

ADA POLICY (AMERICANS WITH DISABILITIES ACT)

Introduction

The University of Louisiana at Monroe is a public-assisted institution of higher education which seeks to offer quality academic and experiential opportunities to meet the various needs of students and employees in the University community. As stated in the Anti-Discrimination and Harassment Policy, the University of Louisiana at Monroe recognizes and accepts the responsibility of providing an environment free from discrimination for all students, faculty, and staff. The University reiterates its firm commitment to equal treatment for all people, including persons with disabilities.

The administration of the University of Louisiana at Monroe continually strives to provide an atmosphere free from all barriers for students, employees, and visitors to the campus. The Director of Physical Plant assumes the responsibility for ensuring accessibility and making reasonable accommodations. The University of Louisiana at Monroe embraces all national policies for equal opportunity for the disabled as specified in the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991. Policies and standards of behavior outlined in the University of Louisiana at Monroe's Anti-Discrimination and Harassment Policy are also applicable to persons with disabilities.

Overview of ADA

The Americans with Disabilities Act of 1990 provides individuals with disabilities access to employment, public accommodations, public services, transportation and telecommunications. The Americans with Disabilities Act provides federal civil rights protection to individuals who are considered disabled. The purpose of the Act is to provide "a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities." The ADA extends Section 504's mandate of nondiscrimination based on the disability to the private sector and state/local government agencies. The law prohibits exclusion of individuals from jobs, services, and activities, or benefits based on disability and the law includes penalties for noncompliance.

As defined by the Americans with Disabilities Act, an individual is considered disabled if the following criteria are met: (1) the individual has a physical or mental impairment that substantially limits one or more major life activities (mobility, hearing or vision impairments, AIDS, mental disorders, etc.); (2) the individual has a record of such impairment; or (3) the individual is regarded as having such an impairment.

The Americans with Disabilities Act also protects individuals who have a known relationship with a disabled person. The ADA requires that an individual with a disability be otherwise qualified for the job, program, or activity for which access is sought. The individual with the disability must be able to perform the essential functions of the job or meet the essential eligibility criteria of the program, with or without reasonable accommodation.

The five provisions of the ADA are as follows:

Employment (Title I) - prohibits employers from discriminating against qualified job applicants and workers who are disabled.

Public Services & Transportation (Title II) - prohibits state and local governments from discriminating against people with disabilities in their programs and activities, whether or not they receive federal funds. Title II also requires public transportation vehicles and facilities to be accessible to disabled riders.

Public Accommodation (Title III) - prohibits privately operated places of public accommodation from denying goods, programs and services to people based on their disabilities.

Telecommunications (Title IV) - telephone companies must provide continuous voice transmission relay services that allow hearing- and speech-impaired people to communicate over the phone through telecommunication devices for the deaf. Title IV also requires federally funded public service messages on television to be close-captioned for the hearing-impaired.

Other provisions (Title V) - miscellaneous provisions include requirements to issue accessibility standards, attorneys' fees to be awarded to prevailing parties in suits filed under the ADA, and federal agencies to provide technical assistance. Title V also specifically states that current illegal drug use is not covered as a disability under the ADA or Section 504.

Procedures for Requesting Accommodations

Any person requesting an accommodation should follow these procedures to ensure their request is addressed promptly and appropriately.

1. A person's request for an accommodation may pertain to a current position or a position for which the person is applying.
2. The employee or applicant should make the request in writing to the Director of Human Resources.
3. The Director of Human Resources will schedule a meeting to discuss two things:
 - a. The nature of the requested accommodation; and
 - b. If a licensed professional (ergonomist or occupational therapist) is needed to assist in the employee's request for accommodation.
 - c. The responsibilities of the University and the employee will be clarified.
4. The Director of Human Resources will review the essential functions of the job, the functional limitations of the disability, and the reasonableness of an accommodation.
5. The Director of Human Resources will then facilitate a discussion with the supervisor/unit head/dean and the employee to determine what accommodations may be reasonable.
6. The Director of Human Resources may seek advice from third-party experts when necessary. Only the Department of Human Resources will retain medical documentation, which will be kept in a separate confidential file and will share medical information on a

need-to-know basis. Supervisors will be informed of the functional limitations and the accommodation.

7. It is the responsibility of the Director of the Department of Human Resources to determine the reasonable accommodation in a particular case after reviewing all the facts. The Director of the Department of Human Resources will outline the process for providing the accommodation verbally and in writing to the employee and the department.
8. The employee is responsible for contacting the Director of the Department of Human Resources if reasonable accommodations are not implemented in an effective and timely manner or if the accommodations are not working. The Director of the Department of Human Resources will work with the employee and the department to resolve disagreements regarding recommended accommodations.
9. The employee will be advised if the request cannot be reasonably accommodated or the accommodation will pose an undue hardship on the university.

Grievance Procedures

If an employee feels discriminated against because of a disability or that a reasonable accommodation was not provided, he/she has a right to file a grievance pursuant to the University of Louisiana at Monroe "Anti-Discrimination and Harassment Policy."

The University urges employees, students, and members of the public to utilize the grievance procedure as soon as it becomes apparent that no agreement will be reached between the parties. No University employee (faculty or staff), applicant for employment, student, or member of the public will be retaliated against or subject to restraint, interference, coercion, or reprisal for filing a grievance, seeking information about filing a grievance, or serving as a witness in a grievance procedure.