

<b>Policy Number/Title:</b>	4.411 Americans with Disabilities Act Complaint Procedures for Winthrop Employees with Disabilities
<b>Effective Since:</b>	12/01/2018
<b>Last Revision Approved:</b>	12/01/2018
<b>Responsible Office:</b>	Human Resources

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### 1. Scope:

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 Accessibility.

### 2. Definitions:

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### 3. Policy:

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.

#### 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 <https://www.eeoc.gov/> or <https://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. Any Winthrop employee who violates this policy may be disciplined up to and including termination.

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 Vice President for Human Resources, Employee Diversity, and Wellness should be contacted for assistance in this process.

#### **4. Procedures:**

##### 4.111 Complaint Procedure

1. The university's Vice President for Human Resources, Employee Diversity, and Wellness 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 (or his/her designee) 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 Vice President for Human Resources, Employee Diversity, and Wellness.

3. Upon receipt of the written complaint, the Compliance Coordinator/Officer (or his/her designee) 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. The Compliance Coordinator/Officer (or his/her designee) will complete the investigation and issue a written response. Except for good cause, and taking into account pending workload requirements, other assigned cases, and the complexity of the report, the period of time from receipt of the complaint to the issuance of the written response should not exceed 30 days. Copies of the response will be provided to the complainant, the department director/manager/head, the person against whom the complaint was filed, the appropriate vice president, and the Vice President for Human Resources, Employee Diversity, and Wellness.

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, including a description of the particular error of fact or the facts surrounding the belief that the findings are unreasonable/unequitable, 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 (or his/her designee) may meet with the parties involved in the case in an effort to resolve the remaining questions and will issue a response within seven working days of receipt of the written request for re-examination (both the complainant and the Compliance Coordinator/Officer – or his/her designee – may agree to extend this to a mutually agreeable time period not to exceed 30 calendar days.)

6. In the event that the complainant, the department director/manager/head, or the person against whom the complaint was filed believes that errors remain in the findings of fact, or believes that the resolution(s) proposed in response is either not reasonable or equitable, he/she may submit a written request for review of the complaint and investigation to the President. The President may review all the facts and documentation associated with the complaint, and may meet with any person involved in the complaint and investigation. The President shall issue a final response within fourteen working days of receipt of the written request for review (both the complainant and the President may agree to extend this to a mutually agreeable time period not to exceed 30 calendar days.)

7. Winthrop will not retaliate against any employee for pursuing a complaint under this policy.



8. Questions concerning the use or applicability of this complaint procedure should be directed to the Compliance Coordinator/Officer, (803) 323-2273.

**5. Resources:**

This section was intentionally left blank.

**6. History of Revisions:**

12/01/2018	Minor Revisions
10/01/2016	Policy first established

**7. Approvals:**

Responsible Officer Signature/Date:

Vice President/Senior Administrator Signature/Date:

President Signature/Date: