



DISABILITY DISCRIMINATION PREVENTION POLICY

I. PURPOSE/REASON

To inform Ohio Department of Education and Workforce (DEW) team members, applicants for employment, and members of the public that individuals with disabilities have rights under applicable Ohio and federal civil rights rules and laws to have equal opportunities to benefit from programs, activities, and services provided by DEW and to provide a process for individuals to file an internal grievance.

II. REFERENCES/AUTHORITY

- A. Section 504 of the Rehabilitation Act of 1973, as amended 29 U.S.C. § 794
- B. Americans with Disabilities Act of 1990 42 U.S.C. §§ 12101 et seq.
- C. Ohio Revised Code (ORC) 3301.13
- D. ORC 4114 et al.
- E. OCSEA/AFSCME Contract: Article 2

III. SCOPE

This policy applies to DEW team members, applicants for employment, customers, vendors, clients, temporary workers, contractors, consultants, and members of the public including students and parents.

IV. DEFINITIONS

- A. **INDIVIDUAL WITH A DISABILITY:** A person with a disability is someone who:
 - a. Has a physical or mental impairment that substantially limits one or more major life activities;
 - b. Has a history or record of such an impairment; or
 - c. Is perceived by others as having such an impairment.
- B. **RETALIATION:** The act of punishing or taking an adverse action against a team member, applicant, or individual for asserting his or her rights under laws to be free from discrimination based on disability. This includes retaliation against an individual who requested an accommodation; filed, testified or participated in a discrimination investigation, proceeding or lawsuit; or opposed practices they reasonably believed discriminate against individuals. A claim of retaliation is based on objective and non-discriminatory criteria.

C. COMPLAINANT: An individual who makes a discrimination complaint.

V. POLICY

- A. DEW complies with all applicable federal and state laws, rules, regulations, and guidelines that apply to individuals with disabilities. DEW will not discriminate on the basis of disability. This policy must be observed and adhered to by all DEW team members.
- B. All DEW team members are expected to assist in the effort to prevent discrimination based on disability. Any DEW team member who violates this policy will be subject to disciplinary action.

VI. PROCEDURE

- A. Individuals who believe DEW has discriminated against them on the basis of disability may file a complaint through the internal grievance procedure as set forth in Appendix A, *Section 504 and Title II Grievance Procedure*.
- B. DEW is committed to promptly and equitably resolving any complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act.

VII. ENFORCEMENT

- A. If an investigation confirms that a violation has occurred, DEW will take appropriate corrective action, including discipline. Depending on the circumstances, the action may range from corrective counseling to a reprimand or removal. Appropriate training also may be recommended. See the [Department's Standards of Conduct and Disciplinary Grid](#) for more information about corrective action and disciplinary action.
- B. No reprisal, retaliation or other adverse action will be taken against any individual for making, in good faith, a complaint or report of discrimination or for assisting, in good faith, in the investigation of any such complaint or report. Any suspected retaliation or intimidation should be reported immediately to the Office of Human Resources.
- C. A complaint or report that this policy has been violated is a serious matter. Dishonest or fabricated complaints or reports also are a violation of this policy, and DEW will take appropriate disciplinary action if the investigation shows deliberately dishonest, false or bad faith accusations have been made by team members.

- D. Supervisory team members are advised they may be subject to personal liability for acts of discrimination and may be responsible to provide their own legal defense.
- E. All inquiries, complaints and investigations are treated confidentially. Information is revealed strictly on a need-to-know basis. Information contained in a formal complaint is kept confidential to the extent possible. In addition, the Office of Human Resources will take adequate steps to prevent retaliation against the complainant.

VIII. ASSISTANCE

Please contact the Office of Human Resources for questions about or clarification of this policy.

Ohio Department of Education and Workforce
 Office of Human Resources
 25 South Front Street, 7th Floor
 Columbus, Ohio 43215-4183
 Telephone: (614) 466-3763 or (877) 644-6338
 Fax: (614) 441-4750

IX. APPENDICES

- A. Appendix A - Section 504 and Title II Grievance Procedure

X. REVISION HISTORY

Change Date	Description of Change and Comments
08/27/2024	Adoption of original policy