

# Americans with Disabilities Act (ADA)

## ROWAN UNIVERSITY POLICY

**Title:** *Americans with Disabilities Act (ADA)*

**Subject:** *Equity and Diversity*

**Policy No:** *OED:2014:01*

**Applies:** *University-wide*

**Issuing Authority:** *Rowan University President*

**Responsible Officer:** *Assistant Vice President for Employee Equity & Labor Relations*

**Adopted:** *12/14/2006*

**Last Revision:** *03/02/2021*

**Last Reviewed:** *03/02/2021*

### I. PURPOSE

The Americans with Disabilities Act gives civil rights protection to individuals with disabilities and guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, State and local government services, and telecommunications. Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance.\*

### II. ACCOUNTABILITY

- A. Under the Chief Equity Compliance Officer, Rowan University's Office of Employee Equity shall promote, implement, and ensure compliance of this policy.
- B. Supervisors are required to implement and follow accommodation plans approved under this policy.

### III. APPLICABILITY

This policy applies to all applicants and employees of Rowan University who seek a reasonable accommodation due to a disability in regards to the workplace.

### IV. DEFINITIONS

1. **Disability:** A person with a disability is someone with a physical or mental impairment that substantially limits one or more major life activities. A person is considered to be a person with a disability if he/she has the disability, has a record of the disability, or is regarded as having the disability. Inherent in this definition is the concept that an impairment itself is not a disability. It is the interaction of the impact of an impairment and the demands of the environment that create a disability.
2. **Physical Impairment:** Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skill and endocrine.
3. **Mental Impairment:** Any psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disorders.
4. **Substantially Limiting:** Refers to an inability to perform a major life activity, or a significant restriction as to the condition, manner, or duration under which a major life activity can be performed, in comparison to the average person or to most people; the availability of some mitigating factor (such as a hearing aid for a person with hearing loss that brings hearing acuity within normal limits) is not considered when determining if the disability substantially limits the individual.
5. **Major Life Activities:** the basic activities that the average person can perform with little or no difficulty. Examples: Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking,

standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working; functions of the immune system, special sense organs and skin, normal cell growth, digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, reproductive. Also includes operations of an individual organ within a body system, such as the operation of kidney, liver, or pancreas.

## **V. REFERENCES**

- A. US Department of Justice, Civil Rights Division

## **VI. POLICY**

1. The Office of Employee Equity is the first contact for employees and/or potential employees requiring assistance. Upon receipt of notification that an employee or candidate may need an accommodation, the individual will be contacted to begin the verification process. Once all required documentation is received a determination of eligibility will be made. If eligible, a representative will contact the employee or candidate to review and verify the information and to develop an accommodation plan. Each accommodation is determined on a case by case basis. Documents are reviewed by the heads of Human Resources, Employee and Labor Relations, and Employee Equity. In some cases consultation with the requestor's supervisor may be necessary. Copies of the accommodation plan will be given to the employee and to the appropriate department head, as well as a copy placed in the ADA file. Any changes to the accommodation plan may require additional documentation and must be processed through the Office of Employee Equity.  
Any accommodation that has a significant financial impact on the institution will be referred to the Vice President of Finance to determine if the University can provide for the accommodation. Barring extenuating circumstances, this determination should occur within ten days of the receipt of the referral.
2. Appeals Process for Non-Worker's Compensation Requests  
If the employee is found to be ineligible under ADA, an appeal may be submitted to the EEO officer in the Office of Employee Equity within 10 days of the date of denial letter. The result of the appeal will be made within 15 days from the date of receipt of the appeal letter.  
(For requests of ADA due to Worker's Compensation please contact Human Resources)
3. Grievance Process:  
Once an accommodation plan has been approved, it should be followed as established. If for any reason this should not happen, the employee may file a grievance with the EEO officer in the Office of Employee Equity. An investigation will be done into the matter and a plan will be developed for a resolution between the employee and the head of the appropriate department. The employee will be notified of the results within 30 days of the original receipt of the grievance, barring extenuating circumstances.
4. DOCUMENTATION REQUIRED:  
Employee must submit a Request for Services form and a completed Medical Inquiry Form for an ADA Accommodation Request. All forms and policy can be found at [www.rowan.edu/equity](http://www.rowan.edu/equity).