

No change to P04.02.030:**P04.02.030. Reasonable Accommodation for People with Disabilities: Prohibition Against Discrimination on the Basis of Disability.**

All members of the university community have a right to a working and learning environment free of all forms of illegal discrimination including discrimination against people with disabilities. It is the university's intent that no employee, or user of university facilities, be subjected to unlawful discrimination based on disability.

(06-06-07)

Delete the following policies; updated definitions and procedures have been adopted as University Regulation R04.02.030 – R04.02.036:**~~P04.02.032. Definitions.~~**

~~In P04.02.030 – 04.02.038, unless the context requires otherwise:~~

~~A. — "ADA" means the federal law known as the Americans with Disabilities Act of 1990, as amended;~~

~~B. — "ADA coordinator" means the individual designated to administer the university's disability discrimination compliance program;~~

~~C. — "affirmative action officer," or "AAO" means the regional affirmative action officer, director, or designee, whichever reference is applicable;~~

~~D. — "complainant" means the person or persons asserting a complaint;~~

~~E. — "person with a disability" means an individual who:~~

~~1. — has a documented physical or mental impairment that substantially limits a major life activity;~~

~~2. — has a documented record of a physical or mental impairment that substantially limits a major life activity; or~~

~~3. — is regarded as having a physical or mental impairment that substantially limits a major life activity;~~

~~F. — "reasonable accommodation" means the process of modifying or adjusting the work environment to reasonably accommodate the functional limitation caused by a disability;~~

~~G. — "reasonable accommodation resolution" means the process whereby the ADA coordinator or AAO facilitates the development of an appropriate reasonable accommodation; and~~

H. — "respondent" means the university employee, officer, agent, or representative whose act or failure to act is being disputed.

(06-06-07)

P04.02.033. Request for Accommodation.

A. — The purpose of this process is to educate the person or persons involved about the applicable provisions of the law, to provide a non-retaliatory environment to determine accommodations, and to initiate change in behavior, practice, or treatment that will lead to a positive work environment.

B. — A university employee who believes that the employee requires accommodation must present medical documentation to the employee's immediate supervisor, with copies to the AAO or designee, when the disability or need for accommodation is not known or obvious to the supervisor.

C. — An informal complaint to the AAO must state the employee's name, and provide a detailed description of the practice or action that allegedly requires accommodation or constitutes discrimination on the basis of disability.

D. — No person who acts in good faith will be subject to restraint, interference, coercion, reprisal, or retaliation for initiating a request or complaint or participating as a witness or in another capacity in any proceeding designed to foster compliance with this policy and university regulation.

E. — In attempting to informally determine an appropriate accommodation or resolve a complaint, the AAO will obtain and clarify relevant information from the employee, the supervisor, the regional personnel director, and other involved persons. The outcome of a reasonable accommodation generally will not include documentation copied to the personnel file or widespread distribution of decisions regarding any accommodations made. However, any documentation relating to a disability complaint will be kept in a separate file apart from the employee's personnel file.

(06-06-07)

P04.02.034. Formal Complaint.

An employee who claims to have been subjected to discrimination based upon a disability and who has exhausted the reasonable accommodation process may initiate a written formal complaint. Formal complaints must be presented to the ADA coordinator and must include, at a minimum, the following information:

A. — the name of the complainant and the respondent;

B. — a clear and concise description of the event and the alleged discriminatory action or conduct;

C. — an explanation of the impact upon the complainant of the alleged discriminatory action or conduct;

~~D. a summary of attempts taken to resolve the complaint informally; and~~

~~E. the remedy requested.~~

~~(06-06-07)~~

~~P04.02.035. Determination of Formal Complaint.~~

~~A. The AAO and ADA coordinator are responsible for ensuring compliance with the provisions in the Americans with Disabilities Act and other applicable laws in their efforts to coordinate disputes involving people with disabilities within the university.~~

~~B. The ADA coordinator will determine whether there is reasonable basis to justify relief in the form of a reasonable accommodation. If so, the ADA coordinator will identify appropriate solutions, including recommendations for reasonable accommodation, and report those recommendations to the respondent's immediate supervisor, regional human resources office, and other appropriate administrative officers.~~

~~(06-06-07)~~

~~P04.02.036. Remedies.~~

~~A. Unjustified delay or refusal to implement the solutions or the reasonable accommodations recommended by the ADA coordinator may lead to referral to an appropriate administrative officer to obtain proper and timely action. An employee who delays or refuses unjustifiably to implement the recommendations is subject to disciplinary action.~~

~~B. If the ADA coordinator determines that there is not just cause to support a disability discrimination complaint, the coordinator will notify the complainant in writing of that determination and the reason therefore. The complainant may appeal the ADA coordinator's determination or the respondent's alleged improper action by submitting a grievance to the grievance council at Step 3 of the grievance resolution process contained in P04.08 and R04.08. The grievance must be filed within 45 working days of the date on which the complainant received the ADA coordinator's written determination.~~

~~(06-06-07)~~

~~P04.02.037. Confidentiality.~~

~~The university cannot guarantee confidentiality. However, all university employees are expected to make a reasonable effort to protect the legitimate privacy interests of involved persons.~~

~~(06-06-07)~~

~~P04.02.038. Records Retention.~~

~~The affirmative action officer and ADA coordinator will maintain appropriate records concerning complaints brought under the provisions of the informal and formal complaint~~

processes. These dispute resolution records are considered confidential under federal law and will be maintained accordingly.

(05-04-99)