

# Student Disability Grievance Procedure

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Wake Forest University, including the Wake Forest School of Medicine, Physician Assistant, Nurse Anesthesia, and Undergraduate Medical Educational (MD) programs, and the Graduate School of Arts and Sciences, Biomedical Sciences Program (collectively, "Wake Forest" 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 their 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 Title III of the Americans with Disabilities Act ("Title III") 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, and Title III prohibits discrimination on the basis of disability by private entities (including University) that provide places of public accommodation. The University has designated the following individual as the Section 504 Coordinator:

Tanya Jachimiak, JD  
Section 504 Coordinator  
tjachimi@wakehealth.edu  
336-758-7258

## **Who May Grieve?**

Any student currently enrolled at the University who believes they have been discriminated against or harassed on the basis of disability by a Wake Forest employee (e.g., administrator, faculty, staff, adjunct faculty, or other agent of the University); Wake Forest student; or, in certain circumstances, by a visitor to the University, may use this process to file a grievance (the "Grievant"). The grievance must be filed within sixty (60) days of the occurrence of the alleged discriminatory or harassing conduct.

## **What May Be Grieved?**

An action or decision may be grieved if it involves alleged discrimination or harassment by a Wake Forest employee, 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

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University official investigating the grievance will inform individuals with a legitimate need to know 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.

Wake Forest 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.

## **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 Section 504 Coordinator. If the Coordinator is the subject of the grievance, the Grievant initiates the Informal Grievance Procedure by contacting Terri Yates, Assistant Dean, Wake Forest School of Medicine, Medical Education Administration at [tyates@wakehealth.edu](mailto:tyates@wakehealth.edu) or 336-713-3351 and who will assign an 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 the grievance in writing, but the Coordinator may ask the Grievant to do so or to submit other evidence, if necessary to facilitate a satisfactory resolution.

The Coordinator will attempt to expeditiously facilitate a satisfactory resolution. The Coordinator 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 believes will be useful in promoting resolution.

Within 21 calendar days after the Grievant initially contacts the Coordinator regarding the grievance, the Coordinator will inform the Grievant and, as appropriate, the individual(s) against whom the grievance is filed in writing 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 Assistant Dean, Wake Forest School of Medicine, Medical Education Administration and who will assign an administrator in lieu of the Coordinator. A Grievant who chooses to initiate the

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Grievance Procedure after participating in the Informal Grievance Procedure must do so within 14 calendar days of receipt of the Coordinator's written notification of the outcome of the Informal Grievance Procedure. The 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 a denial of a requested accommodation);
- name the individual(s) against whom the grievance is filed;
- state the requested remedy; and
- be signed by the Grievant.

Within seven calendar days of receiving the written complaint, the Coordinator 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 will also conduct a thorough and impartial investigation of the complaint, affording the Grievant and the individuals against whom the complaint is filed an opportunity to present witnesses and submit evidence regarding the allegations. Within 30 days of receipt of the written complaint, the Coordinator will provide the Grievant and the individual(s) against whom the complaint is filed a written decision regarding the grievance. The decision will include a summary of relevant findings of fact, a conclusion, and, if applicable, an explanation of remedies, which may include the imposition of disciplinary actions/sanctions and/or referral to an individual's supervisor or another administrator for the determination and imposition of disciplinary actions/sanctions.

### **Appeal**

The Grievant or the individual(s) against whom the grievance is filed may appeal within fourteen calendar days of receiving the Coordinator's written decision and/or any associated disciplinary sanctions by writing to Terri Yates, Assistant Dean, Wake Forest School of Medicine, Medical Education Administration at tyates@wakehealth.edu or 336-713-3351. The written appeal must clearly set forth the grounds for the appeal and must include all supporting evidence. Generally, the review will be limited to determining whether the Coordinator considered the proper facts and whether there were any procedural irregularities. Within 21 days of receipt of the appeal, the Assistant Dean, Wake Forest School of Medicine, Medical Education Administration will provide the Grievant and the individual(s) against whom the complaint is filed a written decision regarding the appeal. The decision of the Assistant Dean, Wake Forest School of Medicine, Medical Education Administration 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 or the Assistant Dean, Wake Forest School of Medicine, Medical Education Administration may change the above deadlines for good cause, such as

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semester or summer breaks or hardship due to the urgency of the matter or the proximity of an event.

## **Interim Measures**

If necessary while any grievance investigation is ongoing, the Coordinator or their designee shall have the authority to take all reasonable and prudent interim measures to protect the individual who may have been discriminated against pending completion of the investigation and during the informal or formal processes to resolve the complaint or any appeal thereof. 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.

## **Retention of Records**

Records related to the grievance will be confidentially maintained in the office of the Coordinator for three years. Information regarding the outcome of the grievance may be shared with the Learning Assistance Center/Disability Services and others at the University when necessary.

## **Disability Accommodations During Grievance Process**

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. The Coordinator will review the supporting disability-related documentation, make a decision about the request, notify the student about approved accommodations, and make arrangements for the accommodations. Accommodations may include, but are not limited to, providing interpreters for the deaf, providing recordings of materials for the blind, 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.