Purpose: To set forth provisions for the College’s compliance with the *Americans with Disabilities Act* (ADA) (42 U.S.C. §12,101 et seq.) and Section 504 of the *Rehabilitation Act* (29 U.S.C. §791, et seq.), which prohibits discrimination against a person with a disability in the offer or conditions of employment, and in the participation of, or furnishing of services. Tusculum College is obliged to provide reasonable accommodations to enable qualified individuals with documented disabilities to perform a job, have equal opportunities, participate in a class, or participate in other College functions, unless such reasonable accommodation presents an undue hardship to the College. This document is not intended to be a substitute for the ADA, the Rehabilitation Act, subsequent amendments or regulations.

Applies to: All Employees who have documented disabilities and request reasonable accommodations.

Policy: The College prohibits discrimination on the basis of a documented disability or perceived disability in the employment relationship, including job application procedures, hiring, advancement, discharge, compensation, job training, or other terms and conditions of employment. The College will not allow discrimination on the basis of a documented disability in the provision of services to employees, students or other individuals. Tusculum will provide reasonable accommodation to qualified individuals with documented disabilities to ensure equal access and equal opportunities with regard to the programs and services offered by Tusculum College, unless such reasonable accommodation presents an undue hardship to the College. The College will not allow discrimination against individuals who are associated with persons with disabilities. It is a violation of this policy to retaliate or harass an individual who files charges or participates in proceedings under this policy.
Definitions: For the purpose of this policy, “disability” refers to a documented physical or mental impairment that substantially limits one or more major life activities, a record of having such an impairment, or being regarded as having such an impairment. “Major life activity” is a key function of life, such as seeing, hearing, walking, caring for oneself, working, learning and etc. as defined by the ADA. An “individual with a disability” is one who, with or without reasonable accommodation, can perform the essential functions of a particular job or meet specific academic/program requirements for participation in a college-sponsored program, service or activity. “Essential function” is the task/responsibility that is not marginal to the purpose of the job.

“Reasonable accommodations” is an action that may be taken by the College to accommodate an individual with a documented disability, without imposing an undue hardship on the College. An accommodation imposes an undue hardship on the College if it constitutes an undue financial or administrative burden on the College, or it requires a fundamental alteration in the nature of the job or program. In the following procedure and designated forms, “diagnosing professional” will refer to a physician, psychiatrist, chiropractor, etc.

Procedures: Applicant: If an applicant is in need of accommodation to complete the application and hiring process, the applicant should report the need for accommodation and describe the specific accommodation that is being requested. This request may be verbal or may be in writing to the Human Resources Department. The Director of Personnel Services will review the request and determine the accommodation or denial of the accommodation at which time the applicant will be notified.
Procedures continued:

Employee: If a faculty/staff employee believes that an accommodation is necessary to perform their job, or requests an accommodation for a disability, the staff employee must fill out Form 6.00 Employee Request for Accommodation, and return it to the Director of Personnel Services. Without any assurance, granting of or discussion of the accommodation, the staff employee will be required to have the disability and the limitations of performing the job documented by their diagnosing professional (see Form 8.00 Diagnosing Professional’s Documentation of Disability and Form 9.00 Diagnosing Professional’s Functional Limitations Form) and returned to the Director of Personnel Services. These forms must be completed before the review and evaluation of the “request” may take place. The Director of Personnel Services, utilizing the completed Form 8.00 Diagnosing Professional’s Documentation of Disability, will determine if the employee has a qualifying disability. The Director of Personnel Services, the employee requesting the accommodation and the employee’s supervisor will discuss and identify barriers to performing the essential job functions (see completed Form 9.00 Diagnosing Professional’s Functional Limitations Form), possible and reasonable accommodations and determine if and when the accommodations may be effective or possible alternatives and document the issues on Form 7.00 Accommodation Evaluation Form.

The Director of Personnel Services will report any faculty member’s accommodation to the Faculty Affairs Committee and Provost. The Director of Personnel Services will follow-up and evaluate the effectiveness of the accommodation between 2 weeks and a month from starting the initial accommodation (see Form 7.00 Accommodation Evaluation Form).

Violations of this policy will be considered misconduct on the part of the faculty/staff member and will be subject to disciplinary actions up to and including termination of employment or termination of the faculty member’s appointment.

Determination:

Final determination or the inability for accommodations rests with the College. There will be no retaliation against any employee who files for an accommodation under the Americans with Disabilities Act (42 U.S.C. §12,101 et seq.) or Section 504 of the Rehabilitation Act (29 U.S.C. §791, et seq.).
Confidentiality:
Information about an employee’s documented disability, or the accommodation, must be kept in a file separate from the personnel file in the Human Resources department, and this file must be kept confidential to the extent allowed by law.

Responsibilities:
An employee is responsible for informing his supervisor and the Human Resources Department or Faculty Affairs Committee of their need for accommodations. The employee is also responsible for providing appropriate documentation for the claimed disability, and for cooperating with the College in attempting to reach an agreement on a reasonable accommodation.

Any responsible College representative, or anyone who receives a request for an accommodation, should contact the Human Resources department immediately.

Communication:
It is the responsibility of management or supervisors to assure that this policy is communicated and strictly adhered to by all employees throughout the College.