

Disability Discrimination and Section 504 Grievance Procedure

The College has adopted the following grievance procedure which provides for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 or Title II of the Americans with Disabilities Act of 1990. Section 504 prohibits discrimination on the basis of a disability in any program. Any students, employees, or third parties shall have the right to file a complaint regarding alleged violations of Section 504 and/or Title II of the Americans with Disabilities Act of 1990. Such complaints will be addressed through the grievance procedure described below.

To the extent reasonably practicable, the College will take reasonable, timely, and effective action designed to remediate the effects of any disabilities-based harassment confirmed by the College's investigation on any grievant or others, to eliminate to the extent reasonably possible, any hostile environment that has been created, and to prevent the recurrence of any such harassment. Persons found to have violated any college policy may be subject to disciplinary action.

Any person who believes that they or someone else have been discriminated against or denied equal opportunity or that the College has inadequately applied the principles and/or regulations of Section 504 of the Rehabilitation Act of 1973 or Title II of the Americans with Disabilities Act of 1990 may bring forward a complaint, which shall be referred to as a grievance, to the identified College personnel.

The Section 504 Coordinator is responsible for coordinating and monitoring the college's compliance with Section 504 and Title II, overseeing prevention efforts, overseeing the grievance procedure including investigations. The following person shall act as the Section 504 Coordinator, hereafter referred to as the "Coordinator":

Trish A Corle
Vice President of Student Services
101 Community College Way
Johnstown, PA 15904
814-262-3841
Tcorle@pennhighlands.edu

To File a complaint

1. Submission of a written grievance is encouraged; however, an oral grievance will be accepted. The College will ask the reporting party, if known, to verify the content of oral complaints to ensure accuracy. The grievance must contain a description of the discriminatory act, the date of its occurrence, if known, and the remedy or relief being sought (**see below for information on where to file a written or oral complaint**).
2. A written grievance may also be filed using the Report a Concern form located at: <https://www.pennhighlands.edu/student-life/security-safety/report-an-incidentconcern/>
3. Assistance in filing a grievance is available. Please contact one of the following persons for this assistance: ADA specialist Mike Lucas, (MLucas@pennhighlands.edu) or the Director of the Student Success Center, Mindy Mitch (Mnitch@pennhighlands.edu) or Counselor, Bridget Hall (Bhall@pennhighlands.edu)

4. A grievance should be filed within 60 days after the person filing the grievance becomes aware of the alleged discriminatory act.

Investigation Process

- Upon receipt of a grievance, the Coordinator shall ensure that a prompt, adequate, reliable, and impartial investigation is conducted.
- The Coordinator may engage with other qualified and trained college personnel to assist in the investigation. The investigation will permit the grievant, and the subject of the complaint (respondent), an opportunity to submit documents and information, and identify witnesses relevant to the investigation and resolution of the complaint. Should a grievant or respondent indicate that they are not capable of effectively representing themselves during the investigation, the grievant or respondent and the college will identify a mutually agreed upon professional advocate who may participate in the investigative process.
- Upon completion of the investigation, both the grievant and respondent will be notified in writing of the outcome of the investigation. This notification will be provided no more than 15 business days following the receipt of the grievance. If the investigation takes longer than fifteen (15) business days, the Coordinator will notify the grievant in writing, and shall furnish them with the reason for the delay and an estimation of when the investigation will be completed.
- During the investigation and resolution of the grievance, the Coordinator has the right to issue a “no contact order” to ensure that the grievant does not have to interact with the individual(s) alleged to have violated the policy.
- If a report of disability harassment is substantiated, the Coordinator has the right to issue a “no contact order” for the remainder of the grievant’s attendance or employment at the College

Filing an Appeal

- Both the grievant and responding party have the right to file an appeal of the outcome. This appeal must be filed with the appropriate Administrator within 5 business days of the delivery of the written notification of the decision. This Appeal Officer will render the final decision on behalf of the College within 5 business days of the receipt of the appeal.
- Appeals are limited to the following grounds:
 - ✓ To consider an assertion that a procedural error or omission occurred that significantly impacted the outcome of the hearing
 - ✓ To consider new evidence, unknown or unavailable during the investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included in the request for appeal.
- The results of an appeal can be:
 - ✓ Original findings upheld. No further action.
 - ✓ Appeal upheld. Return to Coordinator for correction of procedural error or review of evidence. Fifteen (15) business day timeline for review in effect.

Where to file a Complaint or Appeal

<p>Students and third parties should file a complaint with:</p> <p>Trish A Corle Vice President of Student Services</p> <p>101 Community College Way Johnstown, PA 15904 814-262-3841 Tcorle@pennhighlands.edu</p>	<p>Employees should file a complaint with:</p> <p>Susan Fisher Associate Vice President of Administration</p> <p>101 Community College Way Johnstown, PA 15904 814-262-3833 Sfisher@pennhighlands.edu</p>	<p>All Appeals should be filed with:</p> <p>Dr Cindy Doherty Vice President of Academic Affairs</p> <p>101 Community College Way Johnstown, PA 15904 814-262-6474 Cdohertry@pennhighlands.edu</p>
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*The College reserves the right to make appropriate adjustments to the administrators handling investigations and/or appeals should those administrators be involved as part of the investigation or other issues arise.

An individual who files a grievance may pursue other remedies. This includes filing a complaint with:

**U.S. Department of Education
Office for Civil Rights
Lyndon Baines Johnson Department of Education Bldg
400 Maryland Avenue, SW
Washington, DC 20202-1100**

Via email at : OCR@ed.gov

Via phone at: 800-421-3481

FAX: 202-245-8392; TDD: 800-877-8339

Online: <http://www.ed.gov/about/offices/list/ocr/complaintintro.html>.