



ADA / 504

COMPLIANCE

HANDBOOK

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To: All Queensborough Community College Faculty and Staff
From: Eduardo J. Marti, President
Date: September 2005
RE: *Accommodating Persons with Disabilities*

I would like to reiterate Queensborough Community College's commitment to providing equal opportunity and assistance to our community of individuals with disabilities, which includes students, faculty and staff. As you may know, the College is required to provide reasonable accommodations to individuals with disabilities under Section 503 and 504 of the 1973 Rehabilitation Act and Title II of the Americans with Disabilities Act (ADA) of 1990.

Disabilities covered under ADA encompass physical, medical, emotional and psychological conditions that may require specific accommodations. There are no "universal accommodations" for any particular disability, nor will any one accommodation meet the needs of all classes of disabilities. Accommodations are determined on an individual basis and may include, but are not limited to the following methods of assistance: providing enlarged type materials, extending the allotted time for test taking, and during the semester, providing a note-taker or assistive technology. As an educational institution, we are mandated to provide students with disabilities equal access to all educational programs while maintaining academic integrity. The truth is that this should be a College goal regardless of a legislative requirement.

In order to be eligible for reasonable accommodations, students must provide documentation of their disabilities to Mrs. Barbara Bookman, Assistant Director of Services for Students with Disabilities. Faculty members are required to refer all students claiming a disability to the Services for Students with Disabilities office located in the Science Building, Room 132.

Compliance with Section 504/ADA requires the assistance and cooperation of the entire faculty and staff, including adjunct faculty. If you need advice pertaining to a current situation, or have any questions, please contact, either Ms. Barbara Bookman at ext. 6257 or Mr. Harry Payne, Section 504/ADA Compliance Officer, at ext. 6391.

STATEMENT OF POLICY

I. Hiring and Retention of Individuals with a Disability

Queensborough Community College will not discriminate against any employee or applicant for employment, because of their physical or mental impairment. Queensborough Community College agrees to take affirmative action to employ, advance in employment, and otherwise treat qualified disabled individuals without discrimination based upon their physical or mental disability in all employment practices such as employment, upgrade, training, demotion or transfer, and forms of compensation. Queensborough Community College agrees to comply with the rules, regulations and relevant orders of the Secretary of Labor pursuant to hiring and retention of the disabled.

It is required that all officers of administration, executive officers, office heads, faculty and staff adhere to the principles and requirements of the Queensborough Community College Affirmative Action Plan.

II. GENERAL REQUIREMENTS

Queensborough Community College takes affirmative action to employ, and advance in employment, qualified individuals with disabilities at all levels, including the executive level. Such action shall apply to all employment practices, including, but not limited to, hiring, upgrading, training, demotion or transfer, recruitment or recruitment advertising, termination, rate of pay or other forms of compensation.

III. DEFINITION OF INDIVIDUALS WITH DISABILITIES

An individual with a disability means any person who has a physical or mental impairment, which substantially limits one or more of such person's major life activities. This also includes any person with a record of such impairment, or who is regarded as having such impairment.

IV. PROPER CONSIDERATION OF QUALIFICATIONS

Queensborough Community College assures the thorough and systematic consideration of the job qualifications of known applicants and employees with disabilities for job vacancies filled either by hiring or promotion.

V. PHYSICAL AND MENTAL QUALIFICATIONS

Queensborough Community College does not currently require any qualifications for employment outside of the credentials and the experience required by the University.

1. Supervisors and office heads may be informed regarding the restrictions in the work or duties of disabled individuals and regarding accommodations;
2. First aid and safety personnel may be informed, when and to the extent appropriate, if emergency treatment is required;
3. Government officials, investigating compliance with the Act, shall be informed.

ACCOMODATION FOR EMPLOYEE PHYSICAL/MENTAL LIMITATIONS

Queensborough Community College will make a reasonable accommodation, when requested, to the physical or mental limitations of employees or applicants with disabilities.

COMPENSATION

In offering employment or promotions to individuals with disabilities, the College will not reduce the amount of compensation offered because of any disability income, disability pension or other benefit the applicant or employee receives from another source, based on a disability.

OUTREACH, POSITIVE RECRUITMENT, AND EXTERNAL DISSEMINATION OF POLICY

Queensborough Community College will periodically review its employment practices to determine whether its personnel program provides the required affirmative action for employment, and advancement in employment, for qualified individuals with disabilities.

Queensborough Community College will take the following action to implement its program for employees and prospective employees with disabilities:

1. Foster understanding and acceptance among the College's students, executive, managerial, supervisory, and all other employees and encourage such persons to take the necessary actions to aid the College in meeting its obligation;
2. Develop reasonable internal procedures to ensure that the program is being fully implemented;
3. Periodically inform all employees and prospective employees of its commitment to engage in affirmative action to increase employment opportunities for individuals with disabilities;
4. Enlist assistance and support of recruiting sources for the College's commitment to meaningful employment opportunities for qualified individuals with disabilities;
5. Establish meaningful contacts with appropriate social service agencies, and organizations of and for individuals with disabilities
6. Send written notification of the College's policy to all subcontractors, vendors, and suppliers requesting appropriate action on their part;
7. The College will continue to participate in pilot programs to assist individuals with disabilities in the development of job skills;
8. The College will take positive steps to attract qualified persons with disabilities not currently in the workforce who have the necessary skills and can be recruited through affirmative action measures.

VI. INTERNAL DISSEMINATION OF POLICY

The College implements and disseminates its policy with respect to individuals with disabilities as follows:

1. Publicizes policy in college publication;

2. Explains the intent of policy in meetings with executive, managerial, and supervisory personnel and conveys the commitment of President Eduardo J. Martí with respect to this policy;
3. Explains policy at employee meetings and individual employee's responsibilities;
4. Discusses the policy thoroughly in employee orientation and training programs;
5. Meets with union reps to inform them, periodically of the College policy;
6. Non-discrimination clauses are included in union agreements;
7. The President's statement of policy will be posted on bulletin boards along with a statement that employees and applicants are protected under the ADA from coercion, intimidation, interference or discrimination for filing a complaint or assisting in an investigation.

VII. RESPONSIBILITY FOR IMPLEMENTATION

The Affirmative Action/Compliance Officer, Mr. Harry Payne, has the responsibility for the implementation of equal opportunity programs, including the appeal portion of the program on individuals with disabilities – Section 504 Compliance efforts.

Implementation responsibilities include, but are not limited to:

1. Developing policy statements, affirmative action programs, internal and external communication techniques. This includes the review of all advertisements for employment;
2. Assisting in the identification of problem areas;
3. Assisting line management in arriving at solutions to problems;
4. Designing and implementing audit and reporting systems that
 - a. Measure effectiveness of the College's programs
 - b. Indicate need for remedial action; and
 - c. Determine the degree to which the objectives have been attained
5. Serving as liaison between the College, Central Office, and enforcement agencies
6. Serving as liaison between the College and organizations of and for persons with disabilities;
7. Keeping management informed of latest developments in the entire equal opportunity arena.

VIII. DEVELOPMENT AND EXECUTION OF THE PROGRAM

1. Approved position descriptions and employee specifications when used by the College are made available to all staff personnel involved in the recruiting, screening, selection and promotion process.
2. The College will evaluate the total selection process to ensure freedom from stereotyping persons with disabilities in a manner, which limits their access to all jobs for which they are qualified.
3. All personnel involved in recruitment, screening, selection, promotion, disciplinary, and related processes are carefully selected and trained to ensure that the commitments in the Affirmative Action Program are implemented.

4. The College invites employees who believe themselves covered under the Act, and who wish to benefit under the affirmative action program, to identify themselves. The invitation states that the information is voluntarily provided, that it will be kept confidential, that refusal to provide it will not subject the employee to any adverse treatment, and that it will be used only in accordance with the Affirmative Action Program.

Further Assurances:

1. An employee may inform the College at any future time of his/her desire to benefit under the program.
2. The College is not relieved of its obligation to take affirmative action with respect to those applicants or employees whose disability the College has actual knowledge of.
3. Nothing in the foregoing shall relieve the College from liability for discrimination under the Act.

Special Programs and Services – Office of Disabled Students Services

The Office of Services for Students with Disabilities, directed by Ms. Barbara Bookman, offers special assistance and counseling to disabled students with specific needs. The services offered include academic, vocational, psychological, and rehabilitation counseling, as well as liaison with community social agencies.

Students with special needs are usually identified on the college application; As part of the admissions and advisement process, all students who have been in special education classes, resource rooms, or have a documented disability, are encouraged to contact the Office of Disabled Student Services to arrange for appropriate accommodations. Faculty and fellow students are requested to refer students in need of assistance to the Office of Disabled Student Services.

AFFIRMATIVE ACTION PROGRAM FOR DISABLED VETERANS AND VETERANS OF THE VIETNAM ERA & OTHER ELIGIBLE VETERANS

Queensborough Community College takes affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam Era at all levels of employment, including the executive level. Such action applies to all employment practices, including, but not limited to hiring, upgrading, demotion or transfer, recruitment or recruitment advertising or termination.

Queensborough Community College has invited all disabled veterans and veterans of the Vietnam Era who wish to benefit under the Affirmative Action Program to identify themselves. The information card states that the information is voluntarily provided, and will be kept confidential. Refusal to provide such information will not subject the applicant or employee to any adverse treatment, and it will be used only in accordance with the Act and regulations. If an applicant or employee regarding proper placement and appropriate accommodation, if such placement and accommodation is possible.

TITLE IX/SECTION 504 COMPLAINTS

Queensborough Community College is committed to Section 504 of the rehabilitation Act of 1973 prohibiting discrimination on the basis of a physical or learning disability. QCC is also committed to the Title IX regulation of the 1972 Education Amendment, which prohibits discrimination on the basis of sex/gender, with regard to employment, educational activities and programs, recruitment, admission and financial programs. Included in this prohibition are gender stereotyping and sexual harassment. Any member of the college community (student, faculty or staff) who feels that he/she has been discriminated against on the basis of disability or gender may file a grievance.

ACCOMMODATIONS REQUEST PROCEDURES

EMPLOYMENT POLICIES

The City University of New York in compliance with sections 503 and 504 of the Federal Rehabilitation Act of 1973, the Americans With Disabilities Act of 1990, New York State legislation [Executive Law 296] and the New York City Human Rights Law does not deny qualified individuals with disabilities solely by reason of their disability, exclusion from participation in programs, activities, or employment. Queensborough Community College, as a unit of The City University, does not and will not discriminate against individuals with disabilities in access to programs and/or services nor in employment. The institution's ADA/504 Officer has been designated to coordinate the College's continuing efforts to ensure access and non-discrimination.

IX. Procedures for Implementing the Policy

1. Initial Requests

The grid on the next page depicts the process by which an employee, visitor or a student with a disability can request an accommodation at the College, as well as the campus officials who are responsible for overall compliance.

Reasonable Accommodation Process	Employment			Access to Programs and Services	Public Access
Action	Applicants	Covered Employees	Excluded Employees	Students	Visitors
Initial Request	Ellen Adams Director of Personnel	Supervisor	Supervisor	Barbara Bookman Assistant Director of Services for Students with Disabilities	Organization or sponsoring department
Appeal: Formal	Harry Payne Affirmative Action/ Compliance Officer (henceforth Compliance Officer)	Compliance Officer	Compliance Officer	Compliance Officer	Compliance Officer
Final Decision	President	President	President	President	President
Complaint: Formal	Outside agency	Outside agency	Outside agency	Outside agency	Outside agency
Implementation of Recommendations	President	President	President	President	President
Monitoring Institutional Compliance	Compliance Officer	Compliance Officer	Compliance Officer	Compliance Officer	Compliance Officer

EMPLOYMENT POLICIES

A. Applicants for Employment

Applicants for employment are directed to contact the Director of Personnel to request an accommodation in order to participate in the interview process. The Compliance Officer will make arrangements with the head of the search committee and any one else as appropriate. If the applicant is not agreeable to the accommodation, the Compliance Officer will inform the college President whose decision is final and will inform the applicant of the decision.

B. Employees

Employees may consult with the College's Compliance Officer at any time to discuss and understand their rights under 504 and ADA legislation, and they are encouraged to do so. An employee should make any initial request for accommodation of her/his immediate supervisor. The supervisor should consult with appropriate college officials to determine the feasibility of granting the requested accommodation consistent with University and College policy. Such consultation shall be confidential, and limited to those officials having substantial input such as the Personnel Director, when there are issues of job responsibilities, or the Vice President of Academic Affairs when there are faculty or academic issues. If the proffered accommodation is acceptable to the employee, the supervisor should inform the college Compliance Officer of the nature of the accommodation and its acceptability in writing.

If the proffered accommodation is unacceptable to the employee, the employee may informally discuss the situation with the College Compliance Officer in an effort to resolve the situation or the employee may formally appeal, in writing, to the College Compliance Officer as provided in the legislation. If the employee is unionized, the employee should discuss this situation with their union representatives, who may avail themselves of the contractual provisions for complaint and grievance, and this will constitute the formal appeal process for these employees. If the employee is not unionized, the Compliance Officer will investigate, review the situation and attempt to resolve it. (The Compliance Officer may designate one or two members of the 504/ADA Committee to assist in this effort). If the proffered accommodation is still unacceptable, the Compliance Officer will apprise the President or his designee of the issues and recommendation. The Compliance Officer will then transmit the college's final offer of accommodation to the employee. If the proffered accommodation is unacceptable, the employee may avail himself of other legal options without fear of retaliation.

Communication of Policy and Procedures

1. Applicants for Employment

As part of a standard acknowledgment letter, individual applicants are to be instructed to contact the Chair of the search committee, if an accommodation will be requested to participate in the interview process. In addition, data survey cards inviting the individual to identify his/her gender, ethnicity, veteran status and disability are to be enclosed with the letter. All position vacancy announcements are to include a statement indicating that the college is an ADA employer. Requests for accommodations that are brought directly to the searching department or Personnel Office are to be sent to the Compliance Officer.

2. Employees

Upon initial hire, employees are given the opportunity to self identify as a person with a disability and to request a reasonable accommodation. The same form is to be circulated annually to all current employees to permit the self-identification of employees who may have become disabled subsequent to initial hire.

Record Keeping and Communications Regarding Requests

All requests for accommodation and all supporting information, including but not limited to medical information, are to be considered confidential and shared with college officials on a need-to-know basis.

504/ADA Legal Options

Applicants and employees may avail themselves of their legal rights to complain to non-CUNY agencies, such as the Department of Labor, without fear of retaliation. An updated list of these agencies may be obtained from the college's Compliance Officer.

ACCOMMODATIONS REQUEST PROCEDURES

STUDENT POLICIES

The City University of New York in compliance with sections 503 and 504 of the Federal Rehabilitation Act of 1973, the Americans With Disabilities Act of 1990, New York State legislation [Executive Law 296] and the New York City Human Rights Law does not deny qualified individuals with disabilities solely by reason of their disability, exclusion from participation in programs, activities, or employment.

Students may consult with the Compliance Officer at any time to discuss and understand their rights under 504 and ADA legislation, and they are encouraged to do so.

A student should make any initial request for accommodation from the department of Services for Students with Disabilities (SSD). The department should consult with appropriate college officials to determine the feasibility of granting the requested accommodation consistent with University and College policy. Such consultation shall be confidential, and limited to those officials having substantial input, such as the instructor or the Vice President for Academic Affairs when there are faculty or academic issues involved. If the proffered accommodation is acceptable to the student, the SSD Office should inform the Compliance Officer of the nature of the accommodation and its acceptability in writing.

If the proffered accommodation is unacceptable to the student, the student may informally discuss the situation with the Compliance Officer in an effort to resolve the situation or the student may formally appeal, in writing, to the Compliance Officer as provided in the legislation. The Compliance Officer will investigate the concern, review the information and make recommendations in an attempt to resolve it. (The college Compliance Officer may designate one or two members of the 504/ADA Committee to assist in this effort). If the proffered accommodation is still unacceptable, the college Compliance Officer will apprise the President or his designee of the issues and recommendation. The Compliance Officer will then transmit the college's final offer of accommodation to the student. If

the proffered accommodation is unacceptable, the student may avail him/herself of other legal options without fear of retaliation.

Communication of Policy and Procedures

Application forms request the self-identification of students with disabilities in order for accommodations to be made. This information is given to and resides with the SSD Office. College catalogues are to include the name of the Student Disabilities Coordinator, the Compliance Officer and the college's policy of non-discrimination. Specific instructions regarding how to request an accommodation and file a complaint are to be included in the catalog.

Record Keeping and Communications Regarding Requests

All request for accommodation and all supporting information, including but not limited to medical information, are to be considered confidential and shared with college officials on a need-to-know basis.

504/ADA Legal Options

Students may avail themselves of their legal rights to complain to non-CUNY agencies, such as the Department of Labor without fear of retaliation. An updated list of these agencies may be obtained from the College's Compliance Officer.

ACCOMMODATIONS REQUEST PROCEDURES

VISITORS POLICIES

The City University of New York in compliance with sections 503 and 504 of the Federal Rehabilitation Act of 1973, the Americans With Disabilities Act of 1990, New York State legislation [Executive Law 296] and the New York City Human Rights Law does not deny qualified individuals with disabilities solely by reason of their disability, exclusion from participation in programs, activities, or employment.

X. Procedures for Implementing the Policy

a. Initial Requests

The grid on page 8 depicts the process by which a visitor with a disability can request an accommodation at the College, as well as the campus officials who are responsible for overall compliance.

POLICIES FOR VISITORS

Visitors may consult with the College's Compliance Officer at any time to discuss and understand their rights under 504 and ADA legislation, and they are encouraged to do so.

A visitor should make any initial request for accommodation of the organization or the sponsoring department within a timely basis. The organization or sponsoring department should consult with appropriate college officials to determine the feasibility of granting the requested accommodation consistent with University and College policy. Such consultation shall be confidential, and limited to those officials having substantial input, (i.e., the Provost when there are faculty or academic issues). If the proffered accommodation is acceptable to the visitor, the organization or sponsoring department should inform the Compliance Officer of the nature of the accommodation and its acceptability in writing.

If the proffered accommodation is unacceptable to the visitor, the visitor may informally discuss the situation with the Compliance Officer in an effort to resolve the situation, or the visitor may formally appeal, in writing, to the College Compliance Officer as provided in the legislation. The Compliance Officer will investigate and review the situation and attempt to resolve it. (The College Compliance Officer may designate one or two members of the 504/ADA Committee to assist in this effort). If the proffered accommodation is still unacceptable, the College Compliance Officer will apprise the President or his designee of the issues and the College Compliance Officer's recommendation. The Compliance Officer will then transmit the college's final offer of accommodation to the visitor. If the proffered accommodation is unacceptable, the visitor may avail himself of other legal options without fear of retaliation.

Communication of Policy and Procedures

Brochures/flyers announcing specific public programs must include a statement identifying the person to contact if an accommodation is needed. The time frame, e.g. seventy-two hours must be included in the statement.

504/ADA COMPLIANCE COMMITTEE

GOAL and Purpose:

The committee's goal is to make the college accessible to all its students, faculty and staff members not just for those with specific disabilities. In addition to the physical layout of the college, academic conditions are also part of the committee's interests. The purpose of this committee is to give an overall view of the campus' physical and academic accommodations for the students, faculty and staff.

EXAMPLES of ACCESSIBILITY INCLUDES:

Computer/Computer Station accessibility:

1. Labs and classrooms,
2. Assertive Technology for testing and other academic programs

CAMPUS MAPS:

Specifically designed maps of the campus are fully visible throughout the campus showing curb cuts and ramps.

EVACUATION PROCEDURES:

A safety plan for the disabled has been established to provide for the safety of disabled members from the Queensborough Community College student body, faculty, or visitors in the event of any life-threatening emergency.

The Security Staff has been trained and has completed the Fibulation and EMT services course.