

AMERICANS WITH DISABILITIES ACT

GRIEVANCE PROCEDURE

Mansfield University has adopted this internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Equal Employment Opportunity Commission (EEOC), the U.S. Department of Justice (DOJ), or any other appropriate governmental agency, regulations implementing applicable Titles of the Americans With Disabilities Act of 1990 (ADA). Title I provides for nondiscrimination against a qualified individual with a disability by exclusion from participation in, or denying, the benefits of the services, programs, or activities of the University. Title III prohibits discrimination against individuals with disabilities in places that serve the public. Title IV covers telecommunications. Title V includes, but is not limited to, accessibility standards, and identifies certain conditions excluded from the context of the ADA definitions of disability.

Complaints should be addressed to the Equity Officer, 118 Alumni Hall, Mansfield University, Mansfield, PA 16933 (570/ 662-4892) who has been identified to coordinate ADA compliance efforts for the University. Hearing impaired individuals should write the university in lieu of TDD service.

- Complaints should be filed in writing, or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
- A complaint should be filed within 30 days after the complainant becomes aware of the alleged violation.
- An investigation, as may be appropriate, shall follow the filing of a complaint. The investigation will be conducted by the Equity Officer. We anticipate informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit relevant evidence. Requests for reasonable accommodations, where appropriate, should be reviewed as part of this investigation.
- A written determination as to the validity of the complaint, and a description of recommended resolution (if any), shall be forwarded to the complainant no later than 30 days after its filing.
- Requests for reconsideration must be made within 30 days, to the appropriate Cabinet Level Administrator.
- The ADA Coordinator shall maintain the Mansfield University files and records related to the ADA grievances received.

- Complainant shall be made aware of other remedies available, notably the fact that the ADA is enforced by both the EEOC and the DOJ. For certain matters the Office for Federal Contract Compliance Programs (OFCCP) or the Federal Communications Commission (FCC) may become involved.
- This procedure is intended, and shall be construed, to protect the substantive rights of interested persons to meet appropriate due process standards, and to assure that Mansfield University complies with the ADA and implementing regulations. Exceptions to any of the time limitations herein will be evaluated on a case-by-case basis.

ADA ACCOMMODATIONS PROCEDURE

- I. Employee/ Applicant requests* accommodation
 - A. Requests are to be written
 - B. Address request to Director, Human Resources
- II. Position is reviewed for “essential functions” of the job description
 - A. Current position description
 - B. Essential functions identified if not previously documented: include purpose of position
- III. Determine that individual is ‘qualified individual with a disability’
 - A. Disability within ADA definitions
 - B. Individual otherwise qualified
 - C. Identify specific limitations to be overcome
 1. Consultation with employee to relate limitations to position/essential functions
 2. Physicians opinion(s)
 3. Third parties/ other experts’ opinion
 - D. Document all findings
- IV. Identify potential accommodations
 - A. Consult with employee
 1. Ensure employee recognizes that (s)he is resource, not decision maker
 2. Seek ideas of accommodations
 - B. Research ‘fundamental’ changes (job restructuring, equipment modification, mechanical assistance, etc.)
 - C. List/ tabulate options
 - D. Assess effectiveness of each of the options
 - E. Review that ‘all’ options are documented
- V. Select a “reasonable accommodation”
 - A. Design/ document decision model/ matrix
 1. Document decision criteria/ variables
 - a. Employee preference
 - b. Effectiveness
 - c. Cost
 - d. External influences- CBA, impact on other positions, precedent, etc.
 2. Assign priorities/ weights to criteria
 - B. Evaluate each option/ alternative against the decision model
 - C. Decide if “undue hardship” prevents any of the possibilities
 - D. Identify/ assess possible challenges to implementation
 - E. Document the decision
- VI. Offer “reasonable accommodation” to employee
 - A. Written offer: signed acceptance/ rejection
 - B. Consider the basis for acceptance/ rejection
 - C. Implement it

* In the instance that employer (university) knows the individual is disabled no request is necessary.

