University Policy 1075

Non-Discrimination on the Basis of Disability

Effective Date

February 2017

Responsible Party

Office of Institutional Compliance and Ethics, (208) 426-1258

Scope and Audience

This policy applies to all University faculty, staff, and students

Additional Authority

- Americans with Disabilities Act, as amended
- Section 504 of the Rehabilitation Act of 1973
- University Policy 1060 (Non-Discrimination and Anti-Harassment)
- University Policy 2080 (Equal Access to Students with Disabilities)
- University Policy 9050 (Minor Repairs and Alterations)
- University Policy 9070 (Facilities Operations and Maintenance Work Order Requests)

1. Policy Purpose

To define the University’s policy and standards for nondiscrimination on the basis of disability, and to outline the procedures by which individuals alleging discrimination under the provisions of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), and the ADA Amendments Act of 2008, may seek redress.
2. **Policy Statement**

The University, and all members of the faculty and staff, will operate its programs, activities, and services to ensure that no Individuals With Disabilities will be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any such program, activity, or service solely because of their disability.

3. **Definitions**

3.1 **The Acts**

The Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), and the ADA Amendments Act of 2008.

3.2 **Individuals With Disabilities**

Individuals With Disabilities include those who: 1) have a physical or mental impairment that substantially limits one or more major life activities (functions such as performing manual tasks, walking, seeing, hearing, speaking, breathing, or learning); 2) have a record of physical or mental impairment; or 3) are regarded as having a substantially limiting physical or mental impairment, even though the impairment is insubstantial, a reflection of the attitudes of others, or nonexistent.

4. **Responsibilities and Procedures**

4.1 **Responsibilities**

The Office of Institutional Compliance and Ethics has overall responsibility for University compliance with The Acts and this policy.

4.1.2 **Director of the Educational Access Center**

The Director of the Educational Access Center will report to the Executive Director of Institutional Compliance and Ethics on compliance activities conducted by the University in compliance with The Acts and this policy. These activities may include the preparation of all required quarterly complaint reports, the coordination of activities among divisions and departments, and the provision of reasonable accommodations to qualified students with disabilities.
4.1.3 Associate Vice President for Human Resources

The Associate Vice President for Human Resources is responsible for compliance with The Acts in the hiring and promotion of University employees. The Associate Vice President for Human Resources, or designee, shall consult with and report quarterly to the Executive Director of Institutional Compliance and Ethics regarding implementation of this policy and compliance with The Acts.

a. The reasonable accommodation of disabled applicants and employees is a responsibility of the employing department/office.

b. When it is determined an accommodation is required, the appropriate University officials will determine a reasonable response. The Acts do not require that a qualified applicant or employee with a disability be hired or promoted. However, the ADA does make it unlawful for a selecting official or a selection committee to discriminate against qualified Individuals With Disabilities on the basis of disability.

4.1.4 Vice President for Campus Operations and Chief Operating Officer

The Vice President for Campus Operations and Chief Operating Officer, in conjunction with the Director of Architectural and Engineering Services and the Director of the Educational Access Center, are responsible for:

a. Identification and, after approval by the appropriate administrator, implementation of accessibility in new construction and in projects that require alterations or modification to facilities and grounds.

b. Proactive maintenance of accessible grounds and facility features in equipment in accordance with University Policy 9050 (Minor Repairs and Alterations) and University Policy 9070 (Facilities Operations and Maintenance Work Order Requests) and related maintenance procedures.

c. Snow removal prioritizing accessible paths and building entrances.

4.1.5 Faculty Members

Faculty members are responsible for ensuring that the selection and/or development of their course tools and materials are fully accessible for Individuals With Disabilities. Faculty may seek assistance in accessible course design through the Educational Access Center, Center for Teaching and Learning, and the IDEA Shop.
4.2 Assistance for Individuals with Disabilities

4.2.1 Students

a. Students requiring accommodation(s) to participate or benefit from educational opportunities offered at Boise State should visit the Educational Access Center or review information available on the Educational Access Center’s website at: eac.boisestate.edu. The provision of academic accommodations for students is governed by University Policy 2080 (Equal Access for Students with Disabilities).

b. Students are not eligible for accommodations retroactively and should engage with the Educational Access Center before the beginning of each semester or session.

4.2.2 Employees

Applicants for employment, or employees with disabilities who need accommodations or auxiliary aids to apply for or engage in employment, must contact Human Resources to request reasonable accommodations.

4.3 Students and Employees

a. The University will use all resources available, including public agency and private donations, to fund the purchase of assistive technology and academic support. While the University will strongly consider requests from students for a specific type of access technology or academic support, the University maintains the right to make a final decision about its choice of such educational aid.

b. The University will not assume any responsibility for the provision of attendants, individually prescribed devices, readers for personal use or study, or any device or service of a personal nature. The arrangements for these types of services are entirely the responsibility of the individual student or employee.

4.4 Complaints of Discrimination on the Basis of Disability

Those who believe they have been harassed or discriminated against on the basis of disability are encouraged to file a complaint with the Office of Institutional Compliance and
The University processes complaints alleging discrimination on the basis of disability pursuant to University Policy 1060 (Non-Discrimination and Anti-Harassment).

Revision History