

General Policy - Nondiscrimination on the Basis of Disabilities and Reasonable Accommodation

Purpose:

Bismarck State College (BSC) affirms its commitment to nondiscrimination on the basis of disability and its intention to comply with all laws prohibiting such discrimination including Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990.

Policy:

In order to assure nondiscrimination on the basis of disability, BSC will provide appropriate and reasonable accommodation for members of the public, employees and students with disabilities, as defined by these laws.

All BSC administrators, faculty, staff and students have a responsibility to adhere to the philosophy of equal access and opportunity, which is the basis for this nondiscrimination commitment.

Nondiscrimination Statement:

Bismarck State College is an equal opportunity institution that does not discriminate on the basis of race, color, sex, gender, gender identity, national origin, age, religion, sexual orientation, information protected by the Genetic Information Nondiscrimination Act (GINA), marital status, disability, veteran's status or any other status protected by law in its admissions, student aid, employment practices, education programs or other related activities.

Procedure:

An individual may be required to provide relevant, written documentation in order to establish that he/she is a person with a disability and entitled to a reasonable accommodation under the law.

APPLICANTS for employment:

Applicants for employment who have a disability may request reasonable accommodation at any time during the application process. Requests for accommodation shall be made to Human Resources. Applicants will be asked to confirm the request in writing, provided, however, the arrangements for accommodation may be initiated prior to receipt of the written request.

EMPLOYEES:

An employee whose disability requires reasonable accommodation in order to perform the essential functions of his/her job may request reasonable accommodations either formally or informally at any time during his/her employment. However, in all instances the request for reasonable accommodation shall be processed through the Human Resources Department. Human Resource's response will be in writing. Supervisors receiving requests for accommodation from employees shall direct the employee to contact Human Resources in order to address their need for a reasonable accommodation.

Process for addressing requests for accommodation:

Informal accommodation requests shall be made by the employee either in-person or in-writing to Human Resources.

1. Formal accommodation requests shall be made in writing using the Employee Request for [Reasonable Accommodation Request form](#). The completed form shall be submitted to Human Resources within one week of the date that a verbal or written request of accommodation is made. In addition, the employee may be asked to provide to Human Resources relevant, written documentation of a disability from an appropriately certified or licensed health care or rehabilitation professional in a relevant field of the disability and explain the need for reasonable accommodation using the [Interactive Process Questionnaire](#) form. To ensure a written timely response from Human Resources, it is recommended that the employee submit the documentation within ten working days of the employee's written accommodation request. Both forms are available on the BSC CORE, Human Resources-Payroll Policies and Procedures folder or by request from Human Resources.
2. Documentation of disability and need for accommodation provided by an employee should include the following:
 - a) A statement identifying the disability.
 - b) A description of the current functional impact of the disability.
 - c) Treatments, medications, assistive devices/services currently prescribed or in use that are relevant to the job.
 - d) A description of the expected duration of the disability over time.
 - e) The relevant credentials of the diagnosing professional(s) such as medical specialties or professional licensure.

All written documentation provided by an employee requesting accommodation will be maintained in a confidential file separate from the employee's official master personnel file in Human Resources.

Occasionally, the documentation provided by the employee may not be sufficient to make a determination of the appropriate reasonable accommodation. In such a circumstance, the College may require the employee to go to a health care professional of the College's choice in order to adequately document the need for accommodation and identify appropriate accommodations. Any medical examination required under these circumstances will be limited to determining the existence of a disability and the functional limitations that require reasonable accommodation.

Any costs related to the College's request for the additional medical documentation described above will be the responsibility of the College.

3. The determination of a reasonable accommodation shall be an interactive process involving the employee, Human Resources and relevant administrative personnel. The College may provide an alternative to the requested accommodation so long as it is effective in removing the workplace barrier(s) that impede(s) the employee with the disability. The employee may refuse an alternative reasonable accommodation, but such refusal may mean the individual may not be able to perform the essential functions of the job.
4. An applicant or an employee with a disability, as defined by law, who is dissatisfied with the response to his/her request for reasonable accommodation and wishes to appeal, may do so in writing to Chief Human Resources Officer within ten working days of the response.

Appeals process: An Appeal Committee will be formed to review the request. Members of the Appeal Committee may include Chief Human Resources Officer or designee, Human Resources Manager or designee and other BSC employees and managers. The committee will provide a recommendation to the Chief Human Resources Officer. The Chief Human Resources Officer will make the final decision and communicate to the employee in writing within ten working days of receipt of the Appeal Committee's recommendation.

History of This Policy:

First policy draft approved by the Operations Council on August 18, 2020 and approved by the Executive Council on August 20, 2020.