



**AMERICANS WITH DISABILITIES ACT (ADA)
FOR EMPLOYEES AND STUDENTS**

**POLICY NUMBER
202**

Responsible Office: <i>Office of Human Resources</i>	Effective Date: <i>10/01/2022</i>
Responsible Official: <i>Chief Human Resources Officer</i>	Last Reviewed Date: <i>09/30/2022</i>
Policy Classification: <i>Human Resources</i>	Origination Date: <i>01/20/2015</i>

I. POLICY STATEMENT

Baton Rouge Community College (BRCC) is fully committed to ensuring compliance with the requirements of the Americans with Disabilities Act and its Amending Act of 2008 (collectively ADA) to include:

- **Title I:** Prohibits discrimination against qualified individuals with disabilities in all employment practices, including recruitment, hiring, advancement, compensation, fringe benefits, job training and other terms, conditions and privileges of employment. Upon request, BRCC shall engage in an interactive process and may approve a reasonable accommodation, unless the Requestor is not a qualified individual; doing so poses an undue hardship to the agency; or poses a direct threat to the health or safety of the individual with a disability or others.
- **Title II:** Ensures qualified individuals with disabilities have equal access to the full range of programs, services, activities and facilities of the agency. Upon request, BRCC may provide a reasonable accommodation, unless the Requestor is not a qualified individual; doing so would fundamentally alter the nature of the agency's service, program, or activity; or it poses a direct threat to the health or safety of the individual with a disability or others.

II. POLICY RATIONALE AND SCOPE

The purpose of this policy is to outline BRCC's standards and procedures for purposes of ADA compliance.

III. POLICY AUDIENCE

This policy applies to all BRCC employees, students, applicants for employment, applicants for student status, and members of the general public that receive services from BRCC.

IV. POLICY COMPLIANCE

BRCC accommodates and provides programs and services for students and employees. It is the responsibility of BRCC employees (administrators, faculty and staff, full-time and part-time) who are responsible for activities, programs, and services to respond to requests for accommodation by

persons with disabilities seeking access to such activities, programs, and services. In determining an appropriate response, advice and assistance should be obtained from the ADA Coordinator.

V. POLICY DEFINITIONS

- A. Disability: Under the ADA, an individual with a disability is a person who:
1. Has a physical or mental impairment that substantially limits one or more major life activities;
 2. Has a record of such impairment; or
 3. Is regarded as having such impairment as described in item #1 above.
- B. Impairment: Any physiological, mental, or psychological disorder or condition, including those that are episodic or in remission, that substantially limits one or more major life activities when active.
- C. Substantially Limits: An impairment that prevents the ability of an individual to perform one or more major life activities as compared to most people in the general population when taking into consideration factors such as the nature, severity, duration, and long-term impact of the condition. Such consideration must be regardless of any mitigating measures such as modifications, auxiliary aids, or medications used to lessen the effects of the condition (except for use of ordinary eyeglasses or contact lenses).
- D. Major Life Activities:
1. Generally, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working; and
 2. The operation of a major bodily function, including functions of the immune system; special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.
- E. Essential Functions: The fundamental and primary job duties of a position. Considerations in determining whether a function is essential include such factors as the written job description; whether the reason the position exists is to perform that function; the limited number of employees available to perform that function; and the degree of expertise required to perform the function.
- F. Qualified Individual:
1. Under Title I, an individual with a disability who meets the requisite skill, experience, and education requirements for the position and who can perform the essential functions of the position held or applied for, with or without reasonable accommodation(s).
 2. Under Title II, an individual with a disability who meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by BRCC, with or without reasonable accommodation(s).
- G. Reasonable Accommodations:
1. Under Title I, a modification or adjustment to the work environment that will enable a qualified individual with a disability to:
 - A. Participate in the testing, application, and/or interview process;
 - B. Perform the essential functions of the job; or

- C. Provide equal opportunity to the benefits and privileges of employment.
2. Under Title II, a modification that permits an individual with a disability to effectively communicate with BRCC and/or ensure equal opportunity relative to BRCC's programs, services, activities, and facilities.
- H. Undue Hardship: An accommodation that would be unduly costly, extensive, substantial or disruptive, in light of factors such as the size of the agency, the resources available, and the nature of the agency's business operations.
- I. Direct Threat: A significant risk of substantial harm to the health or safety of an individual with a disability or others that cannot be eliminated or reduced by reasonable accommodation.
- J. ADA Coordinator: The BRCC representative responsible for facilitating the interactive, evaluation process relative to any request for accommodation, whose name and contact information is provided below.
- Name: Meghan Williams, Deputy Chief Compliance & Diversity Officer
 Section: Office of Human Resources
 Address: 201 Community College Drive, Baton Rouge, LA 70806
 Phone #: (225) 216-8776
 Email: williamsm3@mybrcc.edu
- K. Counseling & Access Services (CAS): BRCC office initially responsible for facilitating student and prospective student requests for accommodations. CAS may be contacted by phone at 225-216-8643 or via email at accessibilityservices@mybrcc.edu.

VI. POLICY IMPLEMENTATION PROCEDURES

PROCEDURES FOR REQUESTING A REASONABLE ACCOMMODATION

It is the responsibility of the qualified individual with a disability to request a reasonable accommodation(s) when needed. To do so, the individual:

- May initiate a request either verbally or in writing. If in writing, the qualified individual with a disability should complete the Request for Accommodation Form. If the individual needs assistance to complete the request form, BRCC will provide such assistance;
- Must submit the request to the appropriate person for the nature of the accommodation requested (as further explained below); and
- Must timely and cooperatively participate in the interactive process (as further described therein).

If the accommodation request is from a BRCC employee or student, he/she may be required, as part of the interactive process, to provide the ADA Coordinator with medical documentation from their health care provider describing the nature of the disability and the functional limitations thereof.

A. Employees & Applicants for Employment (Title I)

1. Application/Testing Process

A qualified individual with a disability may address an accommodation request relative to the application and/or testing process to the following, dependent upon the Job Type indicated on the vacancy announcement:

- a. **For Classified Jobs:** Contact State Civil Service, Testing and Recruiting Office at (225) 925-1911. For more information regarding accommodations, applicants may go to <https://jobs.civilservice.louisiana.gov/TestInformation/Accommodations.aspx>
- b. **For Unclassified Jobs:** Contact the BRCC representative identified in the vacancy announcement for the job being sought. The BRCC representative shall notify and collaborate with the ADA Coordinator to address the accommodation request.

2. Interview Process

If contacted for an interview, a qualified individual with a disability should notify the hiring manager at that time if an accommodation is needed in order to participate in the interview and, if so, the nature of the accommodation. The hiring manager shall notify and collaborate with the ADA Coordinator to address the accommodation request.

3. Performance of Essential Functions

A qualified individual with a disability may address an accommodation request related to the performance of the essential functions of a job to the following:

- a. If needed prior to or at the time of hire for a position, the accommodation request should be submitted to the person with whom the individual interviewed.
- b. If employed by BRCC and needed for the current job held, the accommodation request should be addressed to the immediate supervisor.

The interviewer or immediate supervisor shall notify and collaborate with the ADA Coordinator to address the accommodation request. Such requests must include the duties the individual is unable to perform and the accommodation(s) requested. Such accommodations may include job restructuring, use of accrued paid leave (or once exhausted, unpaid leave), modified or part-time work schedules, acquiring equipment, or reassignment.

4. Benefits and Privileges of Employment

An employee seeking an accommodation related to the benefits and/or privileges associated with employment should notify the immediate supervisor. The immediate supervisor shall notify and collaborate with the ADA Coordinator to address the accommodation request. Such requests should include the benefits and/or privileges of employment in which the individual is unable to participate and the accommodation requested. Such accommodations may include restructuring work areas, lunchrooms, break rooms, training rooms, and restrooms to make them available and accessible to all employees.

NOTE: Guidelines that govern facility standards are based on the date of original construction. Additional guidelines may apply when renovations or alterations are undertaken. BRCC shall coordinate construction and renovation in conjunction with appropriate state departments, as well as building code, regulatory, and leasing entities, as applicable.

5. Pregnancy, Childbirth, or Related Medical Condition

Although pregnancy itself is not a disability, an applicant or employee with impairments/limitations arising from pregnancy, childbirth, or related medical conditions that qualify as a disability under the ADA (and in accordance with [La. R.S. 23:341-342](#)) may request an accommodation to the immediate supervisor. The immediate supervisor

shall notify and collaborate with the ADA Coordinator to address the accommodation request. Such accommodations may include but are not limited to: providing more frequent, compensated break periods; providing a private place, other than a bathroom stall, for purposes of expressing breast milk; modifying food or drink policy; and other accommodations that permit the individual to reduce or eliminate the need for leave.

NOTE: Accommodation requests and information collected during the associated interactive process shall be limited to only those individuals with a business need-to-know.

B. Current Students & Applicants for Student Status (Title II)

BRCC shall not discriminate on the basis of disability in any academic program, activity, or event associated with the college and will integrate students with disabilities into the college community to the fullest extent possible. A prospective student with a disability will not be denied admission or subjected to discrimination in admission or recruitment to BRCC based on their disability. Recruitment of students will be conducted without regard to whether or not a potential student has a disability. All admission criteria and testing will be selected and administered to be accessible to those with a disability.

Prospective students may voluntarily self-identify as an individual with a disability during the admissions process and will be routinely provided information about BRCC services available to students with disabilities. A decision whether to self-identify will not result in adverse treatment of the prospective student.

Academic Accommodations and Auxiliary Aids/Services

A student or prospective student who seeks an academic accommodation or auxiliary aid/service must complete the necessary [forms](#) and schedule a meeting with Counseling & Accessibility Services ([CAS](#)). Only students who schedule and meet with a representative of CAS will be considered for academic accommodations and auxiliary aids/services. The meeting may be in person, telephonic, or electronic. In all cases in which a student or prospective student requests an academic accommodation or auxiliary aid/service based upon disability, the student may be required to provide current documentation of a disability from an appropriately licensed professional that clearly identifies the nature of the disability and how the disability affects a major life activity. The student is responsible for any costs necessary to provide the appropriate documentation from the professional.

A student with a disability requesting an auxiliary aid/service is obligated to provide notice of the nature of the disabling condition to CAS and to assist it in identifying appropriate and effective auxiliary aids/services to enable effective communication. CAS may request that the student provide supporting diagnostic test results and professional prescriptions for auxiliary aids/services. With written student authorization, CAS may also obtain, at the college's expense, an independent medical opinion concerning the disability for which the student seeks an academic accommodation/auxiliary aid, including whether specific requested auxiliary aids/services are necessary based on the individual and the circumstances as well as additional suggestions or recommendations regarding reasonable academic accommodations and auxiliary aids/services. A student's failure to grant such authorization may result in a denial of the student's request.

When an auxiliary aid is requested, primary consideration will be given to the student's preference; however, BRCC may provide an equally effective alternative means of

communication depending on the situation. The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the method of communication used by the individual; the nature, length, and complexity of the communication involved; and the context in which the communication is taking place.

Academic accommodations and auxiliary aids/services will be provided as required by law and will be considered on a case-by-case basis. CAS will make a determination on a student's request for academic accommodation/auxiliary aid based on the information provided by the student and the independent medical opinion, if any. BRCC is not required to take any action that would result in a fundamental alteration in the nature of a service, program, or activity or which would result in an undue financial and administrative burden.

CAS will coordinate the determination of reasonable and appropriate academic accommodations or auxiliary aids/services and coordinate with the appropriate senior official to request facilitation.

C. Effective Communication (Title II)

A qualified individual with a speech, hearing, or vision impairment may request an accommodation to the ADA Coordinator and shall be furnished with appropriate auxiliary aids and services so that the individual can participate equally in BRCC's programs, services, and activities. Such auxiliary aids may include qualified sign language interpreters, documents in Braille, and other ways of making information and communication accessible. Anyone who requires an auxiliary aid or service for effective communication should contact the ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event.

D. Modifications to Policies, Procedures, or Facilities (Title II)

A qualified individual with a disability seeking modifications to policies, procedures, or facilities for equal opportunity to enjoy BRCC's programs, services, and activities should contact the ADA Coordinator. Such requests should include the specific program, service, or facility that the individual is unable to access and the accommodation(s) requested.

INTERACTIVE PROCESS - EVALUATION OF ACCOMMODATION REQUESTS

Upon receipt, the individual to whom an accommodation request was submitted must immediately notify the ADA Coordinator. The ADA Coordinator shall:

- Document the request, if not submitted in writing by the Requestor, on the Request for Accommodation Form;
- Notify the Requestor, if he/she is a current BRCC employee or student, whether a completed Medical Inquiry Form from a health care provider is required;
- Engage in an interactive process involving consultation with the Requestor, the treating physician (if applicable), and agency management;
- Confer with the Louisiana Rehabilitation Services and/or Job Accommodation Network (JAN), as deemed appropriate, to help evaluate the availability of accommodation options and resources related thereto;
- Where appropriate, discuss any alternative, equally effective accommodations with the Requestor;

- Recommend to, and secure approval from, the Appointing Authority as to the final determination of the accommodation request; and
- Notify the Requestor, in writing, of the final determination, including information regarding the internal grievance procedure.

Individuals with disabilities are encouraged to suggest accommodations based upon their own life and/or work experiences. Such requested accommodations will be duly considered. Nonetheless, BRCC reserves the right to select an equally effective accommodation that may be less expensive or impactful on academic and/or business operations. All accommodation requests will be evaluated thoroughly and objectively on a case-by-case basis.

INTERNAL COMPLAINT PROCEDURE

The following internal grievance procedures are available to individuals with disabilities for resolution of complaints regarding the disposition of an accommodation request or asserting any action that would be prohibited by the ADA:

- Employees:** BRCC employees may file an internal grievance in accordance with [Policy No. 221](#), Grievances for All Employees, within 5 working days of the decision/issue, and elevate the complaint directly to Step 3.
- Students:** BRCC students may file a complaint with the college's ADA Coordinator within 14 calendar days of the denial. Only agreed-upon academic accommodation(s)/auxiliary aid(s) will be provided while a final decision is pending. The college ADA Coordinator should provide a response to a complaint within 14 calendar days of receipt but reserves the right to request an extension if additional time is needed. The student or prospective student will be notified in writing if such an extension is needed.
- Applicants or General Public:** Complaints regarding the application/testing/interview process or accessibility of a program, service, or activity of BRCC may be addressed to Annette Arboneaux, Chief Human Resources Officer, by emailing: arboneauxa@mybrcc.edu; or calling (225) 216-8268.

PROTECTIONS

No individual shall be discriminated or retaliated against, coerced, intimidated, threatened, harassed, or interfered with for:

- Making an accommodation request;
- Opposing any act or practice made unlawful by the ADA;
- Filing a charge, testifying, assisting, or otherwise participating in an investigation, proceeding, or hearing to enforce any provision of the ADA;
- Aiding or encouraging another individual in the exercise of any right granted or protected by the ADA; or
- Having a family, business, social, or other relationship or association with an individual with a known disability.

PUBLIC NOTICE

To ensure accessibility by all interested persons, this policy shall be made available on BRCC's public website located in the Human Resources policy index at

https://www.mybrcc.edu/about_brcc/policy_index/index.phps. Additionally, a notice will be posted conspicuously for access by the public in each of BRCC's facilities.

DOCUMENTATION

Forms associated with this policy are available on the Human Resources [Forms](#) webpage or by request to the ADA Coordinator.

- Request for Accommodation Form
- Medical Inquiry Form

CONFIDENTIALITY

All documentation obtained as part of an accommodation request, including medical and other relevant information, shall be maintained as confidential records, separate from the employee's personnel file, and subject to disclosure only as allowed by law or with the individual's permission.

XII. ADDITIONAL RESOURCES

For additional resources, individuals with disabilities may contact Rikki Nicole David, State ADA Coordinator, at rikki.david@la.gov or (225) 342-1243.

Individuals may also contact or file a complaint with the following:

- U.S. Equal Employment Opportunity Commission (EEOC) pursuant to Title I (29 CFR § 1630.1 – 1630.16) at 1-800-669-4000, 1-800-669-6820 (TTY for Deaf/Hard of Hearing callers only) or 1-844-234-5122 (ASL Video Phone for Deaf/Hard of Hearing callers only).
- Louisiana Commission on Human Rights pursuant to La. R.S. 23:323 et seq at 225-342-6969; or
- U.S. Department of Justice (DOJ), Civil Rights Division, pursuant to Title II (28 CFR § 35.101 – 35.190) at 202-514-3847 or 202-514-0716 (TTY for Deaf/Hard of Hearing callers only).

Be advised that strict time limitations apply for filing complaints with these governmental agencies.

VII. POLICY RELATED INFORMATION

Section 504 of the Rehabilitation Act of 1973, as amended in 1992
Americans with Disabilities Act of 1990
Act 103 of the 2022 Louisiana Legislature Regular Session
LCTCS Policy #6.023 Americans with Disabilities Act: Employees and Students

VIII. POLICY HISTORY AND REVIEW CYCLE

This policy replaces the prior version of this policy entitled "Persons With Disabilities: Employees & Students." This policy will be reviewed as needed to maintain compliance with relevant laws and/or regulations but no less frequently than every two years.

IX. POLICY URL

This policy may be accessed on the BRCC website at https://www.mybrcc.edu/about_brcc/policy_index/index.phps.