Purpose
This policy provides that persons with disabilities have the right to request and receive reasonable accommodation. This policy affects all College patrons, visitors, employees and students.

Definitions
*Individual with a Disability* refers to any person who:

- Has a physical or mental impairment that substantially limits one or more major life activities, (i.e. caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and/or working); or
- Has a record of such an impairment (has a history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities);
- Is regarded as having such impairment;

*Reasonable accommodations:* modifications or adjustments to a job, work environment, learning environment, policies, practices, and/or procedures that enable qualified individuals with a disability to enjoy equal opportunity. With respect to students, reasonable accommodations include academic adjustments.

*Undue hardship:* any excessively costly, extensive, substantial, or disruptive modification or one that would fundamentally alter the nature and operation of the institution or any of its programs or services or threaten the health and safety of the college community.

*Health Care Professional:* a person who has completed a course of study and is licensed to practice in a field of health care which includes the diagnoses and assessment of the particular disability or disabilities in question.

*A qualified individual with a disability:* an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the job, class or academic program in question.

*Essential Functions:* the fundamental job duties of the position that the individual with the disability holds or desires. The term does not include the marginal functions of the position.

Obligations of the College
The college is obligated to provide reasonable accommodation to a qualified individual with a known disability. What is appropriate for the individual is a case-by-case determination. In addition, the College must:

2. Notify individuals of the college’s policy of nondiscrimination on the basis of disability and of the complaint procedures. This notice shall be included in all formal correspondence that communicates
decisions or policies adversely affecting the individual’s status or rights with the institution of higher education. This notice shall include the phone numbers of the United States Department of Education, U.S. Office of Civil Rights, and the Washington State Human Rights Commission.

3. Work with the individual on a case-by-case basis, to select and provide accommodations as appropriate.

4. Use the College’s internal grievance procedures for addressing disputes with respect to requests for reasonable accommodations.

5. Provide reasonable accommodation in all aspects of employment and education. This duty is ongoing and may arise any time that a person's disability, educational program or job changes.

6. Ensure that reasonable accommodation shall not adversely affect the consideration of an individual with a disability for employment, training, promotion or opportunity to enjoy equal terms, benefits, privileges and conditions of employment and education.

7. Develop procedures to protect the confidentiality of information regarding the nature and extent of the documented disability. All information regarding the disability must be treated as a confidential medical record and shall be maintained in a secure manner, apart from personnel /academic files with access restricted to designated personnel on a need-to-know basis.

8. Disseminate Information on reasonable accommodation and this policy to employees and students.

When an applicant/employee makes a request for a reasonable accommodation, and the disability is not readily apparent and has not been previously documented, the college ADA coordinator may request that the applicant/employee provide verification from a health care professional that s/he has the disability as claimed and that it has the effect of necessitating the reasonable accommodation requested.

When a student makes a request for a reasonable accommodation, and the disability is not readily apparent and has not been previously documented, students must submit documentation on their disability from someone who is qualified to diagnose that disability. Documentation must be submitted to the Center for Disability Services (CDS) office.

The College may obtain a second opinion at its own expense from a health care professional of its selection. Such inquiries must be limited to verification of the employee/student's claims, except that the college may also request the health care professional suggest possible effective alternative accommodations.

Obligations of Qualified Individuals

Qualified individuals with a disability have the right to refuse accommodation. However, if the individual cannot perform the essential functions of the job, class or academic program without the accommodation, s/he will not be considered to be an otherwise qualified individual with a disability after refusing the accommodation.

It is the obligation of the individual to seek reasonable accommodation. An individual who seeks accommodations under this policy is responsible for documenting the nature and extent of the disability. The College will work collaboratively with the individual in determining the appropriate accommodation.

To ensure timely response to the request for accommodation, individuals shall:
1. Provide timely notice and documentation of the nature and extent of the disability, and the accommodations requests to the ADA Coordinator (Vice President of Human Resources or Director of the Center for Disability Services). For pre-employment services, requests for accommodations should be received ten (10) working days prior to the date needed. Lack of advance notice may delay the availability of an accommodation.

2. Provide such additional documentation on the nature and extent of their disability as the college may require for determining appropriate accommodations. Such documentation may include, but is not limited to; identification of tests administered, test results, description of the covered disability, and recommended accommodations.

3. Promptly notify the ADA Coordinator or Director of the Center for Disability Services of any problems encountered in receiving the agreed-upon accommodations.

4. Provide current information showing skills, abilities, training, and experience.

Reasonable Accommodation in Employment and the Essential Functions of the Job

Determination of Essential Functions

Each position should be examined to determine its purpose and its essential functions. Appropriate times to examine a position include when the position is established, when it becomes vacant, and when the duties are changed. The following criteria should be considered in identifying the Essential Functions of a job:

1. Are employees in the position actually required to perform the function?
2. Would removing that function fundamentally change the job?
3. Was the position established to perform the function?
4. Are there a limited number of other employees available to perform the function, or among whom the function can be distributed?
5. Is the function highly specialized, and is the person in the position hired for special expertise or ability to perform it?

Upon receiving a reasonable accommodation request, the College shall consult with the individual with a disability to find out his or her specific physical or mental abilities and limitations as they relate to the essential job functions, identify the barriers to job performance and assess how an accommodation can overcome these barriers.

The College shall consult with the employee, and may consult with other knowledgeable sources, to identify potential accommodations and assess how effective each would be in enabling the individual to perform essential job functions.

If there are two or more effective accommodations that would allow the individual with a disability to perform essential job functions, after considering the preference of the individual with the disability, the employer may select the accommodation to be provided.

When an accommodation in an employee's present position is not reasonable, or would cause an undue hardship, the College shall attempt to accommodate the employee through reassignment to another vacant position, at the same pay range or lower, for which s/he is qualified, within the College.
**Reasonable Accommodation in Education**

The College is obligated to provide academic adjustments to a qualified student with a known disability. What is appropriate for the student is a case-by-case determination.

It is the obligation of the student to seek the academic adjustments. An individual who seeks academic adjustments under this policy is responsible for documenting the nature and extent of the disability. The College will work collaboratively with the individual in determining the appropriate academic adjustment.

To ensure that needed academic adjustments are provided in a timely manner, the individual shall:

A. Provide timely notice and documentation of the nature and extent of the disability, and the academic adjustment requests of students, to the Director of the Center for Disability Services. Requests for academic adjustments from students should be received by the Center for Disability Services six (6) weeks prior to the beginning of the quarter for which the request is made, when possible. Lack of advance notice may delay the availability of an academic adjustment.

B. Provide such additional documentation on the nature and extent of their disability as the College may require for determining appropriate academic adjustments. Such documentation may include, but is not limited to, identification of tests administered, test results, description of the covered disability and recommended academic adjustments.

C. Cooperate with the Center for Disability Services to develop an appropriate plan for academic adjustments.

D. Communicate with instructors the need for academic adjustments in classes, as necessary.

E. Promptly notify the Center for Disability Services of any problems encountered in receiving the agreed-upon academic adjustment.

**RELEVANT LAWS AND OTHER RELATED INFORMATION**

- Americans with Disabilities Act of 1990 (PL 101-336); 29 CFR Part 1630
- Rehabilitation Act of 1973 (PL 93-112); 45 CFR Part 84
- RCW 49.60
- WAC 162-22-065
- WAC 365-35

**REVISION HISTORY**

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**APPROVED BY**

Board of Trustees