



Policy Number 3.3.4.1

Chapter: Administration

Title: Accommodating Individuals with Disabilities

Division/Department: Administration/Human Resources

Policy Administrator: Director of Human Resources

Adoption Date: 10/23/2024

Revision Dates:

1. PURPOSE

Auraria Higher Education Center (AHEC) strives to provide Equally Effective Access to its grounds, buildings, programs and services for everyone who has a right to use them. AHEC recognizes equitable access is inherent to its mission. Equally Effective Access is required by federal and state laws including the Americans with Disabilities Act of 1990 (ADA), the ADA Amendments Act of 2008 (ADAAA), and the Colorado Anti-Discrimination Act (CADA).

2. DEFINITIONS

- 2.1. ADA Coordinator/Equal Opportunity Officer (EOO): The AHEC Human Resources Director or designee who has primary responsibility for coordinating the efforts of AHEC to:
 - 2.1.1. Comply with federal and state laws and regulations concerning non-discrimination toward Individuals with a Disability.
 - 2.1.2. Investigate any claims that AHEC has violated Title II of the ADA or CADA.
 - 2.1.3. Publish procedures for prompt and equitable resolution of accessibility complaints.
- 2.2. Equally Effective Access refers to the use of aids, benefits, and services that may not necessarily produce the identical results or levels of achievement for handicapped and non-handicapped persons, but that afford qualified Individuals with a Disability equal opportunity to obtain the same result, to gain the same

benefit, or to reach the same level of achievement, in the most integrated setting that is reasonably achievable.

- 2.3. Individual with a Disability, as defined by the ADA, is a person who:
 - 2.3.1. Has a physical or mental impairment that substantially limits one or more Major Life Activities; or
 - 2.3.2. Has a record of such impairment; or
 - 2.3.3. Is regarded as having such an impairment. An individual is regarded as having an impairment when the individual shows that they have been subjected to an action prohibited under the ADA because of an actual or perceived impairment. Typically, Reasonable Accommodations are not needed for an individual who is shown to be regarded as having a disability but does not currently have a disability.
- 2.4. Major Life Activities may include, but are not limited to:
 - 2.4.1. Breathing, walking, talking, hearing, seeing, sleeping, caring for oneself, performing manual tasks, and working.
 - 2.4.2. Major bodily functions such as immune system functions, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
- 2.5. Qualified Employee: A prospective or current employee of AHEC who has the skills, experience, education, and other requirements of the job held or desired, and can perform the essential functions of the position with or without Reasonable Accommodations.
- 2.6. Reasonable Accommodation: Any modification, adjustment or accommodation to a job, practice, policy, or the work environment that enables a Qualified Employee to perform the essential functions of their position without creating undue hardship for the institution.
- 2.7. Undue Hardship: A requested accommodation that is not reasonable because it fundamentally alters the nature of the service, program, or activity.

3. POLICY

- 3.1. AHEC is committed to inclusivity and to upholding federal and state law mandates to accommodate Individuals with Disabilities in all aspects of their experience on the Auraria Campus. AHEC does not discriminate on the basis of disability in any area for which an Individual with a Disability is otherwise qualified to participate. AHEC is committed to providing Reasonable Accommodations to its employees and applicants for employment to assure that

Individuals with Disabilities enjoy full access to equal employment opportunities at AHEC.

- 3.2. It is the responsibility of an Individual with a Disability to request that a Reasonable Accommodation be provided by AHEC by submitting a written request on the Request for Reasonable Accommodation Form (Attachment A to this policy).
- 3.3. Upon receipt of the Request for Reasonable Accommodation, the employee will be provided with the Employee Rights and Responsibilities Guide (Attachment B) and the appropriate personnel will be provided with the Responsibilities of Managers and Supervisors in the Accommodation Process Guide (Attachment C).
- 3.4. AHEC will provide a Reasonable Accommodation when:
 - 3.4.1. An applicant with a disability needs an accommodation in order to be considered for a job;
 - 3.4.2. A Qualified Employee needs an accommodation to enable the employee to perform the essential functions of the job or to gain Equally Effective Access to the workplace; or
 - 3.4.3. A Qualified Employee needs an accommodation to enjoy equal benefits and privileges of employment.
- 3.5. Determining whether a Reasonable Accommodation can be provided without Undue Hardship is an interactive process involving the employee, their supervisor, the EOO, and others who may be helpful to the process. In reaching such determinations, the following factors must be considered:
 - 3.5.1. The individual's medical information and experience of barriers related to a disability or medical condition.
 - 3.5.2. The feasibility of measures that will be needed to provide Reasonable Accommodations.
 - 3.5.3. Any change in policies, practices, or procedures that may be needed to avoid discrimination on the basis of disability, that do not result in Undue Hardship to AHEC.
- 3.6. The Interactive Process

The interactive process begins with a conversation between the employee and their supervisor, often facilitated by the EOO. Following this, the interactive process consists of the employee, supervisor, and EOO working together to determine what accommodations are reasonable to enable the employee to perform the job. This typically includes the following steps:

- 3.6.1. Analyzing the particular job involved to determine its purpose and essential functions.
- 3.6.2. Reviewing documentation from medical and occupational therapy providers to ascertain the precise job-related limitations imposed by the individual's disability. A Medical Inquiry Form (Attachment D) may be requested from treatment providers.
- 3.6.3. Identifying potential Reasonable Accommodations and assess the effectiveness each would have in enabling the employee to perform the essential functions of the position.
- 3.6.4. Implementing the measures that provide such accommodations consistent with the needs of the employee and the work unit.
- 3.6.5. Signing the Acknowledgement of Job Accommodation form (Attachment E).

More detail about this process may be found on the [Job Accommodation Network's website](#).

- 3.7. All employee medical information shall be kept confidential. Medical information is collected and kept in separate medical files with the following exceptions:
 - 3.7.1. Supervisors may be informed of necessary restrictions on the work or duties of an employee and all Reasonable Accommodations necessary for the employee.
 - 3.7.2. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment or if any specific procedures are needed in case of fire or other evacuation.
 - 3.7.3. Government officials who are investigating compliance with the ADA and the ADAAG and other federal and state laws prohibiting discrimination on the basis of disability may be provided relevant information upon request.
- 3.8. An Individual with a Disability who believes their disability is not being accommodated or who has experienced discrimination or harassment on the basis of a disability may [contact the EOO](#) and also may [file a complaint with the EOO under the AHEC](#) Procedures for Discrimination, Harassment and Retaliation Complaints (“the Procedures”). Complaints may also be filed with the U.S. Department of Education, Office for Civil Rights, or the U.S. Equal Employment Opportunity Commission as described in the Procedures.
- 3.9. Attachments
 - A. [Request for Reasonable Accommodation](#)

[B. Employee Rights and Responsibilities Guide](#)

[C. Responsibilities of Managers and Supervisors in the Accommodation Process Guide](#)

[D. Medical Inquiry Form](#)

[E. Acknowledgement of Job Accommodation Form](#)

4. APPROVAL AND ADOPTION

This Policy has been reviewed and approved by the Board of Directors for the Auraria Higher Education Center.

Date: 10/23/2024

Approved by: */s/ Kate Barton*
Chairperson of the Auraria Board