



## POLICY STATEMENT

# Americans with Disabilities Act (ADA) Policy

**SU Policy Number: 701-004.0**

### ORIGINATING OFFICE

Office of Equity, Inclusion, and Compliance

### PURPOSE

In compliance with the requirements of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 and amendments ("ADA"), Shippensburg University of Pennsylvania ("University") is committed to equality of opportunity and freedom from discrimination for all persons formally associated with the University including, but not limited to, students, employees, applicants for admission or employment, and all participants in public University-sponsored activities.

### SCOPE

The requirements of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 and amendments applies to all members of the University community including faculty, staff, managers, coaches, graduate and undergraduate students, interns, volunteers, and independent contractors. Personnel from affiliated entities also fall within the scope of this policy. This policy further applies to programs, activities, and events operated by: (a) internal University groups and (b) external individuals, groups, or organizations, including independent contractors who utilize University facilities through contractual agreements and under the control of the University or its affiliated entities. These programs may be operated on campus or off campus at any time.

According to the Equal Employment Opportunity Commission ("EEOC"), "If you have a disability, you must also be qualified to perform the essential functions or duties of a job, with or without reasonable accommodation, in order to be protected from job discrimination by the ADA. This means two things. **First**, you must satisfy the employer's requirements for the job, such as education, employment experience, skills or licenses. **Second**, you must be able to perform the essential functions of the job with or without reasonable accommodation. Essential functions are the fundamental job duties that you must be able to perform on your own or with the help of a reasonable accommodation. An employer cannot refuse to hire you because your disability prevents you from performing duties that are not essential to the job."

### OBJECTIVE

Shippensburg University prohibits discrimination on the basis of disability for faculty staff students and visitors. Shippensburg University has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints by any member of the Shippensburg University community alleging

any action prohibited by Section 504 of the Rehabilitation Act of 1973 (§29 U.S.C. 794) of the U.S. Department of Education regulations implementing the Act, and the Americans With Disabilities Act, 1990 Title II & III (§42 U.S.C. 126). Section 504 and the ADA, Sections Title II & Title III prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance.

## DEFINITIONS

Emotional support animal: is not a "service animal," but is an animal that provides a therapeutic benefit to its owner through companionship.

Employee: All those personnel who are employed by Shippensburg University, including all personnel and contractors who operate on university property or in a capacity that serves university functions.

Faculty: All employees assigned teaching and instructional duties, including those faculty as defined by the Collective Bargaining Agreement between APSCUF and the Pennsylvania State System of Higher Education ("PASSHE").

Major Life Activity: Hearing, seeing, speaking, walking, breathing, performing manual tasks, caring for oneself, learning or working.

Person with a disability: Someone who:

1. has a physical or mental impairment that substantially limits one or more "major life activities";
2. has a record of such an impairment; or
3. is regarded as having such an impairment.

Reasonable accommodation: Any change or adjustment to a job or work or school environment, other than physically removing oneself from the institution, that permits a qualified applicant or employee or student with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment or education equal to those enjoyed by persons without disabilities. An employer is required to provide a reasonable accommodation to a qualified applicant or employee with a disability unless the employer can show that the accommodation would be an undue hardship.

For example, reasonable accommodation may include:

- a. providing or modifying equipment or devices already within the institution's possession,
- b. for employees, job restructuring,
- c. for employees, part-time or modified work schedules,
- d. for employees, reassignment to a vacant position,
- e. adjusting or modifying examinations, training materials, or policies,
- f. to the extent practicable within the institution's resources, providing readers and interpreters, and
- g. to the extent practicable within the institution's resources, making the workplace readily accessible to and usable by people with disabilities.

Service animal: is any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to: guiding individuals with impaired vision; alerting individuals with impaired hearing to intruders or sounds; providing minimal protection or rescue work; pulling a wheelchair; or fetching dropped items.

Student: Persons, who on the date of the alleged incident: are registered for course(s);

- (a) enrolled in course(s);
- (b) have confirmed their intent to enroll in programs; or
- (c) are active but not enrolled at the University.

Undue Hardship: A requested accommodation that would impose upon the institution significant difficulty to implement or expense.

## POLICY

Shippensburg is committed to accommodating all members of the University community and visitors to the University, regardless of any disability an individual may have. The University has been proactive to ensure University facilities are accessible to individuals with disabilities and has established procedures to provide reasonable accommodations to allow individuals with disabilities to participate in University programs.

## RESPONSIBILITIES

This policy applies to all students, applicants for employment, administrators, and employees of Shippensburg University, as well as individuals who have a contractual relationship with the University, including, but not limited to vendors and contractors.

## PROCEDURES

### Requesting Accommodations

Students requesting disability accommodations should contact the Office of Accessibility Resources ("OAR"), Mowrey Hall 252, (717) 477-1364 (phone); (717) 477-4094 (fax). Students may request ADA accommodations by logging in to the [Accommodate](#) website.

Everyone formally associated with Shippensburg University other than students requesting disability accommodations complete the [Reasonable Accommodation Request Form](#) and submit current documentation of the disability. For assistance, contact the Office of Human Resources is located in Old Main 109 and can be reached at (717) 477-1124 (phone); (717) 477-4037 (fax).

Shippensburg University encourages anyone with concerns about a disability-related issue to first discuss the matter with the Office of Human Resources, who will attempt to facilitate a resolution. The purpose of the informal process is to make a good faith effort to resolve the issue quickly and efficiently. Individuals are required to try and resolve the issue with the Office of Human Resources before filing a formal grievance. If the Office of Human Resources is not successful in achieving a satisfactory resolution, you may appeal the accommodation denial.

### Animals

Service animals are considered service animals under the ADA, regardless of whether they have been licensed or certified by a state or local government. All members of the campus community must keep the service animal under full control and are responsible for all licensing as well as clean-up. Service animals to be housed in University Housing must have an annual clean bill of health from a licensed veterinarian. Unlike a service animal, an emotional support animal is typically excluded from places of public accommodation including places on campus where residents and staff are permitted to go (residence hall common areas, laundry rooms, dining halls, common study area such as the library).

### Appealing an Accommodation Denial

An appeal from a denial of a reasonable accommodation must be in writing by completing an [American with Disabilities Act \(ADA\) Appeal Form](#). For those who need assistance in completing the form, please contact the Office of Human Resources. In investigating the merits of the denial of accommodations, the 504/ADA Coordinator or investigator designee may interview, consult with and/or request a written response to the issues raised in the grievance from any individual the investigator believes to have relevant information, including but not limited to faculty, staff, students, contractors, and visitors to Shippensburg University. All parties will have an opportunity to provide the investigator with information or evidence that the party believes is relevant to his or her grievance. All parties involved will receive a fair and equitable process and be treated with care and respect. The investigator will respect the privacy of all parties.

The written request for appeal must be based on the grounds of:

1. improper procedure, or
2. new evidence that was unavailable at the time of the investigation.

The Section 504/ADA Coordinator will provide the person appealing with a copy of the appeal written decision within thirty (30) days of the filing of the appeal. The appeal decision will be the final determination of Shippensburg University. The individual also may file a complaint with the U.S. Department of Education, Office of Civil Rights, at 800-421-3481 or [OCR@ed.gov](mailto:OCR@ed.gov) at any time before, during or after the University's 504/ADA accommodation process.

### RECISSION

Upon approval, this policy rescinds any and all non-student related ADA policies.

### APPROVALS

Executive Management Team April 1, 2021

Forum April 13, 2021

### FILENAME

701-004.0 Americans with Disabilities Act (ADA) Policy

### DATE

4/23/2021

### DISTRIBUTION

Public