

PROCEDURES MEMORANDUMS

TO: MCC Staff and Students

FROM: Office of the President

SUBJECT: Americans with Disabilities Act (ADA)

DATE: May 26, 2009

PURPOSE: To ensure that all employees and students at Metropolitan Community College are treated fairly and in accordance with the provisions of the ADA, as amended.

SCOPE: This procedure applies to all full- and part-time College employees and students enrolled in a course of study at Metropolitan Community College

1. General Provisions of the Law

The Americans with Disabilities Act (ADA), enacted in 1990, was intended to provide a comprehensive national mandate for the elimination of discrimination against individuals with disabilities and the establishment of clear, enforceable standards addressing discrimination.

The Americans with Disabilities Act Amendments Act signed into law on September 25, 2008, revises the definition of “disability” to more broadly encompass impairments that substantially limit a major life activity. The amended language also states that mitigating measures, including assistive devices, auxiliary aids, accommodations, medical therapies and supplies (other than eyeglasses and contact lenses) have no bearing in determining whether a disability qualifies under the law. Changes also clarify coverage of impairments that are episodic or in remission that substantially limit a major life activity when active, such as epilepsy or post traumatic stress disorder. The amendments took effect January 1, 2009.

The ADA, as amended, provides antidiscrimination protections and required accommodations in the following areas: employment, public accommodations / services provided by either public or private entities, and telecommunications. In addition, there are miscellaneous provisions related to construction, technical assistance, and exclusions. The full text of the law can be found on the U.S. Department of Justice Americans with Disabilities Act website at www.ada.gov. In addition, this website contains answers to commonly asked ADA-related questions and provides numerous publications and links to other resources.

2. Reasonable Accommodations for Employees and Applicants with a Disability

An employer must make "reasonable accommodations" to known physical or mental limitations of an otherwise qualified applicant or employee, unless the employer can demonstrate that the accommodation would impose an "undue hardship" on the covered business or activity. Also, an employer cannot refuse to consider for employment or deny any employment opportunity or benefit to a qualified person with a disability if the denial is based on the need to make reasonable accommodation.

When an accommodation is needed, a problem-solving approach is to be used to determine what accommodations are required. An employer should give consideration to the preferences of the individual when deciding on accommodations. However, the employer has the ultimate discretion to choose between effective accommodations, and may choose the least expensive accommodation or one that is easiest to provide.

Employees or applicants requesting an ADA-related accommodation should contact Human Resources (402/457-2420) for information.

3. Reasonable Accommodations for Students with a Disability

Any student with a documented disability is eligible to receive services from the College's Disability Support Services (DSS) administrative unit. The purpose of accommodations and modifications is to reduce or eliminate any disadvantages that may exist because of an individual's disability. The law does not require institutions to waive specific courses or academic requirements considered essential to a particular program or degree. Rather, the mandate is to modify existing requirements on a case-by-case basis in order to ensure that individuals are not discriminated against on the basis of their disability.

For contact information and details about services provided for students, visit the DSS website at www.mccneb.edu/dss/

4. Accessibility to College Programs and Services

The integration of individuals with disabilities into the mainstream of society is fundamental to the purposes of the ADA. Therefore, public entities must ensure that individuals with disabilities are not excluded from services, programs, and activities because buildings are inaccessible. Although many of the College's facilities are accessible, an institution such as Metropolitan Community College does not necessarily have to make each of its existing facilities accessible. Rather, program accessibility may be provided by a number of methods including alteration of existing facilities, acquisition or construction of additional facilities, relocation of a service or program to an accessible facility, or provision of services at alternate accessible sites.

Public entities are not required to take any action that would result in a fundamental alteration in the nature of the service, program or activity, or create undue financial and administrative burdens. However, public entities must take other action, if available, that

would not result in a fundamental alteration or undue burdens, but would ensure that individuals with disabilities receive the benefits or services.

The Director of Facilities Management is responsible for coordinating / managing the implementation of new construction and facilities modification in accordance with the provisions of the ADA. (Telephone: 402/457-2529)

The Vice President of Campuses & Student Affairs is responsible for coordinating / managing the implementation of College programs and services and accessibility provisions of the ADA as applicable to students. (Telephone: 402/457-2681)

5. Designation of Responsible Individuals and Grievance Procedures

A. The following individuals have responsibility for coordinating efforts to comply with and carry out the College's responsibilities concerning noncompliance of the ADA.

For employment issues:

- Associate Vice President of Human Resources: 402/457-2236
- Associate Vice President for Equity and Diversity: 402/457-2649

For student issues or issues pertaining to accessibility:

- Vice President for Campuses and Student Affairs: 402/457-2681 (Students)
- Director of Facilities: 402/457-2529 (Accessibility)

The address for all of the above individuals is as follows:

Metropolitan Community College
30th and Fort Streets
P.O. Box 3777
Omaha, NE 68103-0777

B. The following Procedures Memorandums (PMs) contain provisions for resolving complaints alleging actions that are prohibited under the ADA.

- PM-V-3 Student Grievance Procedures for Alleged Discrimination
- PM-VI-4 Grievance Procedures for College Staff

These documents are available to College employees, students and the general public via the web: www.mccneb.edu/procedures/.

Adopted 4/24/92; Revised 1/12/00; 6/2/06; 5/26/09