GRIEVANCE PROCEDURE FOR NONCOMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA) AND SECTION 504 OF THE REHABILITATION ACT OF 1973

In accordance with ADA, Title II and Section 504 of the Rehabilitation Act of 1973, programs at the University must be accessible to all persons with disabilities. To provide academic program accessibility, it may be necessary to reschedule classes to accessible facilities. With respect to nonacademic programs, it may be necessary to schedule appointments and activities in accessible facilities. Delaware State University will make reasonable accommodations for persons with disabilities.

Any student with a disability who needs information or assistance with a disability should contact the Office of Disabilities Services in Room 214A of the William C. Jason Library, 857-6388.

Grievance Procedure. A complaint or grievance can be made if a person believes that an action is prohibited by the ADA and/or Section 504 of the Rehabilitation Act of 1973:

1. A student or any other complainant should discuss his/her concern with the ADA/504 Coordinator and attempt to resolve the conflict.
2. If no informal resolution is reached, the Complainant may file a written complaint. The ADA/504 Coordinator will respond to the complaint within fourteen (14) days.
3. If the Complainant is not satisfied with the resolution of the ADA/504 Coordinator, the student has a right to appeal that decision to the Vice President for Student Affairs. The Vice President for Student Affairs will respond to the appeal within fourteen (14) days. This time may be extended when the complaint involves multiple issues.
4. If the Complainant is not satisfied with the decision of the Vice President of Student Affairs, the Complainant may file an appeal with the President of the University. It is within the discretion of the President to hear this appeal. If the President chooses to hear the appeal, the President may refer the matter to the Administrative Council (see People to Know section) or delegate the review. The President and/or designee will render a decision and communicate the response to the Complainant within twenty-one (21) days of the filing of the appeal.
GRIEVANCE PROCEDURE FOR NON-COMPLIANCE
SEXUAL HARASSMENT
It is the policy of the University that no employee or student shall sexually harass another individual. Harassment based on sex is a violation of Title 19 of the Delaware Code, Title VII, Section 703 of the Federal Civil Rights Act of 1964, and Title IX.

Sexual harassment is defined as behavior of a sexual nature, which is not welcome by the recipient and is offensive to a reasonable person. It includes a wide range of behavior ranging from the actual coercing of sexual relations to the forcing of sexual attentions, verbal or physical, on an unwilling individual.

Delaware State University is committed to providing an atmosphere free from unwanted sexual pressure. For that reason, the following characterization of sexual harassment encompasses more behavior than is required by state or federal law, and the University will take disciplinary action for a first offense.

Any unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or educational career;
2. Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting such individual;
3. Such conduct prevents or impairs an individual’s full use of educational benefits, climate or opportunities;
4. Such conduct interferes with or adversely affects an individual’s work performance; or
5. Such conduct creates an intimidating, hostile or offensive working environment.

The following types of actions may constitute sexual harassment:

• Deliberate assaults
• “Accidental” brushes or touches
• Degrading comments or jokes directed at an individual’s race, ethnic background, gender or handicapping condition which has the purpose or effect of creating an intimidating, hostile, or offensive educational or work environment.
• Catcalls, whistles, obscene reference to a person’s anatomy
• Staring, leering, ogling
• Sexual teasing gestures
• Pressure for dates or sex
• Suggestions that sex can be exchanged for grades or a promotion

OTHER FORMS OF HARASSMENT
Harassment is defined as behavior that is not welcome by the recipient and is offensive to a reasonable person. The University will not tolerate any form of harassment based on an individual’s protected characteristics — race, religion, gender, creed, color, national origin, ancestry, age, marital status, sexual orientation, disability, veteran status, or other basis prohibited by law.
Harassment may occur student-to-student, student-to-employee, or employee-to-student. It can occur between people of differing genders/protected characteristics as well as between people sharing the same one. The harassment policies apply not only to students and employees, but also to parents, vendors, visitors, contractors, and other third parties who interact with students and employees on or at University Premises/University Activities (see coverage Section under Conduct Standards and Policies.) The harassment policies are extensions of the University’s Equal Opportunity Policy. Any violation of the policies will be a violation of the Student Code of Conduct as well as a serious issue of law, and will result in disciplinary action.

REPORTS AND INVESTIGATIONS
Report any claim of harassment, including sexual harassment by a University employee, to the Interim Associate Vice President for Legal Affairs, Room 325 of the Administration Building. Claims against faculty are to be reported to the appropriate Dean. The University’s investigation of harassment allegations and its findings will be kept as confidential as possible. However, the University cannot keep information regarding reported harassment confidential to the extent this interferes with its ability to conduct a reasonable investigation and take appropriate remedial action to prevent such incidents from being repeated.

The University will not tolerate harassment or retaliation in any form against any student or employee for reporting harassment in good faith, for providing information regarding harassment, or for cooperating in the University’s investigations. Retaliatory conduct is a serious violation of the harassment policies and will subject the individual to discipline. Any student or employee who believes he or she has been retaliated against is urged to report it to the Vice President for Human Resources.