



## **Americans with Disabilities Act Policy Riverland Policy # 1B.4**

### **PURPOSE:**

Riverland Community College will provide equal access to employees and qualified students with disabilities in all programs, services and activities in accordance with the Americans with Disabilities Act and adopts both Minnesota State's System Procedure, [1B.0.1 Reasonable Accommodations in Employment](#) and Minnesota Management and Budget [HR/LR Policy #1433, ADA Reasonable Accommodation](#) as its own.

### **APPLICABILITY:**

Riverland Community College values inclusion and equity and is committed to ensuring its programs, services and activities are accessible to individuals with disabilities through its compliance with all applicable state and federal laws pertaining to prohibiting discrimination against qualified individuals with disabilities in all employment practices.

**SCOPE:** This policy applies to all employees of the Executive Branch.

### **DOES THIS POLICY HAVE A PROCEDURE?**

#### **Requesting Accommodations:**

The policy and procedures to request reasonable accommodations may be requested in hard copy form from the Human Resources office or the college web site. This material is available in alternative formats to individuals with disabilities upon request.

An applicant, student or employee may request a reasonable accommodation at any time, even if the individual has not previously disclosed the existence of a disability or the need for an accommodation. A request is any communication in which an individual asks or states that he or she needs the college to provide or change something because of a medical condition. The reasonable accommodation process begins as soon as possible after the request for accommodation is made.

The applicant, student or employee is responsible for requesting a reasonable accommodation or providing sufficient notice to the college that an accommodation is needed. An initial request for accommodation may be made in any manner (e.g., writing, electronically, in person or orally). The individual requesting an accommodation does not have to use any special words and does not have to mention the ADA or use the phrase "reasonable accommodation" or "disability." Oral requests must be documented in writing to ensure efficient processing of requests.

#### **The Interactive Process**

Communication is a priority and encouraged throughout the entire reasonable accommodation process. The interactive process is a collaborative process between the employee and/or applicant and the college to explore and identify specific reasonable accommodation(s).

This process is required when:

- The need for a reasonable accommodation is not obvious;
- The specific limitation, problem or barrier is unclear;
- An effective reasonable accommodation is not obvious;
- The parties are considering different forms of reasonable accommodation;
- The medical condition changes or fluctuates; or,
- There are questions about the reasonableness of the requested accommodation.

The interactive process begins as soon as possible after a request for reasonable accommodation is made or the need for accommodation becomes known. For information on the Interactive Process see the U.S. Department of Labor, Job Accommodation Network at <http://askjan.org/topics/interactive.htm>

### **Procedure for Job Applicants**

When a request for accommodations is received from an applicant, the Affirmative Action Officer will review the needed accommodation and possible alternatives. The Affirmative Action Officer will make a decision regarding the request for accommodation and, if approved, take the necessary steps to see that the accommodation is provided.

If the Affirmative Action Officer is unable to make a definitive decision, for whatever reason, about providing the accommodation; the Affirmative Action Officer will forward a written request for accommodation, along with his/her recommendations to the College President. If approved, the Affirmative Action Officer shall take the necessary steps to see that the accommodation is provided. If the accommodation is not approved, the Affirmative Action Officer will inform the applicant of the reason for non-approval in writing.

If an applicant would like to appeal the denial of a reasonable accommodation request, they may contact the Affirmative Action Officer to initiate the appeal process. The applicant also has a right to file a charge with the Equal Opportunity Commission or the Minnesota Department of Human Rights.

### **Procedure for Employees**

When a qualified individual with a disability has requested an accommodation, the ADA Coordinator shall, in consultation with the supervisor and individual:

- Discuss the purpose and essential functions of the particular job involved. Completion of a step-by-step job analysis may be necessary;
- Determine the precise job-related limitation;
- Identify the potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job; and
- Select and implement the accommodation that is the most appropriate for both the individual and the employer. While an individual's preference will be given consideration, the college is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.

If an approved accommodation cannot be provided within a reasonable time, the decision maker will inform the requestor of the status of the request before the end of 30 days.

If an accommodation cannot overcome the existing barriers or if the accommodation would cause an undue hardship on the operation of the business, the employee and the ADA Coordinator shall work together to determine whether reassignment may be an appropriate accommodation.

The ADA Coordinator shall first look for an equivalent vacant position in Riverland Community College equivalent to the one presently held by the employee in terms of pay and other job status. If the individual with the disability is not qualified, with or without reasonable accommodation, for a vacant position (or position Riverland Community College knows will become vacant within a reasonable period of time) Riverland Community College may reassign the individual as a reasonable accommodation to a lower graded vacant position for which the employee is qualified. If this occurs, Riverland Community College is not required to maintain the individual's salary at the previous level.

Riverland Community College will look at transfer opportunities, mobility opportunities, appointment opportunities, noncompetitive, and competitive opportunities (Minnesota Statute 43A). Riverland Community College is not required to create a new job or to bump another employee from a job in order to provide a reassignment as a reasonable accommodation.

If the ADA Coordinator is unable to make a definitive decision, for whatever reason, about providing the accommodation, the ADA Coordinator will forward a written request for accommodation, along with his/her recommendations, to the College President. If approved, the ADA Coordinator shall take the necessary steps to see that the accommodation is provided. If the accommodation is not approved, the College President will inform the employee of the reason for non-approval in writing.

If the employee would like to appeal the denial of a reasonable accommodation request, they may contact the ADA Coordinator to initiate the appeal process. The employee also has a right to file a charge with the Equal Opportunity Commission or the Minnesota Department of Human Rights.

### **Procedure for Students & Public**

When a qualified individual with a disability has requested an accommodation, an Accessibility Services Staff shall request that the individual schedule an intake appointment to:

- Identify the potential accommodations and assess the effectiveness each would have in allowing the individual to access or participate in all programs, services, or activities; and
- Discuss the academic requirements that are essential to a program of study or to meet licensing prerequisites;
- Determine the precise limitation;
- Select and implement the accommodation that is the most appropriate for both the individual and the college. While an individual's preference will be given consideration, the college is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.

The Accessibility Services Staff should work with the faculty member and student to obtain technical assistance, as needed. If the faculty member is unable to make a definitive decision, for whatever reason, about providing the accommodation, the faculty member will forward a written request for accommodation, along with his/her recommendations, to the Affirmative Action Officer.

If an accommodation cannot overcome the existing barriers or if the accommodation would alter a fundamental aspect of the course, weaken the academic rigor, or cause an undue hardship on the operation of the college, the student and the Affirmative Action Officer shall work together to determine an appropriate accommodation or alternative course of action.

If the Affirmative Action Officer is unable to make a definitive decision, for whatever reason, about providing the accommodation, the Accessibility Services Staff will forward a written request for accommodation, along with his/her recommendations, to the College President. If approved, the Accessibility Services Staff shall take the necessary steps to see that the accommodation is provided. If the accommodation is not approved, the College President shall inform the student of the reason(s) for non-approval.

If the student wishes to appeal this decision, they may contact the Minnesota Department of Employee Relations, Office of Diversity and Equal Opportunity at 651-297-1184 or TTY number 651-282-2699.

**LIST RELATED POLICIES, PROCEDURES OR FORMS:**

[Minnesota State System Procedure, 1B.0.1 Reasonable Accommodations in Employment](#)

[Minnesota Management and Budget HR/R Policy #1433, ADA Reasonable Accommodation](#)

[Employee Request for ADA Reasonable Accommodation](#)

[Letter Requesting Documentation for Determining ADA Eligibility from a Health Care Provider](#)

[ADA Authorization for Release of Medical Information](#)

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