



## OIEC ADA COMPLIANCE UNIT

Date: August 2019

Academic Leaders Orientation

### **Services Provided By ADA Compliance:**

ADA Compliance is responsible for compliance with civil rights laws and university policy related primarily to the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, and the Fair Housing Act. ADA Compliance is also responsible for ensuring pregnancy-related accommodations for employees.

ADA Compliance is charged with providing reasonable accommodations for all employees at the university, including permanent faculty and staff, research faculty, temporary employees, and student employees. ADA Compliance collaborates with its campus partners to address the structural accessibility needs of the campus community (in partnership with Facilities Management and Housing Facilities Services), the housing and dining needs of students with disabilities (in partnership with the Housing Accommodations Committee led by Occupancy Management), the academic needs of students (in partnership with Disability Services, as part of the formal appeal process), and the access needs of the public (in partnership with various departments).

- **The Reasonable Accommodation Process**

The University provides reasonable accommodations to qualified job applicants and employees (including teaching and research faculty, classified and exempt professional staff, and student employees) with a disability in order to enable the employee to perform their job's essential functions.

- Examples of reasonable accommodations include: making existing facilities used by employees readily accessible to and usable by persons with disabilities, modifying work schedules, acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, providing qualified readers or interpreters, reassigning marginal job functions, and reassignment to a vacant position.
- An employee requesting a reasonable accommodation may make a request to the employee's supervisor, or directly to ADA Compliance. If an employee makes a request to the employee's supervisor, the supervisor should refer the employee to ADA Compliance, while also contacting the ADA Compliance unit directly to communicate the request.

- **Sign Language Interpreting and Real-Time Captioning**

ADA Compliance office provides coordination for sign language interpreting and real-time captioning services for faculty, staff, students (for events and activities outside the classroom, including employment), and campus visitors and guests.

Sign language interpreting request: email [interpretingrequest@colorado.edu](mailto:interpretingrequest@colorado.edu) or call (303) 492-9725. Please contact ADA at least 2 business days prior to the event and include the name of the person requiring the interpreter, the type of event, venue, time, and expected duration of the event.



# Institutional Equity and Compliance

UNIVERSITY OF COLORADO BOULDER

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Real time captioning request: email [captioningrequest@colorado.edu](mailto:captioningrequest@colorado.edu) or call (303) 492-9725. Please contact ADA at least 2 business days prior to the event and include the name of the person requesting the service, the type of event, event location, time, and expected duration.

Other type of communication access, email [adacoordinator@colorado.edu](mailto:adacoordinator@colorado.edu) or call (303) 492-9725.

### When Would an Academic Advisor Utilize the Resources of the ADA Compliance Office?

1. To assist with the return of an employee from FMLA.
2. To assist in accommodating a professor who had requested an ADA accommodation to comply with the requirements of tenure.
3. To better understand an accommodation provided to an employee.
4. To refer a student employee (research assistant, teaching assistant, etc) who communicates they are having difficulty in their job due to a medical condition.
5. To refer an ergonomic request from an employee.

### Contact Information of the ADA Compliance Unit

*Danielle Yatrakis, Director of ADA Compliance and ADA Coordinator*

Administrative Research Center

3100 Marine Street, 557 UCB

University of Colorado Boulder

Boulder, CO 80309

Direct: 303-492-1334

[danielle.yatrakis@colorado.edu](mailto:danielle.yatrakis@colorado.edu)

*Meredith Smith, Title I and Title II Program Manager*

Direct: 303-735-6600

[meredith.smith-1@colorado.edu](mailto:meredith.smith-1@colorado.edu)

*Jillian Jablonski, Title I and Title II Program Manager*

Direct: 303-735-7519

[Jillian.jablonski@colorado.edu](mailto:Jillian.jablonski@colorado.edu)



University of Colorado **Boulder**

# ADA COMPLIANCE

Office of Institutional Equity and Compliance

**Danielle Yatrakis**  
Director



**Jill Jablonski**  
Sr. Program Manager



**Meredith Smith**  
Program Manager





# **COLLABORATION FOR EFFECTIVE ACCOMMODATIONS**

**PRESENTED BY OIEC ADA COMPLIANCE**

# WHY LEADERSHIP IS ESSENTIAL TO CAMPUS COMPLIANCE WITH ADA

## RECOGNIZING ACCOMMODATION REQUESTS

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Leadership is often the first point of contact for employees and supervisors in the department.



PHOTO FROM DENVERPOST.COM

## ASSESSING REQUESTS

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ADA Compliance relies on expertise from leadership for a thorough interactive process.

## LEAVE RIGHTS

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Monitoring leave exhaustion.

# recognizing a request

1

**Accommodation Request = an employee makes a link between a medical condition and workplace limitation.**

- ▶ During a performance evaluation
- ▶ Verbally to a supervisor
- ▶ Leading-up to receiving formal reprimand
- ▶ In a medical note provided for sick leave
- ▶ During a casual conversation

# 2

## INTERACTIVE PROCESS

Under the ADA, employers are required to provide **reasonable and effective accommodations** for employees with **disabilities** that enable the employee to perform the **essential functions** of the position without causing **undue hardship**.



What qualifies as a disability?



What is considered reasonable?



What qualifies as undue hardship?



How do we assess if it is effective?



What are the essential functions of the position?

# THE INTERACTIVE PROCESS

- ▶ Employee makes a link between a medical condition and workplace limitations. Request is referred to ADA Compliance.
- ▶ ADA engages with the employee to understand job-related limitations and brainstorm possible accommodations.
- ▶ If needed, ADA Compliance engages in an interactive process with the medical provider to verify disability and limitations.



# THE INTERACTIVE PROCESS

▶ ADA Compliance works with HR and supervisor to identify essential functions and assess the impact of accommodations to determine if reasonable or undue hardship.

▶ ADA Compliance issues a Notice of Determination with either 1) an approved accommodation and parameters or 2) denied accommodation and reasoning.



# KEY TAKEAWAYS ABOUT THE INTERACTIVE PROCESS:



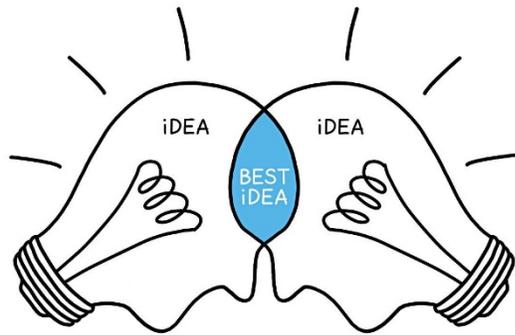
An employment accommodation is a **modification to the way** things are usually done that enables an employee with a disability to be able to do their job.



The Equal Employment Opportunity Commission (EEOC) finds employers at fault when employers say no to an accommodation request without engaging in a thorough interactive process, even if the request seems unreasonable.

# examples

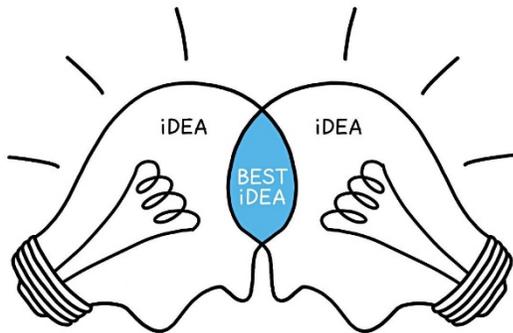
Creative and effective accommodations that were developed through the interactive process.



An employee works at a customer service desk and has been diagnosed with PTSD. When triggered, the employee relives the traumatic event and experiences increased blood pressure, heart rate, rapid breathing, and nausea. This has started occurring at work, and the employee has been found spending hours in the bathroom on worktime managing their symptoms. This means their assigned area is not being monitored and customers are left unattended. The employee has requested the ability to work from home.

# examples

Creative and effective accommodations that were developed through the interactive process.

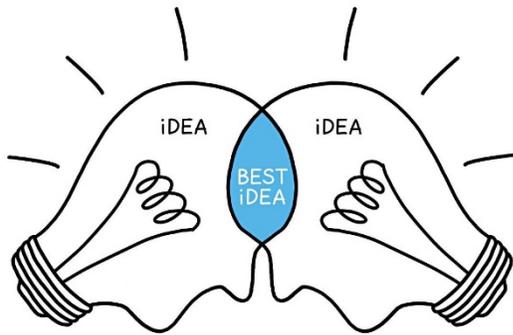


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**Possible Accommodation:  
Emotional Support Animal**

# examples

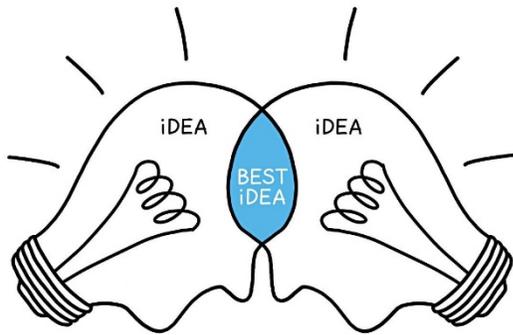
Creative and effective accommodations that were developed through the interactive process.



A Dean for an academic department is undergoing chemo therapy and is experiencing extreme sensitivity to temperature and odors. The Dean conducts monthly faculty meetings to foster collaboration within the department. The Dean has had to leave these meetings due to their symptoms. Attending the meetings remotely has been unsuccessful in allowing the Dean to effectively lead the meeting.

# examples

Creative and effective accommodations that were developed through the interactive process.



A Dean for an academic department is undergoing chemo therapy and is experiencing extreme sensitivity to temperature and odors. The Dean conducts monthly faculty meetings to foster collaboration within the department. The Dean has had to leave these meetings due to their symptoms. Attending the meetings remotely has been unsuccessful in allowing the Dean to effectively lead the meeting.

## **Possible Accommodation:**

**A controllable meeting location with items for temperature control and an air purifier for odor control.**

# 3 EMPLOYEE LEAVE RIGHTS

There are many different reasons an employee may have a need for leave from work.

## FMLA

## Workers' Comp

## Leave as an Accommodation

This **MUST** be assessed through the interactive process for employees with disabilities who have a disability-related need for additional leave.



# **THANK YOU!**

**CONTACT ADA COMPLIANCE FOR FOLLOW-UP TRAINING**

**Phone: 303-492-9725**

**Email: [adacoordinator@Colorado.edu](mailto:adacoordinator@Colorado.edu)**

# Disability Services New Academic Leaders

August 12, 2019



University of Colorado **Boulder**

# Mission, Vision and Philosophy

- **Mission** - In collaboration with the university community, Disability Services ensures that students with disabilities receive reasonable accommodations and services to participate equally in the academic environment.
- **Vision** - We envision a fully accessible, integrated, and universally designed campus community. Students with disabilities are one of the many groups that make up our campus community and a diverse community broadens our understanding and appreciation for the contributions of each individual.
- **Philosophy** - Disability Services provides leadership and guidance regarding accommodations and universal access, which requires a collaborative relationship among all members of the university community.



# Impact - Students, Faculty and Administration

## 2019 – Spring Semester

- **2,664** students registered & enrolled in at least one course (8.2% of student population of CU Boulder)
- **1,901** unique courses had at least one student with a disability enrolled
- **2,039** faculty members had at least one student with a disability in their course
- **3,032** communications between students and disability services
- **1,174** communications between faculty and disability services



# Disability Laws Impacting Academics at CU Boulder

- **The Rehabilitation Act**

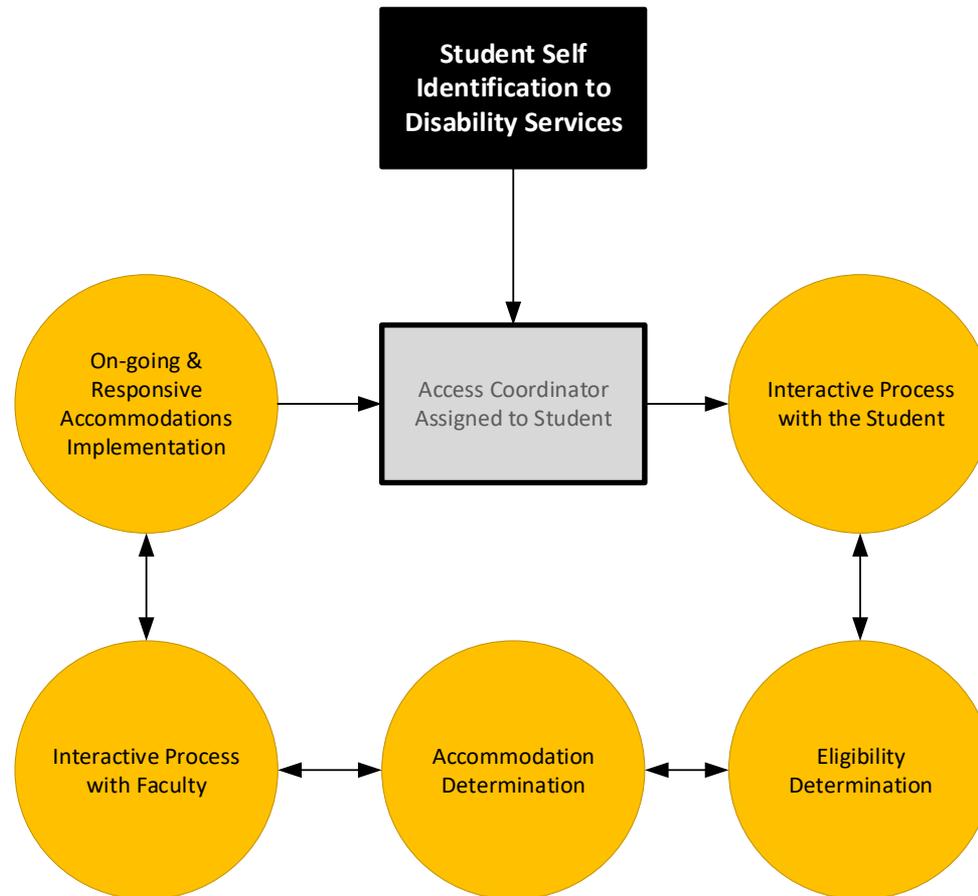
- *Sections 501, 503, 504 and 508*
- **Section 504** states that "no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under" any program or activity that either receives Federal financial assistance or is conducted by any Executive agency or the United States Postal Service.

- **ADA – Americans with Disabilities Act**

- *Title I, II, III and IV*
- **Title II** covers all activities of State and local governments regardless of the government entity's size or receipt of Federal funding. Title II requires that State and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities (e.g. public education, employment, transportation, recreation, health care, social services, courts, voting, and town meetings).



# Student Accommodation Process



# Common Academic Accommodations

- Alternate Format of Print Materials
- Assistive Technology
- Cultural Course Substitutions
- Flexibility & Extensions
- Interpreting & Captioning
- Note-Taking
- Physical Access
- Course & Program Review
- Registration
- Service Animals
- Tuition Per Credit
- Testing



# Academic Partnership with Disability Services

- Interactive Process with Faculty, Chairs, Directors and Deans
- First approach is always to work directly with course faculty and the student
- In situations that are not clear or where negotiation is needed, often requires a comprehensive and interactive approach
- Examples: Interpreting/Captioning, Flexibility with Attendance and Assignment Deadlines Plans, Alternate Formats of Print Materials



# Faculty Resources

- **1:1 Consultation with Faculty**
- **Department Presentations**
- **Faculty Sessions (Each Semester)**
  - Alternate Format for Print Materials
  - Interpreting & Captioning
  - Flexibility with Attendance and Assignments
  - Note-Taking
- **Outreach to Associate/Assistant Deans**



# Contact Disability Services

**Center for Community, Suite N200**

**303-492-5602**

**[dsinfo@Colorado.edu](mailto:dsinfo@Colorado.edu)**

**<https://colorado.edu/disabilityservices/faculty-staff>**

**John Meister, Director**

**303-492-5602 – [john.meister@Colorado.edu](mailto:john.meister@Colorado.edu)**

