

## EVCC3020P: DISABILITY ACCOMMODATION PROCEDURES

Original Date: September 16, 2025

Administrator Contact: Director of Equal Opportunity and Title IX Programs / ADA Coordinator

### Purpose

The Disability Accommodation Procedures are intended to meet Everett Community College's obligations under the Washington State Human Rights Commission's law against discrimination, Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, and other federal and state requirements. No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities, or be subjected to discrimination at Everett Community College. These procedures affect all College patrons, visitors, employees and students.

The Director of Equal Opportunity and Title IX Programs is the college's ADA/504 Coordinator, responsible for general compliance around disability access for the institution. The EVCC3020: Disability Accommodation Policy and these associated procedures provide that persons with disabilities have the right to request and receive reasonable accommodation to participate in the institution's programs and activities, including employment opportunities. Individuals with disabilities shall be permitted to be accompanied by their service animals, or a service animal in training, in all areas of college facilities where members of the public, participants in programs or activities, or invitees, as relevant, are allowed to go, without the need to request a reasonable accommodation.

### Definitions

- **Direct Threat:** a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.
- **Disability<sup>1</sup>:** under WA state law (RCW 49.60 and WAC 162-22), means the presence of a sensory, mental, or physical impairment (whether temporary or permanent) that:
  1. Is medically cognizable or diagnosable; or
  2. Exists as a record or history; or
  3. Is perceived to exist whether or not it exists in fact.
  4. To qualify for reasonable accommodation in employment, an impairment must be known or shown through an interactive process to exist in fact, and:
    - i. the impairment must have a substantially limiting effect upon the individual's ability to perform their essential job functions, the individual's ability to apply or be considered for a job, or the individual's access to equal benefits, privileges, or terms or conditions of employment; or
    - ii. the employee must have put the employer on notice of the existence of an impairment, and medical documentation must establish a reasonable likelihood that engaging in essential job functions without an accommodation would aggravate the impairment to the extent that it would create a substantially limiting effect.
- **Essential Job 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.
- **Fundamental Alteration:** a reasonable modification request that, after a deliberative process, demonstrates that the modification would substantially change the nature of a college service, program, or activity, including essential course or program requirements.
- **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.
- **Impairment:** any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; or any mental, developmental, traumatic, or psychological disorder, including but not limited to cognitive limitation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

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<sup>1</sup> Federal definitions under ADA and Section 504 define disability as: a physical or mental impairment which substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment.

- ***Substantially Limiting:*** inability to perform an activity that the average person in the general population can perform, or being significantly restricted as to the condition, manner or duration under which the person can perform a particular activity as compared to the condition, manner, or duration under which an average person in the general population can perform.
- ***Qualified Employee with a Disability:*** an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.
- ***Qualified Student with a Disability:*** an individual with a disability who, with or without reasonable accommodation, meets the essential eligibility requirements for participation in the College's programs or activities.
- ***Reasonable Accommodation:*** 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 reasonable academic adjustments.
- ***Service Animal:*** any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by the service animal must be directly related to the individual's disability.
- ***Undue Hardship:*** any excessively costly, extensive, substantial, or disruptive modification 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.

### **Obligations of Parties**

Everett Community College's disability accommodation process is intended to be interactive and collaborative, relying on open communication and active participation between an individual with a disability and the appropriate college personnel. All members of the college community, including students, employees, and visitors, are required to engage in appropriate conduct as outlined by College policies, handbooks, and collective bargaining agreements.

### **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:

1. Comply with Section 504 of the Rehabilitation Act of 1973 and Americans with Disabilities Act of 1990, as amended.
2. Notify individuals of the college's policy of nondiscrimination on the basis of disability and of the complaint procedures.
3. Work with the individual on a case-by-case basis, to identify and approve accommodations as appropriate.
4. Refer individuals to 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 a 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 or academic files, with access restricted to designated personnel on a need-to-know basis.
8. Disseminate information on reasonable accommodation and the Disability Accommodation Policy to employees and students.

When an individual makes a request for reasonable accommodation and the disability or need for a requested accommodation are not readily apparent, the College may request documentation from a health care professional

qualified to diagnose the disability. The College is permitted to 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 that the health care professional suggest possible effective reasonable accommodations.

The College is not required to provide a reasonable accommodation if doing so would cause an undue hardship. Undue hardship means that an accommodation would be unduly costly, extensive, substantial or disruptive, or would fundamentally alter the nature or operations of a College program or activity, including employment.

Everett Community College may exclude an individual from their participation in or ability to benefit from some or all of its programs and activities, including employment, when the College concludes that the individual, because of their disability, presents a direct threat to the health or safety of others. When determining whether an individual poses a direct threat, the appropriate college administrators will make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk. Individuals determined to pose a direct threat may challenge that decision through the appropriate College grievance procedures.

#### *Obligations of Qualified Individuals*

It is the obligation of an individual with a disability to seek reasonable accommodation when needed. An individual who seeks accommodations is responsible for documenting the nature and extent of the disability. The College will engage in a deliberative interactive process with the individual in determining the appropriate accommodation.

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

To ensure timely response to a request for accommodation, individuals should:

1. Enter a request for reasonable accommodation to the appropriate college administrator or office (Human Resources, the Center for Disability Services, or an event organizer) as soon as possible, and preferably ten (10) business days prior to the date needed. Lack of advance notice may delay the availability of an accommodation.
2. Student employees who need employment related reasonable accommodation to perform their essential job functions should follow the employee accommodation request process.
3. Provide additional documentation on the nature and extent of a 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. When additional documentation is necessary for determining reasonable accommodation, the accommodation request process may require more time.
4. Promptly notify their appropriate Human Resources Director or the Director of the Center for Disability Services of any problems encountered in receiving approved accommodations, including concerns of a potential failure to accommodate.
5. Students and employees may have additional rights and protections outlined in the Student Rights and Responsibilities Handbook or their collective bargaining agreement, respectively.

#### **Reasonable Accommodation in Employment**

The College will respond to accommodation requests in a timely manner. For minor workstation adjustments (such as desk height modifications or ergonomic enhancements), a supervisor may be able to implement requests without

additional assistance beyond the department. Supervisors are generally responsible for ensuring that accommodations approved by Human Resources are provided.

When an applicant or employee makes a request for a reasonable accommodation and the disability is not readily apparent and has not been previously documented, or the reasonableness of an accommodation request is not obvious, the appropriate Human Resources Director may request that the applicant/employee provide information from an appropriate health care professional regarding the disability, its limitations, and the need for reasonable accommodation.

Upon receiving a reasonable accommodation request, the College shall consult with the individual with a disability to find out their specific 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 may also 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.

#### *Determination of Essential Job Functions*

Each position at the college will 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 Job Functions:

1. Are employees in the position actually required to perform the function?
2. Would removing that function fundamentally change the job?
3. Whether the position exists 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?

Accommodation decisions will be made on a case-by-case basis, as the nature and extent of a disabling condition and the requirements of the job will vary. The principal test in selecting a particular type of accommodation is that of effectiveness, i.e., whether the accommodation will enable the person with a disability to perform the essential functions of the job. It need not be the best accommodation or the accommodation the individual with a disability would prefer, although primary consideration will be given to the preference of the individual involved.

When an accommodation is not reasonable, would cause a fundamental alteration, or would be 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 they are qualified, within the College. An employee who is unable to perform the essential functions of the employee's position due to mental, sensory, or physical incapacity may notify the employer that they do not wish to pursue accommodation and would like to be separated from employment.

#### **Reasonable Accommodation in Education**

The College will respond to accommodation requests in a timely manner. When a student makes a request for reasonable accommodation and the disability is not readily apparent and has not been previously documented, or the reasonableness of an accommodation request is not obvious, the student may be required to submit medical documentation on their disability from an appropriate health care professional who is qualified to diagnose that disability. Documentation must be submitted to the Center for Disability Services (CDS) office.

EvCC shall ensure that students with disabilities are reasonably accommodated within the college. It shall provide the appropriate core service or services necessary for students with disabilities to ensure their equal access. What is appropriate for the student is a case-by-case determination after the student and college have engaged in the interactive process. The student's continuous participation in the interactive process is essential for it to be effective and not doing so may delay or end the process.

It is the obligation of the student with a disability to seek reasonable accommodations, also referred to as academic adjustments, when needed. An individual who seeks reasonable accommodations under this policy and procedure is responsible for documenting the nature and extent of the disability. The College will work collaboratively with the individual in determining and approving reasonable accommodations due to a disability.

Due to the nature of some accommodations and time needed for implementation, individuals are encouraged to:

- A. Provide timely notice and documentation of the nature and extent of the disability and the reasonable accommodation request to the Center for Disability Services. Requests for accommodations from students should be received by the Center for Disability Services six (6) weeks prior to the beginning of their first quarter, when possible. Future quarter requests should be entered four (4) weeks in advance of the first day of the quarter, when possible. Lack of advance notice may delay the availability of an accommodation.
- B. Provide such additional documentation on the nature and extent of their disability as the college may require for determining appropriate reasonable accommodations. 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 engage in a deliberative interactive process to identify and approve reasonable accommodations.
- D. Communicate with instructors regarding Faculty Notification Letters which have been provided by the Center for Disability Services, and provision of the individual's approved reasonable accommodations in classes, as necessary.
- E. Promptly notify the Center for Disability Services of any problems encountered in receiving accommodations.

### **Grievance Procedures**

Individuals who disagree with an accommodation, direct threat, or undue burden determination made by a college official have the right to appeal the determination. Students can refer to the Student Affairs Grievance Procedures in the Student Rights and Responsibilities Handbook to address concerns about being unfairly treated in matters related to student services, policies, procedures, or expectations. Employees can appeal a Human Resource Director's determination to the Vice President of Human Resources and Compliance.

Grounds for appeal include:

- An approved accommodation does not sufficiently address the disability limitation for which it was approved;
- An accommodation request was denied that is reasonable and should be granted; or
- A determination of fundamental alteration, direct threat, or undue burden was made incorrectly without the necessary deliberative process.

Any community member, student, or employee who feels they have been subjected to discrimination, including a failure to accommodate, should refer to Everett Community College's Nondiscrimination Policy and Grievance Procedures, which can be found on the [Equal Opportunity and Title IX Policies and Procedures webpage](#). Options for filing a grievance with an appropriate external government agency can be found in the EvCC3020: Disability Accommodation Policy.

### **Relevant Laws and Other Related Information**

[Section 504 of the Rehabilitation Act of 1973](#)

[Americans with Disabilities Act of 1990](#)

[Americans with Disabilities Act Title II](#)

[Fair Housing Act](#)

[RCW Chapter 49.60 Washington State Law Against Discrimination](#)

[RCW Chapter 70.84 White Cane Law](#)

[WAC Title 162 Human Rights Commission](#)

[WAC Chapter 28B.10](#)

[EvCC3093: Protected Class Nondiscrimination Policy](#)

[EvCC3020: Disability Accommodation Policy](#)

[EvCC5075: Animals on Campus Policy](#)

**Revision History**

Original Date: September 16, 2025

**Approved By**

Board of Trustees