

EDINBORO UNIVERSITY OF PENNSYLVANIA

**Reasonable Accommodations for Students with Disabilities
Policy No. A008**

Supersedes Policy A008, Dated 6/1/95, 1/18/10, 10/7/10

Recommended for Approval by: Dr. Michael Hannan, Interim Provost and Vice President for Academic Affairs

Approved by: Dr. Julie E. Wollman, President on April 1, 2013

Review Date: As Required

I. INTENT

The intent of this policy is to establish a mechanism to resolve disputes regarding appropriate academic accommodations for students with disabilities.

II. POLICY

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 University is an equal opportunity education institution and will 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.

The University may request a reasonable level of documentation to support a request for academic accommodation. The student making the request is responsible for providing the reasonable level of documentation to the Office for Students with Disabilities. No reasonable academic accommodation, however, should be provided to a student who has not first registered with the Office for Students with Disabilities.

III. ADA / SECTION 504 COORDINATOR

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 of 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.

IV. 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 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 a requirement including, but 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. **Reasonable Level of Documentation** may include medical records, psycho-educational testing, school records that specify the impact the disability has on physical, perceptual, cognitive, and behavioral activities, and/or past records of accommodations and services. Documentation can be valuable in the deliberative process of providing accommodations and/or access to the educational environment. Current documentation can support the impact of the condition(s) over time and in differing environments. Helpful supporting documentation includes: (1) a diagnostic statement identifying the disability, (2) a description of the current functional impact of the disability, (3) accommodations, assistive devices and/or services currently in use or successful in the past, (4) a description of the diagnostic criteria and/or diagnostic tests used, and (5) the credentials of the diagnosing professional(s).

- E. **Mediation** is a voluntary, informal resolution process in which the parties in a dispute agree to work through and resolve the dispute with the assistance of a mediator.
- F. A **complainant** is a person who is alleging the occurrence of disability discrimination.
- G. A **respondent** is the person whose actions are alleged to have violated this policy.

V. **PROCEDURES FOR ACCOMMODATION REQUESTS**

- A. Students with disabilities must provide reasonable levels of documentation to support the Office of Students with Disabilities professional in establishing disability, understanding how disability may impact a student, and making informed decisions about accommodations. Professional judgment is an essential component of this process.
- 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 reasonable or appropriate. Academic accommodations will only be recommended for documented disabilities.
- D. Students who fail to utilize the academic accommodations provided for them may, after notice, no longer be provided the unused accommodation.

VI. **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.

The investigator will adhere to the due process rights contained within all Pennsylvania State System of Higher Education collective bargaining agreements and Board of Governors Merit Principle Policy.

VII. RETALIATION PROHIBITED

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

VIII. REPORTING PROCEDURES

Reporting allegations of prohibited discrimination based on disability should occur as follows:

- A. **Report from:** A current faculty member, staff member, or administrator who believes s/he is the target of prohibited discrimination under this policy.

Report to: Director of Social Equity or Associate Vice President for Human Resources and Faculty Relations.

- B. **Report from:** A current student or student worker who believes s/he is the target of prohibited discrimination under this policy.

Report to: Director of Social Equity or Associate Vice President for Human Resources and Faculty Relations.

- C. **Report from:** A manager or supervisor who believes s/he is the target of prohibited discrimination and who receive reports of prohibited discrimination under this policy.

Report to: Director of Social Equity or Associate Vice President for Human Resources and Faculty Relations.

- D. **Report from:** A campus visitor or guest, service contractor or provider, or other individual who believes that s/he has been subjected to prohibited discrimination under this policy by a current employee or student.

Report to: Director of Social Equity or Associate Vice President for Human Resources and Faculty Relations.

- E. **Report from:** A current employee of the Office of Social Equity who believes s/he is the target of prohibited discrimination under this policy.

Report to: Associate Vice President for Human Resources and Faculty Relations.

- F. **Report from:** A current employee of the Office of Human Resources and Faculty Relations who believe s/he is the target of prohibited discrimination under this policy.

Report to: Director of Social Equity.

- G. **Report from:** A campus visitor or guest, service contractor or provider, or other individual who believes that s/he has been subjected to of prohibited discrimination under this policy by the University President or a member of the President's Executive Council.

Report to: Office of the Chancellor

All faculty, staff, administrators, and students have an obligation to report any information they have pertaining to prohibited discrimination under this policy so that the matter may be addressed in a timely manner.

IX. 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 may not be 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.

X. INFORMAL RESOLUTION

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

The procedure for informal resolution calls for prompt review and mediation, if desired, followed by action intended to prevent any prohibited discrimination based on disability. Informal resolution does not result in disciplinary action, but includes efforts to mediate a resolution upon which both disagreeing individuals 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 disagreement, faculty members will be requested to provide requested accommodations until the disagreement is resolved.
- B. Disagreements in regards to academic accommodations shall be filed with the Provost and 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 Provost and Vice President for Academic Affairs shall be final.
- C. In the event that students are experiencing difficulties in regards to approved academic accommodations or unsatisfactory results, they should immediately contact the Office for Students with Disabilities so that any and all issues can be adequately addressed.

XI. FORMAL COMPLAINT RESOLUTION

The purpose of formal complaint resolution is to investigate complaints of harassment and other forms of prohibited discrimination and to facilitate a 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 on reasonable accommodations for students with disabilities.

The procedure for formal complaints calls for prompt review followed by action intended to prevent harassment and other forms of prohibited discrimination. The 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 harassment and other forms of prohibited discrimination based on disability are encouraged to come forward.

Complaints of harassment and other forms of prohibited discrimination based on disability against University employees are filed with the Director of Social Equity or the Associate Vice President for Human Resources and Faculty Relations.

Complaints of harassment and other forms of prohibited discrimination based on disability against University students are handled through the student judicial process. Complaints against University students, however, also should be reported to the Office of Social Equity. A report shall be made to the Vice President of Student Affairs or his/her designee who will inform the complaining individual about the student judicial process.

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:** The University strongly encourages complaints be in writing in order to ensure accuracy. Any person may use the complaint form provided in this policy to file a complaint. The form, however, must be signed and dated by the complainant.

Unsigned written or anonymous complaints will be addressed and investigated as warranted; however, the ability to substantiate unsigned or anonymous complaints is compromised.

- C. **Investigatory Reviews:** Investigatory reviews into allegations of harassment and other forms of prohibited discrimination based on disability against employees are conducted by the Director of Social Equity or the Associate Vice President for Human Resources and Faculty Relations.

Allegations of harassment and other forms of prohibited 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 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 University 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 from the appropriate University official. 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 a student is found to have discriminated against another person(s), the student will be disciplined in accordance with the Student Code of Conduct. If an employee is found to have discrimination 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 Policy (Merit Principles).

XII. 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.

XIII. 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.

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, they are not intended to interfere with any rights an employee may have under their appropriate collective bargaining agreement.

XIV. 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.

XV. 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 or the Associate Vice President of Human Resources and Faculty Relations.

XVI. RELATED UNIVERSITY CODES and POLICIES

- C006 – Harassment, Intimidation, and Institutional Vandalism
- 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

XVII. CONTACT INFORMATION

Contact	Office	Address	Telephone
Director	Students with Disabilities	Crawford Center	814-732-2462
Director / University Ombudsperson	Social Equity	Reeder Hall	814-732-2167
Vice President / Provost	Academic Affairs	Reeder Hall	814-732-2729
--	Office of the Chancellor	Dixon University Center 2986 N. 2 nd Street Harrisburg PA 17110	717-720-4010 (General Line) 717-720-4016 (Direct Line)

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, and other forms of prohibited discrimination. 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):

Employee ___ Student ___ Service Provider ___ Visitor/Guest ___

Name	Address	Phone Number	Email Address

(Use additional paper if necessary)

ALLEGED RESPONDENT(S):

Name	Office Address	Phone Number	Email Address

(Use additional paper if necessary)

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:

Name	Address	Phone Number	Email Address

(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 207, 219 Meadville Street,
Edinboro PA 16444

Fax to: 814-732-2153

Email to: equalopportunity@edinboro.edu