

## INSTITUTIONAL DIRECTIVE 5-5

September 25, 2006

**PURSUANT TO SECTION 41-1-110 OF THE CODE OF LAWS OF SOUTH CAROLINA, AS AMENDED, THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE COLLEGE.**

**Title: Relating to Access to Educational Facilities and Programs for Students, Employees and Visitors with Disabilities**

### **I. Purpose**

This directive is intended to establish the Piedmont Technical College policy and procedures affecting individuals with disabilities, in compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (“ADA.”)

### **II. Policy**

- A. It is the policy of Piedmont Technical College; in collaboration with other agencies as appropriate, to provide equal access to educational facilities and programs by providing, upon request, reasonable accommodations to students, employees, and visitors with known disabilities, as defined in the ADA.
- B. “Disability” means a physical or mental impairment (including emotional or mental illness and specific learning disabilities) that substantially limits one or more of the major life activities (including “learning”) of such individual, and a record of such impairment or being regarded as having such impairment. (28 C.F.R. § 35.104(4)).

### **III. Administrative Activities**

- A. From time to time, the Coordinator of Student Disability Services and the Human Resources Director will each review and make appropriate recommendations to the President regarding the College’s ADA-related policies and procedures. In preparing to make those recommendations, the Coordinator of Student Disability Services should attempt to obtain input from students, and the Human Resources Director should attempt to obtain input from College employees.
- B. The College President should review the recommended policies and procedures, and forward to the State Board for Technical and Comprehensive Education Director for Human Resource Services to ensure compliance with Federal and State law, policies, and procedures.
- C. The College’s Physical Plant Director will evaluate all College facilities for compliance with ADA requirements, and make recommendations for necessary changes. Any permanent improvements to College facilities are subject to State Board for Technical and Comprehensive Education (“State Board”) Policy 4-2-101.

**Office of Responsibility: President**

#### **IV. Employment Activities**

- A. All official employment contracts and publications of the College should contain the following policy statement: *“Piedmont Technical College will make all decisions regarding recruitment, hiring, promotion, and all other terms and conditions of employment without discrimination on grounds of race, color, creed, religion, sex, national origin, age, disability, veteran status, or other factors which cannot lawfully be the basis for an employment decision.”*
- B. Regardless of an individual’s disability or other protected status, the College will consider for employment only those applicants who meet at least the minimum qualifications for the job, and who are able to perform the essential functions of the job, either with or without reasonable accommodation.
- C. The College reserves the right to establish job qualification standards that may exclude individuals who pose a significant risk of substantial harm to the health or safety of themselves or others, if that risk cannot be lowered to an acceptable level by reasonable accommodation.
- D. The College’s Director of Human Resources will serve as the College’s ADA compliance officer, and will process any employee or applicant request for accommodation.
- E. Job Applicants
  1. Unless otherwise informed by the applicant, the College will assume that all job applicants are able to complete the application and interviewing process without accommodation. Therefore, all requests for accommodation during the screening process must be initiated by the job applicant and directed to the College’s Director of Human Resources;
  2. In accordance with applicable law, the College will, upon request, make any necessary and reasonable accommodation to the known disability of an otherwise qualified job applicant;
  3. Where a requested accommodation imposes what the College deems would be an undue hardship on the College, its employees, or students, the request will be denied as “unreasonable”;
  4. The College will not make a pre-employment inquiry on an application form or in an interview as to whether, or to what extent, an individual is disabled;
  5. The College may, however, ask a job applicant whether he or she can perform particular job functions;
  6. The College may also ask an applicant to describe or to demonstrate how, with or without reasonable accommodation; the applicant will perform job-related functions;
  7. If the applicant has a disability known to the College, the College may ask how the applicant can perform job functions that the College considers difficult or impossible to perform because of the disability, and whether an accommodation would be needed;
  8. Except for positions which require pre-employment testing for substance abuse, the College will not require an applicant to take a medical examination as a condition of making a job offer.

## F. Employees

1. A disabled employee must communicate to the College that he or she is limited by the disability and needs an accommodation in order to perform his or her job;
2. If the College believes that an employee is disabled and has difficulty performing the job, the College may ask whether an accommodation is necessary;
3. In accordance with applicable law, the College will, upon request, make any necessary and reasonable accommodation to the known disability of an otherwise qualified employee by:
  - a. Determining the purpose and the essential functions of the individual's job;
  - b. Based on the job requirements, learning from the employee his or her exact job-related limitations;
  - c. Considering potential accommodations, and identifying how each accommodation might enable the individual to perform the essential functions of his or her job; and
  - d. Implementing the most appropriate accommodation, if "reasonable."
4. Where a requested accommodation imposes what the College deems would be an undue hardship on the College, its employees, or students, the request will be denied as "unreasonable";
5. This policy of accommodation includes, but is not limited to, areas affecting job descriptions, recruitment, advertising, applications, interviewing, employment decisions, benefits, job duties, training, supervision, promotion, and evaluation;
6. Assessment of employee accommodation requests may include any or all of the following:
  - a. Supervisory referral of employee to Director;
  - b. Employee-initiated contact with the Director;
  - c. Employee to furnish medical documentation of the disability;
  - d. Director conference with appropriate supervisory personnel and support services, as needed;
  - e. Employee interaction with the Director;
  - f. Director's recommendation for either reasonable accommodation or denial of unreasonable accommodation;
  - g. Notification to appropriate supervisory personnel regarding specific reasonable accommodations to be provided;
  - h. Follow-up conferences with the employee and/or supervisors, as needed.

## V. Academic Activities

- A. The College's goal is to provide individuals with a disability services/benefits that are "as effective in affording equal opportunity to obtain the same result or reach the same level of achievement as that provided to others." (28 C.F.R. § 34.130(b)(1)(iii)).
- B. No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or denied the benefits of the services or activities of Piedmont Technical College.
- C. The College will not establish requirements for certification programs that discriminate based on a disability or impose eligibility requirements that screen out individuals with disabilities, unless such criteria is necessary for the provision of the service, program, or activity being offered.

- D. A disabled student must demonstrate that he or she otherwise meets the eligibility requirements for participation in the program.
- E. Due to requirements established by state/local government, oversight agencies, or the College's third-party affiliates, student participation in, and/or receipt of certification through, particular programs available through the College may be subject specific physical requirements, as permitted by law.
- F. In accordance with applicable law, the College will, upon request, make any necessary and reasonable accommodation to the known disability of a student. Although a student may have a disability, including but not limited to a diagnosed learning disability, the College is not required to provide an accommodation that is "unreasonable," where doing so would fundamentally alter the program or compromise the nature of the services the College offers.
- G. The College will designate a Coordinator of Student Disability Services, who will assess and facilitate the planning for service of students with known disabilities.
- H. The process of student assessment and service planning may include any or all of the following:
  1. Faculty or other College employee referral of student to Coordinator;
  2. Student-initiated contact with the Coordinator;
  3. Student to furnish medical documentation of the disability;
  4. Coordinator conference with appropriate dean(s), department head(s), faculty and support services, as needed;
  5. Coordinator's development of an appropriate accommodation plan;
  6. Student conference with the Coordinator;
  7. Coordinator's finalization of appropriate accommodation plan;
  8. Notification to appropriate faculty member(s) regarding specific reasonable accommodations to be provided in the classroom;
  9. Follow-up conferences with the student, as scheduled by the Coordinator.

**VI. College Personnel Responsible for Compliance of Directive 5-5**

The College President is ultimately responsible for ensuring that the College adheres to all applicable federal, state, and local laws and regulations. Therefore, the President may designate certain responsibilities for compliance to administrative or other employees, including, but in no way limited to, the Coordinator of Student Disability Services, the Human Resources Director, and the Director of the College's Physical Plant.

**Statutory Provisions**

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

**Implementing Regulations:**

29 CFR Parts 1630, 1602 (Title I, EEOC)

28 CFR Part 35 (Title II, Department of Justice)

49 CFR Parts 27, 37, 38 (Title II, III, Department of Transportation)

28 CFR Part 36 (Title III, Department of Justice)

47 CFR §§ 64.601 et seq. (Title IV, FCC)

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