



Montana State University – Great Falls Policy and Procedure Manual

SUBJECT: 400 Human Resources

Policy: 401.4 Americans with Disabilities

Effective: Revised:

Reference: [Americans with Disabilities Act of 1992](#)

Montana State University – Great Falls College of Technology provides equal opportunity to qualified employees and students, and to members of the general public who have a disability and provide reasonable accommodation as appropriate in employment, the application for employment, services, programs, and activities. Individuals with a disability are those who have a physical or mental impairment that substantially limits one or more major life activity, have a record of such impairment, or are regarded as having such impairment.

The college's ADA coordinators are the Director of Human Resources and Director of Disability and Learning Services. The ADA coordinator must be contacted for assistance in all matters pertaining to compliance with this policy.

Before denying a request for disability accommodations, requiring a medical exam, or taking other action related to ADA requirements under this policy supervisors must consult with the ADA coordinator and obtain concurrence with the denial or action.

Physical and Program Accessibility

To assure equal opportunity, qualified individuals with disabilities will be provided reasonable accommodations and access to college services, programs, and activities in settings as integrated as possible, provided the access or accommodation will not result in an undue hardship or a fundamental alteration of a service, program, or activity.

Facilities designed, constructed, or altered after June 26, 1992, must be accessible and usable by persons with disabilities, and must conform to the accessibility standards of the Americans with Disabilities Act Accessibility Guidelines (ADAAG). Alterations to existing buildings will comply with ADAAG except where technically infeasible, for example, where a physical or site restraint prevents compliance or where compliance would require removal of a load-bearing part of a structure.

The college also will provide auxiliary aids and services to individuals with disabilities to enable them to communicate effectively with MSU College of Technology and to receive the benefits of services, programs, and activities unless to do so will create an undue hardship or create a fundamental alteration of the services, programs, or activities.

Web Accessibility

MSU College of Technology offices and departments creating Web sites, including course Web sites, should consider the following guidelines and aim for compliance, as feasible:

1. provide alternative texts for images, applets, and image maps



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2. provide descriptions for important graphics, scripts, or applets if they are not fully described through alternative text or in the document's content
3. provide textual equivalents for audio information (captioning)
4. make verbal descriptions of moving visual information available in both auditory and text form
5. make text and graphics perceivable and understandable when viewed without color
6. make moving, blinking, scrolling, or auto-updating objects or pages so they can be paused or frozen
7. make pages using the newer HTML features transform easily into an accessible form
8. make features that enable activation of page elements via input devices other than a pointing device (e.g. via keyboard, voice) available
9. provide sufficient information to determine the purpose of frames and how they relate to each other
10. make tables (not used for layout) have the necessary markup to be properly restructured or presented by accessible browsers and other user agents
11. indicate structure with structural elements and control presentation with presentation elements and style sheets
12. provide supplemental information needed to pronounce or interpret abbreviated or foreign text
13. build accessibility into elements that contain their own user interface
14. use interim accessibility solutions to assure that assistive technologies and older browsers will operate correctly
15. group controls, selections, and labels into semantic units
16. create good link phrases
17. provide mechanisms that facilitate navigation within your site

and

18. create a single downloadable file for documents that exist as a series of separate pages.

Methods for complying with the standards above may be found at <http://www.w3c.org>.

Employment

Actions based on an individual's disability (e.g. refusal to provide requested accommodation, providing an accommodation, refusal to hire, etc.) may not be taken by the hiring official without consultation with the ADA coordinator first.

The College prohibits discrimination against qualified individuals with disabilities in the application for employment and in the terms and conditions of employment including hiring, termination, training, compensation and benefits, promotion, and other terms of employment. The College will not use standards, tests, or criteria that screen out or tend to screen out an applicant with a disability unless the criteria are job-related and required by business necessity or it is determined that an applicant will pose a direct threat to the health or safety of the applicant or others. The Human Resources Department will



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review all job announcements to assure job requirements and essential functions are appropriate to the position.

Hiring officials and search committees will not ask applicants for employment about illness, disability, impairment, mental or physical condition, disease, hospitalization, prior absenteeism, medication, or claims for worker's compensation before a conditional offer of employment is made. Hiring officials and search committees may ask applicants if they can perform the essential functions of a position and may ask applicants to demonstrate how they would perform the essential functions. If one applicant is asked questions about essential functions and asked to demonstrate how the essential functions would be performed, then all applicants must be asked the same questions and asked to demonstrate how the essential functions would be performed.

Inability to Perform Essential Functions

When a qualified applicant, with or without reasonable accommodations, is unable to perform the essential functions of a position, the applicant will be considered ineligible for hire. When a qualified employee, with or without reasonable accommodations, is unable to perform the essential functions of the job, the College will make a good faith effort to find another position for the employee for which she or he is qualified. In consultation with the ADA coordinator/Human Resources Director, the hiring official will make every effort to find another position within the department for the employee. [The State of Montana Reasonable Accommodation Guide](#) will be utilized for determination of accommodation.

Reasonable Accommodations

The College will make a good faith effort to provide reasonable accommodation for qualified applicants, employees, students, and members of the public with a disability unless the accommodation requested would cause an undue hardship as defined by the ADA and this policy. For purposes of providing reasonable accommodation, applicants and employees are considered qualified if they possess the minimum qualifications of the position and can perform the essential functions of the position with or without reasonable accommodation. The individual with a disability must ask for the reasonable accommodation and provide appropriate disability documentation (e.g., medical, psychoeducational and/or psychological) sufficient to document the disability and the need for the accommodation. The supervisor must consult with the ADA coordinator as soon as a request for an accommodation is made by an applicant for employment, employee, or member of the public. Students requesting accommodation must notify the Director of Disability and Learning Resources and work with that office for the provision of reasonable accommodations. The cost of providing the reasonable accommodation is the responsibility of the department providing the employment, program, service, or activity except in the case of providing general class accommodations for students with disabilities.



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Disability Documentation/Records Retention

Medical and/or psychological examinations may be required post-offer of employment or as a result of an illness or injury sustained by an employee who desires to return to work following a medical leave. The College identifies specific jobs that require a physical exam before a person can begin work. The hiring department bears the cost of these exams. The records provided as a result of any required medical/psychological exam or disability documentation provided as evidence of a disability and the need for accommodation will be maintained by the Human Resources Department for three years after the date of receipt or for the length of an employee's employment. Such records and documentation will be maintained confidentially and separately from application materials and/or official personnel records. The Disability and Learning Resource Center will maintain disability documentation for all students requesting accommodations.

Right to File a Complaint

Any individual who believes he or she has been discriminated against by the College on the basis of disability may contact the ADA coordinator at and/or file a complaint with the Human Resources Director within 120 days of the last act of alleged discrimination. Individuals may also file a complaint with the Montana Human Rights Division, the Equal Employment Opportunity Commission, the Office of Civil Rights of the Department of Education, or other agencies designated in ADA, within 180 days of the last act of alleged discrimination. (EEOC provides 300 days to file.)

Individuals who have complaints may also file private lawsuits in appropriate courts within certain timelines and should consult their legal advisors accordingly.

Retaliation

Retaliation against a person who has filed a complaint with the College or outside the College is prohibited and may be grounds for disciplinary action up to and including termination of employment.