

# Medical University of South Carolina Student Disability Grievance Procedure

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## **Student Disability Grievance Procedure**

The Medical University of South Carolina (“MUSC” or the “University”) is committed to ensuring that no otherwise qualified individual with a disability is excluded from participation in, subjected to discrimination in connection with, or denied the benefits of any University programs or activities due to his or her disability. The University will take steps to prevent the recurrence of any discrimination and to correct discriminatory effects on the complainant and others, if appropriate.

The University has adopted this internal Grievance Procedure to provide for the prompt and equitable resolution of student complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (“Section 504”) or Titles II or III of the Americans with Disabilities Act (the “ADA”) or otherwise alleging disability-related discrimination or harassment. Section 504 prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance, Title II of the ADA prohibits discrimination on the basis of disability by public entities, and Title III of the ADA prohibits discrimination on the basis of disability by private entities (including universities) that provide places of public accommodation. These laws and accompanying regulations may be examined in the office of the Equal Employment Opportunity and Affirmative Action Program Manager, who the University has designated to coordinate its efforts to comply with Section 504 and the ADA (the “Coordinator”). The following is the Coordinator’s contact information:

Stephanie T. Price, MA  
Director of Equity, EEO and University Accessibility Services  
Medical University of South Carolina  
173 Ashley Avenue, MSC 502  
Basic Science Building Room 104  
Charleston South Carolina 29425-5020  
843-792-5733  
pricstep@musc.edu

### **Who May Grieve?**

Any student currently enrolled at the University who believes he or she has been discriminated against or harassed on the basis of disability (the “Grievant”) by a University employee (e.g., administrator, faculty, staff, adjunct faculty, or other agent of the University); University student; or, in certain circumstances, by a visitor to the University, may use this process to file a grievance.

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### **What May Be Grieved?**

An action or decision may be grieved if it involves alleged discrimination or harassment by a University employee; University student; or, in certain circumstances, by a visitor to the University against a student on the basis of that student's disability. Such actions may include, but are not limited to, denial of accommodations or lack of physical access to University facilities or programs.

### **Confidentiality and Prohibition Against Retaliation**

The University will treat all information submitted in connection with a grievance as confidential. Subject to FERPA and other applicable privacy laws, however, the University official investigating the grievance will inform individuals with a legitimate need to have knowledge of the grievance and may provide them related information as necessary to allow the University official to conduct a meaningful and thorough investigation. The University official investigating the grievance will inform all involved parties of the need to maintain the confidentiality of such information.

The University prohibits retaliation for submitting a grievance or participating in a grievance investigation. Retaliation includes threats, intimidation, reprisals, and adverse actions. The University official investigating the grievance will advise all involved parties of this strict prohibition against retaliation.

Any student who believes he or she has been retaliated against for submitting a grievance or participating in a grievance investigation should notify the Dean of the student's College. The Dean will promptly investigate the allegation of retaliation, notify the student in writing of the Dean's determination, and take appropriate remedial and/or disciplinary action.

### **Informal Grievance Procedure**

The Informal Grievance Procedure is designed to facilitate a satisfactory resolution of the grievance in an informal manner. The Grievant has the option to forego the Informal Grievance Procedure and move immediately to the Formal Grievance Procedure.

A Grievant initiates the Informal Grievance Procedure by contacting the Coordinator. If the Coordinator is the subject of the grievance, the Grievant initiates the Informal Grievance Procedure by contacting the University's Chief Diversity Officer, Dr. Willette Burnham-Williams, who will assign an administrator (the "Assigned Administrator") in lieu of the Coordinator. The Grievant may contact the appropriate official by e-mail, phone, or in person. To initiate the Informal Grievance Procedure, a Grievant is not required to submit

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the grievance in writing, but the Grievant may be asked to do so or to submit other evidence, if necessary to facilitate a satisfactory resolution.

The Coordinator/Assigned Administrator will attempt to expeditiously facilitate a satisfactory resolution. The Coordinator/Assigned Administrator may meet in person with the Grievant, confer with the individual(s) against whom the grievance is filed, attempt to arrange a meeting between the Grievant and the individual(s), or take any other steps the Coordinator/Assigned Administrator believes will be useful in promoting resolution.

Within 21 calendar days after the Grievant initially contacts the Coordinator or Dr. Burnham-Williams regarding the grievance, the Coordinator/Assigned Administrator will provide written notification to the Grievant and, as appropriate, the individual(s) against whom the grievance is filed of the outcome of the Informal Grievance Procedure.

### **Formal Grievance Procedure**

If the Grievant is not satisfied with the resolution reached using the Informal Grievance Procedure, or if the Grievant chooses not to use the Informal Grievance Procedure, the Grievant may initiate the Formal Grievance Procedure by submitting a written complaint to the Coordinator. If the Coordinator is the subject of the grievance, the Grievant initiates the Formal Grievance Procedure by contacting the University's Chief Diversity Officer, Dr. Willette Burnham-Williams, who will designate an Assigned Administrator in lieu of the Coordinator. A Grievant who chooses to initiate the Formal Grievance Procedure after participating in the Informal Grievance Procedure must do so within 14 calendar days of receipt of the Coordinator's/Assigned Administrator's written notification of the outcome of the Informal Grievance Procedure. The Grievant's written complaint must:

- be dated;
- state the problem or action alleged to be discriminatory and the date of the alleged action;
- state how the action is discriminatory (or how the decision is unreasonable if it is a denial of a requested accommodation);
- name the individual(s) against whom the grievance is filed;
- include a recommendation for resolution; and
- be signed by the Grievant.

Within seven calendar days of receiving the written complaint, the Coordinator/Assigned Administrator will provide written notification of receipt of the complaint to the Grievant and to the individual(s) against whom the grievance is filed. The Coordinator/Assigned Administrator will also conduct a thorough and impartial investigation of the complaint, affording all relevant persons an opportunity to present witnesses and submit evidence regarding the allegations. Within 30 days of receipt of the written complaint, the

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Coordinator/Assigned Administrator will provide the Grievant and the individual(s) against whom the complaint is filed a written decision regarding the grievance. The decision will include, if applicable, an explanation of remedies, which may include the imposition of disciplinary sanctions and/or referral to an individual's supervisor or another administrator for the determination and imposition of disciplinary sanctions.

### **Appeal**

The Grievant or the individual(s) against whom the grievance is filed may appeal within 14 calendar days of receiving the Coordinator's/Assigned Administrator's written decision and/or any associated disciplinary sanctions by writing to the University's Chief Diversity Officer, Dr. Willette Burnham-Williams. The written appeal must clearly set forth the grounds for the appeal and must include all supporting evidence. Generally, Dr. Burnham-Williams will limit her review of the Coordinator's/Assigned Administrator's decision to determining whether the Coordinator/Assigned Administrator considered the proper facts and whether there were any procedural irregularities. Within 21 days of receipt of the appeal, Dr. Burnham-Williams will provide the Grievant and the individual(s) against whom the complaint is filed a written decision regarding the appeal. The decision of Dr. Burnham-Williams is final, and the University will disregard any subsequent appeals (in any form) to any University representative, including the University President.

### **Adjustment of Deadlines**

The Coordinator, Assigned Administrator, or Dr. Burnham-Williams may change the above deadlines for legitimate reasons, such as semester or summer breaks. Likewise, if the application of time deadlines creates a hardship due to the urgency of the matter or the proximity of an event, the Coordinator, Assigned Administrator, or Dr. Burnham-Williams, at the request of the Grievant, will determine if an expedited procedure can be created. The Coordinator, Assigned Administrator, or Dr. Burnham-Williams will provide the parties to the grievance written notification of any deadline adjustments.

### **Interim Measures**

If necessary while any grievance investigation is ongoing, the University will take interim measures to stop discrimination and prevent its recurrence and to correct discriminatory effects on the complainant and others. Such interim measures may include, but are not limited to, limiting interaction between the parties, arranging for the provision of temporary accommodations, or staying a course grade.

### **Confidentiality of Records**

Once the University has made its final decision regarding the grievance, the records related to the grievance will be confidentially maintained by the Coordinator for three years.

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## **Disability Accommodations**

The University will make arrangements to ensure that students with disabilities are provided appropriate accommodations as needed to participate in this Grievance Procedure. Requests for accommodations must be made to the Coordinator or, if the Coordinator is the subject of the grievance, to Dr. Burnham-Williams. Accommodations may include, but are not limited to, providing interpreters, providing recordings of materials, and assuring a barrier-free location for the proceedings.

## **External Complaints**

The availability and use of this Grievance Procedure does not prevent a student from filing a complaint of discrimination with external agencies such as the U.S. Department of Education, Office for Civil Rights.

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