

WINTHROP UNIVERSITY

**THE AMERICANS WITH DISABILITIES ACT
COMPLAINT PROCEDURES FOR
WINTHROP EMPLOYEES WITH DISABILITIES**

THIS DOCUMENT IS NOT A CONTRACT BETWEEN EMPLOYEES AND WINTHROP UNIVERSITY, EITHER EXPRESSED OR IMPLIED. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. WINTHROP UNIVERSITY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

A. Applicability

The provisions set forth below apply to all persons employed by Winthrop University. The provisions for disabled students or applicants for admission regarding access to or participation in any of the university's programs or services are available through the Office of Services for Students with Disabilities.

B. Statement of Policy

It is the policy of Winthrop University that all employees have the right to work in a positive environment which is free from discrimination based on race, color, religion, sex, national origin, age (forty-plus / 40+), protected disability, veteran status or any other characteristic protected under applicable federal, state or local law. Further, it is the policy of the university to comply with all applicable federal and state laws, rules and regulations, including the Americans with Disabilities Act.

C. General

The Americans with Disabilities Act (ADA) protects persons with disabilities from discrimination in employment or university programs and services. For additional information regarding the ADA you may visit the following websites www.eeoc.gov or www.dol.gov. The purpose of the following complaint process is to provide a procedure for employees to be able to seek prompt and equitable resolution of any complaint alleging any action prohibited by employment related provisions of the Americans with Disabilities Act and by Section 504 of the Rehabilitation Act of 1973. Any such complaint may be related to the employee's employment with the university, or participation in any of the university's programs or services. Discrimination in employment against disabled persons who are otherwise qualified and who are able, with reasonable accommodation, to perform the essential functions of the position in question is prohibited.

Whenever possible, potential employment-related problems should be resolved through informal discussions between the employee, the supervisor and others within the university who may be able to provide assistance. The Associate Vice President for Human Resources should be contacted for assistance in this process.

D. Complaint Procedure

1. The university's Associate Vice President for Human Resources also serves as the university's Title I ADA Compliance Coordinator for employment and the Compliance Officer for the purpose of Section 504 of the Rehabilitation Act of 1973 for employees. The Office of Human Resources is located in 303 Tillman Hall, 803-323-2273.

Any employee who believes that they have been discriminated against or denied access to the programs or services provided by the university to all employees in violation of the provisions of the Americans with Disabilities Act and/or Section 504 of the

Rehabilitation Act of 1973 may file a formal complaint with the Compliance Coordinator/Officer.

A complaint must be filed within 30 calendar days of the date the incident on which the complaint is based occurred or the date the complainant became aware of the incident, whichever occurred later.

2. During an informal conference, the Compliance Coordinator/Officer will inform the complainant that a written and signed complaint must be filed before a formal investigation will be conducted. The complaint must include the name and address of the person filing the complaint, a description of the alleged violation(s) and the relief or accommodations sought. A copy of the complaint will be forwarded to the vice president for the division in which the complainant is employed and to the Associate Vice President for Human Resources.
3. Upon receipt of the written complaint, the Compliance Coordinator/Officer will conduct a thorough investigation of the circumstances in the case. Other members of the university's faculty and staff may be asked to assist in the investigation, either as co-investigators or as resource people in seeking appropriate resolutions.

The purpose of the investigation will be to determine the facts of the case and to develop a resolution which will be, to the greatest degree possible, reasonable and equitable to all concerned parties.

In those cases in which the complaint is filed against a particular person or department, that person or the manager of that department will receive a copy of the complaint and will be given an opportunity to respond.

4. Within 30 calendar days following the date the complaint was received, the Compliance Coordinator/Officer will complete the investigation and issue a written response. Copies of the response will be provided to the complainant, the department or person against whom the complaint was filed, the appropriate vice president and the Associate Vice President for Human Resources.

5. In the event any of these persons believes that there are errors in the findings of fact, or believes that the resolution(s) proposed in the response is either not reasonable or equitable, he/she may submit a written request for a re-examination of part or all of the response. Such request for re-examination must be received in the Office of Human Resources within five working days following the date the initial response was issued. The Compliance Coordinator/Officer may meet with the parties involved in the case in an effort to resolve the remaining questions and may issue a final response within five working days following the receipt of the request for re-examination.
6. Winthrop will not retaliate against any employee for pursuing a complaint under this policy.
7. Questions concerning the use or applicability of this complaint procedure should be directed to the Compliance Coordinator/Officer.