



APSU's Employer Obligations under Disability Rights Laws

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Legal Foundation

Disability Laws/Policy

- Section 504 of the Rehabilitation Act of 1973 was the first piece of civil rights legislation to address the rights of people with disabilities. The Rehabilitation Act made it illegal for programs that receive federal funding (such as universities) to discriminate on the basis of a disability.
- The Americans with Disabilities Act (ADA) of 1990, as amended, is a civil rights law that prohibits discrimination in employment, public services and accommodations, and telecommunications. It applies to employers with **15 or more employees**.
- APSU POLICY 6:004: Discrimination and Harassment Based on Protected Categories other than Sex

Policy Statement

In accordance with the Americans with Disabilities Act (ADA) of 1990, as amended and the Rehabilitation Act of 1973, Section 504, no qualified person will be denied access to, participation in, or the benefits of, any program or activity operated by Austin Peay State University (APSU) because of disability.

APSU will not discriminate against qualified individuals with disabilities in employment practices and activities, including, but not limited to, application procedures, hiring, tenure, promotion, advancement, termination, training, compensation and benefits. Additionally, APSU will not discriminate against a qualified individual because of the known disability of another individual with whom the qualified individual is known to have a relationship or association.

Individuals with a Disability

A person is an individual with a disability:

- If the person has a physical or mental condition that significantly limits or restricts a major life activity; or
- If the person has a history of a disability (such as cancer that is in remission); or
- If the person is believed to have (i.e., is regarded as having) a physical or mental impairment that is not transitory and minor (even if he or she does not have such an impairment).

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, communicating, and working.
- A Major Life Activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Reasonable Accommodation

Title II of the ADA

- Requires a public entity that has 50 employees or more to designate at least one employee to coordinate ADA compliance.
 - APSU has designated the Director of Equal Opportunity and AA as the ADA Coordinator for the University.

Reasonable Accommodation

Title I of the ADA

- Requires APSU to provide reasonable accommodation to qualified individuals who are employees or applicants for employment.

What is an Reasonable Accommodation?

- A reasonable accommodation is any change to the application or hiring process, to the job, to the way the job is done, or the work environment that allows a person with a disability who is qualified for the job to perform the essential functions of that job and enjoy equal employment opportunities.
- Accommodations are considered “reasonable” if they do not create an undue hardship.

Northwest ADA Center (2018). *Reasonable Accommodations in the Workplace*. <https://adata.org/factsheet/reasonable-accommodations-workplace>

What is Undue Hardship?

Equal Employment Opportunity Commission (EEOC) Guidance

“Undue hardship means **significant difficulty or expense** and focuses on the resources and circumstances of the particular employer in relationship to the cost or difficulty of providing a specific accommodation. Undue hardship refers not only to financial difficulty, but to reasonable accommodations that are **unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of the business.**”

What are some Examples of Reasonable Accommodation?

Provide Alternative Formats: A supervisor gives feedback in writing, rather than verbally, for an employee who communicates better through written materials.

Equipment Change: An employer purchases software that magnifies the computer screen to allow an employee with low vision to correctly enter and read information on the computer.



Northwest ADA Center (2018). *Reasonable Accommodations in the Workplace*. <https://adata.org/factsheet/reasonable-accommodations-workplace>

How Do I Request a Reasonable Accommodation?

Steps in the Interactive Process:

1. Go to the Office of Equity, Access, & Inclusion (OEAI) Individuals with Disabilities Website: <https://www.apsu.edu/equity-access/disabilities/index.php>
2. Complete the Reasonable Accommodation Inquiry Form and submit it.
3. Expect to receive the Reasonable Accommodation Request Form through DocuSign with three (3) business days.

What Happens After I Request a Reasonable Accommodation?

Steps in the Interactive Process (cont.):

5. The OEAI will contact you to discuss your request and answer questions.
6. The OEIA will explore accommodation options with you and your supervisor
7. An Accommodation will be chosen.
8. Implementation of the Accommodation
9. Monitoring of the Accommodation
 - a. Is the accommodation effective?
 - b. Have changes occurred?

How do I file a complaint?

I believe that I have been discriminated against because of my disability.
How do I file a complaint?

- Make an appointment with someone from the Office of OEAI and submit your written complaint; or
- Complete the online form via the Office of Equity, Access, & Inclusion website at [https://apsu.edu/equity-access/titleix/Harassment Discrimination Complaint Form.pdf](https://apsu.edu/equity-access/titleix/Harassment%20Discrimination%20Complaint%20Form.pdf).



If you have questions, please contact our office at oeai_ada@apsu.edu or (931) 221-7267.