

Section:	VI.1.2	
Title:	The Americans with Disability Act (ADA) Policy	
Effective Date:	February 19, 2020	
Approved By:	Board of Trustees	
Responsible Unit:	Accessibility Resource Center (609) 771-3199; arc@tcnj.edu	
Related Documents:	N/A	
History:		
<u>Version</u>	<u>Date</u>	<u>Notes</u>
3.0	February 19, 2020	Minor revisions made by General Counsel
2.0	August 14, 2014	Minor revisions made by General Counsel
1.0	April 22, 1999	New Policy; initial release

I. INTRODUCTION

This document defines the Americans with Disability Act policy.

II. DEFINITIONS

N/A

III. POLICY

Policy Statement

The College of New Jersey is committed to ensuring equal opportunity and access to all members of the campus community in accordance with Section 503/504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA). The College prohibits discrimination against any student, employee, or applicant on the basis of physical or mental disability, or perceived disability. The College will provide reasonable and appropriate accommodations to enable employees and students to participate in the life of the campus community. Individuals with disabilities are responsible for reporting and supplying documentation verifying their disability. Requests for accommodations must be initiated through the Accessibility Resource Center, Roscoe West, (609) 771-3199.

The overall responsibility for the College's equal opportunity program has been assigned to the Chief Diversity Officer. The ultimate responsibility for

accomplishing the College's objectives depends on the understanding, acceptance, support and involvement of all members of The College of New Jersey community.

ADA Definition of Disabled

The ADA's protection applies primarily, but not exclusively, to "disabled" individuals. An individual is "disabled" if he or she meets at least any one of the following tests:

1. He or she has a physical or mental impairment that substantially limits one or more of his/her major life activities
2. He or she has a record of such an impairment
3. He or she is regarded as having such an impairment.

Persons with disabilities at TCNJ are encouraged to visit the Accessibility Resource Center to identify suitable accommodations and services. Any questions, difficulties, or concerns should be referred to the Accessibility Resource Center as soon as possible.

Notification Requirements and Service Criteria

- **Self-Disclosure:** All students and employees seeking accommodation under section 504 of the Rehabilitation Act of 1973 et seq. or the Americans with Disabilities Act must self-identify with the Accessibility Resource Center. For accommodations, a written requisition must be submitted to this office.
- **Documentation:** It is the responsibility of students and employees to submit documentation of physical or learning disabilities from qualified and licensed medical or testing personnel. Expenses incurred in obtaining the professional verification are the individual's responsibility. The following documentation criteria should be used in forwarding assessments to the Accessibility Resource Center for disabilities verification:

Physical, Sensory, and Health-Related Disabilities

1. Verification of the disabling condition must be obtained from a licensed health care professional that is qualified and currently or recently associated with the individual.
2. The diagnosis must reflect the present level of functioning of the major life activity affected by the disability.

Psychological Disorders or Attentional Disorders

3. Verification of diagnosis and severity of disabling condition from a qualified professional (e.g., psychiatrist for ADD/ADHD, psychologist or psychiatrist for other psychological disorders).
4. A detailed description of how this impairment significantly limits a major life activity in an educational setting (for students) should be provided.

Learning Disabilities

5. A professional qualified to diagnose a learning disability (e.g., a licensed psychologist, learning disabilities specialist, neuropsychologist), must prepare the evaluation. Collaboration with speech and language clinicians, reading specialists and other educational professionals may be appropriate and necessary for a comprehensive assessment.
6. Results of a clinical interview with the individual and descriptions of testing procedures, instruments used, test and sub-test results reported in standard scores should be included.
7. Evaluations must be comprehensive and include test results in the following areas, where applicable; intelligence, reading, mathematics, spelling, written language, language processing and cognitive processing skills. Testing should carefully examine areas of concern/weakness as well as areas of strengths.
8. A clear diagnostic statement based on test results and personal history must be included.
9. An evaluation should be no more than three years old. This requirement may be waived if deemed not medically necessary.
 - **Employee/Student Responsibilities:** Employees and/or students with disabilities are obligated to utilize all adjustments and/or accommodations properly and responsibly.

Reasonable Accommodation

Students

"Each institution of higher learning is a unique environment and the ADA is designed to allow for individual responses to the needs of students and the public. *What may be a successful accommodation in one setting may not be appropriate or required in another. The ADA does not seek to change fundamental methods of ensuring a sound education and successful completion of an academic program.* It is designed to ensure that students with disabilities have an equal opportunity to access academic programs and successfully complete their studies." (ADA Compliance Guide, 1990)

The Accessibility Resource Center coordinates services for students with permanent disabilities including assistance in registration, advisement, parking, referrals, adapted classroom activities and other special needs. It is the responsibility of the student to identify him/herself as disabled and to request assistance from this office. The College does **not** provide specialized tutors or individual assistants for students.

Academic requirements for majors may be examined for modification based upon the submission of appropriate documentation. Requests to modify academic requirements must be made to the Accessibility Resource Center.

Employees

The College of New Jersey has adopted the following as established by the U.S. Equal Employment Opportunity Commission:

A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question. Reasonable accommodation may include, but is not limited to:

- Making existing facilities used by employees readily accessible to and usable by persons with disabilities
- Job restructuring, modifying work schedules, reassignment to a vacant position;
- Acquiring or modifying equipment or devices, adjusting/modifying examinations, training materials, or policies, and providing qualified readers or interpreters.

An employer is required to make an accommodation to the known disability of a qualified applicant or employee if it would not impose an "undue hardship" on the operation of the employer's business. Undue hardship is defined as an action requiring significant difficulty or expense when considered in light of factors such as an employer's size, financial resources and the nature and structure of its operation.

An employer is not required to lower quality or production standards to make an accommodation, nor is an employer obligated to provide personal use items such as glasses or hearing aids.

Employers may not ask job applicants about the existence, nature or severity of a disability. Applicants may be asked about their ability to perform specific job functions. A job offer may be conditioned on the results of a medical examination, but only if the examination is required for all entering employees in similar jobs. Medical examinations of employees must be job related and consistent with the employer's business needs.

Employers and applicants currently engaging in the illegal use of drugs are not covered by the ADA, when an employer acts on the basis of such use. Tests for illegal drugs are not subject to the ADA's restrictions on medical examinations. Employers may hold illegal drug users and alcoholics to the same performance standards as other employees.

Undue Hardship

For the purposes of this document, The College applies the ADA definition of "undue hardship" as an action requiring significant difficulty or expense. Factors to be considered in determining undue hardship may include, but are not limited to:

- the cost of the accommodation required under ADA;
- the financial resources of the facility involved in the provision of the reasonable accommodation;
- the number of students and/or employers involved;
- the financial impact on the facility;
- the impact on the operation and geographic, physical, administrative, or fiscal relationship of the facility in question.

ADA Appeals and Complaints

Appeals related to the provision of reasonable accommodations by the College may be directed to the Accessibility Resource Center or the Equal Opportunity and Affirmative Action Office. All ADA complaints are considered to be allegations of discrimination and therefore must be filed with the Chief Diversity Officer, Office of Institutional Equity, Administrative Services Building, Room 200, (609) 771-3139. Please refer to the processing guidelines in this office.

Outside Agencies

Students may file complaints with:

New Jersey Division on Civil Rights
140 E. Front Street, 6th Floor
P.O. Box 089
Trenton, NJ 08625-0090
(609) 292-4605

Office for Civil Rights, New York Office
United States Department of Education
75 Park Place, 14th Floor
New York, NY 10007-2146
(212) 637-6466; TDD (212) 637-0478

Employees may file complaints with:

New Jersey Division on Civil Rights
140 E. Front Street, 6th Floor
P.O. Box 089
Trenton, NJ 08625-0090
(609) 292-4605

U.S. Equal Employment Opportunity Commission
Philadelphia District Office
21 South 5th Street, 4th Floor
Philadelphia, PA 19106
(215) 451-5800; TDD (215) 451-5814