

**NEW COLLEGE OF FLORIDA
REGULATIONS MANUAL**

CHAPTER 1 - General Provisions and Executive Affairs

1-1016 ADA

NCF complies with the requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. 12101, and all other Federal and State laws and regulations prohibiting discrimination on the basis of disability or handicap. In order to comply with section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, NCF strives to afford people with disabilities equal opportunity and full participation in all aspects of college life. To that end, it is the policy of NCF to provide equal employment and admission opportunity for, and to make reasonable accommodation to employ and admit the disabled, and assist disabled students in independent living and self-sufficiency as required by law.

- (1) Unlawful discrimination based on disability is unacceptable conduct that will not be tolerated at NCF.
- (2) The President or his or her designee is responsible for coordinating compliance with these policies.
- (3) Public Accommodations. Sponsors of programs and events, such as campus cinemas, lectures and speakers, must advise potential attendees who may require reasonable accommodation to participate that such accommodation must be requested of the program sponsor at least five (5) working days prior to the event. Normally, the accommodation will be provided and funded by the program sponsor; however, requests for assistance and questions may be directed to Student Disability Services. Final decisions on public accommodations issues will be made by the Vice President for Finance and Administration.
- (4) Employees
 - (a) Application
 1. NCF may consider the skills, knowledge and/or experience of an applicant with a disability as attributes which could contribute to the diversity goals of NCF.
 2. Applicants are entitled to request reasonable accommodation in the application process, e.g., alternative application format or assistance in completion of the application, at least five (5) working days prior to time accommodation needed.
 3. NCF may make pre-employment inquiry as to an applicant's ability to perform essential job functions with or without reasonable accommodation and invite an applicant to give five (5) working days notice of any reasonable accommodation needed during the recruitment/hiring process. Otherwise, NCF not make pre-employment inquiry as to disability. Medical/Disability records are kept separate in Human Resources/Employee Relations files.
 4. Pre-employment physical exams may be required for those positions for which there is a bona fide job related physical requirement, however, if such exams will be required of persons with a disability then those exams must also be given to all persons seeking the position after conditional job offers are made.
 - (b) Employment
 1. NCF will not unlawfully discriminate against its employees on the basis of disability and will provide accessibility and reasonable accommodation to its employees with regard to any

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aspect of employment including fringe benefits, training, conferences, professional meetings and recreational/social activities sponsored by NCF. To request a reasonable accommodation under the Americans with Disabilities Act (ADA), an employee of NCF must:

- a. Submit a written request outlining the requested accommodation(s) to his/her immediate supervisor. Provide a copy of the request to appropriate Human Resources staff.
 - b. Attach documentation to the written request, including diagnosis of a disability, from the employee's primary health care practitioner. "Primary health care practitioner" is defined as a medical doctor, psychiatrist, or licensed psychologist.
2. The employee's supervisor will provide the appropriate Human Resources staff with:
- a. A copy of the employee's position description which enumerates the essential and marginal functions of the job. Should the supervisor need assistance in determining the essential functions of the position, the supervisor may consult with the appropriate Human Resources staff.
 - b. A brief statement outlining the potential impact of the requested accommodation upon the department.
3. In consultation with the supervisor, the appropriate Human Resources staff will:
- a. Determine and, if appropriate, offer an appropriate and reasonable accommodation to the employee and direct supervisor via memorandum.
 - b. Assign an "Accommodation Request Number" (ARN) for internal processing.
4. NCF employees scheduled for either domestic or international travel and who are requesting an ADA reasonable accommodation for such should submit their request a minimum of five (5) working days in advance of the scheduled travel.
5. The responsibility for funding the cost of a reasonable accommodation rests with the employee's department. Should a department demonstrate that funds do not exist, the department supervisor should then refer a request for co-funding to the next highest administrative level. Final decisions on employee disability issues for will be made by the Vice President for Finance and Administration.

(5) Students

(a) Applications

1. Disability Accommodation. To protect the individual's legal rights, Admissions will not make any pre-admission inquiries or documentation requests in regard to a disability unless the student appeals a denial of admission.
2. An individual with a documented disability may wish to be considered for admission on the basis of a reasonable substitution for an admissions requirement so long as the substitution

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does not alter the fundamental nature of the requirement (section 1007.264, Florida Statutes and section 1007.265, Florida Statutes). In the case of applicants with disabilities, NCF will grant reasonable substitution or modification of any admission requirement pursuant to Board of Governors Regulation 6.018, where NCF's Student Disabilities Services coordinator reviews the documentation submitted by the applicant and assesses that the failure of the applicant to meet the requirement is due to his or her disability, and the Dean of Enrollment Services & Information Technology determines that substitution or modification does not constitute a fundamental alteration of NCF's academic program. The applicant should submit evidence that any unmet requirement is due to his or her disability, and would not constitute a fundamental alteration of NCF's academic program.

3. The applicant may appeal the decision regarding substitution or modification to the President. The President's decision on appeal shall constitute NCF's final decision.

(b) Academic and Student Affairs Accommodations

1. Student Disability Services (SDS) in the Counseling and Wellness Center, 5800 Bay Shore Road, Sarasota, Florida, arranges accommodations for, determines the disability status of, and, in conjunction with staff and faculty, identifies success strategies for disabled students.
2. Success strategies and accommodations include but are not limited to, extended time on examinations, alternate formats for printed materials, and the services of interpreters.
3. Student Disability Services can be reached through the Counseling and Wellness Center at 941-487-4254.
4. Students with disabilities are invited to identify themselves as having a disability and are responsible for registering with SDS by providing appropriate documentation of their disabilities. Information received by SDS is confidential.
5. Once a student is approved for services, he or she will be provided with ways to access accommodations.
 - a. An informational letter will be prepared for each of the student's professors.
 - b. The student is then responsible for following up with the faculty.
 - c. Faculty cooperation is vital to institutional compliance with the Americans with Disabilities Act of 1990.

(6) Miscellaneous

- (a) Confidential documentation prepared in connection with requests for accommodation will be maintained apart from other personnel, student or other records.
- (b) NCF may request any person seeking accommodation to provide documentation of a specific and generally recognized physical or mental impairment that shows that the specific modification being requested is appropriate and necessary for the diagnosed disability.

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- (c) The General Counsel is available to assist with questions concerning ADA and the law and should be notified in the event an accommodation requestor retains a lawyer or otherwise makes claims in an external legal or administrative forum.

Authority: Article IX, Sec. 7, Fla. Constitution; 29 U.S.C. 701; 42 U.S.C. 12101; Fla. Board of Governors Regulation 1.001

History: Adopted 04-27-02, as Policy 0-004; Revised and renumbered 06-29-10; Revised 09-11-10, 03-11-17 (technical amendment)