Procedure: Nondiscrimination based on disability
Americans with Disabilities Act Compliance Procedures

Procedure Number: 3364-50-03.01

Responsible Department: Internal Audit & Compliance **Effective Date:** 08/12/2008

(A) This procedure is authorized by the university's policy on Nondiscrimination based on Disability-Americans with Disabilities Act Compliance.

(B) Nondiscrimination

(1) Equal opportunity. The University is an equal opportunity educational institution and employer. Because we are committed to providing superior employment, educational, and healthcare opportunities, we will continue to make employment and academic decisions based upon qualifications. However, the policy of the University prohibits unlawful discrimination based upon disability, as defined by the ADA.

(2) Compliance with the ADA and Rehabilitation Act. The University is to comply with all the relevant and applicable provisions of the ADA and Rehabilitation Act. The University will not discriminate against any qualified employee, applicant, student, patient, visitor, or prospective applicant with respect to any terms, privileges, or conditions of employment or admission due to a person's disability.

The University is committed to making reasonable accommodations for all employees, students, patients, visitors, or applicants with disabilities, provided that the individual can safely perform the essential duties and assignments inherent to the job or the program curriculum and provided that any accommodations made do not represent an undue hardship to the institution. Academic accommodations, however, shall not alter the fundamental nature of the programs and courses offered by the University.

(3) Physical access. The University is committed to providing barrier-free facilities to individuals with disabilities. The University's goal is to work towards a barrier-free environment, and this means that it strives to remove structural barriers in new and existing facilities, as defined in Section 504 of the Rehabilitation Act, to the extent readily achievable.

(4) Technology Accessibility. The creation and dissemination of knowledge is a defining characteristic of universities and is fundamental to the University of Toledo's mission. The use of state-of-the-art digital and web-based delivery of information is increasingly central in carrying out our mission. The University is committed to ensuring equal access to information for all its constituencies as explained in Policy #3364-15-15.

(5) Employment practices. The University does not limit, segregate, or classify applicants or employees in any manner that adversely affects their opportunities or status because of disability. The University will make reasonable accommodations to the known physical or mental limitations of an otherwise qualified applicant or employee. The University will review employment practices and policies to ensure that job applicants and employees with documented disabilities are given nondiscriminatory consideration when their job qualifications are assessed.

Application forms. Employment forms and applications will not contain discriminatory language nor ask questions that are designed to elicit information regarding an applicant's disability. However, the University may make specific inquiries regarding the ability of an applicant to perform job related functions.

(6) Academic practices. The University does not deny admission or educational opportunities, or discriminate in admission, recruitment, or any other academic endeavor based on disability.

(7) Public and patient care services. The University delivers healthcare services to its patients and other services to visitors and clients regardless of disability. It is the policy of the University to provide access to these services in a non-discriminatory manner.

(8) Association. The University will not exclude or otherwise deny equal goods, services, facilities, privileges, advantages, reasonable accommodations, or other opportunities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association.

(9) The ADA Academic Liaisons are a group comprised of upper-level administrators (deans, associate, or assistant deans) from each of the colleges who serve as the appointed designees to help resolve issues pertaining to the provision and implementation of academic accommodations for students with disabilities. There is at least one representative from each college. The ADA Academic Liaisons are charged with promoting and advancing accessibility within each of their colleges.

(10) ADA Contacts are a group comprised of personnel from key University offices that have a direct impact on ADA compliance and have responsibility to resolve any concern or complaint brought forth to them pertaining to disability access.

(C) Definitions:

(1) Disability

(a) To qualify as "disabled', an individual must:

(i) Have a physical or mental impairment that substantially limits one or more major life activities.
(ii) Have a record of such an impairment or
(iii) Is regarded as having such an impairment.

(b) Record of impairment. An individual may have a record of impairment if they meet any part of the definition of "disability" as set forth above. Consequently, one who has previously had a qualified impairment may be protected by the ADA.

(c) Regarded as impaired. Individuals may be regarded as having such impairment even if their impairment does not fall within the definition of "disability" under the ADA. There are three circumstances under which a person may be regarded as having such impairment:

(i) The individual has an impairment, which does not substantially limit major life activities but is perceived and treated as if they did.
(ii) The individual has an impairment that substantially limits major life activities only because of the attitudes or beliefs of other people; or
(iii) The individual may not have a covered impairment or any impairment at all but is nonetheless treated as if they did.

(2) Physical or mental impairment. A qualifying impairment is any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of several body systems or any mental or psychological disorder.

(3) Substantial limitation. Determining whether impairment substantially limits an individual's major life activities requires consideration of:

(a) The nature and severity of the impairment, including the active phase of any condition that is episodic or in remission,
(b) Whether the duration or expected duration of the impairment is more than six months, and
(c) The permanent or long-term impact of, or resulting from, the impairment on the manner, conditions, and duration in which a person engages in one or more major life activity in comparison to the average person in the general population.

(4) Major life activities. Major life activities include, but are not limited to caring for oneself, performing manual tasks, walking, standing, lifting, seeing, hearing, eating, sleeping, speaking, breathing, learning, reading, concentrating, thinking, communicating, working, and the operation of major bodily functions as defined by the ADA.

(5) Qualified individual with a disability. A qualified individual with a disability is an individual who satisfies the requisite skill, experience, and educational requirements of the position or the educational program and one who can perform the essential functions of the job or curriculum with or without reasonable accommodation.

(6) Essential functions. Essential functions are those functions that the individual who holds the position or who is in the academic program must be able to perform unaided or with or without reasonable accommodation.

(E) Compliance Organization

(1) ADA Compliance Officer. The ADA Compliance Officer is the individual designated to coordinate efforts to comply with the ADA, Rehabilitation Act, and other related regulations.

The ADA Compliance Officer is Enjie Hall, RH1820, The University of Toledo, 2801 W. Bancroft St. MS 342 Toledo, Ohio 43606, 419.530.1232, Enjie.Hall@utoledo.edu.

The ADA Compliance Officer has the authority to assure campus wide adherence to this policy.

The University regularly receives funding from various sources to provide necessary general disability access that affect multiple stakeholder groups and are higher dollar in nature. The facilities master plan, the ADA compliance committee, and other governing bodies provide input toward the disability initiatives that receive this funding. However, since accommodation requests are processed by the University on an ongoing basis, it is not feasible nor fiscally prudent to fund each request from a central account/source. As such, the University asks that departmental units fund necessary accommodations that are localized in nature. Should an accommodation be necessary that spans organizational units, or materially detriments any department's budget, units should contact the ADA Compliance Officer, who will advise on the proper path for funding.

Responsibilities of the ADA Compliance Officer include:

(a) Monitoring and assisting appointed ADA Committee and ADA Academic Liaison Committee members in the developing of ADA policies and procedures to further University compliance
(b) Directing education/training for ADA awareness

(2) ADA Contacts.

ADA contacts are:

(a) Employee ADA Contact:
Director, EEOC/AA & HR Compliance
Main Campus CA 1200E
2801 W. Bancroft St. MS 205, Toledo, Ohio 43606
419.530.1464

(b) Faculty ADA Contact:
Senior Director Faculty Relations/Inclusion Officer UH4580C
2801 W. Bancroft St. MS 205, Toledo, Ohio 43606
419.530.4053

(c) Student ADA Contact:
Director, Student Disability Services RH 1820
2801 W. Bancroft St. MS 342, Toledo, Ohio 43606
419.530.4981
studentdisabilitysvs@utoledo.edu

(d) Public/Patient ADA Contact:
Service Excellence Officer
2801 W. Bancroft St., Toledo, Ohio 43606 419-383-3606

(e) Facilities ADA Contact:
Director, Campus Planning and Design PO 1440B
2801 W. Bancroft St. MS 216, Toledo, Ohio 43606
419.530.1453

(f) Marketing ADA Contact:
Director, Web Development, University Marketing CCE 2112
2801 W. Bancroft St. MS 216, Toledo, Ohio 43606
419.383.5389

(g) Online Learning ADA Contact: Instructional Designer, ADA
2801 W. Bancroft St. Toledo, Ohio 43606
419.530.2149

The ADA contacts have the following responsibilities in their respective areas:

(a) Ensure compliance by enforcing policies in their respective areas that further complies with the ADA.
(b) Ensure that requests for reasonable accommodations are met in their departments in consultation with the ADA compliance officer.
(c) Serve as members of the ADA Committee.
(d) Report resolutions of requests for accommodation to the ADA Compliance Officer.

(3) ADA Committee

(a) Review and recommend changes to ADA policies and procedures, if necessary.
(b) Work to address compliance issues that arise.
(c) Convene with the ADA Compliance Officer as needed

(F) Responsibility to notify. The University will make reasonable accommodations to an otherwise qualified individual with a disability. It is the responsibility of the individual with the disability to inform the University that an accommodation is needed. The University may request documentation of the individual's functional limitations to support a need for an accommodation.

Reasonable accommodations request process

(i) Employment accommodations. An individual seeking an accommodation to perform the essential functions of a position must submit an accommodation request with disability documentation to the Employee or Faculty ADA contact by completing the form at https://www.utoledo.edu/depts/hr/webforms/reasonable-accommodation-request-form.html to determine eligibility. If the employee is eligible, the Employee or Faculty ADA contact will work with the appropriate individuals to implement a reasonable accommodation. If the employee is not satisfied with the accommodation see section (G) for complaint procedure.

(ii) Academic accommodations. A student seeking an academic accommodation to perform the essential elements of the curriculum/course must submit an accommodation request including disability documentation which must adhere to institutional documentation guidelines (http://www.utoledo.edu/offices/student-disability-services/) This information is to be submitted to the Student Disability Services Office.

Academic accommodations shall not fundamentally alter the course and/or programmatic objectives offered by the University. If eligible, students will be required to obtain a memorandum outlining accommodations to be provided each block/clinical clerkship/semester from the Student Disability Services Office. It is the student's responsibility to disclose the memorandum to faculty prior to needing said accommodation.

Accommodation requests are not retroactive. If the student is not satisfied with the accommodation, see section (G) for complaint procedure.

(iii) Public accommodations. For accommodations to public programming and events, please contact the ADA Compliance Officer. If the public is not satisfied with the accommodation or implementation, see section (G) for complaint procedure.

(iv) Patient accommodations. Patients are expected to request accommodations at the time of registration or at the time they make an appointment. If the patient is not satisfied with the accommodation or its implementation, see section for complaint procedure.

(G) Complaint/Grievance Process.

(1) Notification. If any individual believes that an accommodation was unreasonably denied, or that they have otherwise been subjected to discrimination or harassment based on their disability by employees, other students, healthcare providers, or third parties in violation of the Law and this policy, the individual may voice an optional informal complaint to the appropriate ADA Contact for resolution. If the individual is dissatisfied with the recommended resolution, or chooses not to make an informal complaint, a formal complaint may be submitted online at https://www.utoledo.edu/offices/oid/training.html

Such complaints must be made within a reasonable time, usually within fourteen calendar days of receiving the determination regarding accommodations. The University will process complaints made after that time, although an individual's failure to make a complaint within a reasonable time may encumber the University's ability to provide reasonable accommodation or address alleged discrimination and properly investigate the complaint and may be considered in determining credibility issues which arise during the investigation.

(2) Investigation. The Executive Director of Internal Audit and Compliance, Chief Compliance Officer or designee will initiate an investigation within 14 calendar days of receipt of the formal online complaint. The investigator will consider information provided by the complainant and respondent. The complainant and respondent(s) may recommend names of witnesses who may have information to be considered as part of the investigation. The investigation should be completed within 60 business days from the beginning of the investigation, although in some situations, additional time may be necessary.

(3) Remedial action. At the conclusion of the investigation, the complainant and respondent will be notified in writing of the outcome of the investigation. This outcome is considered final. The University will take steps to prevent recurrence of disability harassment and/or to connect the effects of disability discrimination as needed.

(4) Non-retaliation policy. UT will not retaliate against any individual for filing a complaint or for participating in an investigation under this policy or the Law, and will not permit retaliation by management employees, faculty, co-workers, or fellow students. Alleged retaliation for filing a complaint or participating in an investigation should be reported as described in Section G of this policy.

(5) The University will maintain documentation of all complaint proceedings, including the complaint, investigation materials, including the finding(s) of fact(s), and any transcripts or audio recordings (if any were made) in accordance with the University's records retention schedule.

This Statement of Procedure is

Reviewed and authorized by:

David Cutri, Executive Director of Internal Audit and Chief Compliance Officer

Date: May 17, 2021

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Next Review Date: 05/01/2024