

REASONABLE ACCOMMODATION ON THE BASIS OF DISABILITY

I. Policy Section

3.0 College Operations

II. Policy Subsection

3.2 Reasonable Accommodation on the Basis of Disability

III. Policy Statement

Grand Rapids Community College (GRCC) is committed to ensuring that no otherwise qualified individual with a disability shall be either excluded from, discriminated against, or denied access to participation in academics, employment or any program, service or activity offered by the College. This includes all aspects of employment, including the employment application procedures, hiring or discharge of employment, compensation, advancement, job training and other terms, conditions, and privileges of employment.

Qualified individuals with disabilities have the right to request accommodations related to the impact of their disability through an interactive process. The College will implement reasonable accommodations in order to ensure full participation in or benefit from academic instruction, employment or any other program, service or activity offered by the college.

No GRCC employee or student shall coerce, intimidate, threaten or interfere with any individual for exercising a right under this policy or for assisting or supporting another to exercise a right under this policy. The College will not tolerate any form of retaliation against any person for bringing charges of discrimination or for participating in an investigation.

IV. Reason for Policy

The Americans with Disabilities Act (ADA) as Amended (ADAAA), and Section 504 of the Rehabilitation Act of 1973 prohibit discrimination on the basis of disability. These laws also require GRCC to provide appropriate academic, programmatic, and employment accommodations to employees and students with disabilities unless doing so would create an undue hardship, compromise the health and safety of members of the campus community, or fundamentally alter the nature of the College's employment or academic purpose.

V. Entities Affected by This Policy

All Employees
Board of Trustees
Independent contractors
Applicants
Students
Vendors
College guests
Board of Trustees
Community and constituencies accessing services
Volunteers
Members of the public

VI. Who Should Read This Policy

All Employees
Board of Trustees
Independent contractors
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VII. Related Documents

1. Americans with Disabilities Act of 1990, including 2008 Amendments
2. Essential Abilities and Technical Standards found in Course Catalog or Departmental Web Page
3. 3.8 Audiovisual Captioning Policy
4. 6.2 Non-Discrimination, Anti-Harassment and Equal Opportunity Policy
5. 11.15 Purchasing Policy
6. 14.10 Service Animals Policy
7. 15.2 Web Accessibility Policy
8. 15.3 Web & Digital Content Policy
9. Faculty Contract, Article 17: Evaluation System

VIII. Contacts

Policy Owner: Director of Equal Opportunity Compliance
General Counsel
Labor Relations and Equal Opportunity Generalist, ADA Coordinator
Disability Support Services (DSS) Program Director
Dean of Students
Executive Director of Human Resources & Talent Development

IX. Definitions

1. Complaint - A complaint, for purposes of this policy, is an allegation of discrimination or harassment based on disability or an allegation of retaliation that stems from the filing of a complaint of such discrimination or harassment. A complaint may be made by a student, employee, or a member of the community who feels that they have been discriminated against or retaliated against for filing a complaint or participating in an investigation related to this policy.
2. Direct Threat - A decision not to allow a person to participate in or benefit from services can be made when an individual poses a direct threat to the health or safety of others. To determine whether an individual poses a direct threat to the health or safety of others, a public entity must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.
3. Disability - A physical or mental impairment or medical condition that substantially limits a major life activity, or a history or record of such an impairment or medical condition. Major life activities include but are not limited to: seeing, hearing, eating, walking, standing, sitting, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and performing manual tasks. Major life activities could also include the operation of major bodily functions such as: the immune system, skin, normal cell growth, bowel, bladder, neurological, circulatory, cardiovascular, endocrine, hemic (blood), lymphatic, and reproductive functions.
4. Essential Abilities and Technical Standards – Grand Rapids
Community College faculty have identified essential abilities and technical standards necessary for the success of students in their programs. The Essential Abilities outline the skills students need to have to be successful in the course or academic program. After reviewing the Essential Abilities and Technical Standards for the chosen program of study, it is each student's responsibility to determine whether all course objectives can be completed, and whether accommodations are needed to meet those objectives. Students who are not able to perform the essential abilities or who do not meet the technical standards of their chosen programs with accommodations or if reasonable accommodations do not exist will not be considered "otherwise qualified" for the program.
5. Essential Job Functions - The fundamental and primary duties of an employment position. A job function is essential if removing that function would fundamentally change the job. The essential job

functions are described in GRCC job descriptions.

6. Fundamental Alteration: A change or modification to a college program, service, or activity that significantly changes the essential nature of the program, service, or activity.
7. Major Life Activities: Major life activities are those functions that are important to most people's daily lives. Examples of major life activities are breathing, walking, talking, hearing, seeing, sleeping, caring for one's self, performing manual tasks, and working. Major life activities also include major bodily functions such as immune system functions, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions
8. Marginal or Non-essential Job Functions - Those duties essential to the work unit, but not to the position itself. The function must still be accomplished, but if it would not fundamentally change the job, (and can be performed by another employee or position) it is a marginal function.
9. Qualified Individual with a Disability – An individual who, with or without reasonable accommodation, can perform the essential functions of the college course, academic program or employment position and meets any other course, program, or job-related requirements.
10. Reasonable Accommodations - A reasonable accommodation is a modification to practices, policies and/or procedures that allows an individual with a disability to have equal access. In employment, this may include a change to the application or hiring process, to the job, to the way the job is done, or the work environment that allows a person with a disability who is qualified for the job to perform the essential functions of that job and have equal employment opportunities. In postsecondary education, reasonable accommodations may include providing architectural access to buildings; providing auxiliary aids and services necessary for effective communication; and by modifying practices, policies and procedures (i.e. testing accommodations). Accommodations are considered "reasonable" if they do not create a fundamental alteration to essential functions of a job or an academic program or service; create an undue hardship, or a direct threat. There are times when the offered accommodations determined to be effective may not be the requested and/or preferred accommodations.
11. Visitors - Individuals, including volunteers, who are not GRCC employees or students (as defined by the Student Code of Conduct)

who are accessing GRCC programs, services, or activities.

12. Undue Burden/Hardship - It is not necessary to provide a reasonable accommodation if doing so would cause an undue hardship. Undue hardship means that an accommodation would be unduly costly, extensive, substantial or disruptive, or would fundamentally alter the nature or operation of the business. Among the factors to be considered in determining whether an accommodation is an undue hardship are the cost of the accommodation, the employer's size, financial resources and the nature and structure of its operation.

X. Procedures

Responsibility for coordinating GRCC's compliance with the requirements of the Americans with Disabilities Act as Amended (ADAAA) and Section 504 of the Rehabilitation Act of 1973 resides with the ADA/504 Coordinator, or their designee as outlined in this policy. If an individual is unable to comply with the terms of this policy because of some factor outside their control, they should contact the Labor Relations and Equal Opportunity Generalist within the Office of General Counsel for assistance.

A. Accommodation

1. Reasonable Accommodation (Employee)

Employees (faculty or staff) seeking an accommodation must submit a Disability Accommodation Request Form (DARF) to the Office of General Counsel or their Human Resources Generalist. Based on an evaluation of the essential and marginal job functions and medical documentation supporting the request, a reasonable accommodation will be determined in an interactive process between the employee and the HR Generalist and/or the Office of General Counsel. The reasonable accommodation, once determined, will be communicated by HR/Office of General Counsel to the employee and to the supervisor, as appropriate. Those interested in requesting an accommodation may visit the General Counsel's Employee Accommodations information page [or contact the following individual:](#)

ADA Coordinator
Bostwick Office Suites
140 Bostwick Avenue NE
Grand Rapids, MI 49503

2. Reasonable Accommodation (Student)

Students seeking accommodations must self-identify to and register with Disability Support Services (DSS), and provide appropriate documentation. An interactive discussion with a Counselor/Advisor is required to arrange formal accommodations. Approved accommodations will be identified in an accommodations letter, and the student will have the responsibility to send faculty members the accommodations letter for courses in which they want to use the approved accommodations. The approved accommodations will be in effect going forward from the time the accommodations letter is sent to the faculty member, and they are not retroactive.

Further information about this process is found at the Disability Support Services Rights and Responsibilities webpage. Students may also contact DSS by telephone at: (616) 234-4140; via email at: disability@grcc.edu; or by visiting the DSS webpage.

3. Visitors

Visitors should contact the host department of the program, service, or activity they are accessing to request any appropriate accommodations.

B. Confidentiality

1. Information (including medical or other documentation) provided by a student or employee in connection with seeking an accommodation is confidential, and shall not be disseminated to individuals outside of the accommodation process without the consent of the student or employee. Information regarding whether a student or employee has been provided with an accommodation (or information regarding the nature of any accommodation) should remain confidential.

C. Accommodation Grievance Procedure

Persons may follow the grievance procedures below in any of the following circumstances. If they:

- disagree with a decision to deny accommodations;
- believe the final accommodation(s) provided are not reasonable;
- believe the accommodations were not provided as agreed to;

- feel they are being denied access to the necessary facilities;
- believe for any other reason that they have been subjected to unlawful discrimination or violation of rights with respect to the granting or implementation of their request for accommodations under the ADA and Section 504 of the Rehabilitation Act.

During the grievance process, any approved accommodations put in place will continue uninterrupted. The College's goal will be to accomplish each step of this grievance process as quickly as possible.

1. Employees and Visitors

a. Complaint of Discrimination

Individuals who believe they have experienced, witnessed or received a report of discrimination on the basis of a disability should contact the Office of General Counsel by directing their complaint to GRCC's Labor Relations and Equal Opportunity Generalist. Complaints will be promptly acknowledged and investigated with the purpose of equitable resolution. Complaints will be received and processed in accordance with the procedures set forth in Policy 6.2 (Non-Discrimination, Anti-Harassment and Equal Opportunity Policy).

b. Complaints Regarding Accommodation Decision or Implementation

1. If an individual believes they have been denied a reasonable accommodation or that a reasonable accommodation has not been implemented, they should first contact the Labor Relations and Equal Opportunity Generalist to discuss their concerns.
2. If the issue is not resolved through this process, the individual may file a grievance with the Executive Director of Human Resources. The Executive Director will review the matter, allowing all interested parties to submit relevant information, statements, and documentation. The Director will make a decision regarding the grievance typically within five to ten business days of the meeting with the complainant and attempt to notify that person immediately. The Director's decision will be in writing, provided to all relevant parties, and will be considered final.

2. Students

a. Complaint against another student:

A student who believes they have been discriminated against

by another student on the basis of a disability should contact the Office of Student Life & Leadership (616-234-4160) for follow-up on the concern.

b. Complaint regarding an accommodation decision.

1) A student should talk to their DSS Counselor/Advisor first; if not resolved, then a student should file a written complaint with the Program Director of Disability Support Services about the accommodation decision(s). The complaint should provide details as to the reason the student believes the accommodation decision is not adequate in providing the student full access to the educational material.

2) If a complaint is not resolved by the Program Director, the student may file a written complaint providing details of the accommodation decision by contacting the Labor Relations and Equal Opportunity Generalist in the Office of General Counsel.

c. Complaint regarding implementation of an accommodation.

1) Students are encouraged to first address this issue with their faculty member, if they feel comfortable doing so. Students should also communicate their concern to their DSS Counselor/Advisor for assistance in finding a resolution to ensure a student receives their approved accommodations.

2) If the issue is not resolved at this level, a student should file a written complaint with the Program Director of Disability Support Services about the implementation of the accommodation. The complaint should provide details as to the reason the student believes the implementation of the accommodation is not adequate in providing the student full access to the educational material. The student may also address the concern with the appropriate Department Head.

3) If a complaint is not resolved by the Program Director, the student may file a written complaint providing details of the accommodation decision by contacting the Labor Relations and Equal Opportunity Generalist in the Office of General Counsel.

- d. Complaints regarding other forms of disability-related discrimination by College employees.
- 1) Students may first address the issue with the employee involved, if they feel comfortable doing so.
 - 2) Students may contact their DSS Advisor/Counselor or DSS Program Director if they are registered with DSS.
 - 3) Students who are not registered with DSS or whose complaint is not resolved by DSS should contact the Labor Relations and Equal Opportunity Generalist in the Office of General Counsel to file a written complaint stating the details of the discrimination. Complaints will be promptly acknowledged and investigated in accordance with the procedures set forth in GRCC Policy 6.2 (Non-Discrimination, Anti-Harassment and Equal Opportunity) with the goal of providing an equitable resolution.

D. Discrimination and Harassment Reporting

Individuals who believe they have experienced, witnessed or received a report of discrimination on the basis of a disability should contact the Office of General Counsel by directing their complaint to GRCC's Labor Relations and Equal Opportunity Generalist. Complaints will be promptly acknowledged and investigated with the purpose of equitable resolution. Complaints will be received and processed in accordance with the procedures set forth in Policy 6.2 (Non-Discrimination, Anti-Harassment and Equal Opportunity).

XI. Forms

Disability Accommodation Request Form (DARF)
Caption Request Form

XII. Effective Date

XIII. Policy History

April 4, 2014: revised to create a separate nondiscrimination policy.
June 2018: revised to provide specific complaint process for visitors and clarify complaint process for different types of concerns for students/employees; updated forms and related documents links.
June 2020: revised to clarify process for accommodations-related concerns and expectations when accommodations letter is sent.
June, 2022: revisions included updated links, contacts, and formatting

changes; and language regarding confidentiality.
December, 2024: revisions include modification of policy title,
additional definitions, clarification of complaint procedures.

XIV. Next Review/Revision Date

December, 2026