NON-DISCRIMINATION ON BASIS OF DISABILITY

I. Policy Section

3.0 College Operations

II. Policy Subsection

3.2 Non-Discrimination on Basis of Disability

III. Policy Statement

GRCC is committed to ensuring that no otherwise qualified individual with a disability shall, be either excluded from or denied access to participation in academics, employment or any program, service or activity offered by the college.

Furthermore, no qualified individual shall be discriminated against on the basis of disability with regard to employment application procedures, hiring or discharge of employment, compensation, advancement, job training and other terms, conditions, and privileges of employment.

Qualified individuals with disabilities have the right to request and will receive reasonable accommodations based on their needs in order to fully participate in or benefit from academic instruction, employment or any other program, service or activity offered by the college.

No GRCC employee shall coerce, intimidate, threaten or interfere with any individual for exercising a right under this policy or for assisting or supporting another to exercise a right under this policy. The college will not tolerate any form of retaliation against any person for bringing charges of discrimination or for participating in an investigation.

IV. Reason for Policy

The Americans with Disabilities Act (ADA) as Amended (ADAAA), and Section 504 of the Rehabilitation Act of 1973 require GRCC to provide appropriate academic, programmatic, and employment accommodations to employees and students with disabilities unless doing so would create an undue hardship, compromise the health and safety of members of the campus community, or fundamentally alter the nature of the college's employment or academic mission.

V. Entities Affected by This Policy

All GRCC faculty, staff, students and visitors to the campus

VI. Who Should Read This Policy

All GRCC faculty, staff, students and visitors to the campus

VII. Related Documents

1. Americans with Disabilities Act (ADA) of 1990
   http://www.ada.gov/pubs/ada.htm
2. Americans with Disabilities Act as Amended (ADAAA) 2008
   http://www.eeoc.gov/laws/statutes/adaaa_notice.cfm
3. Complaint Process
4. Disability Accommodation Request Procedures
   http://www.grcc.edu/sites/default/files/attachments/DARF%20Process.pdf
5. Essential Abilities and Technical Standards
   found in Course Catalog or Departmental Web Page
6. Section 504 of the Rehabilitiation Act of 1973
   http://www.hhs.gov/ocr/civilrights/resources/factsheets/504.pdf
7. U.S. Department of Justice Civil Rights Division Disability Rights Section – Title II Highlights
   http://www.ada.gov/t2hlt95.htm
8. College Catalogue

VIII. Contacts

Policy Owner: Director of Accessibility
General Counsel
Associate Dean for Student Success and Retention
Assistant to the General Counsel, Title IX Coordinator and EEO Officer
Human Resources Generalist
Program Director of Disability Support Services

IX. Definitions

Complaint – A complaint, for purposes of this policy, is an allegation of discrimination or harassment based on disability or an allegation of retaliation that stems from the filing of a complaint of discrimination or harassment. A complaint may be made by a student, staff member, faculty member, or by a member of the college community who feels that he or she has been discriminated against in contravention of this policy or retaliated against for filing a complaint or participating in an investigation related to this policy.

Disability –A physical or mental impairment or medical condition that substantially limits a major life activity, or has a history or record of such an impairment or medical condition. Major life activities include but are not limited to: seeing, hearing, eating, walking, standing, sitting, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and performing manual tasks. Major life activities could also include the operation of major bodily functions such as: the immune system, skin, normal cell growth, bowel, bladder, neurological, circulatory,

cardiovascular, endocrine, hemic (blood), lymphatic, and reproductive functions.

Essential Abilities and Technical Standards –Grand Rapids Community College faculty have identified essential abilities and technical standards critical to the success of students in their programs. Students must demonstrate these essential abilities to succeed in these programs of study. Qualified applicants are expected to meet all admission criteria and matriculating students are expected to meet all progression criteria, as well as these essential abilities and technical standards with or without reasonable accommodations. GRCC strives to be accessible and welcoming to students of all abilities. After reviewing the Essential Abilities and Technical Standards for the chosen program of study, it is each student's responsibility to determine whether all associated coursework can be completed either with or without accommodation.

Students who are not able to demonstrate the essential abilities or who do not meet the technical standards of their chosen programs with accommodations or if reasonable accommodations do not exist will not be considered "otherwise qualified" for the program.

Essential Job Functions - The fundamental and primary duties of an employment position. A job function is essential if removing that function would fundamentally change the job.

Marginal or Non-essential Job Functions - Those duties essential to the work unit, but not to the position itself. The function must still be accomplished, but if it can be performed by another employee or position; it is a marginal function.

Qualified Individual with a Disability – An individual who, with or without reasonable accommodation, can perform the essential functions of the college course, academic program or employment position that such individual holds or desires.

X. Procedures

Responsibility for coordinating GRCC's compliance with the requirements of the Americans with Disabilities Act as Amended (ADAAA) and Section 504 of the Rehabilitation Act of 1973 resides with the Director of Accessibility. Community members attending GRCC campus events who have complaints regarding the college's compliance with particular provisions of these acts should contact the Director of Accessibility.

Complaints will be promptly acknowledged and investigated with the purpose of equitable resolution.

A. Accommodation

1. **Disability Accommodation (Faculty and Staff)**
   Faculty or staff seeking an accommodation must register with the Office of Accessibility by filling out a Disability Accommodation Request Form (DARF). Based on an evaluation of the essential and marginal job functions and medical documentation supporting the request, a reasonable accommodation will be sought in an interactive process between the requestor and their supervisor. Those interested in registering/requesting an accommodation may visit the DARF Process and Procedure link on the Office of Accessibility website under Faculty & Staff Resources or contact the office by phone at 616-234-2227.

2. **Disability Accommodation (Student)**
   A student must self-identify and register with Disability Support Services, 368 Student Center, GRCC, Grand Rapids, MI 49503, 616-234-4140, and provide appropriate medical documentation. An interactive discussion with a Counselor/Advisor is required to arrange formal accommodations. Further information about this process is found at https://www.grcc.edu/disabilitysupportservices/rightsandresponsibilities

B. Complaint

1. **Complaint Process (Faculty and Staff)**
   Individuals who have complaints regarding GRCC's compliance with this policy should contact the Director of Accessibility. Complaints will be promptly acknowledged and investigated with the purpose of equitable resolution.

2. **Student Complaint Process**
   a. **Student Complaint regarding an accommodation decision made by Disability Support Services: A** student should talk to the Program Director of Disability Support Services about the accommodation decision(s) under question.

      If a complaint cannot be resolved by the Program

Director, the student may file a written complaint in person, by mail, or fax to the Associate Dean of Student Success and Retention, 347 Student Center, GRCC, Grand Rapids, MI 49503. Students may contact the office at 616-234-4839 for any questions. Additional information can be found at https://www.grcc.edu/disabilitysupportservices/americanwithdisabilitiesactstudentcomplaintprocedure

i. **Student Complaint process for alleged disability based discrimination:** Students should talk to their assigned Disability Support Services counselor/advisor about the situation to see if an immediate resolution can be achieved.

ii. If the issue cannot be resolved by the DSS counselor/advisor; the student will be directed to the Director of Accessibility to manage he complaint. Complaints will be promptly acknowledged and investigated with the purpose of equitable resolution.

XI. Forms

Disability Accommodation Request Form (DARF)
http://www.grcc.edu/sites/default/files/attachments/GRCC%20DARF%20Medical%20Inquiry%20Form.pdf

XII. Effective Date

XIII. Policy History

April 4, 2014 revised to create a separate nondiscrimination policy

XIV. Next Review/Revision Date

April, 2018