

Procedure Title: Disability Law

Impact: Students, Employees

Responsibility:

Effective Date: 10/3/2002

Revised Date: 6/22/2011

Reviewed Date:

Relates to Policy(s): 5.13

Legal Citation(s):

The following procedure outlines responsibilities for students, staff, and faculty with regard to accommodation requests and appeal procedures related to the denial of accommodation or allegations of discrimination based on a disability as it pertains to students.

I. Student Accommodation Procedures

A. Responsibilities of the Student:

1. Independently initiate and make accommodation requests at the Center for Educational Access (CEA) every semester.
2. Submit documentation to CEA, as needed, to support requests for accommodation.
3. Make requests for accommodation as early in the semester as possible and in a timely manner to avoid administrative delays in accommodation.
4. Follow specific NIC and the CEA procedure for obtaining reasonable and appropriate accommodation, academic adjustments, auxiliary aids, and access to technology and information via technology, independently following up with accommodation needs and concerns on an ongoing basis. These procedures can be found on the NIC website under the "Center for Educational Access" link.
5. Participate in dialogue with pertinent NIC personnel as indicated to facilitate provision of accommodation.
6. Meet with instructors to discuss the accommodations requested for each class in which accommodations have been requested prior to the implementation of the accommodation.
7. If appealing a denial of accommodation or for a complaint of discrimination, the student will provide a written statement of such to the Americans with Disabilities Act (ADA) committee and the CEA.

B. Responsibilities of the Center for Educational Access Director:

1. Review and evaluate documentation to make determination of eligibility to receive accommodations.
2. Make initial determination of appropriate accommodations based on the student's documentation or evidence of a disability and functional limitations on a case-by-case basis.
3. Work cooperatively with, and make appropriate referrals to, outside professionals as indicated to support students.
4. Prepare and provide written instructions to those making accommodations (Letter of Accommodation or LOA).
5. Communicate with registered and prospective students, family members, professionals, and members of NIC faculty and staff to coordinate accommodations and related support services for students with documented disabilities.
6. Facilitate disabled student's overall access to all NIC programs and services.
7. Serve as a primary source of information to students, the college, and community regarding access to disability services.
8. Encourage and assist students to develop self-advocacy skills.
9. Provide consultation, training and education for students, faculty and staff related to awareness disability law and understanding of the needs of students with disabilities.
10. Maintain confidentiality of students who have disabilities.
11. Assist students, as indicated, with appeal for denial for accommodation or grievance process pertaining to complaint of non-accommodation and/or discrimination based on a disability.
12. Interact, provide information and collaborate with relevant disability related community-based agencies, and high schools to facilitate education awareness and opportunities for individuals with disabilities.
13. Provide services to participating consortium institutions per the memorandum of understanding (MOU) between NIC and participating universities/college.
14. Fulfill the role of ADA grievance officer pertaining to the needs of students at NIC and conduct investigations into discrimination complaints based on the ADA on their behalf.

C. Responsibilities of Faculty/Staff:

1. Make arrangements for accommodations with the student as listed on the Letter of Accommodation, making adjustments as necessary per the structure of the class / course and to protect the integrity of the class or course (maintaining the essential component (s) and required competencies) in conjunction with CEA for record keeping.

2. Participate in dialogue with the CEA staff as necessary to accommodate students per disability law in a timely manner to protect the student's progress in the class.
3. Maintain confidentiality of students who have disabilities both in the classroom and with other faculty and staff.
4. Report any discriminatory behavior by others towards students who have disabilities to the CEA.

II. Appeal of Accommodation Determination

If after all attempts to find a resolution are exhausted within the CEA, the student is still in disagreement with their accommodations, the student should request to appeal to the ADA committee.

The CEA will assist the student to organize a meeting with the ADA committee to resolve the issue.

The ADA committee will be comprised of the vice presidents of NIC. The committee will meet and make determinations in a timely manner as to protect the student's progress in the class. The student will have the right to present his or her request to the committee and to have a support person present. The committee will review all pertinent information. The committee meetings will normally include the NIC vice presidents, the student, one student advocate, and the Director of the Center for Educational Access (or a designee). Copies of the decision will be forwarded to the Center for Educational Access, for the record.

This process will be completed in written form.

The outcome of this process is final within NIC.

III. Staff and Faculty Accommodation Procedures

A. Responsibilities of the Employee:

1. Independently initiate and make accommodation requests at the Human Resources Department. Requests can be made directly to the Benefits Specialist and/or the Director of Human Resources. The accommodation request should include the nature of the disability and the assigned job duties that cannot be performed due to the disability, either with or without reasonable accommodation. While the employee may request specific accommodations, decisions regarding reasonable accommodations shall be made by the Director of Human Resources.
2. Submit documentation to Human Resources, as needed, or as requested, to support the request for accommodation.
3. Make requests for accommodation, as needed. While requested accommodations will be considered, the employer may determine a different approach to provide a reasonable accommodation if one is available.

4. Participate in dialogue with pertinent NIC personnel as indicated to facilitate provision of accommodation.
5. If appealing a denial of accommodation or for a complaint of discrimination, the employee will provide a written statement of such to the Director of Human Resources.

B. Responsibilities of the Director of Human Resources

1. Review and evaluate documentation to determine eligibility to receive reasonable accommodations.
2. Make initial determination of appropriate reasonable accommodations based upon the employee's documentation or evidence of a disability, functional limitations, and/or inability to perform one or more essential job function (either with or without reasonable accommodation) on a case-by-case basis.
3. Work cooperatively with and make appropriate referrals to outside professionals, as indicated, or required, to support the employee.
4. Prepare and provide written instructions to those completing the accommodations.
5. Communicate with appropriate supervisors and others ONLY with a need to know in order for the completion of the accommodation.
6. Facilitate the disabled employee's overall access to the campus, programs, facilities, etc. as reasonably needed to perform the essential functions of the job.
7. Serve as a primary source of information to employees, the college and the community regarding access to employment-related disability services.
8. Provide consultation, training and education for employees regarding disability law.
9. Maintain confidentiality of employees with disabilities.
10. Assist employees, as needed, with appeal for denial for accommodation or grievance process pertaining to compliance of non-accommodation and/or discrimination based upon a disability.
11. Fulfill the role of ADA grievance officer pertaining to the needs of NIC employees and conduct investigations into discrimination complaints based on the ADA on their behalf.

VI. Appeal of Accommodation Determination

If after all attempts to find a resolution are exhausted through Human Resources, the employee is still in disagreement with his/her accommodations, the employee should request to appeal to the ADA Committee, comprised of the vice presidents for NIC.

Human Resources will assist the employee to organize a meeting with the ADA Committee to resolve the issue.

The employee will have the right to present his/her request to the committee and to have a support person present (the support person is limited to another employee of NIC and not an outside representative). The committee will review all pertinent information. The committee meetings will typically include the NIC vice presidents (the ADA Committee), the employee, the employee's advocate (if needed), and the Director of Human Resources (or a designee).

The decision of the ADA Committee shall be final and copies of the decision will be forwarded to Human Resources for appropriate documentation.