

## **AMERICANS WITH DISABILITIES ACT AND SECTION 504 GRIEVANCE PROCEDURE**

The University of Nebraska at Omaha has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Sections 503 or 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794) or Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12132). Section 202 states, in part, that “no individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.”

Complaints should be addressed to: the Equity, Access and Diversity Office, 207B Eppley Administration Building (402) 554-3490, who has been designated to investigate complaints under the ADA and the Rehabilitation Act.

1. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
2. A complaint should be filed within 30 calendar days after the complainant becomes aware of the alleged violation. (Special circumstances will be considered on a case-by-case basis.)
3. An investigation, as may be appropriate, will follow a filing of complaint. The investigation will be conducted by the Assistant to the Chancellor for Equity, Access and Diversity or his/her designate. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.
4. A written determination as to the validity of the complaint and a description of the resolution, if any, will be issued by the Equity, Access and Diversity Office and a copy forwarded to the complainant, the appropriate campus authority, and the Chancellor no later than 30 calendar days after its filing.
5. The Equity, Access and Diversity Office will maintain the files and records relating to the complaints filed.
6. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for consideration must be made within 10 working days to the ADA/504 Compliance Officer, 222 Varner Hall, 0742, V/TDD (402) 472-8404.
7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder will not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 or ADA complaint with the responsible federal government or agency. Using this grievance procedure is not a prerequisite to the pursuit of other remedies.
8. These rules will be construed to protect the substantive rights of interested persons, meet appropriate due process standards and assure that the University of Nebraska at Omaha complies with Section 504 and the ADA and their implementing regulations.

Revised January 2012