



## SECTION 504 GRIEVANCE POLICY & PROCEDURE

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### ***ADVISORY REGARDING TIMELINES IN THIS POLICY:***

*Timelines noted in this policy adhere to calendar days (Sun-Sat).*

*Be advised that anytime a deadline falls on a weekend/holiday/school closure,  
the deadline shall be the next business day (Mon-Fri).*

### **1. INTRODUCTION**

Dominican University of California (“Dominican”) does not discriminate based on disability and is prohibited from such discrimination by Section 504 of the Rehabilitation Act, the Americans with Disabilities Act (“ADA”) and applicable state law. As such, it is the policy of Dominican to provide an educational environment that is free from all forms of discrimination, including discrimination based on disability in the administration of its educational policies, admissions policies, housing policies, employment policies, scholarship and loan programs, and athletic or other university-sponsored programs. Dominican prohibits discrimination against any individual with a disability in all of its programs and activities. Dominican further prohibits harassment or retaliation against any individual requesting a reasonable accommodation or filing a complaint under the grievance procedure set forth herein.

### **2. APPLICABILITY OF POLICY**

The grievance procedure set forth below applies to all Dominican students. It applies to disputes about:

- Disagreements regarding a requested service, accommodation, or modification of a Dominican practice or requirement;
- Inaccessibility of a program or activity;
- Harassment or discrimination on the basis of disability; or
- Violation of privacy in the context of disability.

With respect to the above types of disputes, this grievance procedure supersedes any other grievance policy or procedure found in Dominican’s Student Handbook & Code of Conduct, on the Dominican website, or in any other Dominican publication whether print or electronic.

Faculty and staff grievances are not within the scope of these procedures and should be submitted pursuant to the grievance procedures in the Discrimination, Harassment, Retaliation Prevention Policy for Employees (DHSMR). Additionally, if the grievance appears to arise from a student's employment at Dominican, the grievance will be referred to the DHSMR policy rather than being addressed by this policy.

### **3. REQUESTS FOR ACCOMMODATION**

The Accessibility and Disability Services Office ("ADS") has the responsibility of determining a student's need for accommodation. This determination is made through a two-part process: review of documentation of disability and an intake interview. If the ADS staff determine a student is eligible for accommodations, the ADS is responsible for coordinating the accommodations with the student, the instructors and third-party service providers.

### **4. INFORMAL RESOLUTION**

Students desiring to seek resolution or lodge a grievance are encouraged, but not required, to consult with the Director of the ADS as soon as concerns arise. The ADS will attempt conflict resolution at the lowest level possible and move forward when necessary to the next appropriate level. If the dispute cannot be resolved by this informal procedure within fourteen (14) calendar days of the date on which the informal procedure was initiated, the student may then lodge a formal written grievance. Be advised that anytime a deadline within this Policy falls on a holiday/school closure, the deadline shall be the next business day. Any foreseeable delays to this timeline outside of a holiday/school closure will be communicated in writing to the involved parties.

### **5. GRIEVANCE PROCEDURE**

Dominican faculty and staff strive to provide each student with positive educational experiences and helpful services. Even so, it is understandable that grievances will arise from time to time. If a student believes they have experienced discrimination due to a disability or perceives an issue with ADA compliance including a denial of an accommodation, they have the right to file a grievance with Dominican's 504 Coordinator. Prompt resolution of such matters is in the best interest of the student, faculty, staff, and Dominican.

Questions regarding the University's Compliance with Section 504 or the ADA, or grievances alleging discrimination due to a disability, can be addressed to Dominican's Section 504 Coordinator:

Matthew Mueller - Section 504 Coordinator  
[matthew.mueller@dominican.edu](mailto:matthew.mueller@dominican.edu) | (415) 257-1388  
Bertrand Hall 109  
50 Acacia Avenue  
San Rafael, CA 94901

During the grievance process, any academic accommodations or services that have been put into place will continue uninterrupted. The ADS recognizes that it is important to address the student's concerns promptly. The goal of all Dominican personnel should be to accomplish each step of this grievance process as quickly as possible.

Pursuant to Section 504, Dominican has adopted the following grievance procedure:

***Contents and Timing of Grievance:***

Any student participating in Dominican programs or activities ("Grievant") may file a grievance in writing with Dominican's Section 504 Coordinator, containing the student's name, address, email address, and phone number, and describing the alleged discriminatory act in violation of the ADA, Section 504, or applicable state disability discrimination law. The grievance shall be filed within 30 days after the grievant knew or should have known of the alleged violation of this policy.

Though Dominican encourages students to attempt resolution through the informal process described in Section IV above before filing a formal complaint, pursuing the informal option is completely voluntary and is not a required step under this formal written complaint procedure.

***Notice of Receipt:***

Upon receipt of the grievance, the Section 504 Coordinator reviews the grievance for timeliness and appropriateness for this grievance procedure and provides the grievant with written notice acknowledging its receipt. Should the 504 Coordinator be party to the grievance, the grievance should be filed with the Director of Human Resources.

***Investigation:***

The 504 Coordinator (or their designee) will promptly investigate the allegations in the grievance. The 504 Coordinator may seek assistance from other Dominican personnel in the course of the investigation, as deemed necessary by the 504 Coordinator. All parties to the grievance shall be afforded the opportunity to submit evidence relevant to the investigation. Such evidence shall be submitted to the 504 Coordinator during the course of the investigation, in accordance with all timelines specified by the 504 Coordinator. The investigator may gather written documents and other information from the Grievant and/or witnesses and may conduct interviews as the investigator determines to be necessary to resolve the grievance.

***Representation:***

The Grievant, and any respondent if any, may have a representative to support them during the investigation. If a party intends to have a representative, the name of the representative must be provided to the investigator in advance.

***Findings and Notification:***

The 504 Coordinator shall issue a written decision determining the validity of the allegations and distribute copies of the decision to the parties where appropriate. Notification will be no later than 30 calendar days after the filing of the grievance. If the decision cannot reasonably be issued within 30 calendar days due to an unusually complex grievance or unforeseen circumstances, then the 504 Coordinator shall alert the parties of the same and will provide an estimate of when the notice might be provided.

***Final Disposition:***

The 504 Coordinator shall implement all appropriate remedial steps necessary to address any findings of disability discrimination or policy violations.

***Appeal:***

The decision rendered by the 504 Coordinator is subject to appeal on the following grounds:

1. there is new evidence that was not available during the investigation and substantially impacts the decision; or
2. the investigation or decision exhibited prejudice or bias.

Should the Grievant choose to appeal the 504 Coordinator's decision, the appeal request shall be made in writing within 5 calendar days of the date of receipt of the decision, and submitted to the 504 Coordinator. The 504 Coordinator will send the request to the designated appellate officer; typically the Vice President for Student Affairs/Dean of Students or their designee.

The appellate officer will render a final written decision and distribute copies of the same to parties, including the 504 Coordinator, within 20 calendar days of the filing of the appeal. If the decision cannot reasonably be issued within 20 calendar days due to any unforeseen circumstances, then the appellate officer shall alert the parties of the same and will provide an estimate of when the final written decision will be provided.

**6. RETALIATION PROHIBITED**

No person shall be subjected to retaliation for having used or having assisted others in the use of this grievance process. Retaliation against any individual who has filed a complaint of discrimination, or who has cooperated in the investigation of such a complaint, or opposes a discriminatory educational practice is unlawful under federal and state law, and is in violation of Dominican's policies.

**7. ACCESS TO REGULATIONS AND POLICIES**

- [Section 504 of the Rehabilitation act of 1973](#)
- [The Americans with Disabilities Act, as amended in 2008](#)

- [Title 34, Part 104, Non-Discrimination](#)

## **8. ALTERNATIVE REMEDIES**

The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U.S. Department of Health and Human Services, Office for Civil Rights.

Office for Civil Rights  
San Francisco Office  
U.S. Department of Education  
50 United Nations Plaza  
San Francisco, CA 94102  
Telephone: (415) 486-5555