

Americans with Disabilities

Policy Number [formerly PRP 2060]

Commonwealth University of Pennsylvania

Approved by University Senate, [Date of Approval]

Revised [Date of Revision]

Responsible Office: [Insert Division or Office]

1. Purpose

This policy is developed in accordance with the Americans with Disabilities Act of 1990, as amended, and the Rehabilitation Act of 1973, to guide Commonwealth University of Pennsylvania in its commitment to academic excellence, equal opportunity, and freedom from discrimination for all members of and visitors to the University community, regardless of any disability one might have.

2. Scope

This policy applies to all members of and visitors to the Commonwealth University of Pennsylvania community, including students, faculty, staff, officials, volunteers, visitors, and contractors.

3. Definitions, Roles, and Responsibilities

3.1 Definitions

3.1.1 An individual with a disability: is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.

3.1.2 Reasonable accommodations or modifications: may include the provision of auxiliary aids and services for individuals with disabilities, unless the provision of such would fundamentally alter the nature of the course, services, facilities, program or activity the University offers, or would result in an undue financial or administrative burden on the institution. The University is aware of the complexities related to the definition of reasonable accommodation in the postsecondary environment and will actively consult with students, faculty, staff and administration as a matter of course.

3.2 Roles and Responsibilities

3.2.1 University Disabilities Services

University Disability Services operates as a centralized service for addressing the needs of students with disabilities and as a resource center for students, faculty, and staff.

3.2.2 ADA Coordinator

The ADA Coordinator operates as the centralized point for addressing the needs of Commonwealth University of Pennsylvania employees with disabilities.

4. Policy

Commonwealth University is committed to academic excellence, equal opportunity and freedom from discrimination for all individuals. The University seeks to provide students, employees and campus visitors with disabilities reasonable and effective accommodations to ensure equal access to the University's learning, living, and work environments, and sponsored events. In keeping with these commitments, and in accordance with the Americans with Disabilities Act of 1990, as amended, and the Rehabilitation Act of 1973, the University will make every reasonable effort to provide equality of opportunity and freedom from discrimination for all members of the University community and visitors to the University, regardless of any disability an individual may have. Accordingly, the University has taken and will continue to take positive steps to make University environments accessible to individuals with disabilities and has established procedures to provide reasonable accommodations to allow individuals with disabilities to participate in University programs. Further, the University is committed to the goal of fairly balancing the provision of reasonable accommodations with the academic integrity and rigor demanded of institutions of higher learning.

5. Procedures, Standards, and Guidelines

5.1 How to Request an Accommodation

5.1.1 Students

To request an accommodation in the University learning environment, students with a disability must submit appropriate documentation from a professional provider (e.g. psychologist, psychiatrist, or healthcare provider) and meet with a staff member in University Disability Services to discuss their needs and requested accommodation(s). The staff member will review and evaluate the documentation provided by the student. The staff member may further solicit the input of faculty members and department chairs/program directors/deans regarding the potential accommodation(s) considered. Depending on the accommodation requested, the determination of reasonableness may necessitate a continuing dialogue between the student, the academic program dean and/or faculty members, and University Disability Services.

To request an accommodation in other University environments, students with a disability must submit appropriate documentation from a professional provider (e.g. psychologist, psychiatrist, or healthcare provider) and meet with a staff member in University Disability Services to discuss their needs and requested accommodation(s). The staff member will review and evaluate the documentation provided by the student. The staff member may further solicit the input of residence life staff, dining, the health center, athletics, parking officials, and the counseling center regarding the potential accommodation(s) considered. Depending on the accommodation requested, the determination of reasonableness may necessitate a continuing dialogue between the student, any aforementioned offices, and University Disability Services.

Once the student submits documentation, they will meet with UDS staff to complete the interactive process to determine any appropriate reasonable accommodations. Descriptions of eligibility, how to register, documentation guidelines, and student rights and responsibilities may be accessed online at <https://www.commonwealthu.edu/offices-directory/disability-services> or at the campus locations detailed at the bottom of the document:

5.1.2 Employees: To request an accommodation in the University workplace, employees with a disability must contact the ADA Coordinator. Documentation from a professional provider (e.g. psychologist, psychiatrist, or healthcare provider) is required. This documentation must identify the employee's disability, including how the disability limits a major life activity(ies), and indicate if the employee is able to perform essential job functions in the employee's current position with or without reasonable accommodation(s), as well as the recommended accommodation(s) based on the disability. This documentation must be on letterhead, designate appropriate professional license(s), and be signed by the professional provider. Using the [ADA Employee Health Questionnaire](#) is the preferred and most efficient way to ensure all necessary information is provided. Once the employee submits documentation, they will meet with the ADA Coordinator to complete the interactive process to determine appropriate reasonable accommodations. The ADA Coordinator may further solicit the input of Hiring Managers and/or Human Resources regarding the potential accommodation(s) considered.

The ADA Coordinator may be reached by contacting 570-389-4529, Warren Student Services Center, Room 043 on the Bloomsburg Campus or by emailing cuada@commonwealthu.edu

5.1.3 Campus Visitors

Prospective Students or Employees, Spectators for an Event or Other Campus Visitors: Questions regarding accessibility and/or accommodations at all campuses may be addressed by contacting the ADA Coordinator at 570-389-4529, Warren Student Services Center, Room 043 on the Bloomsburg Campus or by emailing cuada@commonwealthu.edu

5.1.4 Contact Information

Bloomsburg Campus
570-389-4491

Warren Student Services Center, Room 043, Monday through Friday, 8:00 am to 4:30 pm.
<https://www.commonwealthu.edu/campus-life/bloomsburg/parking-and-transportation>

Lock Haven Campus
570-484-2665

Ulmer Hall, Room 205, Monday through Friday, 8:00 am to 4:00 pm
<https://www.commonwealthu.edu/campus-life/lock-haven/parking-and-transportation>

Mansfield Campus
570-662-4150

South Hall, Room 147, Monday through Friday, 8:00 am to 4:00 pm
<https://www.commonwealthu.edu/campus-life/mansfield/parking-and-transportation>

5.2 Seeking a Resolution in the Event of a Complaint

Students, employees, or community members who disagree with the accommodations that were determined reasonable under the ADA Policy, may elect to begin the process with either the informal complaint resolution or the formal complaint resolution. All individuals are entitled to select a non-legal advocate of their choosing to accompany them throughout the process.

If you feel like your approved accommodations were not given to you, or you were discriminated against based on your disability status, refer to the harassment and discrimination policy. [LINK](#)

5.2.1 Informal Resolution Process

The purpose of the informal resolution process is to allow for the reporting of complaints concerning ADA accommodation determinations by students, faculty, staff, and/or other parties and to facilitate satisfactory resolution of the complaint as quickly as possible. The complaint should be filed within 45 days of the alleged violation.

The ADA Coordinator will investigate the complaint and determine an appropriate resolution. If the complaint involves the ADA Coordinator, an appropriate designee from Human Resources will investigate the complaint and determine an appropriate solution. If the complainant is not satisfied with the informal resolution process or outcome, or no longer wants to participate in informal resolution, or if the other individual(s) declines to participate in the informal resolution process, the complainant may file a formal complaint at any time.

5.2.2 Formal Resolution Process

Students, faculty, staff or visitors wishing to officially register a University complaint under PRP #2060, ADA Policy, may do so by submitting a written statement to the ADA Coordinator. If the complaint involves the ADA Coordinator or Vice President, see section 5.2.3 below. The complaint should be filed within 45 days of the alleged violation and must include the issue(s), the complainant's name, telephone number, address, date the complaint is submitted to the ADA Coordinator, and the date of the alleged violation. The ADA Coordinator will initiate the following action:

Investigation Process:

Within 45 calendar days of receiving the complaint, the ADA Coordinator will conduct an investigation and submit the investigation report to the appropriate Vice President. The appropriate Vice President will determine the outcome for the formal resolution and notify the complainant in writing. The ADA Coordinator may assist the Vice President in implementing the agreed upon resolution.

Appeal Process:

An individual shall be entitled to one written appeal of any decision rendered by the appropriate Vice President. Appeals must be based only on new evidence that was not considered during the investigation, evidence of bias of the investigator, or evidence of a procedural violation. Appeals shall be filed in writing with the ADA Coordinator no later than ten days after the date the decision was received. The appeal will be reviewed by an appropriate Human Resource Investigator. The Human Resource Investigator will make a recommendation and forward the recommendation to the President. The President will rule on all appeals, and all rulings are final. All parties will be notified in writing of the decision.

5.2.3 Conflict of Interest:

In the event that a conflict of interest exists in pursuing the complaint with the ADA Coordinator, or in the event that the complaint involves the ADA Coordinator, the complainant should bring the complaint to the appropriate Vice President.

In the event that a conflict of interest exists in pursuing the investigation report with the appropriate Vice President, or in the event that the complaint involves the Vice President, the complainant should

bring the complaint to Human Resources, who will designate an appropriate Investigator and will forward the investigation report to the President for review and final determination.

Individuals are encouraged to use these complaint procedures but are not required to do so and may also choose to pursue complaints in other forums. In addition to or in place of the University's procedures, complainants may choose to file a complaint with federal or state agencies such as the Pennsylvania Human Relations Commission, 333 Market St., 8th Floor, Harrisburg, PA 17101-2210, (717) 787-9780, the U.S. Equal Employment Opportunity Commission, 801 Market Street, Suite 1300, Philadelphia, PA 19107-3127, (800) 669-4000, or the Office of Civil Rights of the U.S. Department of Education, 100 Penn Square East, Suite 515, Philadelphia, PA 19107, (215) 656-8541.

This policy is not intended to interfere with any rights an employee may have under an applicable collective bargaining agreement. Unionized individuals may also choose to pursue a complaint through the appropriate Collective Bargaining Agreement grievance procedures.

5.3 Confidentiality

During this process, the University will make every effort to maintain confidentiality and protect the rights of the complainant and other individual(s). To the extent possible, the information reported and disclosed in a complaint and related proceedings will be shared only with individuals responsible for addressing the complaint. All documents related to the proceedings will be subject to confidentiality protections provided by law, including the Family Educational Rights and Privacy Act (FERPA) and the ADA.

6. Compliance and Enforcement

6.1 Every University policy will undergo a regular review on a five-year cycle, with approximately 20% of the total policies inventory being reviewed each year.

6.2 All policy reviews will be conducted by the responsible Senate Committee to assure that the policy remains relevant and aligns with applicable federal and state laws and regulations, PASSHE Board of Governors policies, and other University policies, procedures, standards, or guidelines.

7. Additional Information

7.1 Supporting Documents

7.1.1 University Disabilities Services website <https://www.commonwealthu.edu/offices-directory/disability-services>

7.2 History

7.2.1 This policy supersedes Bloomsburg University policy Revision PRP #2060, Reviewed and approved by President's Executive Staff 08/17/15, Reviewed and endorsed by AFSCME 01/30/17, Reviewed and endorsed by SCUPA 01/20/17, Reviewed and endorsed by SPFPA 02/01/17, Reviewed and endorsed by OPEIU01/20/17, Reviewed and endorsed by Meet and Discuss 03/20/17, and Endorsed by FORUM 05/03/17.

7.2.2 Effective Date - [Date Approved by the University Senate or Issued by the Office of the President as an Interim Policy]

7.3 Relate Policies

PRP 4789 HARASSMENT AND DISCRIMINATION POLICY

7.4 Contacts for Additional Information and Reporting

Bloomsburg University Disability Services

ADA Coordinator

400 East 2nd Street

043 Student Service Center

Bloomsburg, PA 17815

570-389-4491

UDSbloomsburg@commonwealthu.edu

Lock Haven University Disability Services

401 North Fairview Street

205 Ulmer Hall Student Success Center

Lock Haven, PA 17745

570-484-2665

UDSlockhaven@commonwealthu.edu

Mansfield University Disability Services

31 South Academy Street

147 South Hall

Mansfield, PA 16933

570-662-4150

udsmansfield@commonwealthu.edu