



**Policy: 01-02-00**

# **Americans with Disabilities Act Compliance Policy and Procedure**

OFFICE OF RECORD: President's Office  
ISSUED BY: President  
APPROVED BY: Doug Knowlton 01-02-00  
EFFECTIVE DATE: 10/23/92 Last Revised 7/15/08

## **Policy**

It is the policy of Dakota State University to comply with all Federal and State requirements of the Americans with Disabilities Act (ADA), the Rehabilitation Act of 1973, and other similar statutes and regulations.

Further, and as a matter of policy, Dakota State University prohibits discrimination based on disability against otherwise qualified individuals from participation in the services, programs or activities of the University including employment practices.

Any employee who is found to be in violation of this policy will face disciplinary action up to and including the possibility of termination of employment.

## **Procedures**

The ADA Employment Coordinator for Dakota State University is the Vice President for Business & Administrative Services. Any employment issue regarding ADA compliance may be brought to the ADA Employment Coordinator for resolution in accordance with the procedures contained herein. The Director of Student Development serves as the ADA Academic Coordinator. Any academic issues regarding ADA compliance in the classroom should be brought to the Academic Coordinator for resolution.

## **Employment Practices**

Dakota State University, in conjunction with the Board of Regents and the State of South Dakota, will take reasonable steps to ensure that:

1. Applicants are able to make application and take pre-employment tests even if accommodation is needed;
2. Applicants are not discriminated against on the basis of a disability and hiring practices and interview techniques are consistent with the intent of the ADA;
3. Where reasonable, accommodation is made for qualified applicants with disabilities who are offered a position with the University;
4. Employee retention and promotion decisions will not be based on any real or perceived disability; and
5. No other benefits or rights of employment will be denied otherwise qualified individuals with disabilities.

The Director of Human Resources will work with employees with disabilities to coordinate reasonable accommodations based on individual needs.

Employees or applicants who feel they have been wrongly discriminated against on the basis of a real or perceived disability must notify the Employment Coordinator in writing within 45 days of the alleged discrimination. Within 15 working days of receipt of notification, the Employment Coordinator will conduct an investigation, including meeting with the grievant if reasonable, and prepare a formal response to the grievant. The Employment Coordinator will also recommend any corrective action deemed necessary to the President of the University.

If a grievant is not satisfied with the response from the Employment Coordinator, a request for further investigation may be filed with the President of Dakota State University.

## **Physical Facilities**

Dakota State University has prepared a transition plan for all its physical facilities which makes a good faith effort to identify all physical barriers to access and makes necessary plans for removal. In preparing the Facilities Transition Plan, each building was surveyed, input was gained, and a Final Facilities Transition Plan was prepared.

The Facilities Transition Plan:

1. Makes a good faith effort to identify all physical barriers and their impact on the programs and services offered by the University;
2. Provides a plan for the barrier removal if necessary; and
3. Provides an interim plan for circumventing the barrier prior to the complete removal of the barrier.

In those instances where barrier removal is readily achievable, the barrier will be removed.

Individuals who identify a physical barrier to a program or service offered at DSU and who want some action taken to eliminate the barrier may make a written request to the Coordinator describing the barrier and requesting its removal. Faculty and staff may route their request through the Employment Coordinator, and student requests may be routed through the Academic Coordinator.

## **Educational Programs and Services**

Due to the numerous types of disabilities that can affect an individual's potential for academic success, Dakota State University has an established procedure dealing with access to and participation in educational programs. These procedures provide the framework for decisions concerning reasonable accommodation when students with disabilities seek access to educational programs and request accommodation.

## **Educational Accommodation Procedures**

1. An individual with a documented disability wishing academic accommodations to programs and/or services must contact the ADA Academic Coordinator. Documentation must be no older than three years from the date of application/request for program modifications. Documentation will consist of medical or other diagnostic documentation of disability or limitations.
2. A formal written application for consideration of an academic accommodation must be submitted along with professional documentation of the disability as soon as possible prior to the time the accommodation is needed. It is recommended that, when applicable, requests be filed on initial admission to the University. No action can be taken by the University until the formal application and documentation are provided. Upon receipt of the completed application, the ADA Academic Coordinator, in consultation with the University consultant, will make decisions on requests for common learning and testing accommodations. If the request is out of the ordinary or may impact the delivery of the educational program, the ADA Academic Coordinator will convene an ad hoc ADA Educational Programs Committee\* no later than ten working days after receipt of the application. Each applicant will be handled and reviewed individually. The applicant will be notified in writing of the meeting place, date and time. The applicants may elect to attend the meetings if they so choose.
  - a. The purpose of the meeting with the ADA Educational Programs Committee\* is to discuss appropriate and reasonable accommodations to be recommended to the University administrator(s) responsible for effecting the accommodations.

The Committee\*, the applicant, and experts or advocates requested to be present by the Committee\* or the applicant will discuss the request for accommodations and evaluation of documentation, if any, provided by a University consultant. The goal is to reach agreement on the type and extent of accommodations to give the student appropriate access to classroom information and tests that measure their knowledge without fundamentally altering the program. The resulting recommendations and minutes of the meeting will be forwarded to the Vice President for Academic Affairs or designee for final approval and action by the Committee's\* designee. If the applicant elects not to meet with the Committee\*, the Committee\* makes recommendations based upon the applicant's written application, documentation, and other submitted material. The student is notified of the Committee's decision by the ADA Academic Coordinator.

- b. If the requested accommodations would result in a fundamental alteration of the service/program and/or requirements for the University, the Committee\* will declare the need for further review of the request. The minutes of the meeting, without recommendations for accommodations, will be forwarded to the Vice President for Academic Affairs or designee for further review and action. The Vice President for Academic Affairs or designee will make a final decision regarding program or service modifications and prepare a written statement to the student on the decision and the reason for the decision within ten (10) working days of receiving the minutes.

Copies of official minutes, and letters of notification and all documents, including the original application, professional documentation, and related correspondence will be filed with the ADA Academic Coordinator, declared personal and confidential, and thereafter communicated only to those who have a need to know, in accordance with the Family Rights and Privacy Act. Files will be maintained during the student's enrollment and destroyed three years after the individual's last official affiliation with the University as a student.

3. The Vice President for Academic Affairs' designee will notify faculty and/or other university personnel who will be responsible for implementing the accommodations within ten (10) working days of the decision so as to insure that the accommodations are in place for the individual at the earliest possible time in a new semester or new setting. If the documentation received suggests an accommodation, DSU will implement the recommended accommodation until such

time that it is determined by the ADA Educational Programs Committee\* that the academic program is altered by said accommodation. Faculty/university personnel are required to maintain the confidentiality of the process, to strictly adhere to the officially designated accommodations, to share any problems or concerns only with their administrator or the Vice President for Academic Affairs' designee, and to support the student's full and equal participation in the program or service.

The student will notify the ADA Academic Coordinator in the event that accommodation arrangements are not carried out in the recommended manner. Should individuals need additional accommodations, they may request a new meeting with the Committee\* by contacting the ADA Academic Coordinator.

4. Faculty or other university personnel who are responsible for implementing accommodations for a student are encouraged to provide pertinent progress checks and make suggestions or address concerns regarding future services. Any formal evaluations must be submitted to the ADA Academic Coordinator for inclusion in the file within 10 working days of termination of the faculty's or other personnel's responsibility to that student. The ADA Academic Coordinator will examine all forms upon receipt and take any action deemed necessary, to include requesting another meeting of the Committee\*.
5. The ADA Academic Coordinator will meet with all students served by this policy annually to determine if needs are being met. Individuals may be contacted to discuss their accommodations in more detail should it appear that adjustments or additional accommodations may be needed. A new meeting of the Committee\* may be called and the process may be repeated beginning with step 2 above.
6. The decisions of the ADA Academic Coordinator and/or ADA Educational Programs Committee\* and/or the Vice President for Academic Affairs may be appealed to the President within five (5) working days of receipt of the recommendation. The President will provide a written response to the appeal within five (5) working days of receipt of the appeal. The President's decision may be appealed to the Office of Civil Rights, 10220 North Executive Hills Boulevard, 8th Floor, Kansas City, MO 64153-1367.

## **Composition of the Ad Hoc ADA Educational Programs Committee\***

The ad hoc ADA Educational Programs Committee will include the ADA Academic Coordinator plus four additional members, with members selected based on the area of expertise required by the student request. (At least two of the committee members will be faculty.)