1.11 Americans with Disabilities Act

I. Purpose

This policy establishes a process to ensure compliance with federal guidelines regarding access for individuals with disabilities.

II. Scope

This policy outlines the scope for all applicants, employees, students and activities of the college in all areas of operation.

III. General

It is the policy of Bucks County Community College to comply with the Americans with Disabilities Act of 1990 (ADA) and its updated regulations of 2010, Section 504 of the Rehabilitation Act of 1973, and other applicable federal and state laws and regulations that prohibit discrimination on the basis of disability.

Section 504 and the ADA require that no qualified person shall, solely by reason of disability, be denied access to, participation in, or the benefits of, any program or activity operated by the college. Each person with a qualifying disability shall receive reasonable accommodation(s) necessary to ensure equal access to employment, educational opportunities, programs, services, and activities in the most integrated setting appropriate. Bucks County Community College recognizes that the responsibility for accommodation of persons with qualifying disabilities must be assumed and shared by all members of the college community.

The college will act in accordance with this policy in all areas of its operation, including but not limited to access to college events and services, facilities modifications, training of employees, adoption of instructional resources, procurement actions and use of electronic and information technology (EIT).

Definitions

Person with Qualifying Disability: A person with a disability is defined as "a person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having an impairment."

Electronic and Information Technology (EIT): Electronic and information technology includes information technology and any equipment or interconnected system or subsystem of equipment that is used in the creation, conversion or duplication of data or information.
IV. Procedures

The President of the college has designated the following individual to coordinate the college's compliance:

Dr. Patricia Brining  
Executive Director of Human Resources & Equity Compliance Officer  
Bucks County Community College  
275 Swamp Road  
Newtown, PA    18940-4106  
215-968-8091; 215-504-8506 (fax)  
patricia.brining@bucks.edu

Should you wish to notify us of barriers that may exist in equal access to any program, service, or activity offered by the college or to obtain information regarding the provisions of the Americans with Disabilities Act and your rights, you are encouraged to contact the ADA Coordinator listed above. If you feel that you need a reasonable accommodation as a result of your disability to allow you to succeed academically or perform the essential functions of your position, please follow the attached ADA procedure for requesting a reasonable accommodation.

Student Procedure

Student Requests for Accommodations and Appeals procedures may be found at http://www.bucks.edu/resources/campusresources/accessibility/student-info/

Employee Procedure

Requesting Reasonable Accommodation:

The Americans with Disabilities Act of 1990 requires employers to provide "reasonable accommodation" to qualified individuals with disabilities who are employees or applicants unless to do so would cause an "undue hardship." The term reasonable accommodation generally is any change in the work environment or in the way things are customarily done that enables a disabled employee to enjoy equal employment opportunities. The provisions of this law apply in all areas of employment, including:

1. Recruitment and hiring;  
2. Compensation;  
3. Promotion and reclassification;  
4. Job assignments;  
5. Job descriptions;  
6. Leaves of absence, sick leaves;  
7. Fringe benefits; and  
8. Training and professional development opportunities.
The college must analyze each request for accommodation on a case-by-case basis and make a good faith effort to reasonably accommodate a qualified employee or applicant with a disability.

As a general rule, the individual with a disability must inform the employer that an accommodation is needed since employers are only obligated to provide reasonable accommodation of known disabilities. Under the ADA, the employer and the employee must engage in an informal interactive process to clarify what the individual needs and identify the effective reasonable accommodation. The employer may ask questions about the nature of the disability and the individual's functional limitations in order to identify an effective accommodation. Further, if the disability and/or need for an accommodation are not obvious, the employer may ask for more information including documentation to establish that the person has a disability and that it necessitates a reasonable accommodation. At its discretion, the college may require that the documentation about the disability and the functional limitations come from an appropriate health care or rehabilitation professional.

The employer is not required to provide the reasonable accommodation that the individual requests. Rather, the employer may choose among reasonable accommodations as long as the chosen accommodation is "effective," i.e., it would remove a workplace barrier, thereby providing the individual with an opportunity to perform the essential functions of the position. The employer may choose a less expensive or burdensome accommodation among available effective reasonable accommodations.

**REASONABLE ACCOMMODATION PROCESS**

All forms related to the reasonable accommodations process are located on the Human Resources portal page.

1. **Initiation of the Request for Reasonable Accommodation**

   *(Informal) – Supervisor or ADA Coordinator*

   An employee is encouraged to discuss or provide a written request to his/her immediate supervisor. Should the employee prefer, they may directly contact the ADA Coordinator. An applicant may contact the hiring manager or the ADA Coordinator. An informal meeting will convene with the employee/applicant to clarify what the individual needs and possibly identify the effective reasonable accommodation.

   *(Formal) – ADA Coordinator*

   A. If the employee/applicant should complete the Request for Accommodation Form and submit it to the ADA Coordinator. Discussions regarding accommodation will not be delayed pending receipt of a completed "Request for Accommodation" form.

   The ADA Coordinator may require the employee to submit documentation regarding the disability and the requested accommodation. To expedite the request, the employee/applicant should have his/her physician complete the Medical Inquiry Form. If possible, the employee/applicant should provide a copy of the position description to the physician along with the form.
The Medical Inquiry form should include current documentation from a health care provider that:

- States the nature of the disability in order to establish that the individual has a mental or physical impairment that substantially limits a major life activity, has a record of such an impairment, or is regarded as having such an impairment.
- Explains the functional limitations the employee has as a result of their disability as it relates to the job duties.
- Suggests accommodations that would remove the barriers to the employee/applicant’s ability to perform the essential functions of the job.

B. Both forms (the Request for Accommodation and Medical Inquiry) and other supporting documentation should be sent to the ADA Coordinator.

C. The ADA Coordinator or designee will objectively investigate the request, meet with the employee and supervisor if necessary, and review any supporting documentation.

2. Essential Job Function Analysis Conducted by the College and Determination of the Request For Reasonable Accommodation

The ADA Coordinator may contact the department and conduct an essential job function analysis if needed to supplement or clarify the job description. The college retains the right to establish the essential job functions of the position for which a request for accommodation has been made.

Job functions which are fundamental to a position and which an employee must be able to perform with or without reasonable accommodation are deemed as “Essential.” A job function may be essential because:

a. It is the sole reason the position exists;
b. There are a limited number of employees, so the function cannot be assigned to someone else;
c. It is a highly specialized function that the incumbent was hired to perform because of his or her specialized skills;
d. The amount of time spent performing the function is significant; or
e. The consequences of not performing the function are serious.
f. Essential job functions are identified in each position description.

To render a determination of the accommodation request, the following steps shall be taken:

- A review by a college-designated health professional may be required to substantiate that the employee has a disability and needs a reasonable accommodation.
- After completing the accommodation review, the ADA Coordinator or designee shall prepare a response to the employee/applicant’s request. The response will be prepared within 30 calendar days unless an extension is requested. The response will go to the employee/applicant and employee’s supervisor. The ADA Coordinator or designee will
work with the employee/applicant and the supervisor to implement any agreed accommodation, to monitor the effectiveness of the accommodation and to update it periodically if needed. A particular accommodation request may not be granted if it presents an undue hardship to the college.

- The College Administration retains discretion to select an accommodation which is deemed to be effective in removing the workplace barrier that is impeding the individual with a disability giving due consideration to the preferences of the employee or applicant.

Any questions regarding this process should be directed to the College's ADA Coordinator.

3. **Complaint Procedure**

If the employee is not satisfied with the results of the accommodation request, he/she can make a written appeal to the Chief Diversity, Equity and Inclusion Officer within 14 calendar days unless an extension is requested. The Chief Diversity, Equity and Inclusion Officer shall issue a written response within 14 calendar days of receiving the appeal unless an extension is requested.

Individuals wishing to file a discrimination complaint related to this policy should refer to the Discrimination Complaint Form and related procedure located on the Human Resources portal page.

**V. Approval:** Board of Trustees, October 9, 2014; April 12, 2018; June 30, 2020

**VI. Responsibility:** Chief Diversity, Equity & Inclusion Officer and Executive Director, Human Resources