

STATE OF LOUISIANA :

PARISH OF CALCASIEU :

BEFORE ME, the undersigned notary, on this 1ST ^{OCTOBER} day of ~~September~~, 2009,

personally came and appeared: GIOVANNI SANTOSTASI, who declares under oath that he is a wheelchair-bound Professor of Physics who has been employed by McNeese State University for more than five years.

I.

He holds a PhD in physics and has been the top-ranked physics professor at McNeese for the last five years. His research focuses on astrophysics, and he has played a significant role in designing projects related to NASA's Mars exploration and the study of gravity waves. His work has brought McNeese into the national spotlight for astrophysics research, and he routinely partners with scientists from universities such as CalTech, MIT, and Princeton University. He is the only person to bring external grants to the McNeese Physics Department in the last 20 years, and he was in the process of securing grants which would potentially result in McNeese launching its own satellite into orbit.

II.

He further declares that approximately six months ago he had to begin using crutches and his condition has deteriorated until two months ago he became confined to a wheelchair because of neuropathy. He contacted McNeese ADA Coordinator Rosemary Gray and advised her that there are no wheelchair-accessible pathways and restrooms in the building where he teaches, Frasch Hall, and that he needed to be able to access his classroom, his office, restrooms, and other campus facilities in his wheelchair in order to do his job. He supplied medical documentation to McNeese ADA Coordinator Rosemary Gray, but she ignored his request for accommodations and, without explanation, accused him of supplying medical documentation which was "fake".

III.

McNeese offered him no accommodations because of his disability and assigned him an office and teaching schedule in Frasch Hall, a building which is not wheelchair accessible.

IV.

He is unable to use the Frasch Hall restroom on his floor because the restroom door is too narrow for a wheelchair to pass through. The nearest restroom that he can use at all is located on another floor. Even in this restroom, the toilet stalls are too narrow for his wheelchair, and he is forced to get out of his wheelchair and slowly hop on one foot to a toilet—an act which causes him great pain, great fear, severely strains his body, damages his medical progress, and puts him at risk of falling and injuring himself.

V.

When he returns from the arduous task of trying to urinate in a distant, non-wheelchair-accessible restroom, his supervisor admonishes him for being away from his office for so long.

VI.

He further declares that few directional signs exist to guide the disabled to safe and compliant facilities at McNeese and that few safe and compliant facilities exist anywhere on campus for the disabled to utilize. He has great difficulty navigating on McNeese sidewalks between buildings because the sidewalks and ramps are sloped steeply in places, railings and wheel guards do not exist on many ramps, and many doors are either too heavy or too narrow for him to safely utilize.

VII.

He further declares that while at McNeese, he routinely encounters barriers which prevent him from using the restroom and from freely getting into buildings and across campus. At times, he encounters electric doors, elevators, and other mechanical items which have not been maintained and do not work. These barriers interfere with his ability to work, attend required faculty meetings, teach his classes, and meet with students and other faculty members on campus.

VIII.

He further declares that, due to his training and expertise in the subject of physics, he is aware of the hazards of these non-compliant facilities, and that these hazards including becoming trapped, tipping over, and sustaining further injuries.

IX.

He has repeatedly implored his supervisors at McNeese, including his department head, his college dean, and ADA Coordinator Rosemary Gray, to assist him with ADA accommodations. He specifically requested that Frasc Hall be brought into compliance with the ADA.

X.

His college dean advised him that he will “never win the war” against McNeese and that he should no longer come on campus because McNeese is afraid that he will fall and injure himself and sue the university for failing to comply with the ADA, and, consequently, advised him that he would not get tenure as he had been promised prior to his disability and, indeed, his contract to teach at McNeese would be terminated in December, 2010.

XI.

He further declares that when he brings his concerns to McNeese ADA Coordinator Rosemary Grey, she repeatedly deters him from filing any sort of grievance.

XII.

He believes that he has been discriminated against under the Americans with Disabilities Act and retaliated against for having a disability and complaining to McNeese about the severe lack of facilities, such as bathrooms in the various buildings in which his job required him to be, which could be reasonably used by wheelchair bound individuals such as himself without endangering themselves together with other small modifications and accommodations to the campus and its facilities to make it reasonably accessible for the disabled for least in their basic functions in getting about the campus.

XIII.

He further declares that he has taken medical leave for the Fall, 2009, in part because of McNeese's inaccessible campus. However, he would like to continue his research and teaching, and he has a contract to do so until December, 2010.


XIV.

He supports any efforts by others to secure a court order requiring that McNeese be brought into compliance with the Americans with Disabilities Act and believes that such an order is essential for the protection of students and faculty members at McNeese.


XV.

He further states that after sometime after he made McNeese aware of his difficulties in navigating around the campus in his wheelchair and after his confrontation with his department head and dean, he attempted to access his campus email account and discovered that more than 2,000 emails from his McNeese computer network had been deleted, including emails documenting his claims under the ADA. Based on his knowledge and experience with computers, and the system McNeese uses for its network and email system, he believes that these emails were purposely deleted by someone with access to administrative control of the McNeese computer and email system. Judging from the specificity of the deletions, he believes that this deletion was designed to destroy crucial evidence of his accommodation requests and other such communications which might contain information which would confirm his complaints to McNeese and perhaps wrongdoing of members of the McNeese administration and management staff.

SWORN TO AND SUBSCRIBED BEFORE ME, a Notary, this 15th day of October, 2009, at Lake Charles, Louisiana.


GIOVANNI SANTOSTASI

10/1/2009
Date


JAMES E. HOPKINS
NOTARY PUBLIC, CALCASIEU
PARISH, LOUISIANA

Notary Public ID: Bar No. 06990

My Commission Expires on: At Death