

The Americans with Disabilities Act and Section 504 of the Rehabilitation Act: Information and Grievance Procedure

Passaic County Community College (PCCC) recognizes the human dignity of each member of the College community and expects all employees and students to promote respect and dignity for others so that all employees and students are free to pursue their goals in an open environment, able to participate in the free exchange of ideas, and able to share equally in the benefits of the College's employment opportunities and educational programs and activities.

The Americans with Disabilities Act (ADA) prohibits discrimination on the basis of disability in employment, state and local government, public accommodations, commercial facilities, transportation, and telecommunications. To be protected by the ADA, one must have a disability. An individual with a disability is defined by the ADA as someone who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.

Section 504, Rehabilitation Act prohibits discrimination on the basis of disability in programs receiving federal financial assistance and in the employment practices of federal contractors. The Act requires the provision of reasonable accommodation for individuals with disabilities, allowing them an equal opportunity to access and participate in work and education related programs and activities.

Individuals with concerns or questions about the ADA or Section 504 of the Rehabilitation Act should contact:

Non Students

Alexandra Conte
Assistant Director, Human Resources
Room # E305, Paterson Campus
973-684-6108
aconte@pccc.edu

Students

Darleen McGrath Florance
Director, Office of disability Services
Room # M244, Paterson Campus
973-684-6395
ods@pccc.edu

If you feel that your needs are not being appropriately addressed, contact the following:

Jose Fernandez
Associate Vice President Human Resources
Title IX/ADA/Section 504 Coordinator
Room # 305, Paterson Campus
973-684-6705
jfernandez@pccc.edu

REASONABLE ACCOMODATIONS

Passaic County Community College is committed to providing access to its programs for people with disabilities. The Office of Disability Services (ODS) is dedicated to the equality of educational opportunity and the Office of Human Resources (HR) is committed to the equality of workplace opportunity. Both are steadfast to the creation of a campus environment that is free of discrimination and bias in matters affecting people with disabilities. The ODS and HR, in compliance with federal and state laws, ensures that no qualified individual with a disability is excluded from participation in, or be denied the benefits of, services, programs, or activities at Passaic County Community College. It is the College's intention and obligation to provide reasonable accommodation to qualified individuals with disabilities provided the accommodation does not create undue hardship on the financial or structural operation of the college.

Students: If you are a student with a disability and need an accommodation or the faculty member of a student who has requested or may need an accommodation, please contact:

Darleen McGrath Florance, Director, Office of Disability Services
Memorial Hall (M244), Paterson, NJ **Phone:** 973-684-6395 **Email:** ods@pccc.edu

Employees/ Visitors: If you are an employee or a visitor with a disability and need an accommodation, or you are a supervisor of an employee who has requested or who may need an accommodation, please contact:

Alexandra Conte, Assistant Director of Human Resources,
Room # E305 Paterson Campus **Phone:** 973-684-6108 **Email:** aconte@pccc.edu

PROCEDURE FOR REQUESTING REASONABLE ACCOMMODATIONS

It is the responsibility of the individual to request such accommodation in writing, as well as to provide the College with documentation of the disability. *Students* will provide documentation to the Office of Disability Services. *Non Students* will provide documentation of the disability to the Office of Human Resources.

- (Medical reports of records, diagnostic evaluations, a letter(s) from a qualified medical professional are examples of such documentation).
- **Students** needing accommodations should contact the Office of Disability Services before registering for classes, or as early in the semester as they become aware of the need for accommodation. **Employees** needing accommodations should contact the Office of Human Resources as soon as they become aware of the need for accommodation. Depending on the complexity of the accommodation request, accommodations may require up to six weeks to facilitate.
- **IMPORTANT - Accommodations are not retroactive.**

EVALUATION AND PROVISION OF ACCOMMODATIONS

When the request for a reasonable accommodation is received, the designated office will:

1. Request documentation of the disability by a physician or other qualified health professional.
2. Review the documentation provided to determine if the individual is a qualified individual with a disability, on an individual case by case basis.
3. Engage in an interactive process with the qualified individual with the shared goal of identifying a reasonable accommodation that will allow the individual to access and participate in the programs or activity of interest.
4. Research available accommodations and resources.
5. Consult with the ADA/Section 504 Coordinator, as necessary, in considering types of reasonable accommodations.
6. Consider the preference of the individual with a documented disability. The individual's preference will be given first priority, however, the College may provide an alternative, equally effective accommodation, giving consideration to budgetary limitations and convenience.

GRIEVANCES AND APPEALS

PCCC has established a procedure for filing complaints under the Americans with Disabilities Act (“ADA”) and Section 504 of the Rehabilitation Act (“Section 504”). The College (PCCC) strives to maintain the highest standards of integrity and fairness in its policy of nondiscrimination on the basis of disability. As a result, the College has adopted an internal grievance procedure providing for the prompt and equitable resolution of complaints alleging any action prohibited by the ADA and Section 504 of the Rehabilitation Act. Individuals who believe they have been discriminated against on the basis of disability may file complaints pursuant to the procedures below. This may include, but is not limited to, issues related to academic or work accommodations, different treatment based on disability, disability related harassment or retaliation, physical accessibility, etc. Any of the time frames set out below may be extended for good reason, such as (but not limited to) when classes are not in session, the College is closed or upon mutual agreement by the individual filing the complaint and the ADA/Section 504 Coordinator.

Informal Grievance Procedure

The College encourages informal resolution of concerns and complaints. If a qualified individual with a disability has a concern or complaint regarding any of the matters set forth in the first paragraph above, the individual may first, voluntarily, attempt to resolve the problem through an informal discussion with the Office of Disability Services (Darleen McGrath Florance) or the Office of Human Resources (Alexandra Conte).

1. To be timely, the individual must initiate this informal discussion with the ODS or HR within two (2) weeks of the alleged act that gave rise to the complaint.
2. If the grievance is satisfactorily resolved at the conclusion of the conference, the matter will be considered closed with no need for advancement to formal grievance process.
3. If the conference is unsuccessful or the individual does not wish to voluntarily attempt to resolve the grievance with an informal process, that individual may file a formal grievance.
4. ODS or HR will document all informal grievance conferences by memorializing the date, time, persons present, issues in dispute, and agreements reached.
5. Copies will be submitted to the ADA/Section 504 Coordinator within five (5) business days of the conclusion of any conference.

Formal Grievance Procedure

In the event an individual is dissatisfied with the informal grievance resolution, or does not wish to voluntarily attempt to resolve the grievance with an informal process, the individual may file a formal complaint by contacting and filing a written complaint to the ADA/Section 504 Coordinator.

1. To be timely, the written complaint must be filed within two (2) weeks after the results of the informal process has been submitted; or if the individual does not choose to participate the informal process, within two (2) weeks of becoming aware of the need for an accommodation.
2. The complaint may be written using the information in the ADA/Section 504 Grievance Resolution form or by completing the *Grievance Resolution Form*, which is available in the Office of Student Affairs (A231), Human Resources (E305) or online at www.pccc.edu/disability.
3. The form must be completed and must be returned to ADA/Section 504 Coordinator.
4. If another type of communication is used to notify the College of a possible grievance, the individual filing the grievance will be given an opportunity to complete the Form and forward a copy of the form to ADA/Section 504 Coordinator.
5. Within twenty (20) business days of the receipt of the written complaint, the ADA/Section 504 Coordinator will work with all parties involved to resolve the grievance and notify the individual and all interested parties in writing of the decision.

Investigation/Determination

An investigation, as may be appropriate, shall follow the filing of a complaint.

1. The ADA/Section 504 Coordinator or designee will conduct a thorough, non- adversarial investigation, affording all interested persons an opportunity to submit evidence relevant to the complaint.
2. Notification will be sent to all parties in the complaint that the formal grievance process has been initiated. By the same notification, the parties will be advised that an investigation of the allegations will be conducted, the nature of the investigation and the expected time of completion.
3. The investigative process will include, but not be limited to, interviews of all interested parties and witnesses and the collection of pertinent documents, written statements and other evidence.

4. A written determination as to the validity of the complaint and a description of the resolution if any, shall be issued by the ADA/Section 504 Coordinator or designee and a copy forwarded to the complainant and all other interested parties no later than two (2) weeks after the filing of the complaint.
5. The ADA/Section 504 Coordinator shall maintain the files and records for PCCC relating to the complaints filed.
6. If the college determines that discrimination occurred, it will take steps to prevent recurrence, and to correct the effects of the discrimination on the complainant or others, if appropriate. The College will ensure that any agreed upon resolutions are implemented in a timely and equitable manner.

Inquiries or complaints that involve potential violations of the Americans with Disabilities Act or Section 504 of the Rehabilitation Act may also be referred to the **U.S. Department of Education's Office for Civil Rights**, which can be reached at:

New York Office
Office for Civil Rights
U.S. Department of Education
32 Old Slip, 26th Floor
New York, NY 10005-2500
Telephone: 646-428-3900
FAX: 646-428-3843; TDD: 800-877-8339
Email: OCR.NewYork@ed.gov

Retaliation

The College prohibits retaliation against any individual for filing a grievance under this process or against any other individual participating in the investigation of a grievance. Any such retaliation is against state and federal laws and Passaic County Community College Policy. Retaliation may subject the responsible person to disciplinary action. An individual who has participated in the grievance process in any capacity (for example, a neutral witness not associated with either party) is protected from retaliation and may file a grievance under these procedures with the ADA/Section 504 Coordinator if they have been retaliated against.