

Harvard University Student Disability Grievance Policy and Procedure

Introduction

Harvard University is committed to providing equal opportunities for students with disabilities to access and participate in academic, social, cultural and recreational programs at Harvard. This commitment is grounded not only in disability law, including Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act of 1990 (ADA) and the ADA Amendments of 2008, but also in Harvard's commitment to diversity, equity, inclusion and belonging for all members of the academic community.

Scope & Application

This policy and procedure is intended to provide for the prompt and equitable resolution of complaints by any student enrolled in a Harvard course or program who believes that they have been discriminated against on the basis of disability.

This procedure may be used to address concerns involving:

- Disagreement regarding the determination and/or the delivery of a requested service, accommodation, auxiliary aid or service, assistive technology, or modification of a school/university practice or degree requirement in an effective or timely manner;
- Denial of a requested accommodation;
- Inaccessibility of a Harvard program, service or activity;
- Harassment or disparate treatment because of a disability;
- Any other instance in which a student believes that they have been subjected to discrimination on the basis of disability.

Resolution at the School Level

When students come to UDR with a complaint, if they have not yet first worked through their school's usual and customary disability complaint or review/reconsideration process, they are generally referred back to their school's [local disability/accessibility coordinator](#) (LDC) and/or program administrator to first seek resolution at the school level by engaging in that process.

Submitting a Formal Complaint to UDR

To initiate a formal complaint, students are asked to provide a detailed written account of their concerns to the Director/504 Coordinator (or designee) of Harvard University Disability Resources, Suite 900, Smith Campus Center, 1350 Massachusetts Avenue, Cambridge, MA 02138, disabilityresources@harvard.edu, 617-495-8520 (FAX).

The following information should be included:

- 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 matter;
- A detailed description of the relevant facts, including information about the student's disability and the related impact on their academic experience, names of persons with

- relevant information, and a description or copies of documents or other evidence related to the grievance;
- A chronology or timeline of events;
 - The result and/or specific remedy that the student is seeking;
 - The name and contact information (including email address and phone number), and signature of the person initiating the complaint; electronic signatures are acceptable.

Timelines

Complaints must be submitted to UDR within 90 days of the alleged act of discrimination. UDR may extend this timeframe where a delay is due to circumstances beyond a student's control, such as illness or incapacity, or due to the time necessary for the completion of a school level disability complaint review/reconsideration process.

UDR will make every effort to complete a grievance investigation (including the initial assessment of the complaint, the exploration of informal resolution, and, where deemed necessary, the formal grievance investigation) with written results within 45 University working days from the time the formal written complaint is received by UDR; however, circumstances that affect UDR's ability to reach fact witnesses and/or to attain and review relevant documents may result in extension of the deadline for completion.

Any changes to established deadlines will be communicated in writing to the student and relevant stakeholders as deemed necessary.

Initial Assessment

Upon receipt of a formal complaint, UDR will first determine if the complaint falls within the scope of this policy as it pertains to disability discrimination under Section 504, the ADA, and the ADA Amendments. If the complaint does not fall within this scope, then UDR will inform the student in writing of this determination and where possible, refer the student to alternate complaint avenues. If it *does* fall within the scope of this policy, then UDR will proceed with exploration of an informal resolution.

It is expected that the initial assessment will take place within 5 working days from the receipt of the formal complaint.

Informal Resolution

After determining that a complaint falls within its scope, UDR will meet with the student to discuss the student's complaint submission. In most cases, UDR will then contact the LDC and/or program administrator at the student's school in an effort to resolve the complaint informally. UDR may also contact other individuals (faculty, staff, administrators) with information relevant to the grievance or obtain academic, medical (with the student's consent), or other information necessary to facilitate the discussion through an initial fact-finding process.

It is expected that the informal resolution will take place within 10 working days from the completion of the initial assessment.

Formal Investigation

Fact-Finding. If the informal resolution process is unsuccessful, the grievant and the School will be informed, and then UDR will proceed with a formal investigation through a fact-finding process that typically includes in-depth interviews with the student and other stakeholders and the collection and exploration of additional information relevant to the complaint. There may be instances when UDR will partner with, or designate, independent fact-finders outside of Harvard to conduct formal investigations.

Notification of Outcome. At the conclusion of the fact-finding process, a written report summarizing the investigation findings, conclusions, and recommendations for resolution will be prepared and provided to the student, the LDC and other stakeholders as appropriate and consistent with applicable privacy and confidentiality law.

Remedies. If an investigation results in a finding of discrimination, UDR will consult with the student and the LDC and/or program administrator to resolve any discrimination and identify appropriate remedies and/or corrective actions; implementation of remedies and/or corrective actions will occur at the school and/or program level.

It is expected that the formal investigation will take place within 30 working days from the conclusion of the informal resolution process.

Rights and Responsibilities

The following expectations apply to all participants in the grievance process:

- **Advisors:** Grievants may request that an advisor or support person, generally Harvard faculty, staff or students, accompany them during their interviews during the grievance proceedings; however, advisors may not address the investigator or pose questions. Because the purpose of the proceeding is to provide a fair review of complaints filed by students with disabilities rather than a formal legal proceeding, persons acting as legal counsel are not permitted;
- **Accommodations:** UDR will make appropriate arrangements, upon request, to ensure that persons with disabilities are provided with accommodations during the grievance process. Existing accommodations typically remain in place during the complaint/reconsideration process; provisional accommodations may also be put into place during the course of the complaint/reconsideration process pending the conclusion of the grievance process;
- **Confidentiality:** All persons involved in the grievance process will be advised of the importance of confidentiality as it pertains to the information discussed and the privacy of the student; however, it may be necessary for UDR to share relevant details of the student complaint with stakeholders on a need to know basis for the purpose of fact-finding and efforts to resolve the grievance, including, when the grievance is specifically directed against one or more individuals, the grievance itself or portions of the grievance;
- **Cooperation:** All participants are expected to cooperate and provide thorough and truthful information throughout the grievance process;
- **Prohibition Against Retaliation:** Harvard University prohibits retaliation against any person who requests accommodations, files a grievance alleging disability discrimination

or participates in the grievance process. Guidance for addressing concerns about retaliation can be addressed through [Harvard's Non-Retaliation Policy](#).

Other Resources

While students are encouraged to utilize this policy and procedure for disability-related complaints, students also have a right to file a complaint directly with the U.S. Department of Education, Office of Civil Rights (OCR) at 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.