



Ohio Administrative Code Rule 3337-3-03 Americans with disabilities act compliance.

Effective: July 17, 2016

The version of this rule that includes live linksto associated resources is online at

<https://www.ohio.edu/policy/03-003.html>

(A) Overview

Discrimination on the basis of disability is prohibited. Qualified persons with disabilities shall not be denied access to educational or employment opportunities at Ohio university.

This policy establishes a compliance procedure to implement and enforce the provisions of the Americans with Disabilities Act of 1990 (as amended), ADA Amendments Act of 2008 (ADAAA), Sections 503 and 504 of the Rehabilitation Act of 1973, and state disability law. This policy is also intended to provide guidance to employees and students in regards to their rights and responsibilities under the laws mentioned in this paragraph.

(B) Responsibility for university response

Ensuring an accessible and inclusive educational and work environment is the responsibility of every member of the university community.

(1) Office for equal opportunity and accessibility

The director of equal opportunity and accessibility shall serve as the university's ADA/504 coordinator. The ADA/504 coordinator shall

(a) Receive and respond to complaints of discrimination or harassment on the basis of disability and monitor Ohio university's compliance with affirmative action obligations in regards to persons with disabilities;



(b) Coordinate response to requests for accommodation or employment modification by employees;

(c) Coordinate response to issues regarding campus accessibility in collaboration with other offices.

(2) Ohio university facilities department

The Ohio university facilities department is responsible for promoting compliance with campus physical and architectural access.

(3) Office of information technology

The office of information technology is responsible for identifying, implementing, maintaining, and renewing accessible information systems, including web presence, academic support systems, administrative information infrastructure; and to ensure accessibility for students, staff, and public users.

(4) Office of student accessibility services

The office of student accessibility 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) University human resources

University human resources is responsible for coordinating the university's response to related employment issues such as hiring processes; job performance and evaluation; benefits including vacation, personal, and sick leave; and university compliance with state and federal employment laws such as FMLA and workers' compensation.

(C) Coverage

This policy applies to current and prospective students, current and prospective employees including



qualified applicants for employment, visitors, and guests on campus.

(1) Definition of disability

An individual with a disability is an individual who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such an impairment.

(2) Qualified person with a disability

(a) With respect to education, a qualified person with a disability is a person with a disability who meets the academic and technical standards for admission or participation in a particular educational program or activity with or without accommodation.

(b) With respect to employment, a qualified person with a disability is a person with a disability who, with reasonable accommodation, can perform the essential functions of a particular job. This policy extends to recruitment, selection, termination, compensation, and advancement in employment with or without accommodation

(3) Essential functions of a job

Those functions actually performed in the job, the removal of which would fundamentally alter the position. To determine whether a function is essential, it must be determined whether the position exists to perform that function and whether there are other employees available to share that function, as well as the degree of expertise required to perform the function. Whether a function is essential also depends on the content of the written job descriptions, the terms of the collective bargaining agreement, the time spent performing the particular function, and the consequences of failing to require the employee to perform the function.

(4) Reasonable accommodation

(a) In regards to education: A modification or adjustment to an academic program or activity that enables a student to meet essential element of the academic program. Such accommodation is



required unless it causes undue hardship on the academic unit or poses a direct threat to the health and safety of the individual or others. Undue hardship is defined as any accommodation that is substantially disruptive, administratively burdensome, unduly costly to the university, or that would fundamentally alter the nature, operations, or requirements of the educational program or activity.

(b) In regards to employment: A modification or adjustment to a job, the work environment, or the way things are done that enables a qualified individual with a disability to perform essential job functions. Such accommodation is required unless it poses an undue hardship on the employer or poses a direct threat to the health and safety of the individual or others. Undue hardship is defined as any accommodation that is substantially disruptive, administratively burdensome, unduly costly to the university, or that would fundamentally alter the nature or operation of the unit.

(D) Process for seeking accommodation for a disability

The following procedure will be used when an employee, student, applicant, or member of the public requests reasonable accommodation from an employee or representative of the university, in order to ensure compliance and to accommodate requests from individuals who have identified themselves as having a disability.

(1) Employee-initiated requests for reasonable accommodation

In regard to employment opportunity and job performance: An individual employee with a disability who seeks accommodation or other work modification will request reasonable accommodation to his or her supervisor and notify equal opportunity and accessibility (employee accommodation coordinator). The employee accommodation coordinator shall be responsible for ensuring application of a fair and consistent process for verifying a disability and providing reasonable accommodation and for maintaining the university's employment records that relate to the disclosed disability. The employee accommodation coordinator will interact with employees, supervisors, and administrative decision-makers to facilitate communication and agreement about accommodation for employees with disabilities.

The university employee accommodation coordinator shall verify that the individual is a qualified person with a disability and coordinate the university's response when determining an appropriate



accommodation. Every effort will be made to balance the need for employees or representatives of the university to have information in order to fulfill an accommodation request and the disabled individual's interest in maintaining privacy of protected health information.

(2) Student-initiated requests for reasonable accommodation

Students with disabilities who seek reasonable accommodation must register with student accessibility services for assistance with identifying appropriate academic adjustments and resources. Student accessibility services shall be responsible for ensuring application of a fair and consistent process for verifying a disability and providing reasonable accommodation and for maintaining the university's educational records that relate to the disclosed disability. Student accessibility services will interact with students, faculty, and staff to facilitate communication and to coordinate accommodation and services for students with disabilities.

Student accessibility services shall verify that the individual is a qualified person with a disability and coordinate the university's response when determining an appropriate accommodation.

(3) Applicant-initiated requests for reasonable accommodation

Individuals who require reasonable accommodation to access or submit an application for employment should contact the office for equal opportunity and accessibility or university human resources.

Prospective students who require reasonable accommodation to access or submit an application for any academic program, financial aid, housing, or co-curricular program, should contact student accessibility services.

(4) Public-initiated requests for reasonable accommodation

Individuals who require reasonable accommodation to access or participate in any university program should contact the office for equal opportunity and accessibility. Concerns about physical or architectural access may be communicated to the office for equal opportunity and accessibility where it will be redirected to the appropriate university office.



(5) Review of decisions to deny requested accommodation

In the event that a reasonable accommodation cannot be agreed upon, individuals may seek review of a unit's decision to deny implementation of a requested accommodation.

(a) In regards to education: review of decisions to deny requests for accommodation in an educational program or activity may be made to the university ADA/504 coordinator, who will review and attempt to resolve the dispute informally and in consideration of the situation in its entirety. If an informal resolution is not possible, the ADA/504 coordinator shall render a final written decision in regards to the reasonableness of the accommodation under the circumstances.

(b) In regards to employment: review of decisions to deny requests for accommodation in the application process or workplace may be made to the university ADA/504 coordinator, who will attempt to resolve the dispute informally. In the event that an informal resolution is not possible, the ADA/504 coordinator shall render a final written decision in regards to the reasonableness of the accommodation under the circumstances.

(c) Although the preferred accommodation will be provided where reasonable, planning units may provide reasonable alternative accommodation where appropriate.

(d) Students, employees, and planning units may seek review of a final determination of reasonable accommodation by the ADA/504 coordinator to the executive vice president and provost within five business days of being notified of the decision.

Federal disability law requires that any accommodation be evaluated in light of the total resources and function of the university and not simply from a given department's resources or function.

(E) Campus and program accessibility

(1) Physical access

Ohio university facilities is primarily responsible for campus-wide physical access.



(2) Activities and events

Any department or organization that coordinates or sponsors an activity or event open to the university community, campus visitors, or the public:

- (a) Shall promote a clear process by which an individual may request accommodation in advance of need.
- (b) Shall provide reasonable accommodation for the event; examples include alternate format materials, sign language interpretation, accessible parking, etc.
- (c) May work in consultation with the offices of student accessibility services or equal opportunity and accessibility to determine such a process or identify resources to meet accommodation requests.

(F) Discrimination

Individuals who believe that they have been discriminated against in any educational program or activity or employment situation at Ohio university on the basis of having a disability, a record of disability, being regarded as disabled, or having association or affiliation with a person who has a disability, may file a complaint with the office of equity and civil rights compliance pursuant to this policy and policy 40.001.

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