

**SOUTH CAROLINA STATE UNIVERSITY  
PERSONNEL POLICIES AND PROCEDURES MANUAL**

SECTION: Employee Relations	Section: VII
	Subject: B
SUBJECT: Americans With Disabilities Act (ADA)	Effective: 01/01/06
	Revised: 12/01/05

**THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND SOUTH CAROLINA STATE UNIVERSITY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE 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.**

**AMERICANS WITH DISABILITIES ACT (ADA)**

**Purpose**

The Americans with Disabilities Act (ADA) forbids discrimination by covered entities, including state and local governmental units (public entities) against qualified individuals with disabilities. As defined by the Act a “qualified individual with a disability” is an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or desires. Likewise, the Act provides that no qualified individual may be excluded from participation in or be denied the benefits of services, programs or activities of a public entity or be subjected to discrimination by any such entity.

**Policy and Procedures**

It is the policy of South Carolina State University that no qualified individual shall be discriminated against in terms or conditions of employment or in participation in any of the programs administered by the University.

To ensure that the policy stated above is fully and fairly implemented, the following procedures have been adopted to deal with those instances in which an employee, prospective employee, participant or applicant for participation in any of the programs administered by the University believes that he or she has been discriminated against because of his or her disability.

**ADA Compliance Officer**

It is the duty of the University’s ADA Compliance Officer to ensure that the employment practices and the procedures utilized by the University in the administration of its various programs are non-discriminatory both as written and in their application as to persons with disabilities. The ADA Compliance Officer is responsible for investigating all complaints of discrimination under the Act.

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**Complaint Procedures**

- A. Any individual who believes that he or she has been discriminated against by the University either in its employment practices or in the administration of any of its programs may file a complaint with the ADA Compliance Officer. Such complaint may be filed in writing, verbally, or through an interpreter, and should identify the action which is alleged to be discriminatory, the nature of the discrimination alleged, the time and place of the discriminatory action, and the nature of the relief sought by the complainant.
  
- B. The ADA Compliance Officer shall thoroughly investigate all allegations of discrimination under the Act and shall prepare a written report as to the findings of each such investigation. In the event that it is determined that the complainant has been discriminated against in violation of the Act, the ADA Compliance Officer shall implement any and all actions as shall be reasonably required to correct the discrimination complaint. In making the determination and in implementing the actions described above, the ADA Compliance Officer shall consult with University officials and/or other employees as the ADA Compliance Officer deems necessary.
  
- C. In instances in which discrimination under the Act is found to have occurred, the ADA Compliance Officer shall recommend to the President such remedial action as shall be required to ensure that such discriminatory action is not repeated. The recommendation may include that appropriate disciplinary action be taken against any employee of the University who has been found to have intentionally or knowingly discriminated against a qualified individual in violation of the Act.

**Appeals**

Any person who has filed a complaint with the ADA Compliance Officer and who disagrees with the determination made with respect to such complaint may appeal that determination to the President of South Carolina State University.