

**3356-7-02 Americans with Disabilities Act (ADA).**

- (A) Policy statement. Youngstown state university is committed to providing reasonable accommodations for qualified individuals with disabilities in a fair and equitable manner and in accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990, as amended, and other applicable federal and state laws (hereinafter applicable law[s]). Ensuring an accessible and inclusive educational and work environment is the responsibility of every member of the university community.
- (B) Purpose. To provide common understandings of definitions, relevant information, and uniform guidelines to promote a work and educational environment at Youngstown state university that is free from discrimination and harassment and fosters university compliance with federal and state law pertaining to qualified individuals with disabilities.
- (C) Scope. This policy applies to current and prospective students and employees and to visitors and guests of the university. All personnel who are responsible for the implementation of the university's mission are charged to support this policy.
- (D) Definitions.
- (1) "Disability." A physical or mental impairment that substantially limits one or more major life activities of the individual; a record of such an impairment; or being regarded as having such an impairment.
  - (2) "Major life activities." Major life activities include, but are not limited to: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communication, and working. A major life activity also includes the operation of major bodily functions.
  - (3) "Major bodily functions." Major bodily functions include, but are not limited to: functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive systems.

- (4) “Reasonable accommodation.” A change or modification to a job, work, or academic environment or university program which does not impose an undue hardship on the university and enables a qualified individual with a disability to enjoy the same opportunities and benefits as others without disabilities. Examples of reasonable accommodation can include:
- (a) Acquiring auxiliary aids and services.
  - (b) Modifying equipment, devices, or schedules.
  - (c) Adjusting or modifying examinations, training materials, or policies.
- (5) “Qualified individual.” An individual who, with or without reasonable accommodation(s), meets the eligibility requirements for employment, educational programs or other university-sponsored programs and activities such that he/she can perform the essential functions of an employment position or met the essential requirements of an educational program or activity.
- (6) “Essential function/requirement.” A fundamental duty of an employment position or a core requirement of a program or activity. A number of considerations impact whether a function/requirement may be considered essential, including but not limited to:
- (a) Whether a requirement is basic to a position or program or any directly related licensing requirement.
  - (b) If the job/position exists to perform that function.
  - (c) There are a limited number of employees available who can perform that function.
  - (d) The function is highly specialized such that the incumbent in the position is hired for his/her expertise or ability to perform the particular function.
- (7) “Undue hardship.” Action which requires significant difficulty or

expense when considered in light of the nature and cost of the accommodation in relation to the size, resources, nature, and structure of the university's operation, or which would fundamentally alter the nature or structure of a program, operation, or employment unit.

(8) "Interactive process." The informal, communicative process to identify the limitations resulting from a disability and potential reasonable accommodations.

(E) Parameters.

(1) The university will engage in an interactive process with a student or employee to determine the individual's disability status and particularized accommodation needs.

(2) The chief human resources officer in collaboration with the director of equal opportunity and policy development and the assistant director for the center for student progress disability services are authorized to develop procedures for the implementation of this policy.

(3) The office of facilities maintenance and support services is responsible for promoting compliance with campus physical and architectural access.

(4) The office of disability services is responsible for organizing the university response to requests for accommodation and provision of academic services that support the needs of students with disabilities.

(5) The office of human resources is responsible for coordinating the university response to requests for accommodation in employment.

(F) Procedures.

(1) Students.

(a) A student who wishes to request a reasonable accommodation must be registered with the university's center for student progress ("CSP") disability services. To

be registered with CSP disability services, a student must first be accepted by the university through the office of undergraduate recruitment and admissions.

- (b) To ensure the provision of reasonable and appropriate accommodations, CSP disability services requires current, within one year, and comprehensive documentation of the disability from a current physician or specialist. CSP disability services information and forms are available from the CSP disability services office or on the CSP website (<http://www.yzu.edu/csp/disabilityservices/dspdf/newDocumentationForm.pdf>). Where applicable, the documentation should include information that describes how the disorder was diagnosed, the symptoms of the disorder, severity of the condition, treatment and medication prescribed, and recommendations for accommodations.
- (c) The information provided to the CSP office of disability services is confidential and does not become a part of a student's academic record.

(2) Employees.

- (a) An employee who wishes to request a reasonable accommodation (or another person wishing to request a reasonable accommodation on behalf of an employee) can choose to make a request in either of the following ways:
- (i) Complete a request for reasonable accommodation form.
- (ii) Contact the immediate supervisor or the office of human resources manager of compensation and employee benefits ("HR manager"). When a request is made verbally, employees seeking a reasonable accommodation should follow up the verbal request either by completing the request for reasonable accommodation form or otherwise confirming their request in writing (email is acceptable) to the HR manager. Information and

forms are available from the office of human resources or on the human resources website (<http://www.yzu.edu/administrative-offices/human-resources/human-resources>).

- (b) Determination of disability. Following the initial request for accommodation, the HR manager will determine whether the employee has a disability as defined by applicable federal and state laws. The HR manager may consult with appropriate university representatives to determine if the condition meets the definition of disability as defined by applicable federal and state laws.
- (c) An employee may be required to submit documentation to substantiate their request, including but not limited to a request for documentation of physical/mental health condition.
- (d) Submitted documentation will be confidentially maintained in a file separate from an employee's personnel file.
- (e) Interactive process. The interactive process takes place after the employee's condition is determined to be a disability as defined by applicable laws and will vary depending on the nature and type of disability and requested accommodation. While the individual with a disability is not required to specify a precise accommodation, the employee needs to describe the problems which need accommodation. Additionally, suggestions from the employee with a disability may assist the university in determining the type of reasonable accommodation to provide. Where the employee and/or the university are unfamiliar with possible accommodations, the university may consult with public and/or private resources to help identify reasonable accommodations once the specific limitations and workplace barriers have been ascertained.

- (f) If the employee's condition is determined not to be a disability, as defined by applicable laws, the employee will be notified that their request is denied.
- (G) Genetic Information Nondiscrimination Act of 2008 ("GINA"). GINA prohibits employers and other entities covered by Title II of FINA from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by law. Therefore, employees and health care providers should not provide any genetic information when responding to a request for medical information. As defined by GINA, genetic information includes an individual's family medical history, the results of an individual or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.
- (H) Discrimination. Individuals who believe that they have been discriminated against on the basis of disability in an educational program or activity or employment situation at Youngstown state university, may contact the office of equal opportunity and policy development to seek information or to file a complaint.

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Certification

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