

*~ ~ From Employee Handbook – December 2017 ~ ~*

## **Statement Regarding the Americans with Disabilities Act**

The Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 provide for assimilating people with disabilities into the mainstream of society. With respect to employment, the objective is to remove barriers that have caused individuals with disabilities to be underemployed or unemployed.

It is the policy of Guilford College not to discriminate against qualified individuals with disabilities and to provide reasonable accommodations as required by law to otherwise qualified applicants or employees with disabilities in all employment practices, including job application procedures, hiring, advancement, job assignments, leaves of absence, transfers, layoffs, demotions, discipline, discharge, compensation, fringe benefits and job training. Employment opportunities will not be denied to an otherwise qualified applicant or employee because of the need to make a reasonable accommodation to the physical or mental impairment(s) of such individual, and qualified applicants with disabilities are encouraged to seek employment with the College.

Although this policy is largely described in terms of accommodations that may allow an applicant or employee with a disability to perform the essential functions of the position desired or held, it is also applicable to accommodations involving the job application process and to accommodations that would enable an employee with a disability to enjoy equal benefits and privileges of employment.

For further information regarding the provision of reasonable accommodation to qualified employees with disabilities, please contact the Office of Human Resources.

*~ ~ From Student Handbook 2017-18 ~ ~*

## **Americans With Disabilities Act: Disclosure and Request for Reasonable Accommodation(s)**

### ***Policy of Nondiscrimination***

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It is the policy of Guilford not to discriminate against qualified individuals with disabilities and to provide reasonable accommodation(s), as required by law, to otherwise qualified applicants for admission of students with disabilities in all education programs, activities, services and practices, including application procedures, admissions, student assignment, course assignment, the awarding of degrees, discipline, and dismissal. Educational opportunities will not be denied to an otherwise qualified applicant or student because of the need to make reasonable accommodation(s) or modification(s) for the physical or mental impairments of any such individual.

Although this policy and procedure is largely described in terms of accommodation(s) that may allow an applicant or student with a disability to meet the academic standards requisite to admission or participation in education programs, activities and services, the policy is also applicable to accommodation(s) involving the application process and to accommodation(s) that would enable an applicant or student with a disability to enjoy equal benefits and privileges of education as are enjoyed by other similarly situated applicants or students without disabilities.

The procedures contained herein are not exclusive of other education-related inquiries that the College, in its discretion, may make as permitted or required by local, state or federal law and in conformance with the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.

## **Disability Disclosure Procedures**

To disclose learning, psychological or medical disabilities of any kind, students should complete the following steps. You may disclose a disability and choose not to request accommodations.

**Step 1. The student must complete and Accommodation(s) Request Form.** These can be downloaded at [https://docs.google.com/forms/d/e/1FAIpQLSfK4me\\_mnfDoDPK1-NLZ\\_5\\_uXxKOf7FjdPDY\\_6e3u22jm8d5A/viewform](https://docs.google.com/forms/d/e/1FAIpQLSfK4me_mnfDoDPK1-NLZ_5_uXxKOf7FjdPDY_6e3u22jm8d5A/viewform)

**Step 2. Submit the Disabilities Disclosure and Accommodation(s) Request Form along with current appropriate documentation** to the Director of the Accessibility Resource Center (ARC), Guilford College, 5800 W. Friendly Ave., Greensboro, NC 27410 or fax to 336.316.2946. Guidelines for documentation requirements follow the Disabilities Disclosure and Accommodation(s) Request Form.

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**Step 3.** Once the Disabilities Disclosure and Accommodation(s) Request Form and the appropriate documentation are submitted, the student will schedule an appointment with the Accessibility Resource Center (ARC) to discuss their individual accommodation needs and determine the most reasonable and appropriate accommodation plan.

**Step 4.** The student and the Accessibility Resource Center (ARC) directors will complete the individual accommodation plan. The directors are as follows: Dr. Kelly A. Mongiovi, Director of Accessibility Resource Center (ARC), 336.316.2837 and Rob Young, Assistant Director of the Accessibility Resource Center (ARC) 336.316.2243.

**Step 5.** The student will request their letters be sent to their professors electronically by the directors and provide a copy of their individual accommodation letter to each of their professors and discuss their individual needs with those professors. It is also suggested that the student discuss the academic accommodations with their advisor(s) so that appropriate course recommendations may be made.

## **Definitions of "Disability," "Qualified Individual with a Disability" and "Otherwise Qualified"**

A "disability" with respect to an applicant or student is:

- Physical or mental impairment that substantially limits one or more major life activities of such individual
- Record of such impairment, or
- Being regarded as having such impairment.

Individuals with disabilities may include persons who are mobility impaired, sensory impaired, speech impaired, cosmetically disfigured, mentally ill, developmentally disabled, emotionally troubled or learning disabled. Individuals with disabilities may also include persons who are neurologically, psychologically, physiologically or otherwise impaired or who have suffered an anatomical loss.

"Major life activities" include caring for self, performing manual tasks, walking, sitting, standing, lifting, reaching, seeing, hearing, speaking, breathing, learning, and working.

A "qualified individual with a disability" means:

- With respect to educational opportunities, a disabled person who meets the academic and technical standards requisite to admission or participation in an education program or activity.
- With respect to other services, a disabled person who meets the essential eligibility requirements for the receipt of such services.

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- An applicant or student with a disability is "otherwise qualified" if they are qualified to receive educational opportunities, in that they satisfy all of the academic and technical standards, essential eligibility requirements and other applicable education-related selection criteria, except that because of the disability, they need reasonable accommodation(s) modification(s) be able to meet and perform the requirements for the educational opportunities, public adult educational services, or other services in question.

## **Scope of Potential Reasonable Accommodation(s)**

When requested by an otherwise qualified applicant or student with a disability to do so, or when the need becomes known to the College, Guilford is prepared to modify or adjust the admissions process or the educational environment to make "reasonable accommodation(s)" to the known physical or mental limitations of an applicant or student to enable the applicant or student to be considered for admission to the program, course, activity, or service they desire, to meet and perform the academic and technical standards requisite to performance of an education program or activity, to meet the essential eligibility requirements for the receipt of other services, or to enjoy equal benefits and privileges of education as are enjoyed by other similarly situated applicants or students without disabilities. Reasonable accommodation(s), however, may not be made or offered as set forth in Paragraph III.D. below.

Subject to the determinations referenced in Paragraph III.A. above, reasonable accommodation(s) and modifications may include: making existing academic facilities used by students and the public readily accessible to and useable by individuals with disabilities; altering when or how academic or technical requirements are met or performed; adjusting or modifying admission and performance tests, educational materials or policies; modifying nonessential course requirements; modifying or extending degree or course completion periods; substituting specific courses required for the completion of degree requirements; allowing readmission upon review and evaluation; providing or arranging counseling services; providing readers, interpreters or tutors; adapting or modifying the manner and method of instruction and testing; modifying or adjusting scheduling requirements; substituting instructors; allowing applicants or students to provide equipment or devices that the College is not required to provide; and other similar accommodation(s).

In determining the College's ability to offer reasonable accommodation to an otherwise qualified applicant or student with a disability, each request for an accommodation will be evaluated on a case-by-case basis. Factors to be examined include, among others, the essential academic and technical standards requisite for admission or participation in an education program or activity; the purpose and nature of the course, program, service or activity; the precise education-related abilities and functional limitations of the applicant or student and

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how those limitations could be overcome with reasonable accommodation(s); the nature and cost of the accommodation required in relation to the College's financial resources; the consequences and effect financially, educationally and otherwise of such an accommodation upon the operation and educational mission of the College, course, program, service and/or activity; and other federal, state and local regulatory requirements.

The College is not required to offer or provide an accommodation, to admit or to continue to admit an individual with a disability to any particular course, program or activity, or to provide educational opportunities and other services when:

- An accommodation would substantially modify the educational standards or mission of Guilford,
- An accommodation would fundamentally alter the nature of the program, activity or service,
- Taking into account the disabled applicant or student's qualifications along with the requested accommodation, they are not otherwise qualified to meet the academic and technical standards requisite for admission or participation in an education program or activity,
- Taking into account the disabled applicant or student's qualifications along with the requested accommodation, they are not otherwise qualified to meet the essential eligibility requirements for receipt of other services, (v) reasonable accommodation would not overcome the effects of the individual's disability,
- Reasonable accommodation would not enable the individual to complete a course, degree program or activity,
- An accommodation would cause an undue hardship on the College, or
- With respect to accommodation(s) mandated by the Americans with Disabilities Act and Amendments (ADAAA), even with reasonable accommodation, the individual would still pose a direct threat of substantial harm to the health or safety to self or others.

## **Request for Reasonable Accommodation**

Through completion of the Disabilities Disclosure and Accommodation(s) Request Form, the applicant or student with a disability shall also assist the College in determining if and what reasonable accommodation(s) might be provided by identifying in writing or otherwise:

- Any special methods, skills or procedures that would enable themselves to perform the tasks, functions or requirements that they otherwise might not be able to perform because of their disability,
- The potential accommodation(s) the College might make that would enable them to perform and meet the academic and technical standards requisite for admission to or participation in an educational program or activity, and

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- Any equipment, aids or services that the applicant or student is willing to provide and utilize that the College is not required to provide.

If the applicant or student requires secretarial or other assistance in preparing such written statement or request due to their disability, this will be provided upon request.

## **Response to Applicants and Students Who Request Reasonable Accommodation**

The College recognizes that it may not make pre-admission inquiries as to whether an applicant for admission is disabled, except as allowed by law. After admission, however, the College may make inquiries on a confidential basis as to disabilities that may require accommodation.

An otherwise qualified student who identifies themselves as having a disability and requests reasonable accommodation may be required to provide documentation, including medical records, sufficient to establish the existence of a claimed physical or mental impairment and the need for accommodation. The Director of the Accessibility Resource Center (ARC) or designee may make such a request in writing or in some other form appropriate for the student's disability when the need for an accommodation is not obvious or when otherwise appropriate.

A deadline of three (3) weeks (21 calendar days) from the date of receipt of the request for such documentation will be allowed in which the documentation, including medical records, must be provided to the Directors of the Accessibility Resource Center (ARC). Through completion of the Disabilities Disclosure and Accommodation(s) Request Form, the student shall provide a medical release to each health care provider from whom medical records are requested permitting the College to receive and the College's representatives to review such medical records. All documentation received by the College will become the property of the College and will be treated as confidential. This deadline may be extended upon request for good cause or as otherwise deemed appropriate by the College.

The College may require a student to undergo further testing and/or evaluation by medical or other personnel retained by the College to verify or establish the claimed disability and the need for accommodation and to provide a basis upon which a reasonable accommodation can be developed or implemented. All documentation relating to testing and/or evaluations will be treated as confidential.

The Directors of Accessibility Resource Center (ARC) and/or the members of the Guilford College Accommodations Committee, or her or his designee, individually or in consultation with medical or other personnel retained by the College, will determine whether the College considers the student to be disabled. The College will attempt to complete its review and make

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its determination regarding the claimed physical, mental, and/or learning disability of a student within three (3) weeks (21 calendar days) upon receipt of all documentation and evaluations requested. Once the College determines whether a student is disabled, the College will communicate that decision to the student in writing or in some other form appropriate for the student's disability.

## **Providing Reasonable Accommodation(s)**

The determination of whether and/or what reasonable accommodation(s) will be made to a student, shall be made by the Directors of Accessibility Resource Center (ARC) and/or Guilford College Accommodations Committee, medical, or other personnel retained by the College. In making this assessment, the Director of the Accessibility Resource Center (ARC), or her or his designee, will consult with the applicant or student regarding the precise education-related physical or mental limitations imposed by the disability, potential reasonable accommodation(s) to overcome those limitations, and the effectiveness of various accommodation(s) in enabling the applicant or student to perform the academic, technical or other requirements of the course, program, activity or service in question. If a student does not meet the ADA criteria necessary to be determined disabled, no offer of reasonable accommodation will be made to the student.

Academic and technical standards requisite to admission or participation in the College's education programs, activities or services are those bona fide standards reasonably necessary to the proper use of the degree confirmed at the end of a course of study, to the completion of the educational mission encompassed by a course, program, activity or service, or other criteria that are essential to admission or participation in the course, program, activity or service in question. Determination of which academic and technical requirements are essential shall be made by evaluation of objective criteria, including but not limited to, the knowledge and skills necessary for the proper use of a degree confirmed at the end of a course of study, the academic knowledge or skills required for the completion of a particular course or program, the amount of time spent on each area of concentration in a course or program, and the relevance of such concentrations to the mission and purpose of the course, program, activity, service, department and/or College. Such determinations will be made by the Academic Dean, or the Dean's designee, in consultation with appropriate instructors and department heads.

Accommodation(s) will not be offered that would substantially modify the educational standards, operation and/or mission of the College. An accommodation that would be unduly costly, extensive, substantial or disruptive or that would fundamentally alter the nature of the course, program, service or activity offered by the College would constitute a substantial modification. If the College determines that an accommodation would cause substantial modifications, the applicant or student requesting the accommodation may be given the option

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of providing the needed accommodation or paying the portion of the cost which constitutes the undue hardship or substantial modification.

With respect to accommodations mandated by the Americans With Disabilities Act and Amendments (ADAAA), the College will also deny educational opportunities and other services to an applicant or student when no reasonable accommodation exists that would either eliminate or reduce to an acceptable level any significant, direct threat of substantial harm that an applicant or student with a disability would pose to the health or safety of themselves or others.

The College will attempt to complete its evaluation and make its decision regarding reasonable accommodation(s) within three (3) weeks of the initial disability determination. The Directors of Accessibility Resource Center (ARC), or her or his designee, will then forward the College's decision in writing, or in some other form appropriate for the applicant or student's disability, to the applicant or student upon completion.

## **Applicants or Students Who Reject Reasonable Accommodation**

If an otherwise qualified applicant or student with a disability rejects a reasonable accommodation, aid, service, opportunity or benefit that is necessary to enable the applicant or student to perform or meet the academic, technical or other standards requisite for admission or participation in the educational program, activity, or other service in question, the applicant or student will not be considered a qualified individual with a disability, and admission to or current enrollment in the program, course, activity or service in question may be denied, withdrawn or modified as deemed appropriate by the College.

## **Miscellaneous Provisions**

Reasonable accommodation does not negate requirements for successful completion of courses and programs, adherence to generally acceptable standards of behavior, the College's code of conduct, and adherence to faculty directions and instructions.

If the academic, technical or other standards requisite for admission or participation in an education program, activity or service are expanded, revised or modified, the conditions and procedures stated in this policy shall apply to any evaluation of the student's ability to perform the expanded, revised or modified requirements and the College's determination whether reasonable accommodation will be provided.

Any applicant or student who has a complaint about the application of this policy should follow the College's applicable student grievance procedure available from the Office of Campus Life.