

# SEATTLE UNIVERSITY

## Section 504/ADA Policy and Appeal Procedure

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*Updated 2013*

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## Seattle University

### Section 504/ADA Policy and Appeal Procedure

#### Policy Statement

It is the policy of Seattle University that no qualified person shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or be subject to discrimination in any job, facility, program or activity provided by the University. Discrimination against a qualified person with a disability undermines the mission and values of the University and affects the careers, educational experience, and well-being of students, staff, administrators, and faculty. Each and every member of the University community has the responsibility to ensure that this policy becomes a functional part of the daily activities at the University.

#### SUMMARY OF APPLICABLE LAW AND REGULATIONS

##### 1. Section 504: The Rehabilitation Act

Section 504 of the Rehabilitation Act provides: "No otherwise qualified individual with handicaps in the United States . . . shall, solely by reason of her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." 29 U.S.C. § 794.

The Section 504 compliance standards apply to the following categories of University programs or activities: (1) admissions and recruitment; (2) treatment of students; (3) academic adjustments; (4) housing; (5) financial and employment assistance to students; and (6) nonacademic services. 34 C.F.R §§ 104.41-104.47.

##### 2. Section 503: The Rehabilitation Act

Section 503 of the Rehabilitation Act prohibits discrimination against qualified handicapped employees working on federal contracts. It also requires institutions holding federal contracts to take deliberate action to hire and promote known handicapped individuals.

##### 3. The Americans with Disabilities Act ("ADA")

The ADA provides a comprehensive statutory and regulatory approach to eliminating discrimination against qualified persons with disabilities.

Title I of the ADA applies to employment. Any "qualified individual with a disability" is entitled to reasonable accommodation under the ADA, provided the individual, "with or

without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires," (42 U.S.C. § 12111(8)), and provided that the accommodation does not create an "undue hardship" for the employer. 42 U.S.C. § 12111(10)(A).

Title III of the ADA applies to public accommodations and services operated by private entities such as the University. The general rules of Title III provide: "No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases, or operates a place of public accommodation." 42 U.S.C. § 12182(a).

#### 4. Qualified Individual With a Disability

The regulations issued by the U.S. Department of Education and under the ADA broadly define a person with a disability as any person who: (1) has a physical or mental impairment that substantially limits one or more of the major life activities, including among others, walking, caring for oneself, performing manual tasks, seeing, hearing, speaking, breathing, and working; (2) has a record of a disability; or (3) is perceived to be disabled.

In the case of employment, to be "qualified" a person with a disability must meet the legitimate job requirements and be capable of performing the essential functions of the job in question, with or without reasonable accommodation. In the case of services, extracurricular activities, and academic programs, a qualified individual with a disability is one who meets the essential eligibility or technical requirements for the receipt of services or for participation in the program or activity, with or without reasonable modifications to rules, policies, practices, or the provision of auxiliary aids and services.

Important Note: Section 504 and the ADA do not require the University to make academic adjustments or program modifications that are essential to the program of instruction or that fundamentally alter the nature of the program, goods, or services, or that create an undue burden for the University. In addition, the University will not provide attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature.

#### 5. Procedures for Requesting Accommodation

The University will respond to and evaluate all requests to make a reasonable accommodation, modification or adjustment in University facilities, programs, policies, jobs, services and activities to ensure equal opportunity for qualified individuals with disabilities. The "qualified individual" criterion and the "reasonable accommodations" requirement are interrelated. Therefore, each request for accommodation will be assessed individually, based on relevant circumstances and factors. It is the responsibility of the individual seeking an accommodation to identify the disability and to provide documentation of the disability at his own expense. The documentation must

be fairly recent, must come from an appropriate expert, and must be sufficiently comprehensive.

Any person with a disability who seeks a reasonable accommodation in connection with employment, or who is seeking an academic adjustment, program modification, barrier removal, facilities access, auxiliary aids and services, or other modification or assistance under the ADA or Sections 503/504, is encouraged to seek assistance as outlined below:

#### A. Accommodations Relating to Student Academic or Educational Programs

A student seeking an academic adjustment, or an auxiliary aid, accommodation, or modification relating to the student's academic or educational programs, including financial aid, admission and recruitment, should contact the Disabilities Services Staff in Student Academic Services to initiate the process. It is the responsibility of the student to provide the University with adequate notice of her disability, to request the particular academic adjustment, auxiliary aid, accommodation or modification, and to provide any necessary medical or other professional verification of a disability-related need for the specific request. Disabilities Services Staff will consult as necessary with appropriate faculty and University officials to determine the appropriate accommodation after considering the student's request or any alternative means of accommodation, their feasibility, and the cost and effect on the academic program and standards.

Students at the School of Law requesting an academic adjustment or an auxiliary aid, accommodation or modification to their academic or educational programs, including financial aid, admissions and recruitment, should contact the Law School Associate Dean for Student Affairs. The student has the responsibility to provide the Law School with adequate notice of his disability, to request the particular academic adjustment, auxiliary aid, accommodation or modification, and to provide any necessary medical verification of a disability-related need for the specific request. The Associate Dean for Student Affairs may consult with faculty and/or the Disabilities Services staff. The Associate Dean for Student Affairs will determine the appropriate accommodation after considering the student's request or any alternative means for accommodation, their feasibility, and the cost and effect on the academic program and standards.

The Provost is the University official with final responsibility for accommodations relating to academic or educational programs.

- Disabilities Services, Student Academic Services, Loyola Hall 100, (206) 296-5740 (TDD 296-5743)
- Associate Dean for Student Affairs, School of Law-Sullivan Hall 210H, (206) 398-4307
- Office of the Provost, Administration Building 104, (206) 296-6160

## B. Accommodations Relating to Student Extracurricular Programs and Activities

A student seeking an auxiliary aid, accommodation, or modification to nonacademic programs or activities, such as physical education and athletics; academic or vocational counseling; University sponsored clubs or social organizations; employment assistance; work-study; extracurricular program; or other University activities, has the responsibility to provide the University with adequate notice of her disability, to request the particular auxiliary aid, accommodation or modification, and to provide any necessary medical verification of a disability-related need for the specific request. The student should contact Disabilities Services staff in Student Academic Services to initiate this process. The Disabilities Services staff will consult as necessary with the program or activity director or manager and/or other relevant University officials, who will review the request and reach a decision.

The Vice President for Student Development is the University official with final responsibility for accommodations or modifications involving nonacademic student programs and activities.

- Disabilities Services, Student Academic Services, Loyola Hall 100, (206) 296-5740 (TDD 296-5743)
- Associate Dean for Student Affairs, School of Law-Sullivan Hall 210H, (206) 398-4307
- Office of Vice President for Student Development, Student Union Building 204, (206) 296-6066

## C. Accommodation Relating to Employment

Any employee or applicant (including faculty, administration, staff and student staff) seeking an accommodation in connection with employment should first contact a Human Resources Manager for assistance. The employee has the responsibility to provide the University with adequate notice of the disability, to request the particular accommodation, and to provide any necessary medical verification of a disability-related need for the requested accommodation. The Human Resources Manager will consult with the person's supervisor and/or other relevant University officials to determine whether a reasonable accommodation is available that will enable the employee to perform the essential functions of the job. The Vice President for Human Resources and University Services and the Provost are the University officials with final responsibility for accommodations relating to employment.

- Human Resources Managers: Rianna Building, 206-296-5870, [hr@seattleu.edu](mailto:hr@seattleu.edu)
- Vice President for Human Resources & University Services/Equal Opportunity Officer, Rianna Building, (206) 296-5870, [hr@seattleu.edu](mailto:hr@seattleu.edu)
- Office of the Provost, Administration Building 104, (206) 296-6160

## D. Accommodation Relating to Facilities Access

If the accommodation request relates primarily to barrier removal, facilities or physical accessibility at the University, then the individual should first contact the Office of Residential Services or the Facilities Operations Department (for nonresidential campus facilities). These offices will coordinate with the respective Human Resources Manager, Disabilities Services (Learning Center), the 504/ADA Coordinator, and/or other appropriate University officials who will review the request and reach a decision. The person seeking the accommodation has the responsibility to provide the University with adequate notice of the disability, to request the accommodation, and to provide any necessary medical verification of a disability-related need for the requested accommodation.

If the accommodation request relates to facilities or physical accessibility at the Law School, then the individual should contact the Law School's Associate Dean for Student Affairs. The Associate Dean will coordinate with the respective Human Resources Manager, Disability Services, the ADA Coordinator, Law Center Building Services, and/or other appropriate University officials who will review the request and reach a decision. The person seeking the accommodation has the responsibility to provide the University with adequate notice of the disability, to request the accommodation and to provide any necessary medical verification of a disability-related need for the requested accommodation.

The Vice President for Student Development is the University official with responsibility for housing facilities. The Vice President for Finance and Investments is responsible for all other facilities.

- Office of Residential Services, Bellarmine Hall 117, (206) 296-6305
- Facilities Operations, CLMB Building, (206) 296-6999
- Associate Dean for Student Affairs, School of Law - Sullivan Hall 210H, (206) 398-4307
- Office of the 504/ADA Coordinator, Office of Human Resources, RINA Building, (206) 296-5870

## 6. Appeal Procedures

These appeal procedures are intended to provide a means for an individual to appeal a decision or action regarding an accommodation, modification, auxiliary aid, or academic adjustment, or to otherwise make a complaint about discrimination or harassment based on a disability. The University intends that all appeals be processed in a manner that promotes the prompt and equitable resolution of complaints. Therefore, individuals with complaints should bring them to the attention of appropriate University personnel as soon as possible after the action(s) causing the complaint. Upon receipt of an informal or formal complaint, University officials will seek a prompt and timely resolution.

Informal Appeal: An individual is encouraged to resolve concerns about accommodations or modifications by communicating with the concerned parties and suggesting an appropriate resolution. The individual may seek informal discussion, advice and assistance from the Disabilities Services Staff in Student Academic Services, the 504/ADA Coordinator, the respective Human Resources Manager, or the Director of Facilities Operations. The request for an informal review and resolution should be in writing and should be directed to the person whose assistance is being sought.

This informal process may lead to resolution of the matter. If not, the individual may choose to follow the formal complaint process described below or to use complaint procedures with outside agencies. An individual may use the formal procedure without first using the informal procedure.

## FORMAL APPEAL

### 1. Appeals Relating to Accommodations in Academic or Educational Programs and Services

The student must submit a written request for reconsideration with suggestions for an appropriate resolution to the faculty member or University official responsible for the initial decision. If the matter is not resolved at this level, then the student may file a written appeal with the dean of the school involved. The appeal should be as detailed and accurate as possible and should specify the solution or resolution the student is seeking. It should also include all supporting information. The dean may meet with the student and the faculty member or other University officials for further information gathering. The dean will prepare a written determination and recommendation for resolution of the complaint. If the student is not satisfied with the determination of the dean, he may make a written appeal to the Provost. The decision of the Provost or his designee will be final. If the dean made the initial decision, then the student should appeal directly to the Provost.

### 2. Appeals Relating to Student Extracurricular Programs, Activities and Non-Academic Services

The student must submit a written request for reconsideration with suggestions for an appropriate resolution to the faculty member, advisor, or program manager responsible for the initial decision. If the matter is not resolved at this level, then the student may file a written appeal with the department director involved or the Associate Vice President for Student Development. Law students should file a written appeal directly to the dean of the law school. The appeal should be as detailed and accurate as possible and should specify the solution or resolution the student is seeking. It should also include all supporting information. The department head, the Associate Vice President for Student Development, or the dean of the law school may meet with the student and the faculty member, advisor, or program manager responsible for the initial decision for further information gathering. The department head, the Associate Vice President for Student Development, or the dean of the law school will prepare a written

determination and recommendation for resolution of the complaint. If the student is not satisfied with the determination, he may make a final written appeal to the Vice President for Student Development. The decision of the Vice President for Student Development will be final.

### 3. Appeals Relating to Employment-Related Accommodation

An employee must submit a written request for reconsideration with suggestions for an appropriate resolution to the supervisor or director responsible for the initial decision. If the matter is not resolved at this level, then the employee may file a written appeal with the appropriate vice president or dean, if the employee works in one of the schools or colleges, with a copy to the respective Human Resources Manager. The appeal should be as detailed and accurate as possible and should specify the solution or resolution the employee is seeking. It should also include all supporting information. The area vice president or the dean, in cooperation with the respective Human Resources Manager, may meet with the employee and other involved persons for further information gathering. The vice president or dean, in cooperation with the respective Human Resources Manager, will prepare a written determination and recommendation for resolution of the complaint. If the individual is not satisfied with the determination, he may make a final written appeal to the Vice President of Human Resources & University Services or the Provost. The decision of the Vice President of Human Resources & University Services or the Provost will be final.

### 4. Appeals Relating to Facilities Access and Barrier Removal

An individual must submit a written request for reconsideration with suggestions for an appropriate resolution to the Director of Facilities Operations. The request should be as detailed as possible and should specify the solution or resolution the individual is seeking. It should also include all supporting information. The Director of Facilities Operations may meet with the individual and other relevant University personnel or officials for further information gathering. The Director of Facilities Operations will prepare written recommendations to the Vice President for Finance and Investments for resolution of the complaint. If the individual is not satisfied with the decision of the Vice President for Finance and Investments, he may file a written appeal to the Provost, whose decision will be final.

### 5. Appeals Relating to Verbal Harassment or Other Discrimination on Account of Disability

An individual who believes she has been verbally harassed or otherwise discriminated against in any University program or activity on account of a disability, and who has not made a complaint about the incident(s) under any other section of this procedure, may file a complaint by submitting a written description of the alleged harassment or discrimination to a Human Resources Manager. The statement should be as detailed and accurate as possible and should specify the nature of the complaint and the solution or resolution the employee is seeking. The Human Resources Manager may meet with

the individual and other involved persons for further information gathering and will prepare a written determination and recommendation for resolution of the complaint. If the individual is not satisfied with the determination and recommendation, she may make a final written appeal to the Provost or to the Vice President of Human Resources and University Services. The decision of the Provost or the Vice President of Human Resources and University Services will be final.

## Directory

<b>Title</b>	<b>Office Address</b>	<b>Phone</b>
504/ ADA Coordinator (Jerry Huffman, Vice President of Human Resources & University Services)	RINA 200 (Rianna Building)	296-5870
Associate Provost for Academic Achievement	HUNT 122	296-6953
Vice President of Human Resources & University Services/ Equal Opportunity Officer	RINA 200 (Rianna Building)	296-5870
Associate Dean for Student Affairs (School of Law)	SLLH 210H (Sullivan Hall)	398-4307
Associate Vice President for Student Development	STCN 204 (Student Center)	296-6060
Dean, Albers School of Business & Economics	PIGT 317 (Pigott Building)	296-5699
Dean, College of Arts and Sciences	CASY 102 (Casey Building)	296-5300
Dean, College of Matteo Ricci	CASY 117E (Casey Building)	296-5405
Dean, School of Education	LOYA 500B (Loyola Hall Building)	296-5758

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Dean, School of Law	SLLH 210J (Sullivan Hall)	398-4301
Dean, School of Nursing	GARR 200E (Garrand Building)	296-5676
Dean, School of Science and Engineering	EGRN 500A (Engineering Building)	296-5500
Dean, School of Theology & Ministry	Hunthausen Hall	296-5331
Director of Facilities Operations	CHRY (14th & Marion Building)	296-6999
Disabilities Services	LOYA 100 (Loyola Hall Building)	296-5744
Learning Assistance Programs	Lemieux Library, 2 <sup>nd</sup> floor	398-4450
Provost	ADMN 104 (Administration Building)	296-6160
Housing & Residence Life	BELL 117 (Bellarmine Hall)	296-6305
Vice President for Finance and Business Affairs	ADMN 117 (Administration Building)	296-6150
Vice President for Student Development	STUN 204 (Student Union Building)	296-6066
Vice President for University Advancement	ADMN 120 (Administration Building)	296-6119

## Other Resources

Washington State Human Rights Commission	Melbourne Tower, #291 1511 Third Avenue Seattle, WA 98101	(206) 464-6500
Office for Civil Rights Department of Education	915 Second Avenue, # 3310 Seattle, WA 98174	(206) 220-7900
Office of Federal Contract Compliance	71 Stevenson St., # 1700 San Francisco, CA 94105	(415) 848-6969
Equal Employment Opportunity Commission	909 First Avenue, Ste. 400 Seattle, WA 98104-1061	(206) 220-6883
U.S. Department of Labor Wage and Hour Division SEA	1111 Third Avenue, Ste. 755 Seattle, WA 98101	(206) 398-8039

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