Allegany College of Maryland

ADA/504 POLICY

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BACKGROUND AND PURPOSE

Key federal laws prohibit discrimination against persons with disabilities. The Americans with Disabilities Act of 1990, Titles I and II prohibits discrimination on the basis of disability; this legislation established comprehensive standards that were expanded per 2008 Amendments. The Rehabilitation Act of 1972, **Section 504** prohibits discrimination against any person on the basis of a "handicap" by entities receiving federal funds. Disability discrimination is also prohibited under federal The Fair Housing Act as well as state laws and regulations including Maryland's **Fair Employment Practices Act, Educational Equity Authority (COMAR),** and state commissions for disabilities and civil rights. These legal requirements are enforced by both federal and state agencies including the United States Department of Education's Office of Civil Rights, Department of Justice, Equal Employment Opportunity Commission, Maryland Department of Education, Maryland Higher Education Commission, and Maryland Equal Employment Opportunity Agency.

Non-Discrimination Statement:
Allegany College of Maryland does not discriminate on the basis of age, ancestry/national origin, color, disability, gender identity/expression, marital status, race, religion, sex, or sexual orientation in matters affecting employment or in providing access to programs and activities.

Allegany College of Maryland is a public institution of higher education that has both policy and tradition to prohibit discrimination on the basis of a disability, to provide services and/or accommodations to persons with disabilities, and to provide facilities accessible to persons with disabilities. Since the adoption of the federal Americans with Disabilities Act, the Rehabilitation Act (Section 504) and their accompanying regulations, multiple ACM operational units and personnel have had responsibility and practices for meeting these needs. This policy is intended to create compliance framework and guiding rules so disabled persons may safely and completely enjoy the College's educational offerings, support services, recreational opportunities, technology, and facilities.

POLICY

Statement of Principle: Allegany College of Maryland recognizes and values the presence and contributions of disabled students, faculty, staff, and campus visitors; the College is committed to making their experiences on our campuses as accessible, equal, and welcoming as possible. The College is committed to full compliance with the federal and state laws and regulations. For purposes of this policy, the terms "compliant" and "compliance" shall include necessary accessibility.

I. Definitions

A. *Qualified individual with a disability* means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary

aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs, activities, and employment provided by a public entity.
(https://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm#a35104)

B. A person with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activity (as defined by the ADA). This includes people who have a record of such an impairment, even if they do not currently have a disability. It also includes individuals who do not have a disability but are regarded as having a disability with the exception of impairments that are transitory and minor. (A *transitory impairment* is an impairment with an actual or expected duration of six months or less.) (https://www.ada.gov/pubs/adastatute08.htm#12102)
C. For purposes of this policy, the terms *compliant* and *compliance* shall include necessary accessibility.

II. Compliance

A. Allegany College of Maryland will not discriminate against any person on the basis of a permanent disability, a temporary disability, or a perceived disability as affirmed in its Non-Discrimination Statement and related policies. The College's Non-Discrimination Statement shall be included in all major institutional publications.
B. The College shall not presume a disability for any person unless it is readily apparent without documentation such as a person using a wheelchair. Similarly, the College shall not engage in any acts based upon stereotypes of persons with disabilities.
C. Allegany College of Maryland will comply with federal and state laws and regulations at all campuses and teaching sites.
D. All College campuses, teaching sites, programs, services, and facilities shall be compliant and accessible. Units and operations with compliance responsibilities include (but are not limited to) instruction and educational programs, instructional materials, publications, facilities, technology and digital services, student support services, on-campus housing, off-campus housing over which the College asserts control or oversight, transportation, dining services, and human resources. The College unit, program, or Official who is responsible for providing the operation, service, program, or facility shall be responsible for its accessibility in consultation with other personnel including the ADA/504 Coordinator as needed.
E. The College prohibits retaliation in any form against any person who exercises their rights or responsibilities under this policy.
F. For public events, designated areas for wheelchairs will have unobstructed line of sight.
G. Indoor and outdoor facilities shall meet specifications required by laws and regulations; these facilities include buildings, sidewalks and walking surfaces, parking lots, handicapped parking spaces, handicapped ramps, doors, bathrooms, and signage. New facilities will meet specifications upon completion of the project. If a facility is grandfathered by law, it will be upgraded to compliance when any renovation is done. The College shall hire contractors for building/renovation projects who are knowledgeable about ADA/DOJ compliance and who will certify that the project will be compliant upon completion.
H. The College will provide reasonable accommodations to persons as detailed below, and the College will provide students, faculty, staff, and campus visitors readily available information about how to request an accommodation.
I. The College will provide appropriate information, education, and/or training to employees and students as well as opportunities for input regarding institutional

compliance. Designated employees will have these responsibilities based upon their job description and/or their role pursuant to this policy (see Personnel below).

J. The College will regularly review and assess compliance.

III. Accommodations

A. Designated College Officials will accept and respond to requests for accommodations for a disability. Persons who request an accommodation must follow institutional procedures.

B. It is the responsibility of the person with a disability to contact the appropriate College Official, to disclose the disability, to request accommodation(s), and to provide any necessary documentation. These actions must be initiated before the accommodation is needed, and the documentation must be relevant in terms of content and timeliness. Cost for any needed documentation or services to support the request shall be borne by the person requesting the accommodation.

C. The designated College Official shall conduct an individualized assessment that includes communication with the person requesting the accommodation(s). The designated College Official has discretion to request additional documentation and/or supporting information if necessary. At the conclusion of the individualized assessment, the designated College Official shall identify in writing whether the requested accommodation is approved. This determination shall be made in accordance with this policy, institutional procedures, best practices, and legal standards which guide the interactive, individualized assessment of the person's requested accommodation and documentation.

D. Approved accommodations shall be honored by College personnel. Any College Official who has notice of an approved accommodation shall implement the accommodation; questions about the implementation of the accommodation shall be referred to the College Official who approved it, other personnel with expertise, and/or the ADA/504 Coordinator.

E. Allegany College of Maryland may permit aids as necessary and approved as an accommodation; these aids may include

1. Mobility devices.
2. Electronic devices.
3. Specialized software.
4. Medical equipment.
5. Equipment/materials (e.g., height adjusting).
6. Persons such as sign language interpreters, note-takers, readers, and others who perform the accommodation as necessary.
7. Personal aids may be permitted for medical reasons. The College does not provide or pay costs associate with personal aids, and the College reserves the right to place restrictions or requirements upon personal aids who will be expected to comply with College policies and procedures.
8. Service animals as detailed in the Animals on Campus Policy.
9. Emotional support animals as detailed in the Animals on Campus Policy and Willowbrook Woods Animal Policy/Procedure.

F. The College shall preserve the privacy and confidentiality of person's information related to their disabilities and accommodations as required by Family Educational Rights and Privacy Act as well as College policy. Information about approved accommodations may be communicated to other College Officials as necessary to implement the accommodation(s) or to complete other necessary job duties.

G. The College may require any person with or without an accommodation to meet particular standards including, but not limited to, essential technical standards of academic programs/courses, job responsibilities, institutional policies, and individual conduct.

IV. Grievances

A. The College will provide an objective means for disabled persons to file a complaint regarding the provision (including sufficiency) of disability services, accessibility, and reasonable accommodations.
B. The College shall provide opportunities for an informal resolution or a formal investigation/resolution.
C. Internal complaints shall be made to the ADA/504 Coordinator. If there is a conflict of interest, the ADA/504 Coordinator shall ask the College President to appoint an Acting Coordinator, the College's General Counsel, and/or outside investigator to handle the grievance in accordance with institutional procedures.
D. External complaints may be made to federal and/or state authorities:

U.S. Department of Education Office for Civil Rights Voice:
(800) 421-3481
TTY: (877) 521-2172
Email: OCR@ed.gov
Web: https://www2.ed.gov/about/offices/list/ocr/docs/howto.html?src=rt

Equity Assurance & Compliance Office
Office of the Deputy State Superintendent for Finance and Administration
Maryland State Department of Education
200 West Baltimore Street, Baltimore, MD 21201-2595
410-767-0426 - Voice, 410-767-0431 – Fax, 410-333-6442 - TTY/TDD

V. Personnel

Allegany College of Maryland shall designate the appropriate personnel for compliance within operational functions that are covered by disability laws and regulations.

A. ADA/504 Coordinator responsible for compliance oversight across the College and implementation of this policy. Specific tasks include
    1. Ensure required notices are provided to internal and external constituencies.
    2. Forward requests for accommodations to the appropriate College Official(s); where no specific person/unit is designated to process the request, the Coordinator shall manage the request.
    3. Make referrals for information, services as needed.
    4. Receive complaints, coordinate institutional response including any needed investigations, and refer founded complaints for appropriate corrective action.
    5. Collaborate and consult with College personnel including Advisory Team members.
    6. Provide information, education, and/or training to students, faculty, and staff.
B. Advisory Team members are directors/leaders of operational units charged with specialized compliance including but not limited to Academic Access & Disability Resources, Human Resources, Physical Plant, Facility Planner/Risk Manager,

Information Technology, ELETS, and Continuing Education. These designated content experts also serve as advisors.

C. Faculty and staff are charged with providing or honoring approved accommodations.
D. The College President may appoint another College Official and/or use legal counsel, outside investigator as needed.

VI. Policies and Procedures

Allegany College of Maryland shall adopt necessary procedures to implement this policy, and Allegany College of Maryland may adopt additional policies for specific compliance standards as necessary.

VII. Other Provisions

Application of this document may directly or indirectly require the application of other institutional policies; nothing in this document shall be construed to prohibit the application of related policies which include, but are not limited to, the policies listed here. If the application of this document conflicts with the application of another institutional document, the College will make a good faith effort to comply with all mandates. Related policies: Willowbrook Woods Animal Policy/Procedure, Code of Student Conduct, Non-Discrimination, Safety Risk Policy, HR policies including "Accommodation of Disability Including Pregnancy", and relevant College policy regarding ADA/504 compliance.

VIII. Administration of Policy

Dean of Student & Legal Affairs is responsible for the implementation, administration, and oversight of this policy in consultation with other College Officials and/or General Counsel as needed. Questions, concerns, and reports of non-compliance should be promptly reported to the Office of Student & Legal Affairs.

IX. Changes

Substantive changes to this policy require approval by the Board of Trustees; editorial changes, title/position changes, and/or changes to its implementation procedures may be made as required by federal or state mandate and/or institutional need with timely notice to students and employees.