



COUNSELING & DISABILITY SERVICES

DISABILITY NONDISCRIMINATION POLICY

It is the policy of the University of St. Thomas not to discriminate on the basis of disability in admission and access to, or treatment or employment in its programs or activities, as required by the Americans with Disabilities Act of 1990 (ADA) and the ADA Amendments Act of 2008, Section 504 of the Rehabilitation Act of 1973, as amended, and the implementing regulations.

If you have any questions regarding this policy, please contact the following persons:

Section 504 Coordinators:

Primary for Students: Executive Director of Counseling and Disability Services (713) 525-3162

Primary for Faculty and Staff Employees: Associate Vice President for Human Resources (713) 525-3813

Secondary for Students: Vice President for Student Affairs (713) 525-3570

Secondary for Faculty and Staff Employees: Vice President of Finance (713) 525-6960

Mailing Address:

University of St. Thomas
3800 Montrose Boulevard
Houston, Texas 77006

If you believe you may have been discriminated against in violation of this policy, please immediately contact the designated Section 504 Coordinator, the Office of Human Resources or the Office of Student Affairs for a copy of the University's Discrimination Grievance Procedures.

DISCRIMINATION GRIEVANCE PROCEDURES

The University of St. Thomas has adopted an internal grievance procedure providing for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973, as amended. Information will be kept confidential to the extent possible. The Section 504 Coordinators will maintain all records related to filed complaints, the written findings, and resolutions. The Executive Director of Counseling and Disability Services will maintain files and records for students; the Associate Vice President for Human Resources will maintain records for employees. Federal law strictly prohibits any retaliation against a person who exercises the right to file a complaint of discrimination. Retaliation is prohibited whether or not the complainant prevails with the complaint. Charges of retaliation shall be treated as separate and distinct from the original complaint of discrimination and may be filed utilizing this grievance procedure.

1. Complaints

- a. **Disability Discrimination of Students.** Complaints by students involving disability discrimination should be filed with the Section 504 Coordinator. The Section 504 Coordinator for students is the Executive Director of Counseling and Disability Services.
Location: Office of Counseling and Disability Services, Crooker Center, second floor.
Telephone: (713) 525-3162
- b. **Disability Discrimination of Faculty and Staff Employees.** All disability discrimination complaints by employees should be filed with the Associate Vice President for Human Resources.
Location: Human Resources
Telephone: (713) 525-3813

- c. **Discrimination Grievance Officers.** The persons designated above to receive complaints under these procedures shall be referred to as Discrimination Grievance Officers. If the designated Grievance Officer is the accused party, the complaint may be filed with the other Grievance Officer or the Vice President for Student Affairs (for students) or the Vice President of Finance (for employees).
- d. **Complaints by Mail.** Complaints may also be mailed to the appropriate Discrimination Grievance Officer at the following address:

University of St. Thomas
3800 Montrose Boulevard
Houston, Texas 77006

The complaint and its envelope should be marked "Confidential."

2. Procedure

- a. **Contents of Complaint.** Complaints must be filed in writing with the Discrimination Grievance Officer and must contain:
 - 1) Name and address of the person making the complaint ("Complainant").
 - 2) A brief description of the alleged discriminatory action or actions.
 - 3) The date or dates of the alleged discriminatory actions.
 - 4) The person or persons alleged to have engaged in the discriminatory action or actions.
- b. **Deadline for Filing the Complaint.** The complaint must be filed with the appropriate Discrimination Grievance Officer within 30 days after the Complainant becomes aware of the alleged discrimination. (Processing of allegations of discrimination that occurred before this grievance procedure was in place will be considered on a case-by-case basis, or under other appropriate grievance procedures.)
- c. **Informal Resolution.** The Grievance Officer will notify the appropriate Vice President of the complaint, if deemed necessary. If the accusing individual is a student, the Executive Director of Counseling and Disability Services will address the complaint. If the accusing individual is a faculty or staff employee, then the Associate Vice President for Human Resources will address the complaint.

The Grievance Officer shall determine whether the matter may be promptly resolved informally (for example, when the complaint arises from miscommunication between the parties, or when the accused party admits wrongdoing and agrees to take appropriate corrective action). Informal resolution will be attempted as soon as possible and need not wait for the written response of the accused party, unless deemed appropriate by the Grievance Officer. If the Associate Vice President for Human Resources is the accused party, the Complainant will contact the Vice President of Finance instead of the Associate Vice President for Human Resources. If the Executive Director of Counseling and Disability Services is the accused party, the Complainant will contact the Vice President for Student Affairs instead of the Executive Director of Counseling and Disability Services. If the area Vice President is the accused party, the Grievance Officer will contact the President instead of the Vice President.

- d. **Response.** The accused party will be provided a copy of the complaint and will provide the Grievance Officer a written response within five business days after receiving a copy of the complaint. The Grievance Officer may waive the requirement for a written response if the matter has been informally resolved.
- e. **Investigation.** If it appears that the matter cannot be informally resolved, the Grievance Officer will proceed with the investigation. The investigation may be informal, but shall be impartial and as thorough as appropriate under the circumstances. The Complainant and the accused party shall be given an opportunity to submit evidence relevant to the filed complaint. The Grievance Officer may also interview persons who the officer believes may have knowledge bearing on the matter and may require the Complainant or accused party to provide additional documentation, information or evidence that the officer deems appropriate.

- f. Determination and Resolution.** The Grievance Officer will prepare written recommended findings as to the validity of the complaint and will, after consultation with the area Vice President recommend resolution of the complaint, if any ("Recommendation"). The Recommendation will then be given to the area Vice President, who will make the final decision and communicate the decision to the Complainant and the accused party ("Determination").
- g. Reconsideration.** Either party may appeal the Determination by filing a notice of appeal ("Notice") with the President of the University. The Notice must be filed within five business days after receipt of the Determination, and must include a copy of the Determination and a description of the issues being appealed. Copies of the Notice shall be provided by the appealing party to the Grievance Officer and the appropriate area Vice President. The Grievance Officer will provide a copy of the Notice to the other party. The other party may file a rebuttal statement to the appeal within five business days after receipt of the Notice. The President (or designee) shall review the matter and take any appropriate action, including, but not limited to affirming, modifying or reversing the Determination or requiring that additional investigation be performed. The President shall provide a written decision to both parties, the appropriate area Vice President and the Grievance Officer.