GEORGIA STATE UNIVERSITY

Affirmative Action Plan
For
Individuals with Disabilities

October 1, 2012 - September 30, 2013 Edition

Published by
The Office of Opportunity Development and Diversity Education Planning
1 Park Place South
Suite 527
Atlanta, Georgia 30303-3085
404-413-2567
http://odaa.gsu.edu/
Table of Contents

Title Page
Preface
Statement of Policy
Definitions
Responsibility for Implementation
Request for Self-Identification
Internal Dissemination of Policy
Development and Execution of Affirmative Action Programs
Internal Review Procedure
Preface

Georgia State University (also referred to as the University) is committed to the concept and practice of equal opportunity and affirmative action. In the preparation of this Affirmative Action Plan (AAP), we have been guided by Section 503 of the Rehabilitation Act of 1973 (as amended) (29 U.S.C. Section 793) and its implementing OFCCP regulations (41 C.F.R. Part 60-741), and the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (as amended) (38 U.S.C. Sections 4211 and 4212) and its implementing OFCCP regulations (41 C.F.R. Parts 60-250 and 300). Nothing contained in this AAP or its supporting data should be construed as an admission by the University, in whole or in part, that it has contravened any federal, state, or local employment practice laws.

In developing and implementing this AAP, Georgia State University has been guided by its established policy of providing equal employment opportunity. Nothing herein is intended to sanction the discriminatory treatment of any person. Thus, this AAP has been developed in strict reliance upon the Guidelines on Affirmative Action issued by the Equal Employment Opportunity Commission (EEOC) (29 C.F.R. Part 1608).

While the University firmly believes in wide dissemination of its affirmative action policies and equal employment opportunity practices and makes this AAP available to employees and applicants upon request, the AAP remains a company proprietary document. Therefore, the following is requested:

1. If this information is submitted to the Office of Federal Contract Compliance Programs (OFCCP) pursuant to the relevant Executive Order and regulations, it is to be considered confidential and not subject to disclosure without notifying the University of the agency’s decision to disclose and providing the University with ample time to contest the disclosure.

2. If this information is supplied to a government contractor, EEOC representative, or any other person who is given access to the AAP, it is not to be copied, reproduced, or disclosed without prior notification to the University.

3. No information contained in the AAP is to be copied, removed from the premises, or released to other individuals without a prior notification to the University.

All monitoring system reports as required by federal regulations and laws have been completed.

This AAP does not constitute an express or implied contract between the University and its employees, job applicants, or other persons, nor does it change in any way the basic at-will employment relationship that all University employees have with the University. Nothing in this AAP creates a private right of action on behalf of any individual or group against the University.
GEORGIA STATE UNIVERSITY’S

Nondiscrimination Policy for Veterans and Individuals with Disabilities

As stated in its equal employment policy, the University prohibits discrimination against any employee or applicant for employment, on the basis of his or her veteran or disability status. Individuals covered under this policy include disabled veterans, special disabled veterans, recently separated veterans, Armed Forces Service Medal veterans, Veterans of the Vietnam Era, other protected veterans, and individuals with physical or mental impairments which substantially limit one or more major life activities. Additionally, the University prohibits harassment of employees or applicants for employment based on veteran and/or disability status. It is also the policy of Georgia State University to take affirmative action to employ and advance in employment qualified disabled veterans, veterans of the Vietnam era and individuals with disabilities. This policy applies to all employment actions including, but not limited to advertising, recruitment, hiring, compensation, retention, training, demotion, promotion or transfer, layoff or terminations and tenure. Persons wishing to self-identify or file a complaint should contact Linda J. Nelson, AVP of Opportunity Development/Diversity Education Planning, 1 Park Place Suite 308, Atlanta, GA 30303-3085, (404) 413-3308.

All personnel actions involving veterans and individuals with disabilities will be governed by the affirmative action programs developed in compliance with 41 CER Parts 60-74 and 60-250.

In order to ensure compliance, operational responsibility for implementing and monitoring this policy and maintaining and updating the affirmative action plan for veterans and individuals with disabilities lies with the AVP of Opportunity Development/Diversity Education Planning. This affirmative action plan is available for inspection by any employee or applicant for employment, during normal business hours, in the Georgia State University Office located at 1 Park Place South, Suite 527, Atlanta, GA 30303, (404) 413-2567.

Every member of this university community is expected to uphold this policy as a matter of mutual respect and fundamental fairness in human relations. The policy has my unequivocal support and I expect all members of the staff, faculty and student body to join me in order to ensure that nondiscriminatory practices are followed at Georgia State University.

Mark P. Becker
Definitions

"SPECIAL DISABLED VETERAN" means a veteran of the U.S. military, ground, naval or air service who is entitled to disability compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Department of Veterans Affairs for disability rated at 30 percent or more, or rated at 10 to 20 percent in the case of a veteran determined under 38 U.S.C. 3106 to have a serious employment handicap, or a person whose discharge or release from active duty was for a service-connected disability.

"DISABLED VETERAN" is (1) A veteran of the U.S. military, ground, naval or air service who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Secretary of Veterans Affairs, or (2) A person who was discharged or released from active duty because of a service-connected disability.

"QUALIFIED DISABLED VETERAN" means a special disabled veteran or disabled veteran as defined above who satisfies the requisite skill, experience, education, and other job-related requirements of a particular job and is capable of performing the essential functions with or without reasonable accommodations made for his or her disability.

"VETERAN OF THE VIETNAM ERA" means a person who (i) served on active duty in the U.S. military, ground, naval or air service for a period of more than 180 days, in the republic of Vietnam between February 28, 1961 and May 7, 1975, and was discharged or released therefrom with other than a dishonorable discharge, or (ii) served on active duty in the U.S. military, ground, naval, or air service for a period of more than 180 days, any part of which occurred between August 5, 1964 and May 7, 1975, and was discharged or released therefrom with other than a dishonorable discharge, or (iii) was discharged or released from active duty in the U.S. military, ground, naval or air service for a service-connected disability if any part of such active duty was performed in the Republic of Vietnam between February 28, 1961 and May 7, 1975, or in another place between August 5, 1964 and May 7, 1975.

"ARMED FORCES SERVICE MEDAL VETERAN" is any veteran who, while serving on active duty in the U.S. military, ground, naval or air service, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order 12985.

"OTHER PROTECTED VETERAN" means a veteran who served on active duty in the U.S. military, ground, naval or air service during a war or in a campaign or expedition for which a campaign badge has been authorized, under the laws administered by the Department of Defense.

"RECENTLY SEPARATED VETERAN - ONE YEAR“ means any veteran during the one-year period beginning on the date of the veteran's discharge or release from active duty.

"RECENTLY SEPARATED VETERAN - THREE YEARS" means any veteran during the three-year period beginning on the date of such veteran's discharge or release from active duty in the U.S. military, ground, naval or air service.

"COVERED VETERANS" means special disabled veterans, disabled veterans, veterans of the Vietnam Era, Armed Forces service medal veterans, other protected veterans, recently separated veterans-one year, and recently separated veterans-three years.

"INDIVIDUAL WITH A DISABILITY" means a person who, generally, (i) has a physical or mental impairment that substantially limits one or more of his or her major life activities, (ii) has a record of such impairment, or (iii) is regarded as having such an impairment.

For the purposes of this Plan, an individual with a disability is "substantially limited" if he or she is unable to perform a major life activity that the average person in the general population can perform, or is significantly restricted as to the condition, manner, or duration under which a person can perform a particular major life
activity as compared to the condition, manner, or duration under which the average person could perform that same activity.

"A QUALIFIED INDIVIDUAL WITH A DISABILITY" means an individual with a disability as defined above who meets the requisite skill, experience, education, and other job-related requirements for a particular job and is capable of performing that job, with or without reasonable accommodation for his or her disability.
Responsibility for Implementation
41 C.F.R. 60-741.44(i), 41 C.F.R. 60-250.44(i), -300.44(i)

Affirmative action for individuals with disabilities and Covered Veterans is the responsibility of every employee at Georgia State University. Linda J. Nelson, the University's Affirmative Action Officer, is responsible for the implementation and monitoring of this AAP at the University, has the support and staff to manage the implementation of this Plan. In carrying out this responsibility, the Affirmative Action Officer and designated staff will:

- Develop policy statements, AAPs, and internal and external modes of communication,
- Oversee regular discussions with local managers, supervisors, and employees to ensure that the University's policies are being followed;
- Advise supervisors that their work performance is being evaluated on the basis of their affirmative action efforts and results, as well as other criteria, and that the University is obligated to prevent harassment of employees placed through affirmative action efforts;
- Identify, in conjunction with line management, known employees with disabilities and Covered Veterans and any problem areas in implementing the AAP, and develop solutions, including possible modes of accommodation;
- Design and implement internal audit and reporting systems that will measure the effectiveness of the University's Plan, indicate the need for remedial action, determine the degree to which the University's objectives have been attained, determine whether known employees with disabilities and Covered Veterans have had the opportunity to participate in all University sponsored educational, training, recreational, and social activities, and ensure that each University location is in compliance with applicable laws and regulations;
- Serve as liaison between the University and enforcement agencies, and between the University and organizations of and for persons with disabilities, and encourage active involvement by University representatives in the community service programs of local organizations of and for individuals with disabilities and Covered Veterans,
- Keep management informed of the latest developments in the entire affirmative action area,
- Arrange for career counseling for known employees with disabilities and Covered Veterans, where appropriate.
Process, Self-Identification, Review of Physical and Mental Job Requirements, Reasonable Accommodations, Compensation and Outreach

1. **Affirmative Action Clause** - Each contract or purchase order of $2,500 or more contains or incorporates by reference the affirmative action clause required by the regulations at 41 CFR 60-741.4 for individuals with disabilities, and each contract of purchase order of $10,000 or more contains or incorporates by reference the affirmative action clause required by the regulations at 41 CRF 60-250.4 for disabled veterans and veterans of the Vietnam era.

2. **Invitation to Self-Identify** - All applicants and employees who believe they have physical or mental disabilities ("handicapped") as defined in Section 503 of the Rehabilitation Act of 1973, as amended, or who are veterans as defined under the Vietnam Era Veterans Readjustment Assistance Act of 1974, as it amends 38 U.S.C. 4212 have been invited to identify themselves if they wish to benefit under this affirmative action program. This invitation is annually sent to all employees.

   Individuals with disabilities (including disabled veterans) are invited to self identify after a job offer is made and before beginning work. This is consistent with revised regulations at 41 CFR Part 60-741.42, effective August 29, 1996. The Office of Federal Contract Compliance Programs plans to issue similar regulations regarding the self-identification provision for veterans of the Vietnam era.

3. **Consideration of Qualifications** - Georgia State University reviews its personnel policies and procedures to determine whether they assure careful, thorough and systematic consideration of the qualifications of known individuals with disabilities, disabled veterans and veterans of the Vietnam era. This review covers all procedures related to the filling of job vacancies either by hire or promotion, as well as any training opportunities offered or available.

   In determining the qualifications of veterans, Georgia State University limits its consideration of a covered veteran's military record, including discharge papers, to only the portion of that record which is relevant to the specific job qualifications for which the veteran is being considered.

   Based upon appropriate review of its personnel policies and procedures, Georgia State University will modify these, when necessary, and will include any new policies and procedures in the Affirmative Action Plan. To date there have been in modifications necessary.

4. **Physical and Mental Qualifications**
   
   a. The physical and mental job qualifications of all jobs are reviewed on an ongoing basis each time a job vacancy is posted, to ensure that, to the extent that such requirements tend to screen out qualified individuals with.
b. To date, no qualification requirements were identified which had the effect of screening out individuals with disabilities and disabled veterans. All job qualification requirements were found to be job-related and consistent with business necessity and safety.

c. Georgia State University will continue to review physical and mental job qualification requirements whenever a job is vacated and the university intends to fill it through either hiring or promotion. These requirements will also be reviewed whenever changes occur in job duties or the way in which work is accomplished.

d. No pre-employment physical examinations or questionnaires are used by Georgia State University.

e. If at any time in the future Georgia State University should inquire into an applicant or employee's physical or mental condition or should conduct a medical examination prior to employment or change in employment status. Georgia State University affirms that information obtained as a result will be kept confidential, except as otherwise provided for in the regulations.

1. **Reasonable Accommodations**

   Georgia State University is committed to making reasonable accommodation to the physical and mental limitations of individuals with disabilities and disabled veterans, unless such accommodations would impose an undue hardship on the conduct of its business. In determining the extent of its obligation, Georgia State University will consider business necessity and financial costs and expenses, among other factors.

5. **Compensation**

   Georgia State University does not reduce the compensation offered or paid to veterans or individuals with disabilities because of any disability income, pension or other benefit an applicant or employee may receive from another source.

1. **Outreach and Recruitment**

   a. Georgia State University has reviewed its employment policies and procedures in order to ensure affirmative action in the employment and advancement in employment of qualified veterans and individuals with disabilities.

   b. Based on the findings of its review, Georgia State University has taken appropriate outreach and positive recruitment activities. These include the following specific actions.
Georgia State University internally disseminates information about its obligations to engage in affirmative action efforts to employ qualified veterans and individuals with disabilities. The type of dissemination is intended to foster understanding and acceptance and encourage all persons within the university community to take necessary action to assist Georgia State University in meeting its obligations.

1. Georgia State University informs employees, actual or prospective, of its commitment to affirmative action to increase employment opportunities for veterans and individuals with disabilities.

2. Georgia State University lists all suitable employment openings with the appropriate local office of the State Employment Service.

3. Georgia State University has established meaningful contacts with state and local veterans groups.

4. The affirmative action clause for veterans and individuals with disabilities is included in all nonexempt subcontracts and purchase orders.

2. **Customer and Supplier Contracts and Vendor Purchase Orders.**

   Each contract or purchase order of $2,500 or more contains or incorporates by reference the affirmative action clause required by regulations at 41 CFR 60-741.4 for individuals with disabilities and each contract or purchase order of $10,000 or more contains or incorporates by reference the affirmative action clause required by regulations at 41 CFR 60-250.4 for disabled veterans and veterans of the Vietnam era.
The University recognizes that, however strong its outreach program, internal support from supervisory management and other employees is necessary to ensure maximum effectiveness of its AAP for individuals with disabilities and Covered Veterans so that these employees’ awareness of the needs of individuals with disabilities and Covered Veterans can be increased. Accordingly, the University will utilize the following procedures to maximize the internal implementation and dissemination of its policy:

1. Georgia State University will invite employees who are individuals with disabilities or Covered Veterans to participate in the AAP.

2. The University will communicate to employees its obligation to take affirmative action to employ qualified individuals with disabilities and qualified Covered Veterans and will encourage employee referral of covered applicants.

3. Georgia State University's policy on affirmative action for veterans and individuals with disabilities is posted on University bulletin boards. The posting includes a statement that employees and applicants are protected from coercion, intimidation, and interference or discrimination for filing a complaint or assisting in an investigation under the Rehabilitation Act of 1973, as amended, or the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended.

4. Meetings with executive management and supervisory personnel will be conducted at least annually to explain the University's policy of affirmative action and to impart to these personnel their responsibility in making the AAP a success. Top-level management personnel will attend these meetings so that all will know their support of affirmative action.

5. Meetings with all employees of the University will be conducted by department heads to inform the employees of Georgia State University's policy of affirmative action and to explain the employees' responsibility to comply with the policy.

6. An invitation to participate in Georgia State University's policy of affirmative action is disseminated to all applicants once the company has extended a job offer, but prior to the applicant's first day of employment.

7. For those University sites subject to a collective bargaining agreement, union officials will be notified as necessary. For those sites that are not subject to a collective bargaining agreement, no notification of union officials is necessary.
Development and Execution of Affirmative Action Programs

In addition to the affirmative action programs previously mentioned, the University is developing and executing the following programs:

1. The University will continue to review all physical or mental job qualifications.

2. The University will continue to review and evaluate its entire personnel selection process, including training and promotion, to ascertain whether the process permits the stereotyping of individuals with disabilities or Covered Veterans in a manner that limits their access to jobs for which they are qualified.

3. All personnel involved in the recruitment, screening, selection, promotion, disciplinary, and related processes will be trained on affirmative action for individuals with disabilities and Covered Veterans.

4. If Georgia State University holds briefing sessions for recruitment sources, representatives from agencies who specialize in individuals with disabilities and Covered Veterans will be included. Formal arrangements will be made for the referral of job applicants, for follow-up, and for feedback on the disposition of applicants referred.

5. Arrangements will be made to provide opportunities for employees with disabilities and Covered Veterans to discuss any performance problems with their supervisors, and any need for accommodation with their supervisors or the Human Resources Department.

6. As Georgia State University makes employees available for participation in community activities, employees who are individuals with disabilities or Covered Veterans will be among those who are encouraged to participate.

7. When Georgia State University conducts recruiting efforts at various schools, special efforts will be made to reach students with disabilities and Covered Veterans.
ADA Employee Accommodation Policy and Procedure

Georgia State University is an equal opportunity employer. Qualified individuals with disabilities are welcome as employees at Georgia State. In order to provide equal access and opportunities to individuals with disabilities, reasonable accommodations may be needed. This document is designed to provide information on the process of obtaining reasonable accommodations for new and existing Georgia State University employees, including staff and faculty.

The Americans with Disabilities Act (ADA) prohibits discrimination in the workplace on the basis of disability and requires that employers provide reasonable accommodations to qualified individuals with disabilities. A reasonable accommodation refers to a change in the job or environment that allows a qualified employee with a disability to perform the essential functions of his or her job. Some examples of accommodations include:

- restructuring a job
- modifying work schedules
- providing interpreters
- redesigning work areas and equipment or acquiring new equipment
- ensuring facility accessibility to those with physical disabilities

Accommodations are made on a case by case basis, taking into account the type and severity of the disability and the specific job requirements involved. The University works with eligible employees to identify the most appropriate accommodation in a given situation. An accommodation need not be the most expensive or ideal accommodation, or the specific accommodation requested by the employee so long as it is effective. In addition, employers are not required to provide accommodations that are primarily for personal use. The University will work with eligible persons who prefer to provide their own accommodation to ensure compatibility with the University's systems.

Accommodation Process

1. Self-Identification
To receive an accommodation in the workplace, an employee with disability must first self identify him or herself as having a disability. Voluntary Disclosure Forms are available in HR and online at www.gsu.edu/disability, in both screen-readable and PDF formats. An employer is not required to provide a reasonable accommodation until the employee has disclosed s/he has a disability, requested an accommodation and it has been determined by the University that the employee has a qualified disability as defined under the ADA. Submission of this information is voluntary. An individual may not have acquired a disability, or may not realize accommodations are needed, until after he or she is hired. An employee may self-identify him or herself as having a disability during the hiring process, when first hired or at any other time while employed by Georgia State University. However accommodations are not retroactive. All information submitted about a disability will be maintained separately from personnel records and kept confidential in accordance with the ADA, except that (a) supervisors and managers may be informed regarding restrictions on the work or duties of qualified individuals with disabilities and necessary accommodations, (b) first aid and safety personnel may be informed, to the extent appropriate, if and when a condition might require emergency treatment; and, (3) government officials...
engaged in enforcing laws such as those administered by the Office of Federal Contract Compliance Programs or the Americans with Disabilities Act may be informed. The information provided will be used only in ways that are not inconsistent with Section 504 of the Rehabilitation Act.

**A. New Employees:** New employees may self-identify themselves to HR as having a disability when completing new hire HR paperwork or at any time thereafter by completing and submitting to HR a Voluntary Disclosure of Disability Form. Voluntary Disclosure of Disability Forms are available in HR and also online, in both screenreadable and PDF formats. HR will provide the employee with information about the University’s Accommodation Policy and Procedures.

**B. Current Employees:** Current employees at Georgia State University may self-identify themselves as having a disability at any time. Voluntary Disclosure of Disability Forms are available in HR and also online, in both screen-readable and PDF formats. HR will forward copies of the completed Voluntary Disclosure of Disability Form to the Office of Disability Services (“ODS”) within five (5) working days of receipt. If no accommodations are being requested (i.e. if the employee submits a Voluntary Disclosure Form but no Accommodation Request Form), the paperwork will be placed on file in both HR and ODS and no action will be taken unless and until the employee requests an accommodation by submitting a completed Accommodation Request Form.

2. **Request for Accommodation**

If you require accommodations to perform your job duties properly and safely, you should advise your supervisor of your need and submit a completed Accommodation Request Form to the ADA Coordinator in HR. Upon receipt of a completed Accommodation Request Form, HR will contact your immediate supervisor and ask that he or she complete Job Analysis and Essential Function Analysis Forms within five (5) working days. Upon receipt of this completed documentation from your supervisor, HR will provide you with an ADA Medical Certification Form for completion and signature by your health care provider. You must then submit the completed and signed ADA Medical Certification Form to the ADA Coordinator in HR in a timely manner. The ADA Coordinator will forward copies of the submitted documents to ODS within five (5) working days and the paperwork will be placed on file in both HR and ODS. The HR ADA Coordinator and Director of ODS will then review all submitted documentation and determine whether the employee has a disability eligible for accommodations under the ADA. The Director of ODS and the HR ADA Coordinator will consult with the Office of Legal Affairs as necessary.

3. **Notice to Employee**

**A. Notice of Determination** - Employees eligible for accommodation under the ADA will be directed to schedule a meeting with the Director of ODS to discuss accommodation alternatives. Employees not eligible for accommodation under the ADA will be mailed written notice of this determination.
B. Notice of Insufficient Documentation - If an employee does not provide the required medical documentation in a timely manner, Human Resources ("HR") will mail the employee a reminder explaining that no accommodation can be provided until the required medical documentation has been submitted. The employee’s immediate supervisor will be copied on this letter. If the employee does not respond to this notice in a timely manner by submitting the required medical documentation, HR will mail a second letter to the employee, copying his/her immediate supervisor, giving notice that accommodation cannot be provided due to insufficient documentation. If medical documentation is not submitted by the employee within six (6) months from the date of this second notice, then all information previously submitted will be placed in an inactive file and maintained according to the University’s record retention guidelines.

4. Meeting to Discuss Accommodations
Once a determination is made that an employee has a disability eligible for accommodation under the ADA, the employee schedules a meeting with the Director of ODS. ODS will provide the employee with information regarding Disability Services’ role in supporting employees with disabilities (e.g. reviewing documentation, determining eligibility and reasonable accommodations, and follow-up discussions with supervisors and employees as necessary, etc.). Possible accommodations will be identified during the meeting and the effectiveness of each accommodation will be discussed and assessed as needed. A visit to the employee’s worksite by the Director of ODS to determine an appropriate accommodation may be required. The preferences of the employee with the disability will be taken into consideration and reasonable accommodation will be selected that meet the needs of both employee and employer.

5. Accommodation Agreement
Once accommodations have been identified and agreed upon by the employee and employer, these accommodations will be documented in an Accommodation Agreement prepared by ODS and signed by the employee and his or her supervisor.

6. Accommodation Implementation
After an Accommodation Agreement has been signed, the accommodation will be implemented as soon as reasonably possible. ODS will follow up with the employee and supervisor to confirm that the accommodation is effective. The employee should contact their supervisor and ODS for any further accommodation needs relating to the disability for which the employee has been determined eligible for ADA accommodation.

7. Appeals
If the employee disagrees with the accommodation selected or has been denied an accommodation to which the employee believes he/she is entitled under the ADA or Section 504 of the Rehabilitation Act, the employee may appeal the decision to the head of HR within twenty (20) working days of the date of the decision.
**Important Update:** The ADA was amended and signed into law on September 25, 2008 to clarify and reiterate who is covered by the law’s civil rights protections. The “ADA Amendments Act of 2008” revises the definition of “disability” to more broadly encompass impairments that substantially limit a major life activity. The amended language also states that mitigating measures, including assistive devices, auxiliary aids, accommodations, medical therapies and supplies (other than eyeglasses and contact lens) have no bearing in determining whether a disability qualifies under the law. Changes also clarify coverage of impairments that are episodic or in remission that substantially limit a major life activity when active, such as epilepsy or post traumatic stress disorder. The amendments took effect January 1, 2009.

**Synopsis of Law**

The ADA Amendments Act (ADAAA), Pub. L. 110-325, is intended to overturn a series of Supreme Court decisions that interpreted the Americans with Disabilities Act of 1990 in a way that made it difficult to prove that an impairment is a "disability." The ADAAA makes significant changes to the ADA's definition of "disability" that broadens the scope of coverage under both the ADA and Section 503 of the Rehabilitation Act.

**Compliance Assistance Materials**

For more information from the EEOC, go to the [Equal Employment Opportunity Commission](https://www.eeoc.gov) ADA web page. See Also: [Section 503 of the Rehabilitation Act of 1973](https://www.rehab.gov)
Appeals Process for Discrimination or Denial of an Accommodation

Definitions

1. “ADA” refers to the Americans with Disabilities Act.

2. “Appeal” means a request by a petitioner that a decision of Georgia State University be reviewed through administrative channels as set forth in this Disability Complaint Policy Procedure.

3. “Date of Accommodation Denial” means the date of written notification of decision denying requested accommodation under the ADA or Section 504 of the Rehabilitation Act of 1973.

4. “Georgia State” or “University” refers to Georgia State University.

5. “Hearing” means the time set for the ADA subcommittee to review and make findings/recommendations concerning a petitioner’s original complaint (the “petition”) under this Disability Complaint Policy Procedure.

6. “Evidentiary Hearing” means a hearing during which the petitioner has the opportunity to appear and present his or her case in addition to providing written information.

7. “Petition” refers to the original filing by a petitioner (under the Georgia State University Disability Complaint Policy Procedure) of complaints of discrimination by the University including complaints about the denial by the University of requested accommodation.

8. “Petitioner” means a Georgia State University employee who brings a complaint pursuant to the Georgia State Disability Complaint Policy Procedure.


10. “Working Day” means, for purposes of counting, a weekday (Monday through Friday) on which Georgia State University Administration is open.

Purpose

Georgia State University seeks to maintain the highest standards of integrity and fairness in its policy of nondiscrimination on the basis of disability for those who utilize the services, programs and activities provided and/or made available by the University. Employees who believe they have been discriminated against on the basis of disability by Georgia State University may file complaints with the University under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 pursuant to the following procedure:
**Time for filing a Petition**

Complaints of discrimination by the University, including complaints about the denial by the University of requested accommodation (petitions) must be made within thirty (30) days of the alleged discriminatory act or denial. Failure to file within this time period may constitute a forfeiture of the right to file.

**Procedure for filing a Petition**

Petitions must be filed in the Georgia State Opportunity Development/Diversity Education Planning Office using the attached form. The petitioner must describe in detail on this form the action or decision he/she alleges to be discriminatory, his/her basis for alleging the action or decision is discriminatory and all other information germane to the petition. Further, the petitioner shall have the opportunity to choose between having the petition considered based only on written information or to have an evidentiary hearing with the opportunity to appear and present his/her case in addition to the written information provided. On a case-by-case basis, the University reserves the right to, in its sole discretion, offer the petitioner non-binding mediation as an alternative means of dispute resolution.

Upon receipt of the completed petition form, the Opportunity Development/Diversity Education Planning Office will normally forward this material to the Georgia State ADA Advisory Board within five (5) working days. Upon receiving the petition, the ADA Advisory Board Chair or his/her designee will establish a three to five (3-5) person subcommittee to hear the petition and a time for this hearing shall be set to take place within ten (10) working days, except in unusual circumstances. The petitioner and all other parties involved will be notified as to the date, time, location and witnesses, if any, to be called at least five (5) calendar days in advance of the hearing, except in unusual circumstances.

In the event the petitioner requests an evidentiary hearing, each party involved shall be given thirty (30) minutes during the hearing to present respective positions, including testimony and questioning of witnesses. Petitioner shall also be allowed ten (10) minutes for rebuttal of the opposing party. Members of the ADA Subcommittee shall be permitted to ask questions of any party or witness. Petitioner may have legal counsel present at the hearing. However, counsel shall not be permitted to question witnesses, either of the parties involved or to address the subcommittee. The sole permissible role of counsel is to advise the party he/she represents.

The ADA subcommittee will forward its findings and recommendations concerning the petition to the University Provost within five (5) working days after the conclusion of the hearing. The Provost may either approve or deny the recommendations of the subcommittee and will render a decision on the petition. The petitioner will be notified of the Provost's decision, normally within five (5) working days, except in unusual circumstances.
**Mediation**

Offers of mediation may be extended on a case-by-case basis when the University, in its sole discretion, believes such a course of action would be an appropriate means of resolving the issues presented by a petitioner’s complaint. An offer of mediation by the University may be made at any time during the petition process, including the time during which any appeals are pending pursuant to the Disability Complaint Policy Procedure. Acceptance by a petitioner of a University offer to mediate shall not operate to waive a petitioner’s right to utilize the petition process as outlined in this Disability Complaint Policy Procedure. Any such mediation shall be nonbinding on both the petitioner and the University. However, the petition process shall halt during the mediation process.

In the event that either the petitioner or the University is dissatisfied with the outcome of mediation, either party may reinstitute the petition process under the Disability Complaint Policy Procedure. For purposes of timing, the petition process shall be deemed to have stopped on the date and at the stage when the University offer to mediate was accepted by petitioner.

**Appeals Process: Purpose of and Time for Initial Appeal**

If the petitioner is dissatisfied with the decision of the University Provost and believes it to be capricious, arbitrary, discriminatory or otherwise in violation of the Americans with Disabilities Act, petitioner may appeal the decision to the Georgia State University President within twenty (20) calendar days from the date of said decision. Failure to file an appeal within this time frame may constitute a forfeiture of the right to appeal.

The appeals process is designed to provide an impartial review of decisions or actions, which are alleged to be capricious, arbitrary, or discriminatory. All such appeals will generally be decided on the record (i.e. based on a review of the written materials originally submitted to the ADA subcommittee, including the original petition, written materials submitted by other involved parties to the petition hearing, subsequent written materials of the ADA subcommittee and/or Provost and the petitioner’s written statement of appeal). The purpose of the review is to decide if the original decision of the Provost was flawed because established procedures in reaching said decision were not followed by the decision maker(s) or because the decision was made in an arbitrary, capricious or discriminatory manner.

Appeals from decisions of the Provost shall be made in writing and directed to the University President stating specifically and in detail the grounds for the appeal (why the petitioner believes that due process was not exercised or why he/she believes the Provost’s decision was made in a capricious, arbitrary or discriminatory manner) and the redress sought. The President will then render a written decision for the University, normally within twenty (20) calendar days from the date the appeal was received, except in unusual circumstances.
Mail appeals to the following address:

Office of the President  
Georgia State University  
300 Alumni Hall  
Atlanta, Georgia 30303

Subsequent Appeals: Time and Procedure for Filing

A subsequent appeal of the President’s decision may be made by submitting a written statement to the Board of Regents requesting a review and setting forth the reasons for and/or basis of the request. The Board of Regents must receive the statement within twenty (20) days of the date of the University President’s letter to the petitioner or the right to request review by the Board of Regents may be forfeited. The determination by the Board of Regents shall be final and is not appealable administratively.

Mail requests for review to:

Board of Regents of the University System of Georgia  
270 Washington Street, SW  
Atlanta, Georgia 30334-1450

Further Action

When an appeal has been denied by the Board of Regents, the employee may go to the Equal Employment Opportunity Commission (EEOC).

U.S. Equal Employment Opportunity Commission  
Atlanta Office:

Sam Nunn New Federal Center  
100 Alabama Street, SW, Suite 4R30  
Atlanta, GA 30303

Phone: 404-562-6800 or 1-800-669-4000
WAIVER

Name of employee (print)

_______________________________________

Panther ID number

_______________________________________

Discrimination Complained Of

_______________________________________

Date of Act of Discrimination Complained Of

The undersigned employee hereby elects to have his or her disability complaint heard and decided pursuant to the Georgia State University Disability Complaint Policy Procedure and in so doing does waive his or her right to pursue this matter through the University Grievance Board of Review.

_______________________________________  _____________
Employee signature                   Date
OFFER OF MEDIATION and ACCEPTANCE FORM

Georgia State University hereby extends to Petitioner, , an offer of mediation with regard to the issues presented by the Petition filed by this Petitioner pursuant to the University Disability Complaint Policy Procedure. This offer of Mediation is made on this _____ day of ____________, 20___, and, including this date, shall extend for five (5) working days at which time this offer expires.

The mediation offered shall be non-binding and that Petitioner may choose to continue his/her appeal with the University under the Georgia State University Disability Complaint Policy Procedure if unsatisfied with the results of Mediation. In the event Petitioner is dissatisfied with the results of Mediation and wishes to continue with his/her original Petition under the Disability Complaint Policy Procedure, Petitioner must indicate this in writing to the _________________ within five (5) working days of the conclusion of Mediation.

Upon Acceptance of the University’s Offer of Mediation, the Petition process shall be suspended with regard to Petitioner’s original Petition filed under the University’s Disability Complaint Policy Procedure. Suspension of the Petition process will be effective as of the date the University receives a copy of this Acceptance form signed by Petitioner. Suspension of the Petition process shall mean that all time frames and limits set forth and/or imposed by the Disability Complaint Policy Procedure shall stop running as of the effective date of the Acceptance of Mediation. Therefore,

_______________________________________
Name of employee (print)

_______________________________________
Panther ID number

_______________________________________
Discrimination Complained Of

_______________________________________
Date of Act of Discrimination Complained Of

The undersigned employee hereby elects to have his or her disability complaint heard and decided pursuant to the Georgia State University Disability Complaint Policy Procedure and in so doing does waive his or her right to pursue this matter through the University Grievance Board of Review.

_______________________________________    _____________
Employee signature                        Date