

Harvard University Student Disability Grievance Policy and Procedure

Grievance Policy Generally

Harvard University is committed to providing equal and integrated access for students with disabilities to academic, social, cultural and recreational programs at Harvard. This resolve is grounded not only in the law, including Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, but also in Harvard's own commitment to the inclusion of all members of the community. This grievance process is intended to provide for the prompt and equitable resolution of complaints involving discrimination on the basis of disability.

Any student enrolled in any Harvard school who believes that they have been discriminated against on the basis of disability (including but not limited to alleged inaccessibility of a Harvard program or activity, disparate treatment, discriminatory impact of any Harvard policy, disability harassment, and disability accommodation) may seek the assistance of the Director/504 Coordinator, Harvard University Disability Services (or designee) through the filing of a disability grievance under this process.

Grievances Relating to Accommodations

Students with grievances relating to accommodations should *first* work through the grievance process relating to disability accommodation within the applicable school at the level of the Local Disability Coordinator and then, if that effort is not satisfactory, seek review by the Director/504 Coordinator, Harvard University Disability Services (or designee) in accordance with the process set forth below. If no local process applies, a student with a grievance relating to a requested accommodation for disability may seek direct review by the Director/504 Coordinator, Harvard University Disability Services (or designee) under this process.

Grievances under this policy must be filed within 90 days of the alleged act of discrimination. Harvard may extend this time frame where a delay is due to circumstances beyond a student's control such as illness or incapacity.

The grievance must be in the form of a detailed written complaint sent to the Director/504 Coordinator, Harvard University Disability Services (or designee), Suite 727W Smith Campus Center, 1350 Massachusetts Avenue, Cambridge, MA 02138, disabilityservices@harvard.edu, 617-495-8520 (FAX). The grievance should include the following:

1. A clear and concise statement of the problem or issues to be reviewed and a summary of steps taken, if any, by the student to resolve the problem or issues prior to the filing.
2. A reasonably detailed description of the relevant facts, including the student's alleged disability, names of persons with information, and a description or copies of relevant documents or other evidence relevant to the grievance. A chronology of events is appreciated.
3. The name, contact information and signature of the person initiating the complaint. Electronic signatures are acceptable.

In response to a grievance, the Director/504 Coordinator, Harvard University Disability Services (or designee) may take some or all of the following steps: meeting in person with the student; contacting the LDC at the student's school and other individuals (such as faculty members or administrators) to discuss the events giving rise to the grievance; requesting additional relevant medical documentation or an independent medical evaluation on the request for accommodation; gathering other information through a fact-finding process.

If the Director/504 Coordinator, Harvard University Disability Services (or designee) determines that a fact-finding process is required, the student grievant will be so informed. The Director/504 Coordinator (or designee) will interview the student grievant and other fact witnesses as necessary, and will review documents and other evidence. At the conclusion of the fact-finding process a report of findings will be prepared and the grievant will be provided with findings and a summary of conclusions or recommendations made. The Director/504 Coordinator (or designee) may request that an accommodation be provided on a provisional basis pending the conclusion of this fact-finding process.

Best efforts will be made to complete the investigation with written results within 45 University working days of receipt of the complaint. If there are circumstances that affect Harvard's ability to reach fact witnesses and to review documents (e.g., school breaks, the availability of parties with information), the timeline may be extended.

Confidentiality

Harvard will strive to maintain the confidentiality of information shared throughout the grievance process. However, disclosures may be required for the purpose of fact-finding or efforts to resolve the grievance. In the limited instances where disclosures must be made, disclosures will be limited to those persons necessary to proceed in the fact-finding process or to otherwise address the grievance. All persons involved in the student grievance will be advised of the importance of confidentiality in the process and asked to maintain the confidentiality of the information discussed during the fact-finding process and the identity of the grievant.

A grievant should understand that where a grievance is specifically directed against one or more specific individuals, the grievance itself or portions of the grievance will be disclosed to the accused individual(s) for purposes of response.

Prohibition Against Retaliation

Consistent with applicable law, Harvard prohibits retaliation against any person who requests accommodation, files a grievance alleging disability discrimination or participates in the grievance process. Any concerns about retaliation related to this process should be disclosed immediately to the Director/504 Coordinator (or designee).

Alternative Avenues for Redress of Grievances

Although all Harvard students may avail themselves of this policy and procedure, students are encouraged to try to resolve matters informally whenever necessary. If a student believes that an informal resolution is possible, even in the context of a filed grievance, the student is encouraged to describe a proposed course to the Director/504 Coordinator (or designee).

Further, while students are encouraged to utilize Harvard's process towards resolving disability-related grievances, all students have a right to file a complaint directly with the U.S. Department of Education, Office of Civil Rights (OCR). OCR's contact information is below:

Boston Office, Office for Civil Rights, U.S. Department of Education, 8th Floor, 5 Post Office Square
Boston, MA 02109-3921 Telephone: 617-289-0111 TDD: 800-877-8339 Email: OCR.Boston@ed.gov