

POLICIES FOR REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES

The State Universities are committed to providing equal access to employment and educational opportunities for otherwise qualified persons with disabilities. The State Universities recognize that individuals with disabilities may need reasonable accommodations to have equally effective opportunities to participate in or benefit from educational programs, services, activities and employment.

DEFINITIONS

For the purposes of this Policy, the following definitions shall apply:

1. Individual with a Disability. An individual with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of impairment, or is regarded as having such an impairment.

Major life activities are activities that an average person can perform with little or no difficulty, such as: walking, breathing, seeing, hearing, speaking, learning, working, caring for oneself, performing manual tasks, reading, eating, concentrating, sleeping, standing, communicating, lifting, reaching, sitting, bending, and interacting with others.

Additionally, the ADA has been amended to include the “operation of a major bodily function” as a major life activity. An individual with a condition that substantially limits any of the following bodily functions can possibly have a disability under this Plan: immune, respiratory, circulatory, cardiovascular, hematological, lymphatic, digestive, endocrine systems; special sense organs and skin; normal cell growth; genitourinary; bowel; bladder; musculoskeletal; neurological; and/or operation of individual organ within the body system, including the brain.

2. Qualified Individual with a Disability. A qualified employee or applicant with a disability is someone who satisfies the skill, experience, education, and other job-related requirements of the position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of that position. A qualified student with a disability is someone who possesses the skills necessary to complete the essential academic requirements of a course and/or degree program, with or without reasonable accommodation.

The essential functions of a position are those job duties that are primary or intrinsic, not marginal or incidental, to a given position. Job duties are the tasks that must be accomplished, not the manner in which they are accomplished.

The essential academic requirements of a course and/or degree program are the knowledge and skills that must be acquired and demonstrated in order for a student to successfully meet the learning objectives of the course or degree program.

3. Reasonable Accommodation. Modifications or adjustments to an application process, job, work environment, the way in which work is customarily performed, or a course of study that permit a qualified individual with a disability to perform the essential functions of a position or to enjoy the benefits and privileges of employment or education equally with persons without disabilities.

Reasonable accommodations in employment may include, but are not limited to: making existing facilities used by employees readily accessible to and usable by persons with disabilities; job restructuring; modification of work schedules; providing additional unpaid leave; acquiring or modifying equipment or devices; and providing qualified readers or interpreters. The Universities are not required to lower production standards to make an accommodation and are not obligated to provide personal use items, such as eyeglasses or hearing aids.

Reasonable accommodations in education may include, but are not limited to: in-class aids, such as note takers; extended time for examination; quiet rooms or alternate locations for testing; alternatively formatted testing; alternatively formatted textbooks and other course materials; and/or access to assistive technology. Possible course reductions or substitutions on the basis of a disability will be carefully evaluated. Students with disabilities must meet the essential requirements of all academic degree programs.

4. Undue Hardship. The Universities are required to make reasonable accommodations to qualified individuals with disabilities unless doing so would impose an undue hardship on the operation of the Universities' business. Undue hardship means an action that requires significant difficulty or expense when considered in relation to factors such as the University's overall size, financial resources, and the nature and structure of its operation.
5. Interactive Process. State and federal laws define the "interactive process" as an on-going communication between an institution and an individual with a known disability in an effort to provide reasonable accommodation. Both the individual and the institution must engage in the interactive process. The individual and the institution must communicate directly with each other to determine essential information, and neither party can delay or interfere with the process. In order to be effective, the process should include the individual, the individual's supervisor (if relevant in the employment context), and the individual's health care provider.

EDUCATION OF PERSONS WITH DISABILITIES

The State Universities will examine all existing admissions, student support and other student life policies, practices and facilities to assure that they do not disparately treat or impact otherwise qualified persons with disabilities. Where such disparity is found, it will be corrected as quickly and completely as is reasonable under existing financial constraints.

In accordance with the requirements of state and federal law, the State Universities will provide necessary reasonable accommodations, auxiliary aids and academic adjustments (including support services) to otherwise qualified students with disabilities to assure equal access to its

programs, facilities and services. Reasonable accommodations will also be afforded to applicants for admission who have disabilities to enable them to adequately pursue all opportunities for enrollment in the Universities' programs of study.

EMPLOYMENT OF PERSONS WITH DISABILITIES

The State Universities will examine all existing employment policies, practices and facilities to assure that they do not disparately treat or adversely impact otherwise qualified persons with disabilities. Where such disparity is found, it will be corrected as quickly and completely as is reasonable under existing financial constraints.

In accordance with the requirements of state and federal law, and through the interactive process, the State Universities will afford reasonable accommodations to any otherwise qualified employee with a disability to enable the employee to perform the essential functions of the job. Reasonable accommodations will also be afforded to applicants for employment who have disabilities to enable them to adequately pursue a candidacy for any available positions.

PROCESS BY WHICH TO REQUEST ACCOMMODATIONS

Any member of the University community seeking reasonable accommodation for a disability may contact the Equal Opportunity Officer and/or the Title II/Section 504 Coordinator for more information.

Additionally, a student seeking reasonable accommodations, auxiliary aids and/or academic adjustments for a disability must contact the appropriate Office of Disability Services on his or campus to obtain such services.

INSTITUTIONAL COMPLAINT PROCEDURES

The State Universities have established specific internal complaint procedures to help resolve claims and complaints of discrimination, discriminatory harassment, and retaliation on their campus. These procedures will also specifically address claims and complaints of failure to accommodate or to provide appropriate auxiliary aids and academic adjustments for a person with disabilities as prescribed by the ADA, the Rehabilitation Act, and Massachusetts General Laws Chapters 151B and 151C. The Discrimination Complaint Procedures serve as a system of review and resolution for claims of disability discrimination.

With the exception of a student who seeks to file a complaint against another student, any member of the University community or any applicant for admission or employment who believes that he or she has been a victim of disability discrimination may initiate a claim as outlined in the Discrimination Complaint Procedures, the full text of which is located at Appendix 2.

Any student who believes that he or she has been a victim of disability discrimination by another student must pursue a complaint through the individual campus's Student Conduct Process. Information about the applicable Conduct Process and Student Code of Conduct can be obtained by contacting the Student Affairs office or Dean of Students office on each campus. A student

who believes that he or she has been a victim of disability discrimination by a member of the campus community other than another student may file a complaint through the DCP.

Further advice or information may be obtained by contacting the Equal Opportunity Officer and/or the Title II/Section 504 Coordinator of each University.