



FLORIDA STATE UNIVERSITY

GRIEVANCE/COMPLAINT PROCEDURES FOR PERSONS WITH DISABILITIES

Objective

The purpose of these procedures is to ensure that the Florida State University complies with the provisions of the Americans With Disabilities Act of 1990 as amended (ADA), Rehabilitation Act of 1973, as amended (Section 504) and that faculty, staff, students, applicants, and visitors with disabilities are provided the means to seek recourse in the event a violation is perceived to have occurred.

Authority

These procedures are authorized under the ADA and are consistent with the requirements of Section 504.

Policy

All members of the University community are entitled to learn, study, and work in an atmosphere free from illegal discrimination. The University's equal opportunity policies prohibit discrimination against students, employees, applicants, or visitors on the basis of their disability as well as race, creed color, sex, religion, national origin, age, veteran or marital status, sexual orientation, gender identity, gender expression, or any other protected group status. Under the *Non-Discrimination Policy* intent to discriminate is irrelevant, the focus is instead on whether students, employees, or applicants have been treated differently or subjected to an intimidating, hostile, or offensive environment as a result of their disabilities.

Procedures

Any grievances or complaints alleged as violations of the Americans With Disabilities Act as amended (hereafter referred to as ADA), to include denials of reasonable accommodation requests, may be filed with the Student Disability Resource Center, the Dean of Students, Dean of the Faculties, or the Human Resources Department. These offices will receive, review, and investigate the complaint(s) and work towards achievement of full resolution. Ultimately, all intakes of complaints or grievances should be **listed** or **reported** to the University ADA Coordinator, for monitoring and record-keeping purposes. The responsible University offices will not concurrently investigate any ADA-related complaints or grievances, and where possible, should confer to avoid duplication of efforts. The ADA Coordinator will monitor investigations to ensure expeditious resolution.

Student Complaints

Complaints filed by students and student applicants with disabilities will be handled by the **Dean of Students Department**. Complaints that should appropriately be handled under other existing student grievance procedures will be referred accordingly. The Student Disability Resource Center will complete an investigation of the complaint, prepare written findings regarding probable cause, and submit a recommendation for resolving the complaint to the responsible University administrator(s) for action immediately upon completion of the investigation.

***These document will be made available in alternative formats by the Florida State University's Student Disability Resource Center upon request to:
850-644-9566 or by email at sdre@admin.fsu.edu**

Faculty Complaints

Complaints filed by faculty and faculty candidates with disabilities will be handled by the **Office of the Dean of the Faculties**. Complaints that should appropriately be handled under other existing faculty grievance procedures will be referred accordingly. The Office of the Dean of the Faculties will complete an investigation of the complaint, prepare written findings regarding probable cause, and submit a recommendation for resolving the complaint to the responsible University administrator(s) for action immediately upon completion of the investigation. Please refer to FSU's Non-Discrimination Policy and Complaint Procedures available at <http://policies.vpfa.fsu.edu/personnel/3i.html#3>.

Staff Complaints

Complaints filed by staff and employment applicants with disabilities will be handled by the **Human Resources Department**. Complaints that should appropriately be handled under other existing employee grievance procedures will be referred accordingly. The Human Resources Department will complete an investigation of the complaint, prepare written findings regarding probable cause, and submit a recommendation for resolving the complaint to the responsible University administrator(s) for action immediately upon completion of the investigation. Please refer to FSU's Non-Discrimination Policy and Complaint Procedures available at <http://policies.vpfa.fsu.edu/personnel/3i.html#3>.

Visitor Complaints

Any visitor to campus with a disability (e.g., parent, patron, consultant, etc.), may report an alleged violation or register a complaint directly to the University ADA Coordinator, **Office of University Human Resources**. The ADA Coordinator will verify the information presented, evaluate the merits of the complaint, and submit a recommendation for action to the appropriate University administrator(s).

Review Process

The following procedures will be used for all complaints or grievances alleging violations of the ADA or Section 504:

1. All complaints alleging violation of the ADA or Section 504 **must be made in writing** to the appropriate investigating department within sixty (60) class days of the alleged violation or claim of failure to provide reasonable accommodation. The written complaint should specify the time, place, and nature of the act claimed to be in violation and may be supplemented by supporting documents and/or affidavits from persons having firsthand knowledge of the facts. A student complaint must be filed within thirty (30) class days of the end of the term in which the alleged violation occurred.
2. The appropriate department will investigate all pertinent facts and circumstances in support of the alleged violation with twenty (20) class days of receipt of the complaint, to include review and verification of all documentation and testimony by involved and/or knowledgeable parties.
3. The investigating department may attempt resolution of a complaint through mutual agreement of the affected parties at any point during the course of the investigation. Should such resolution be achieved, the investigation shall be ended. The terms and conditions of the

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resolution agreement shall be issued to the charging party and the appropriate administrator of the party or department charged within ten (10) class days for review and signatures.

4. Where resolution through mutual agreement is not achieved, written findings from the investigation, along with a recommendation for resolving the complaint shall be forwarded simultaneously to the charging party, responsible administrator of the charged department and the University ADA Coordinator immediately upon completion of the investigation.
5. A complainant with a disability who believes that his or her grievance has not been handled appropriately, should bring this to the attention of the University ADA Coordinator.
6. The responsible administrator shall take final action on the recommendation within ten (10) class days after receipt of the recommendation. Consultation will be provided by the University ADA Coordinator as requested.
7. Either party may appeal the findings of the investigating department to the University President (or the President's designee) by filing a request for a review of a complaint alleging discrimination on the basis of disability or failure to provide reasonable accommodation within ten (10) class days of receipt of finding.
8. Within seven (7) class days of receipt of the initial findings, the University President (or designee) may render a final decision on the complaint or choose to appoint a hearing panel to review the appeal. If a hearing panel is used, the President shall appoint a three to five member hearing panel that will include at least one person with a disability. In the case of a student appeal, the panel shall include at least one student with a disability. The hearing panel shall conduct a hearing, consider evidence and testimony in justification of the appeal, and render its decision within twenty one (21) days of appointment. The President may accept, reject, or modify the decision of the review panel.
9. Upon final resolution of a complaint, copies of records will be forwarded to and maintained by the ADA Coordinator, Office of University Human Resources. All records relating to complaints of failure to provide reasonable accommodations are evaluative in nature and all medical information contained in complaint records shall be deemed confidential pursuant to, but not limited to, the provisions of Sections 240.237, 240.253, 228.093, 455.241, Florida Statutes.

External Complaint Resources:

Students, faculty, staff, or visitors who believe that the university established system have failed them or insufficient to address their complaint may also contact the Office of Civil Rights at <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>.

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