

College Operating Procedures (COP)



Procedure Title: Americans with Disabilities Act
Procedure Number: 05-0104
Originating Department: Office of Human Resources

Specific Authority:

Board Policy 6Hx6:5.02
Florida Statute
Florida Administrative Code n/a

Procedure Actions: Adopted: n/a; Revised: 4/00;11/3/04; 02/16/10; 11/1/10; 4/16/12; 11/14/13

Purpose Statement: It is the policy of Florida SouthWestern State College that discrimination against qualified individuals with disabilities is prohibited.

Guidelines:

It is the policy of Florida SouthWestern State College that discrimination against qualified individuals with disabilities is prohibited. Pursuant to Titles I and II of the Americans with Disabilities Act (ADA) of 1990 and Section 504 of the Rehabilitation Act of 1973, the College provides equal employment and educational opportunities and reasonable accommodation for qualified individuals with disabilities.

Policy Guidelines

The College reaffirms the principle of Equal Access/Equal Opportunity regardless of race, color, national origin, ethnicity, religion, sex, age, marital status, veteran's status, sexual orientation, genetic information, or disability. The equal opportunity principle applies to otherwise qualify persons with disabilities with regard to employment, the delivery of educational programs and services and all other appropriate areas in which the College is involved.

The College assumes the Department of Labor's definition of an individual with a disability is "one who (1) has a physical or mental impairment which substantially limits one or more of such person's major life activities; (2) has a record of such impairment; or (3) is regarded as having such an impairment."

Florida SouthWestern State College understands that it must provide reasonable accommodation to the known physical or mental limitations of a qualified applicant, employee, and/or student with a disability, unless such accommodation would impose an undue hardship on the College.

The College has designated the Equity Officer as the ADA Coordinator for applicants and employees and the Director, Adaptive Services as the ADA Coordinator for students. The Coordinators will oversee and coordinate the College's efforts to comply with and carry out its responsibilities pertaining to the Act and serve as the contact person for all ADA information, resource policies, procedures and concerns.

Procedures:

1. Request for Accommodation

It is the obligation of the individual with a disability to request a reasonable accommodation. Students should submit their request on the official request form which can be found on the Office of Adaptive Services webpage at www.fsw.edu/adaptiveservices. Enrolled students must submit any request for accommodations to the Office of Adaptive Services on the Lee Campus or to the contact person for the Office of Adaptive Services on the Charlotte and Collier campuses and the Hendry-Glades Center which can be found on the adaptive services webpage for consideration. Applicants and/or employees must submit any request for accommodations to the Equity Officer. Individuals with a disability must provide recent documentation from a qualified professional that speaks to the specific disability and the requested accommodation. Requests for accommodations must be specific to the documented needs and will be reviewed and processed in order of receipt. The appropriate party will provide a written response.

2. Complaint Resolution

a. Informal Resolution

Individuals with disabilities are encouraged first to attempt to independently resolve concerns by initiating a meeting with the faculty member, supervisor, or staff member with whom there is a concern or disagreement. However, when the matter cannot be resolved independently, individuals with a disability are encouraged to address such instances through the following grievance procedure.

b. Grievance Procedure

Florida SouthWestern State College has adopted an internal grievance procedure for prompt and equitable resolution of complaints alleging any actions prohibited by the U. S. Department of Justice regulations implementing Title II (public, state and local government) of the Americans with Disabilities Act. Title II states, in part, that “no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination” in programs or activities sponsored by a public entity.

1. All complaints should be filed in writing, contain the name and address of the person(s) filing it and briefly describe the alleged violation of the regulations. In addition, a copy of the original request for accommodation must be included with the complaint.

2. A complaint shall be filed within 180 calendar days after the complainant becomes aware of the alleged violation.
3. An investigation, as may be appropriate, shall follow the filing of the complaint. The investigation shall be conducted by the Equity Officer concerning applicant/employee complaints or the Assistant Vice President, Student Affairs/Dean of Students concerning student complaints. A thorough investigation will be held affording the individual or specific class of individuals and their representatives, if any, an opportunity to submit evidence relevant to a complaint. The Equity Officer shall be consulted and shall review any investigation involving a student complaint.
4. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the Equity Officer and a copy will be forwarded to the complainant no later than fifteen (15) working days after its filing.
5. Either party may appeal the findings of the investigation to the General Counsel by filing a written request for a review of a complaint alleging discrimination on the basis of disability or failure to provide reasonable accommodation within ten (10) calendar days of receipt of the findings. The General Counsel shall issue a written determination regarding the appeal within ten (10) calendar days of receipt of the request.
6. The Equity Officer shall maintain the files and record complaints filed.
7. Filing a complaint with the College's grievance system in no way precludes an individual's right to file a grievance with the Department of Education or the Department of Justice.

All applicant/employee ADA complaints, excluding those filed against the ADA Coordinator, should be addressed to the Equity Officer, 8099 College Parkway, Ft. Myers, Florida 33919 or by calling 239.489.9051 or call through the Florida Relay Service at 1.800.955.8771 (TTY).

All student ADA complaints should be addressed to the Assistant Vice President, Student Affairs/Dean of Students, 8099 College Parkway, Ft. Myers, Florida, 33919 or by calling 239.433.6950 or call through the Florida Relay Service at 1.800.955.8771 (TTY).

All ADA complaints filed against the ADA Coordinators should be addressed to the General Counsel, 8099 College Parkway, Ft. Myers, Florida, 33919 or by calling 239.433.6948 or call through the Florida Relay Service at 1.800.955.8771 (TTY)