EDINBORO UNIVERSITY OF PENNSYLVANIA

Reasonable Accommodations For Students with Disabilities Policy No. A008

Supersedes Policy A008, Dated 6/1/95, 1/18/10

Recommended for Approval by: Dr. Philip Ginnetti, Provost and Vice President for Academic Affairs

Approved by: Jeremy D. Brown, President on October 7, 2010

Review Date: As Required

INTENT

Edinboro University of Pennsylvania (the University) is firmly committed to compliance with Section 504 of the Rehabilitation Act of 1973, as amended (Rehabilitation Act) and the Americans with Disabilities Act of 1990, as amended (ADA).

The intent of this policy is to establish a mechanism for Edinboro University faculty, staff, and those students with disabilities to resolve disputes regarding appropriate academic accommodations.

POLICY

The University is an equal opportunity education institution and shall not discriminate on the basis of disability in its activities or programs as required by the Rehabilitation Act and the ADA.

The University recognizes its responsibility for reasonable academic accommodations as it relates to the special needs of students with disabilities and, as such, will make reasonable academic accommodations for students with disabilities in compliance with the Rehabilitation Act and the ADA, provided that the request does not impact the academic integrity of any program’s standards.

It is the responsibility of the student to provide adequate documentation to prove the existence of a disability subject to the provision of an academic accommodation. The University may require additional information to further substantiate a request for reasonable academic accommodation.

No reasonable academic accommodation, however, should be provided to a student who has not first been processed through the Office for Students with Disabilities.

The President has designated the Director of the Office of Social Equity as the Section 504 and ADA coordinator for handling discrimination complaints. The Office for Students with Disabilities facilitates student accommodations, as well as mediates issues and concerns involving student accommodations. The Office for Students with Disabilities also collaboratively works with the Office of Facilities on addressing accessibility matters.
DEFINITIONS

A. A disabled individual is defined as an individual who meets one of the following criteria:

1. Has a physical or mental impairment that limits one or more major life activities (examples are walking, speaking, seeing, hearing, and performing manual tasks);
2. Has a record of such impairment; or
3. Is regarded as having such an impairment.

B. A qualified person with a disability is someone with a disability who meets the necessary skill, work experience, education, training, licensing or certification, or other job-related requirements of a position.

C. Reasonable academic accommodation is an adjustment or modification on a case-by-case basis to, but are not limited to academic requirements such as priority scheduling, extended test time, alternative testing, course substitutions or adjustments made to field placement, field trips or laboratory experience, as well as adaptation of the manner in which specific courses are conducted. Academic requirements that are essential to the instruction being pursued by the student or to any directly related licensing requirement will not be regarded as discriminatory.

D. A complainant is a person who is alleging the occurrence of disability discrimination.

E. A respondent is the person whose actions are alleged to have violated this policy.

PROCEDURES

A. Students with disabilities must provide adequate documentation to prove the existence of a disability prior to providing an academic accommodation. The University may require additional information to further substantiate a request for reasonable academic accommodation.

B. The Office for Students with Disabilities, in conjunction with the University faculty and/or other appropriate University personnel, will facilitate reasonable academic accommodations for a student whose disability necessitates such facilitation.

C. The Office for Students with Disabilities will determine what academic accommodations are reasonable and necessary based on the documentation of the student's disability after discussing viable and effective options with the student. An accommodation that compromises the academic integrity of a program is not effective or appropriate. Accommodations will only be recommended for documented disabilities.

D. Students who fail to utilize the academic accommodations provided for them will, after notice, potentially lose services.
REPORTING ALLEGATIONS OF DISCRIMINATION

Reporting allegations of discrimination based on disability should be directed to the Office of Social Equity, unless the complaint is against the President or any member of the President’s Executive Council in which case the report should be made to the Special Assistant to the Chancellor of the Pennsylvania State System of Higher Education.

All individuals have an obligation to report any information they have pertaining to discrimination based on disability so that the matter may be addressed in a timely manner.

CONFIDENTIALITY and DUE PROCESS

The Office of Social Equity and the Office of Human Resources and Faculty Relations will make every effort to ensure confidentiality and protect the due process rights of the complainant and the respondent. Additionally, the complainant, respondent, and witnesses are encouraged to maintain confidentiality consistent with the intent of the University.

Both parties shall be informed by the investigator of the procedural steps taken during the course of the complaint procedures.

This policy adheres to the due process rights contained within all Pennsylvania State System of Higher Education collective bargaining agreements and Board of Governors Merit Principle Policy.

RETIATION PROHIBITED

Retaliation against any person who is the alleged victim or target of unlawful of discrimination is prohibited.

Retaliation against any person who alleges discrimination or who reports or assists the Office of Social Equity or the Office of Human Resources and Faculty Relations in the investigation of a complaint under this policy is prohibited and may result in disciplinary action up to and including termination or expulsion from the University.

Discrimination is a serious matter which can have far-reaching effects; therefore, false or malicious accusations may result in disciplinary action. The University may take disciplinary action against someone who knowingly provides false information during the investigation of a complaint of unlawful or prohibited discrimination.
THE ROLE OF ADVISORS

If a Complainant or a Respondent desires, s/he may be accompanied to the Office of Social Equity or the Office of Human Resources and Faculty Relations by another University employee or another University student who may advise and assist the Complainant throughout the informal or formal resolution process.

The Advisor must be an individual from within the University community and not the legal representative of either party.

A Complainant or Respondent and an Advisor may consult with each other, but the Advisor does not speak for or on behalf of the complainant or respondent.

INFORMAL COMPLAINT RESOLUTION

The purpose of informal complaint resolution is to encourage the reporting of complaints concerning unlawful or prohibited discrimination based on disability and to facilitate a resolution of the complaint without the need for a formal investigation as outlined below under Formal Complaint Resolution.

The procedure for informal complaints calls for prompt review and mediation, if desired, followed by action intended to prevent any unlawful or prohibited discrimination based on disability. The informal process does not result in disciplinary action, but includes efforts to mediate a resolution upon which both the complainant and the respondent can agree.

A. Faculty members and/or other appropriate University personnel and the Office for Students with Disabilities will work together to resolve any disagreement regarding classroom or academic accommodations that are recommended. In the event of dispute, faculty members will be requested to provide requested accommodations until the controversy is resolved.

B. Controversies in regards to academic accommodations shall be filed with the Vice President for Academic Affairs within five (5) days of notification by the Office for Students with Disabilities of the accommodation. The decision of the Vice President for Academic Affairs shall be final.

C. In the event that faculty or staff are experiencing difficulties in regards to an approved academic accommodation or unsatisfactory results, they should contact the Office for Students with Disabilities immediately so that any and all issues can be adequately addressed.

FORMAL COMPLAINT RESOLUTION

The purpose of formal complaint resolution is to investigate complaints of unlawful or prohibited discrimination based on disability and to facilitate a formal resolution of the complaint based on a determination or finding of a violation of the University’s policy on non-discrimination and/or the University’s policy prohibiting discrimination based on disability.
The procedure for formal complaints calls for prompt review followed by action intended to prevent any unlawful or prohibited discrimination based on disability. The formal complaint resolution process may result in disciplinary action.

A. **Filing a Complaint:** Complaints of unlawful or prohibited discrimination based on disability should be filed up to 180 days after the alleged act or behavior. It is in the best interest of all, however, to conduct a timely review of the circumstances of the alleged discriminatory act or behavior; accordingly, complainants are urged to file complaints as soon as possible. Therefore, individuals who have complaints of unlawful or prohibited discrimination based on disability are encouraged to come forward.

Formal complaints against University employees are normally filed with the Director of Social Equity/University Ombudsperson or the Associate Vice President for Human Resources and Faculty Relations.

Formal complaints against the University President or any member of the President’s Executive Council should be filed with the Office of the Chancellor.

B. **Form of Complaint:** We strongly encourage that complaints be in writing in order to ensure accuracy. Any person may use the complaint form provided in this policy to file a complaint. Unsigned written or anonymous complaints will be addressed and investigated as warranted; however, they may have limited merit because of the inability to adequately investigate.

A complainant may use the form contained in the Appendix of this policy. The form, however, must be signed and dated by the complainant.

C. **Investigatory Reviews:** Investigatory reviews into unlawful or prohibited discrimination based on disability against employees are normally conducted by the Director of Social Equity/University Ombudsperson or the Associate Vice President for Human Resources and Faculty Relations.

Allegations of prohibited or unlawful discrimination based on disability against students are handled through the Dean of Student Life and the Office of Student Judicial Affairs.

Upon receiving a complaint, the Director of Social Equity/University Ombudsperson or Associate Vice President for Human Resources and Faculty Relations or his/her designee shall commence an investigatory review of the allegations.

The investigatory review will be processed without undue delay absent exigent circumstances.

D. **Investigation Completion:** At the conclusion of the investigatory review, the parties in a complaint shall receive notification that an investigative report has been completed and forwarded to the appropriate official for further action, if warranted.
E. **Determination or Finding:** At the conclusion of the investigatory review, the parties shall receive written notification of the investigatory decision or finding. Written notification should be made within a reasonable time but may be delayed when reasonable.

F. **Policy Violation:** If a violation of this policy has occurred, timely disciplinary action will occur that may range up to and including termination of employment or expulsion from the University in accordance with University policy.

If an employee is found to have discriminated against another person(s), the employee will be disciplined under the appropriate collective bargaining agreement, or, in the event of a management employee, as appropriate in accordance with Board of Governors Merit Principles Policy.

G. **Appeal:** Either party who disagrees with the determination or finding has the opportunity to appeal such decision to the University president within ten (10) days of receipt of said determination letter.

**COUNSELING**

Upon request, counseling is available to any employee or student who believes that s/he has been subjected to any form of unlawful or prohibited discrimination.

Current University students may contact Counseling and Psychological Services located in the Ghering Health & Wellness Center, 320 Scotland Road at 814-732-2743.

Current University employees may obtain counseling services through the State Employees Assistance Program (SEAP) at 800-692-7459.

**ADDITIONAL RIGHTS**

Individuals are encouraged to use these complaint procedures but are not required to do so and may choose to pursue other civil and legal options. Individuals may choose to pursue the complaint through their appropriate collective bargaining agreement grievance procedures. Furthermore, complainants may choose to make use of the procedures of external agencies *i.e.* Pennsylvania Human Relations Commission, Equal Employment Opportunity Commission, and the Office of Civil Rights. Managers should pursue the matter through the Merit System Principles Procedure before proceeding to an external agency.

The procedures set forth in this policy are not intended to interfere with any legal rights under the statutes of the Commonwealth of Pennsylvania or the United States of America. In addition, it is not intended to interfere with any rights an employee may have under their appropriate collective bargaining agreement.
**TRAINING**

Employee training as to the contents of this policy shall occur yearly. Additionally, new employees will be informed of this policy in New Employee Orientation within sixty (60) days of commencing employment and are required to participate in further training at least every year thereafter.

Additionally, current University students shall be educated on this policy yearly.

**DISSEMINATION OF POLICY**

This policy shall be disseminated to employees and students in a manner that makes the information readily accessible. The method of dissemination can include but not be limited to electronically, within employee and student handbooks, and/or via University website.

A current copy of this policy is posted to the online University Policy Manual. Hard copies of this policy may be obtained from the Director of Social Equity/University Ombudsperson or the Associate Vice President of Human Resources and Faculty Relations.

**RELATED UNIVERSITY POLICIES**

C006 – Harassment, Intimidation, and Institutional Vandalism  
G001 – Procedure for Resolving Discrimination Complaints  
G005 – Equal Opportunity / Affirmative Action and Nondiscrimination  
G018 – Americans with Disabilities Act – Public Accommodations  
G019 – Reasonable Accommodations for Employees with Disabilities  
Student Code of Conduct and Judicial Procedures

**CONTACT INFORMATION**

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<th>Contact</th>
<th>Office</th>
<th>Address</th>
<th>Telephone</th>
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<tr>
<td>Director</td>
<td>Students with Disabilities</td>
<td>Room 131 Crawford Center</td>
<td>814-732-2462</td>
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<tr>
<td>Director / University Ombudsperson</td>
<td>Social Equity</td>
<td>Room 310 Reeder Hall</td>
<td>814-732-2167</td>
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<tr>
<td>Vice President / Provost</td>
<td>Academic Affairs</td>
<td>Reeder Hall</td>
<td>814-732-2729</td>
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<tr>
<td>Special Assistant to the Chancellor</td>
<td>Office of the Chancellor</td>
<td>Room 352 Dixon University Center 2986 N. 2nd Street Harrisburg PA 17110</td>
<td>717-720-4010 (General Line) 717-720-4016 (Direct Line)</td>
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APPENDIX

FORMAL COMPLAINTS OF UNLAWFUL OR PROHIBITED DISCRIMINATION

INTAKE FORM

Complainants may use this form to file a complaint of unlawful or prohibited harassment, including sexual harassment. You may mail, fax, or email the form to the Office of Social Equity (see specific instructions below for sending completed intake form).

COMPLAINANT(S):

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<th>Employee</th>
<th>Student</th>
<th>Service Provider</th>
<th>Visitor/Guest</th>
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ALLEGED RESPONDENT(S):

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DETAILED ALLEGATIONS:

Basis for Complaint: (circle all that apply): Race, sex/gender, color, age, religion, national origin, ancestry, disability, organizational affiliation, sexual orientation/gender stereotype, marital status, veteran status.
**Description of Events:** Please describe the events that cause you to believe the University’s policy has been violated. In addition to your description of what happened please also provide information on who was involved, and dates on which the events occurred.

*(Use additional paper if necessary)*

Complainant has discussed this action and requested relief from the alleged violator:
Yes ___ No ___

Describe what steps, if any, have been taken for relief:

*(Use additional paper if necessary)*

**Witnesses:** If there are witnesses who have personal knowledge of or who observed the events that you have described, please complete the following information on the witnesses:

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*(Use additional paper if necessary)*

**Requested Remedy:** How would you like this matter resolved?
ATTESTATION

I, ________________________________ (name or names) believe the above information and facts are true to the best of my knowledge.

_______________________________________________  __________________________
(Complainant Signature)  (Date)

_______________________________________________  __________________________
(Complainant Signature)  (Date)

_______________________________________________  __________________________
(Complainant Signature)  (Date)

Mail to:  Office of Social Equity, Edinboro University, Room 310, 219 Meadville Street, Edinboro PA 16444
Fax to:  814-732-2153
Email to:  equalopportunity@edinboro.edu