

EDINBORO UNIVERSITY OF PENNSYLVANIA

**REASONABLE ACCOMMODATIONS FOR EMPLOYEES WITH DISABILITIES**  
**Policy No. G019**

Supersedes Policy No. G019, Dated 6/1/97 & 1/18/10

Recommended for Approval By: Mr. Gordon Herbst, Vice President for Finance and  
Administration

Approved By: Dr. Julie E. Wollman, President on January 14, 2013

Review Date: As Required

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**I. INTENT**

The intent of this policy is to achieve full compliance with all applicable laws and to establish a mechanism for qualified current employees of Edinboro University (the University) and applicants for employment to request reasonable employment accommodations due to a disability. This policy is established to guide University officials through this process.

**II. POLICY**

Edinboro University is an equal opportunity employer and education institution and does not discriminate on the basis of disability in its activities, programs or employment practices as required by the Rehabilitation Act and the ADA.

The University is firmly committed to compliance with section 504 of the Rehabilitation Act of 1973 (the Rehabilitation Act), as amended and the Americans with Disabilities Act of 1990 (ADA), as amended. The University will make reasonable employment accommodations for employees and applicants with disabilities who are protected by the ADA by making changes in the work environment or by changing certain practices and procedures – as long as these changes do not pose an undue hardship on the University or alter the essential functions of the job.

Employees, regardless of whether they are receiving an accommodation, must maintain institutional standards of performance, attendance, and conduct as specified by their department.

The President has designated the Associate Vice President for Human Resources and Faculty Relations as the ADA and Section 504 Coordinator for employment matters.

### III. 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. A **complainant** is a person who is alleging the occurrence of disability discrimination.
- D. A **respondent** is the person whose actions are alleged to have violated this policy.

### IV. ACCOMMODATION REQUEST PROCEDURE

Employees requesting a reasonable employment accommodation under the ADA should adhere to the following procedures:

- A. The employee shall notify, in writing, the Associate Vice President for Human Resources and Faculty Relations, of a need for reasonable employment accommodations. Information to be provided by the employee will include appropriate documentation as to the existence of a disability from a licensed professional. The University may request supplemental information in order to assess whether a disability exists as defined by the ADA.
- B. After reviewing the documentation and the facts of each request, the Associate Vice President for Human Resources and Faculty Relations (AVP) determine if the employee is eligible for reasonable employment accommodations under the ADA.
- C. The AVP will review the marginal and essential functions of the job, the functional limitations of the disability, and the reasonableness of an employment accommodation.

- D. The AVP will then facilitate a discussion with the employee's supervisor and the employee to determine what employment accommodations may be reasonable and discuss possible options to effectively address the issue.
- E. The AVP may seek advice from third-party experts when necessary. It is the responsibility of the AVP, however, to determine the reasonableness of an employment accommodation in a particular case after reviewing all the facts.
- F. The AVP will communicate the process for providing the reasonable employment accommodation verbally and in writing to the employee and the supervisor. Supervisors will be informed of the reasonable employment accommodations.
- G. Reasonable employment accommodations will be implemented immediately. For those accommodations which cannot begin as soon as practicable, requests of the employee will be considered but not controlling if other effective options are available.
- H. The request for accommodation will be evaluated and the employee/applicant will provide requested documentation and/or additional information in order to assist with that request.
- I. In cases where an accommodation request is denied, the AVP shall inform the employee of the reasons for the denial of a request, such as why the accommodation would not be effective or why it would result in undue hardship.

## **V. 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.

## VI. RETALIATION PROHIBITED

Retaliation against any person who is the alleged victim or target of harassment or intimidation is prohibited.

Retaliation against any person who alleges harassment and/or intimidation 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.

## VII. REPORTING PROCEDURES

Reporting such allegations of unlawful or 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.

**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<sup>1</sup> who believes s/he is the target of prohibited discrimination.

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

- C. **Report from:** A managers and supervisor who believe s/he is the target of unlawful or prohibited discrimination and who receive reports of prohibited discrimination.

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

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<sup>1</sup> Student workers are not considered employees of Edinboro University; however, there may be occasion where a student with a disability who is working on campus might need a workplace accommodation.

D. **Report from:** A campus visitor or guest, service contractor or provider, or other individual who believes that s/he has been subjected to harassment and other forms of prohibited discrimination 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.

**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.

**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 unlawful or prohibited discrimination by the University President or a member of the President's Executive Council.

**Report to:** Office of the Chancellor

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

Some behavior might violate criminal laws and, as such, individuals should feel free to discuss any actions with the University Police Department.

## VIII. 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.

### **COMPLAINT RESOLUTION**

The purpose of complaint resolution is to investigate complaints of harassment or intimidation and to facilitate a formal resolution of the complaint based on a determination or finding of a violation of this policy.

The procedure for complaints calls for prompt review followed by action intended to prevent any harassment or intimidation. The complaint resolution process may result in disciplinary action.

- A. **Filing a Complaint:** Complaints of harassment and/or intimidation 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/or intimidation are encouraged to come forward.

Complaints against University employees are filed with the Director of Social Equity or the Associate Vice President for Human Resources and Faculty Relations.

Complaints 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 Dean of Student Life 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/or intimidation, against employees are normally conducted by the Director of Social Equity or the Associate Vice President for Human Resources and Faculty Relations.

Allegations of harassment and/or intimidation 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 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 a student is found to have harassed and/or intimidated another person(s), the student will be disciplined in accordance with the Student Code of Conduct and employees 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).

## IX. COUNSELING

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

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.

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.

#### **X. 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.

#### **XI. 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.

#### **XII. RELATED UNIVERSITY POLICIES**

Aoo8 – Reasonable Accommodations for Students with Disabilities



Co06 – 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  
 Student Code of Conduct and Judicial Procedures

**XIII. CONTACT INFORMATION**

Contact	Office	Address	Telephone
Director	Social Equity	Room 207 Reeder Hall	814-732-2167
Associate Vice President	Human Resources and Faculty Relations	Room 216 Reeder Hall	814-732-2810 or 814-732-2703
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**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):**

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](mailto:equalopportunity@edinboro.edu)

APPENDIX

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