



<p align="center">Policy Title Americans with Disabilities Act (ADA)</p>	<p align="center">Original Adoption Date 1/15/92</p>	<p align="center">Policy Number HR-269</p>
<p align="center">Responsible College Division/Department Human Resources</p>	<p align="center">Responsible College Manager Title Chief of Human Resources & Talent Development</p>	
<p align="center">Policy Statement</p> <p>Effective July 26, 1992, the Americans With Disabilities Act (ADA) of 1990 will prohibit disability discrimination by public and private employers who employ more than 25 employees. On January 26, 1992, the ADA's Special Disabilities Discrimination prohibition regarding programs and activities of public entities goes into effect.</p> <p>This policy does not purport to guarantee equality between disabled and nondisabled individuals, nor does it establish a quota, nor does it require LTC to prefer individuals with disabilities over those without disabilities. Rather, it is intended to ensure that LTC considers whether the barriers created by a particular individual's disability can be removed by reasonable accommodations and to ensure that the disabled may compete with nondisabled individuals based on the same standards and expectations.</p> <p><u>Prohibited Practices</u></p> <p>LTC recognizes the following practices as discriminatory and prohibited under the ADA:</p> <ol style="list-style-type: none"> 1. LTC shall not limit, segregate, classify, or otherwise discriminate against an applicant or employee in a way that adversely affects the opportunities or status of the particular individual because of a "disability" as defined under the ADA. 2. LTC shall make reasonable accommodations for otherwise qualified individuals' known physical or mental impairments and shall not deny employment opportunities on the basis that, if an individual were hired, reasonable accommodations for his or her disability would be required. 3. Use of qualification standards, employment tests, or other selection criteria that tend to screen out individuals with disabilities shall not be employed by LTC. Rather, LTC shall use employment tests in a manner that ensures accurate measurement of what the tests purport to measure. Such tests or other selection criteria shall be job related and consistent with business necessity. 4. LTC shall not discriminate with regard to job application procedures, hiring, advancement, compensation, job training, or other terms, conditions, or privileges of employment, nor shall it discharge an individual solely on the basis of his or her disability. 5. LTC shall not participate in a contractual or other relationship that has the effect of discriminating against an applicant or employee because of his or her disability. Under this paragraph, the term "relationship" shall include relationships with employment or referral agencies, labor unions, and other organizations providing fringe benefits or training to employees of LTC. 6. LTC shall not deny equal opportunity for jobs or job benefits to a qualified individual because of that person's relationship or association with an individual who has a known disability. 		



7. LTC shall not discriminate against any individual because such individual has opposed any act or practice made unlawful by the ADA or because such individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the ADA.

8. LTC shall not coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other individual in the exercise or enjoyment of any right granted or protected by the ADA.

Allowable Practices

The following practices shall be allowable:

1. Work rules forbidding the illegal use of drugs and the use of alcohol in the workplace.
2. Prohibitions on the use of tobacco products in places of employment.
3. Job-related qualifications and requirements that an individual not pose a direct threat to the health or safety of other persons in the workplace. Under this paragraph, a "direct threat" shall mean a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.
4. Selection devices that tend to screen out or deny benefits to individuals with disabilities, if they are known to be job related and consistent with business necessity and cannot be accomplished by providing an otherwise required reasonable accommodation.

Course of Action

All media resources purchased and/or used at this institution must be captioned. All new instructional, informational, marketing, and promotional audiovisual materials produced by this institution, including content posted on websites, will be produced with captions to ensure all subsequent copies will be captioned.

- Purchase and produce captioned media.
- Before using an existing legally obtained video currently in inventory or recorded from a broadcast, obtain copyright permission to caption. The video may not be used unless it has been captioned. It will not be captioned without copyright permission. Be aware the process of obtaining copyright permission to caption a video is lengthy.
- When using audiovisual media, view with captions turned on.

Individuals Entitled to Reasonable Accommodation

On the effective date of the ADA, LTC shall provide a reasonable accommodation to the known physical or mental limitations of an "otherwise qualified individual" with a "disability" within the meaning of the



ADA. LTC shall not deny employment opportunities to applicants or employees on the basis of the need to provide such an accommodation unless it can demonstrate that the accommodation which is necessary to provide employment opportunities to disabled individuals would impose an "undue hardship" on it within the meaning of the ADA.

Reasonable Accommodation

Reasonable accommodations shall be implemented by the LTC for all those individuals who are otherwise "qualified" individuals with disabilities as defined under the ADA.

In order to determine the appropriate reasonable accommodation for any individual applicant, the LTC shall initiate an interactive process with the qualified individual. The process of identifying whether a reasonable accommodation is required under the ADA shall be flexible and shall involve both the employer and the individual with the disability. Determinations as to a particular individual's qualifications shall be made on a case-by-case basis.

In accordance with the provisions of the ADA, the following list of accommodations shall be considered as possible reasonable accommodations by LTC.

Making existing facilities used by employees readily accessible and usable by individuals with disabilities; job restructuring; modified work schedules; reassignment to vacant positions; acquisition or modification of equipment or devices; adjustment or modification of examinations or training materials or policies; provision of qualified readers or interpreters; permitting the use of accrued paid leave or providing additional unpaid leave for necessary treatment; making employer-provided transportation accessible; providing reserved parking spaces; providing personal assistance such as a page turner for an employee with no hands; modifying or rewording job qualification standards in accordance with a job-related, business-necessity standard.

The LTC shall provide a reasonable accommodation which sufficiently meets the job-related needs of the individual being accommodated.

Discrimination in Public Services

No qualified individuals as defined under the ADA shall, by reason of their disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of LTC or be subjected to discrimination by LTC.

Notice of ADA Provisions

LTC shall post notices in an accessible format to applicants, employees, and members of the public describing the applicable provisions of the ADA in the manner described under Section 711 of the Civil Rights Act of 1964 (42 U.S.C. 2000E-10).

Complaint Procedures

For individuals claiming that LTC must make a reasonable accommodation under the ADA, LTC hereby adopts the "Complaint Form" and "Complaint Procedure" set forth in its "Equal Opportunity and



Affirmative Action Policy". Please contact the ADA Officer in the Human Resources Department at (920) 693-1163.

Reason for Policy

The purpose of this policy statement is to make known that the provisions of the ADA shall be complied with by the Lakeshore Technical College (LTC) so that existing barriers which prevent otherwise qualified disabled individuals from enjoying the same employment opportunities as are available to nondisabled individuals can be removed.

Historical Data, Cross References and Legal Review

Created/Adopted: 1/15/92
Reviewed/Revised: 6/18/96; 5/19/93; 3/29/05; 7/20/10; 1/25/13; 4/10/15; 12/19/17
Legal Reference: ADA of 1990, Pub.L. 101-336 (1990); 42 U.S.C. 12, 101-12, 213
Cross Reference: Equal Opportunity and Affirmative Action; Complaint Procedure; Complaint Form (Human Resources Department)

Legal Counsel Review and Approval: N/A

Board Policy: III.A. General Executive Constraint, III.B. People Treatment

Definitions