

If the Dean of Student Life or Director of Human Resources is the subject of the complaint, the President shall designate an appropriate party to review an Appeal in accordance with these procedures.

Upon review of an Appeal from the appealing party, the Dean of Student Life, Director of Human Resources, or designee (as applicable) shall review the investigative results of the investigator and determine if further action and/or investigation is warranted, or shall appoint a designee to do so. Such action may include consultation with the investigator and other relevant witnesses, a meeting with appropriate individuals to attempt to resolve the complaint, or a decision affirming or overruling the investigator’s conclusions or findings. The Dean of Student Life, Director of Human Resources, or designee (as applicable) shall provide written notice to the appealing party and the other party of their decision within thirty (30) days following the receipt of the Appeal. When an Appeal is received during summer recess, the Dean of Student Life, Director of Human Resources, or designee (as applicable) shall conduct the review as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the review, and no later than thirty (30) days after the start of the following school year. The decision of the Dean of Student Life, Director of Human Resources, or designee (as applicable) shall be final.

- L. The University has a duty to respond to allegations of discrimination and therefore cannot guarantee absolute confidentiality once allegations are disclosed to University officials. The confidentiality of information disclosed during the course of investigations or informal resolution efforts will be respected to the extent feasible and practical. This means that information about the complaint is

shared only with those individuals within the University community who “need to know” in order to effectively investigate and/or resolve the complaint. Parties with a need to know may include witnesses or University officials who need to be informed of the complaint in order to cooperate with an investigation or to implement a resolution. These parties will be advised that they should keep the information confidential in the best interests of all parties.

IV. The Section 504/ADA Coordinator for the University is:

Abby-Lyn Dorman, 860-231-5730 or email at adorman@usj.edu

V. Complaints to Federal Agencies

At any time, the complainant has the right to file a formal complaint with the U.S. Department of Education, Office for Civil Rights:

Office for Civil Rights, Boston Office
U.S. Department of Education
9th Floor
5 Post Office Square
Boston, MA 02109- 3921
(617) 289-0111
OCR.Boston@ed.gov