

UNIVERSITY of MASSACHUSETTS LOWELL
Americans with Disabilities Act (ADA) Guidelines
(Covered Individuals with Disabilities)

Policy Statement

The University of Massachusetts Lowell (UMass Lowell or University) is firmly committed to providing full access and equal employment and educational opportunities to the extent possible for applicants, qualified employees, and students with disabilities. UMass Lowell takes affirmative action to admit, employ and advance qualified individuals with disabilities at all levels. The University further ensures that all personnel actions, including recruitment, hiring, promotion, and training, are administered without regard to disability. Students with disabilities are invited to register with the Office of Disability Services, which provides accommodations to students. UMass Lowell's contractors are also prohibited from discriminating against individuals on the basis of disability, and are required to take affirmative action to employ and advance in employment qualified persons with disabilities.

Employees and applicants with disabilities are encouraged to disclose that status for the purpose of the University's affirmative action planning. Employees with disabilities that impact their ability to perform the essential function of their jobs may request reasonable accommodations. Applicants for employment may also request accommodations during the application and interview processes.

Such information will not be used against employees, applicants, or students in any way. Also, if anyone decides not to provide such information, this decision will not be used against them. Disability or medical information as well as information regarding accommodations will not be used in a manner inconsistent with the regulations and laws below, and will be kept confidential, except as necessary as follows: (1) supervisors and administrators may be informed regarding necessary accommodations; and (2) first aid personnel may be informed if required to provide emergency treatment.

Unlawful discrimination and harassment are prohibited against employees and applicants based on **disability**. **Retaliation** on the basis of disability is prohibited.

UMass Lowell's obligations regarding persons with disabilities arise under Sections 503 and 504 of the Rehabilitation Act of 1973 (as amended in 1974), the Americans with Disabilities Act of 1990 (as Amended in 2008), 41 CFR 60-741, and the Massachusetts anti-discrimination law, MGL 151B.

UMass Lowell employees and employment applicants to UMass Lowell have the right to be free from discrimination due to pregnancy or a condition related to pregnancy. Employees may

request a reasonable accommodation based on pregnancy or a pregnancy-related condition, without being subject to adverse action.

If you have questions or need information about lactation rooms, please contact EOO.

These Guidelines are in accord with the University of Massachusetts Non Discrimination and Harassment Policy, T16-040 and serves as the basis for the best possible education and the most effective workplace.

Purpose

The purpose of these Guidelines is to:

- establish standards for behavior and policies whereby persons with disabilities may have equitable access to UMass Lowell's programs and services.
- provide an overview of the civil rights and affirmative action regulations for persons with disabilities to which UMass Lowell is subject.
- define behaviors which are prohibited.
- describe responsibilities of faculty and supervisory employees regarding reporting a concern that these Guidelines have been violated.
- delineate potential consequences for violations of these Guidelines.

Scope

These Guidelines applies to all employees, students, vendors, and visitors of UMass Lowell. For further detail regarding how these Guidelines applies to students, please see the Student Conduct Code.

Definitions

Harassment is conduct by a person or persons against another person or persons based upon their legally protected class that adversely has the effect of:

- (i) unreasonably interfering with a person or person's employment, educational benefits, academic grades or opportunities, or participation in University programs or activities; or
- (ii) unreasonably interfering with a person or person's work or academic performance; or
- (iii) creating an intimidating, hostile, or offensive working or academic environment.

In addition, **retaliation** by the University or by any employee against anyone who raises concerns about discrimination is equally prohibited.

Persons with Disabilities: A disabled individual is defined under the law as any person who (1) has a physical or mental impairment or medical condition which substantially limits one or more of such person's major life activities, (2) has a record of such impairment, or (3) is regarded as having such impairment. Under the American with Disabilities Act (ADA) it is also unlawful to discriminate against an individual, whether disabled or not, because of a relationship or association with an individual with a known disability. In both working and learning environments, it is critical that faculty, administrators, and supervisors do not assume that any students, staff, or colleagues are persons with disabilities.

Reasonable accommodations are modifications or adjustments that allows an employee or job applicant to perform the essential functions of the job, without undue hardship to the employer. This includes accommodations for Persons with Disabilities, and accommodations for employees to perform the essential functions of the job while pregnant or experiencing a pregnancy-related condition

Retaliation is the interference through intimidation, including threats, coercion, or unlawful discrimination, with an individual's right or privilege secured under the law [Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, the Massachusetts anti-discrimination laws, or other laws] or interfering with an individual's right to make a complaint, testify, assist, or participate in any manner in an investigation, proceeding or hearing, or to intervene to prevent a violation of UMass Lowell Guidelines or policy.

Unlawful discrimination is behavior that is directed at a specific person or persons that subjects them to treatment that adversely affects their employment, application for employment, education, admissions, University benefits, programs, or activities, because of their religion or religious belief, color, race, marital status, veteran or military status, age, sex (including sexual harassment), gender identity or expression, sexual orientation, national origin, ethnicity, disability, genetic information, or any other legally protected class. Gender protections also include sexual violence, pregnancy and related conditions. National origin protections include equal access to individuals with limited English proficiency.

Procedures

To help UMass Lowell measure the effectiveness of our outreach and hiring of individuals with disabilities, and in compliance with 41 CFR 60-741, we ask employees and applicants for employment to inform us if they have or ever had a disability. Providing this information is voluntary. Employees and applicants will not be asked to specify the nature of the impairment(s) unless they wish to request an accommodation. We are also required to ask our employees to voluntarily update their information every five years.

UMass Lowell employees, applicants and visitors who require a reasonable accommodation or workplace supports or proper placement due to a disability must contact:

University of Massachusetts Lowell
Equal Opportunity & Outreach
Wannalancit, 3rd Floor
600 Suffolk Street, Lowell, MA 01854
978-934-3566

Students who wish to request an accommodation should contact Office of Disability Services, at the Wellness Center on the 3rd floor of University Crossing, Disability@uml.edu, 978-934-4574. See uml.edu/student-services/disability/ for more information.

Administrators, faculty and staff who direct the work of others in supervisory roles shall report a possible violation of these Guidelines, that is, a possible occurrence of **unlawful discrimination, harassment, or retaliation** to Equal Opportunity & Outreach. They are required to report any incidents that a reasonable person might consider a potential violation. As a performance factor, UMass Lowell officials are charged with the responsibility to support this and other equal

opportunity policies and the University's Affirmative Action Plan. They are expected to be actively engaged in developing and achieving designated objectives and goals.

Employees are encouraged to monitor their work environment for the presence of any forms of **unlawful discrimination, harassment, or retaliation**. A performance factor for all employees is compliance with these Guidelines and fostering inclusion with colleagues.

Individuals may file a concern or complaint of discrimination if they believe they are subjected to **unlawful discrimination, harassment, or retaliation**. They are strongly encouraged to complete the form at the end of the [Equal Opportunity Concerns / Complaint Procedure](#) before they meet with the EOO staff. The EOO staff, located at Wannalancit, 3rd Floor, 600 Suffolk Street, Lowell, MA 01854, telephone 978-934-3565, fax 978-934-3032, will assist in resolving concerns or complaints. These matters will be responded to as expeditiously as possible to facilitate resolution. If the provisions of these Guidelines are violated, the University will take appropriate steps to halt the inappropriate behavior and address its effects. A finding of a violation of these Guidelines will also result in corrective action, such as appropriate discipline up to and including termination. Regardless of whether conduct constitutes a violation of Guidelines, these Guidelines do not limit UMass Lowell's authority to discipline or take remedial action for workplace conduct that it deems inappropriate or unprofessional.

Additional information, including contact information to report a complaint of discrimination with an external agency, is available at uml.edu/equal.

Responsibility

UMass Lowell annually reviews, monitors and improves these Guidelines for employees with disabilities, as well as the student support and student life policies for students with disabilities. The University takes appropriate measures to implement the policies and Guidelines. The Director of Equal Opportunity and Outreach is responsible for implementation of these Guidelines and of the affirmative action program for persons with disabilities.

Attachments

Additional information is available at uml.edu/equal/workplace_issues/disability.html.

UMass Lowell's Affirmative Action Plan is available for inspection from 9 a.m. to 4 p.m. weekdays in Equal Opportunity & Outreach at the address listed above.

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