



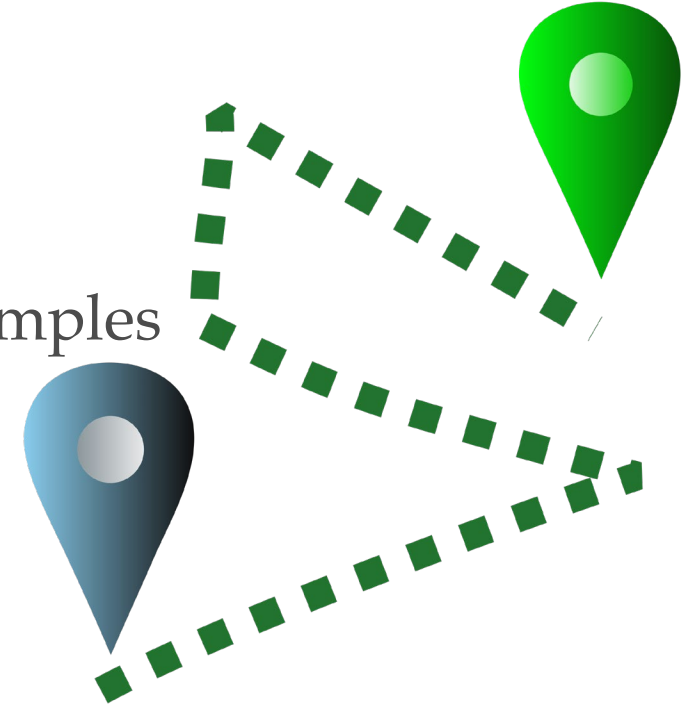
# The Accessible Campus: Disabilities and Reasonable Accommodations

Wanda Kellyman, OARS Director  
Josephine Tetteh, Associate General Counsel  
Deans and other Academic Officers  
03/09/2021



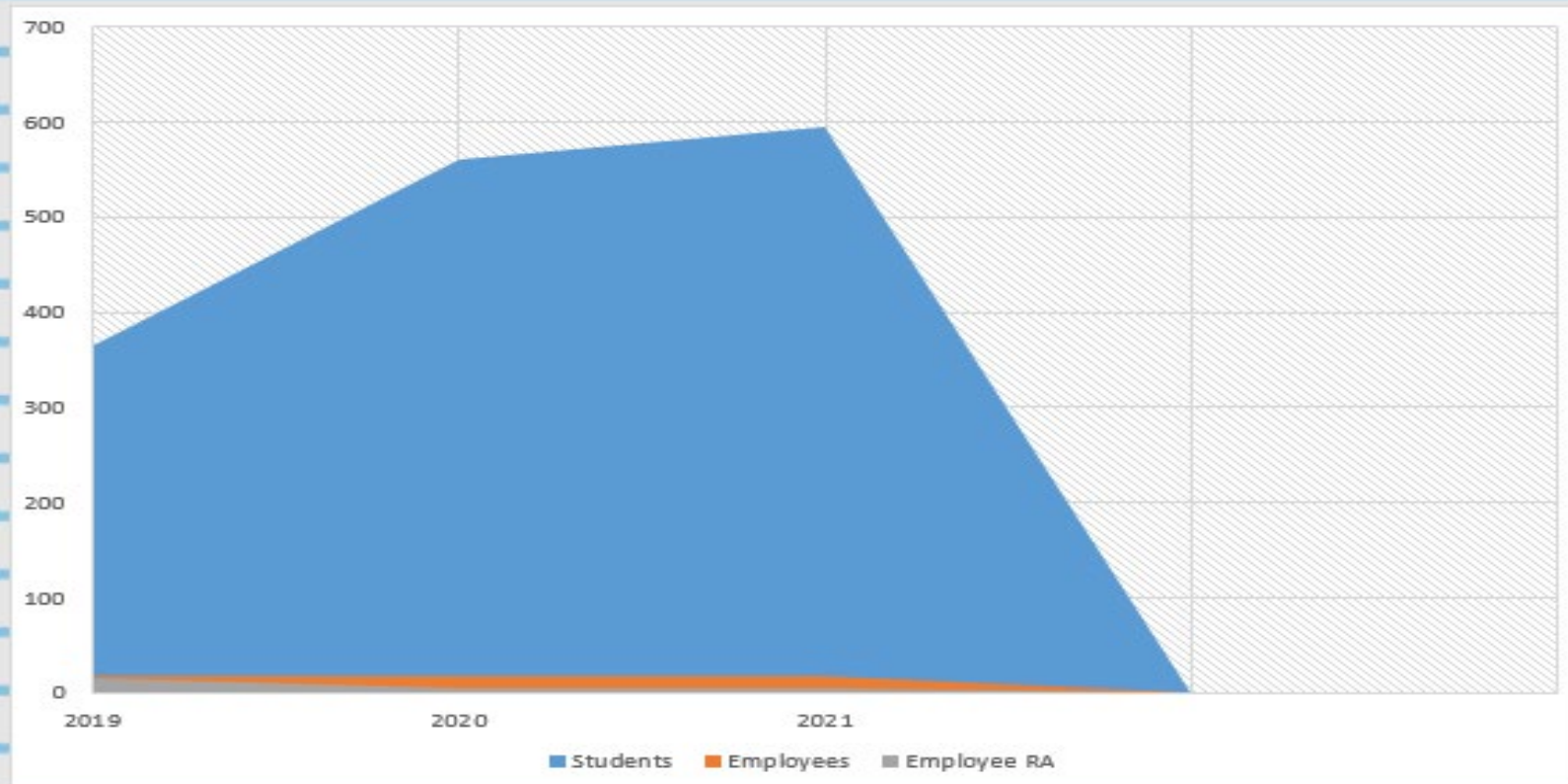
# Agenda

- “Disability”
- Campus Picture
- Applicable Laws and Policies
- Reasonable Accommodations Types and Examples
- Reasonable Accommodation Scenarios
- Student Academic Accommodations
- Best Practices, Upcoming Changes
- Discussion/Questions
- Key University Contacts





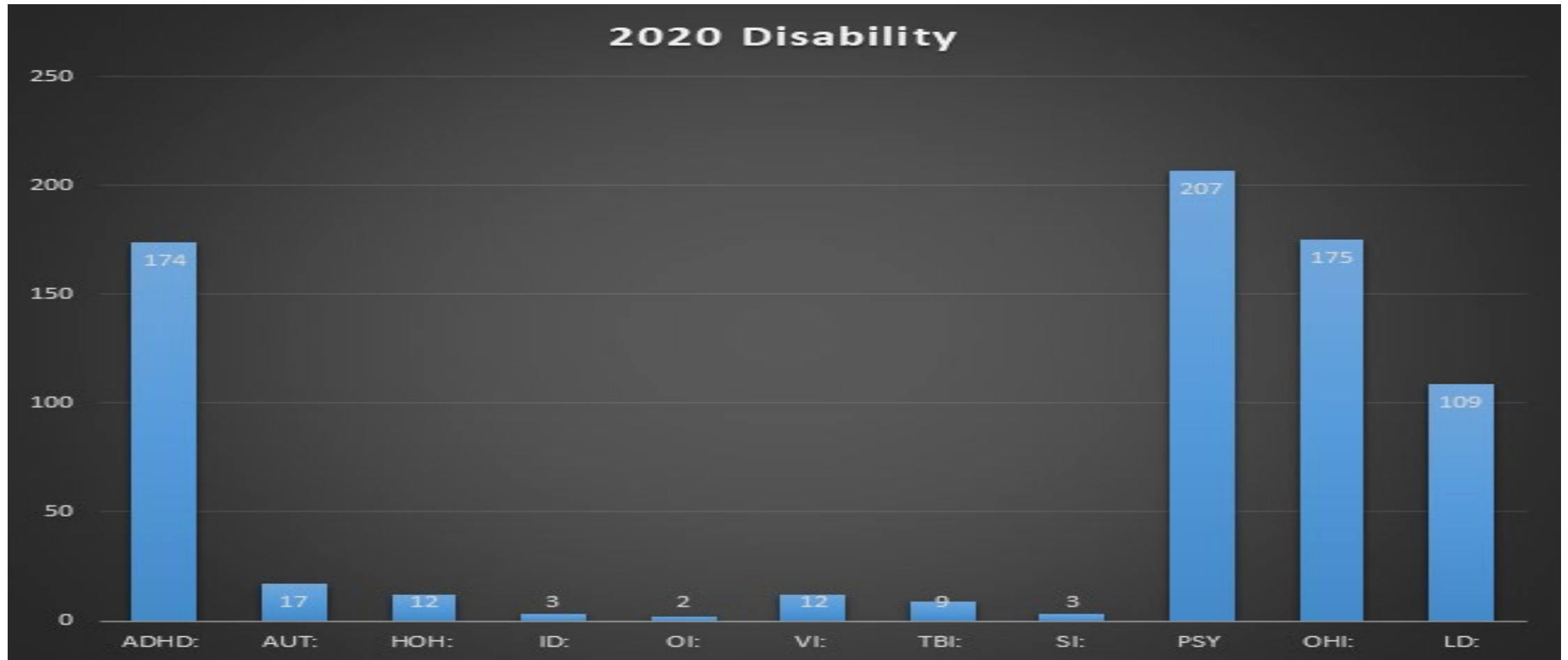
**N.C. A&T Employee and Student Numbers**





**N.C. A&T Student Accessibility Process**





# What is a “Disability”?

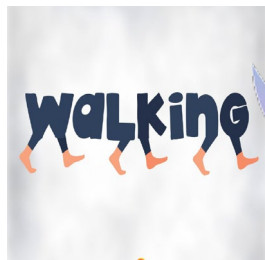




# "DISABILITY"

## Definition

- a physical or mental impairment that substantially limits one or more *major life activities such as*





# Federal Law





## Applicable Federal Law

### *AMERICANS WITH DISABILITIES ACT (ADA)*

- Created in 1990.
- “*Equal opportunity*” law for people with **disabilities**.
- Prohibits discrimination against disabled individuals in all areas of public life, e.g. **workplace** and **school**.
- Gives civil rights protections similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion.
- Enforced by USDOJ, EEOC.





# Equal Employment Opportunity Commission

## *Retaliation*

- The EEOC prohibits employers from retaliating against their employees when employees are requesting accommodation for a disability.
- Disciplining or discharging an employee for asking for a reasonable accommodation is a retaliatory and discriminatory act.



2.4 **Retaliation:** Any adverse action taken against an individual for filing a discrimination charge, including a charge of unlawful harassment, or for testifying, or participating in any way in an investigation, proceeding, or lawsuit related to allegations of discrimination, including unlawful harassment, based on race, color, national origin, religion, sex, pregnancy, sexual orientation, gender identity, age (40 or older), disability, genetic information, political affiliation, National Guard, veteran status, or because of opposition to employment or educational practices in violation of the unlawful harassment policy.



## Rehabilitation Act of 1973, Section 504

- No otherwise qualified individual with a disability . . . shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.



# North Carolina Law



## Applicable State Law

### *Disability Discrimination in Employment (N.C.G.S. 168A-5)*

- It is a discriminatory practice for an employer to fail to hire, fail to promote, fire, or not consider a person for a job on the basis of a person's disability.

### *Employment First For North Carolinians with Disabilities [Executive Order No. 92 March 28, 2019]*

- It is the goal of State Agencies to be a leader in recruiting workers with disabilities and create an inclusive job climate for workers with disabilities.
- This includes providing competitive pay and reasonable accommodations to people with intellectual, physical, sensory, mental health, and substance use disorder disabilities.

# UNC System Policy Manual





## UNC System Policy

### *Equal Opportunity*

- Admission and employment to N.C. A&T shall be based on merit. It is unlawful to discriminate against a person because of disability under the UNC Policy Manual.

### *Disability Leave*

- N.C. A&T must provide a period of leave for faculty in the case of major disability according to the UNC Policy Manual.

# N.C. A&T Reasonable Accommodation Policy: Employees

[ada-accom.pdf \(ncat.edu\)](#)





## N.C. A&T Reasonable Accommodation Policy (Employment)

### *Key Points*

- The University must **reasonably accommodate** qualified individuals with **disabilities** *unless* the accommodation would create an **undue hardship** on the University.
- **Disability** is defined the same way as the ADA (physical or mental impairment that substantially limits one or more major life activities, and has a record of such impairment; or is regarded as having such impairment).
- HR's ER/AAO handles employee requests: [Request # \(HR Use Only\)](#) ([ncat.edu](http://ncat.edu)).



## N.C. A&T Reasonable Accommodation Policy (Employment)

### *Key Points*

- **Reasonable Accommodation** is a modification or adjustment to a job, employment practice, or the work environment so there is equal employment opportunities.
- “Undue Hardship” is an action that requires significant difficulty or expense when considering N.C. A&T’s size, financial resources, and the University’s structure.
- This applies to Applicants *and* Employees.



## N.C. A&T Reasonable Accommodation Policy (Employment)

### *Key Points*

- A reasonable accommodation does not have to be automatically granted. An employee must first submit an accommodation request to their supervisor using a reasonable accommodation request form.
- Each must be carefully reviewed, and a determination made on a case-by-case basis.



# N.C. A&T Reasonable Accommodation Policy: Students (OARS)

[Documentation Guidelines \(ncat.edu\)](https://ncat.edu)





## N.C. A&T Reasonable Accommodation Policy (Students)

### *Key Points*



- Reasonable academic accommodations are handled by the Office of Accessibility Resources (OARS).
- According to OARS policy (based on the ADA), N.C. A&T makes an affirmative effort to accommodate qualified individuals with disabilities. This effort is to create an environment that is accessible to all individuals with disabilities.
- Accommodations include extended testing time, scribes, and reduced distraction testing environment.
- Students may not be denied their approved accommodations.



## N.C. A&T Reasonable Accommodation Policy (Students)

### *Key Points*

- For a student to qualify for accommodations the student must self-identify with the OARS and submit the required forms and documentation to the Office.
- During this process, the Director and coordinator will meet with the student to complete the following:
  - > Review submitted documentation
  - > Discuss any questions or concerns
  - > Prepare appropriate forms to provide reasonable accommodations
  - > Provide guidance for utilizing services

# Reasonable Accommodation – Types and Examples



# US Department of Labor and Accommodations

## *Types:*

- **Physical changes**

- > Installing a ramp or modifying a rest room
- > Modifying the layout of a workspace

- **Accessible and assistive technologies**

- > Ensuring computer software is accessible
- > Providing screen reader software
- > Using videophones to facilitate communications with colleagues who are deaf



- **Accessible communications**

- > Providing sign language interpreters or closed captioning at meetings and events
- > Making materials available in Braille or large print

- **Policy enhancements**

- > Modifying a policy to allow a service animal in a business setting
- > Adjusting work schedules so employees with chronic medical conditions can go to medical appointments and complete their work at alternate times or locations



# Reasonable Accommodation Scenarios



## Reasonable Accommodation Scenario

### *Individual with Diabetes*



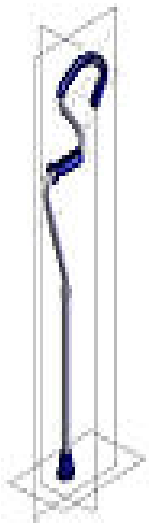
- An individual with disabilities applies for a Job at the University and tells the employer she has diabetes. Applicant needs to eat at specific time each day. May need to test blood sugar and take insulin while at work. Lunch is typically from 12-1 p.m.
- Reasonable Accommodation example: Allowing her to adjust her lunch hour to 11 a.m.-12 p.m. rather than the typical 12-1 p.m. and permits flexible break times. The employee is also allowed to bring a small refrigerator to store food and medication in her office. When working evening hours, the employee may set her own dinner breaks as needed to cope with her diabetic needs.





## Reasonable Accommodation Scenario

### *Individual with Multiple Sclerosis*



- A Food Service Manager is a person who has multiple sclerosis. Employee uses a cane for mobility assistance. On some occasions, but not often, the Employee assists in the kitchen. Employee has difficulty standing for long periods of time.
- *Accommodation solution example:* The employer and employee agree to use a sit/stand work stool and an anti-fatigue mat to accommodate occasions when Employee will need to assist in the kitchen.



## Reasonable Accommodation Scenario

### *Academic/student example*



- Student in Biology class has been diagnosed with Tourette's syndrome. Due to diagnosis, Student cannot control Student's movements and sometimes has vocalizations that disrupt the class. Student feels embarrassed. How can Student be accommodated?



## Reasonable Accommodation Scenario

### *Academic/student example*

- Student in Theatre class who is deaf wants to attend a workshop related to participation in class. There are no interpreters. Student is bothered that Student could not participate. What options are there for Student to be accommodated?



# Unreasonable Accommodation Scenarios



## Unreasonable Accommodation Scenario

### *Data Entry Scenario*



- Accommodations cannot require that an essential job function be removed from the position. An essential job function would be determined based on the job description or job analysis that is associated with the required tasks of the position.
- For example, it may be unreasonable to accommodate restrictions of no typing greater than 30% of the day if the person's essential job function is primarily data entry.
- However, an accommodation could be considered to provide voice to text data entry, but that may not be feasible within specific industries that deal with private data, etc.









## Academic Accommodations

### *Student Handbook excerpt*

- Student academic accommodations are handled by the Office of Accessibility Resources Services (OARS).
- OARS helps students with documented disabilities receive equal access to a college education.
- Individuals seeking accommodations must register with the OARS.



# Testing Accommodations

*Excerpt from ada.gov and US Department of Justice*

- Testing accommodations are changes to the regular testing environment and providing aids that allow individuals with disabilities to demonstrate their true aptitude or achievement level on standardized exams or other high-stakes tests.
- Examples:
  - Braille or large-print exam booklets.
  - Extended time.
  - Distraction-free rooms.
  - Permission to bring and take medication during the exam.



1. Best Practices
2. On the Horizon



## Best Practices

### *Leading on disability issues*

- Classroom management
  - > Treat all students consistently
- Embrace opportunities to learn
  - > Regardless of disability, everyone has unique needs
  - > OARS Faculty Guide
- Accommodations are not retroactive
- Pandemic lessons
  - > Course and classroom design with a view to access

### See the person, not the disability

#### Students we Service

- Attention Deficit/Hyperactivity Disorder
- Blindness & Visual Impairment
- Chronic Health Impairment
- Deaf & Hard of Hearing
- Intellectual & Developmental Disability
- Learning Disability
- Neuromuscular & Orthopedic Impairment
- Psychological Disability
- Speech & Language Impairment
- Traumatic Brain Injury

#### Use person first language






# Upcoming University Changes

## *On the Horizon*



- AIMS (Accessible Information Management System) Software Implementation in Fall 2021
- Move by OARS
  - > Effective Fall 2021, OARS will be located in ACB 303
  - > OARS Accessibility Lab for Testing will be located in ACB 302 (shared space with Center for Academic Excellence Tutoring Lab)
  - > Move will allow greater access by University community



YOUR  
QUESTIONS  
ANSWERED!





## University Accessibility Resources

*Office of Accessibility Resources (OARS)*  
*(336-334-7765)*

- Wanda Kellyman, Director of Accessibility Resources
  - > Murphy Hall Suite-01 | Email: [wckellym@ncat.edu](mailto:wckellym@ncat.edu)
- Timothy Covington, Accessibility Coordinator
  - > Murphy Hall Suite-01 | Email: [tgcoving@ncat.edu](mailto:tgcoving@ncat.edu)
- **Preferred location for requests:**
  - > [accessibilityresources@ncat.edu](mailto:accessibilityresources@ncat.edu)

## University Human Resources

*Division of Human Resources (336-334-7477)*

- Christina Brogdon, Vice Chancellor for Human Resources
  - > 1020 E. Wendover Avenue | Email: [cbrogdon@ncat.edu](mailto:cbrogdon@ncat.edu)
- Erickia Elbert, Assistant Vice Chancellor for Human Resources
  - > 1020 E. Wendover Avenue | Email: [edelbert@ncat.edu](mailto:edelbert@ncat.edu)
- Linda Mangum, Director of Employee Relation/ Affirmative Action Officer
  - > 1020 E. Wendover Avenue | Email: [lmangum@ncat.edu](mailto:lmangum@ncat.edu)
- Xavier Covington, Employee Relations Counselor
  - > 1020 E. Wendover Avenue | Email: [zdcoving@ncat.edu](mailto:zdcoving@ncat.edu)
- Mechelle Belvin, Executive Assistant for Human Resources
  - > 1020 E. Wendover Avenue | Email: [mabelvin@ncat.edu](mailto:mabelvin@ncat.edu)





## Division of Legal Affairs, Risk & Compliance

### *Legal Affairs Contacts (336-334-7592); [legal\\_review@ncat.edu](mailto:legal_review@ncat.edu)*

- Melissa Holloway, General Counsel
  - > Office: Room 422-C, Dowdy Administration | Email: [mjholloway@ncat.edu](mailto:mjholloway@ncat.edu)
- Sheena Cobrand, Deputy General Counsel
  - > Office: Room 422-E, Dowdy Administration | Email: [sjcobrand@ncat.edu](mailto:sjcobrand@ncat.edu)
- Josephine Tetteh, Associate General Counsel
  - > Office: Room 422-D, Dowdy Administration | Email: [jntetteh@ncat.edu](mailto:jntetteh@ncat.edu)
- Saundra Ross, Executive Assistant
  - > Office: Room 422-B, Dowdy Administration | Email: [sdross@ncat.edu](mailto:sdross@ncat.edu)

### *Office of Internal Auditing (OIA) Contacts (336-334-7910)*

- Mindy A. Sanders, OIA Director
  - > Office: 1020 E. Wendover Ave., Suite 203 | Email: [masanders1@ncat.edu](mailto:masanders1@ncat.edu)
- LaShonna Frederick, OIA Assistant Director
  - > Office: 1020 E. Wendover Ave., Suite 203 | Email: [lashonna@ncat.edu](mailto:lashonna@ncat.edu)
- Marcus Worsley, Internal Auditor
  - > Office: 1020 E. Wendover Ave., Suite 203 | Email: [maworsley@ncat.edu](mailto:maworsley@ncat.edu)

### *Office of Compliance and Risk Management*

Title IX Contacts (336-500-1803); [TitleIX@ncat.edu](mailto:TitleIX@ncat.edu)

- Samuel "Sam" Richardson III, Interim Title IX Coordinator
  - > Office: Room 422-A, Dowdy Administration | Email: [srichardson@ncat.edu](mailto:srichardson@ncat.edu)