

**MINNESOTA STATE COLLEGES AND UNIVERSITIES  
BOARD OF TRUSTEES**

**Agenda Item Summary Sheet**

**Committee:** Diversity and Multiculturalism

**Date of Meeting:** April 19, 2011

**Agenda Item:** Proposed Amendment to Board Policy 1B.4 Access for Individuals with Disabilities (First Reading)

- Proposed Policy Change       Approvals Required by Policy       Other Approvals       Monitoring
- Information

**Cite policy requirement, or explain why item is on the Board agenda:**

Amendment to Board policy requires approval of the Board.

**Scheduled Presenter(s):**

Renée Hogoboom, Associate Director for Diversity and Multiculturalism

**Outline of Key Points/Policy Issues:**

The amendment clarifies policy language. In addition, the definition of disability was changed to more closely reflect Minnesota law rather than federal law.

**Background Information:**

The proposed policy is a first reading to amend Policy 1B.4 Access to Individuals with Disabilities.

**BOARD OF TRUSTEES  
MINNESOTA STATE COLLEGES AND UNIVERSITIES**

**BOARD ACTION**

**PROPOSED AMENDMENT TO BOARD POLICY 1B.4 ACCESS FOR  
INDIVIDUALS WITH DISABILITIES (FIRST READING)**

**INTRODUCTION**

The Office of the Chancellor is submitting an amendment to Policy 1B.4 Access for Individuals with Disabilities.

**BACKGROUND**

The Board of Trustees approved this policy in 1995. During the cyclical review of this policy, we have amended the language to reflect the definition of persons with disabilities under Minnesota state law.

There have been no significant changes to the policy.

**CONSULTATION**

Consultation has occurred as follows:

- The policy has been broadly distributed to allow for review and comment by as many stakeholders as possible. A draft of the proposed policy was electronically distributed to the following group Listservs on February 16, 2011, for review and comment.
  - Presidents
  - Cabinet
  - Chief Academic Officers
  - Chief Diversity Officers
  - Chief Human Resources Officers
  - Disability Officers
  - Affirmative Action Officers
  - Chief Student Affairs Officers
  - Academic Deans
  - IFO State Leadership
  - MSCF State Leadership
  - MSUAASF State Leadership
  - MSCSA State Leadership
  - MSUSA State Leadership
  - MAPE, MMA, AFSCME State Leadership

**RECOMMENDED COMMITTEE ACTION**

The Diversity and Multiculturalism Committee recommends that the Board of Trustees adopt the following motion:

**RECOMMENDED MOTION**

The Board of Trustees approves the proposed amendment to Policy 1B.4 Access for Individuals with Disabilities.

BOARD OF TRUSTEES  
MINNESOTA STATE COLLEGES AND UNIVERSITIES

| BOARD POLICY |   |
|--------------|---|
| Chapter      | 1B. SYSTEM ORGANIZATION AND ADMINISTRATION<br>EQUAL EDUCATION AND EMPLOYMENT<br>OPPORTUNITY |
| Section      | 4. Access for Individuals with Disabilities   |

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**1B.4 ACCESS FOR INDIVIDUALS WITH DISABILITIES**

**Part 1. Policy Statement:**

Minnesota State Colleges and Universities is committed to the inclusion of individuals with disabilities in its programs, services and activities, through its compliance with state and federal laws. The system recognizes that individuals with disabilities may need accommodations to have equally effective opportunities to participate in or benefit from the system's programs, services and activities.

**Part 2. Definitions.**

**Subpart A. Disability** means, with respect to an individual, a physical or mental impairment which materially limits one or more of major life activities; a record of impairment, or is regarded as having such an impairment.

**Subpart B. Record of impairment** means a history of or a classification as having a mental or physical impairment that materially limits one or more major life activities.

**Subpart C. Regarded as having an impairment** means

- a. An individual has a physical or mental impairment that may not materially limit major life activities but the individual is treated by others as constituting such a limitation;
- b. An individual has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or
- c. An individual has no impairment but is treated by others as having an impairment.

**Definitions:**

**Subpart A. An individual with a disability:**

- ~~1. Any person who has a physical or mental impairment which substantially limits one or more of such person's major life activities.~~
- ~~2. Any person who has a record of such impairment which means that a person has a history of or has been classified as having a mental or physical impairment that substantially limits one or more major life activities.~~

- 34 | 3. ~~Any person who is regarded as having such an impairment which means:~~  
35 | a. ~~Has a physical or mental impairment that may not substantially limit~~  
36 | ~~major life activities but that is treated by others as constituting such a~~  
37 | ~~limitation;~~  
38 | b. ~~Has a physical or mental impairment that substantially limits major life~~  
39 | ~~activities only as a result of the attitudes of others toward such~~  
40 | ~~impairment;~~  
41 | c. ~~Has no impairment but is treated by others as having such an impairment.~~

42 | **Subpart ~~DB~~. Personal devices and services:** ~~Examples of personal devices and~~  
43 | ~~services~~ may include wheelchairs; individually prescribed devices, such as  
44 | prescription eyeglasses or hearing aids; readers for personal use or study; or services  
45 | of a personal nature including assistance in eating, toileting, or dressing.

46 | **Subpart ~~EC~~. Qualified individual:** means a ~~A~~ person who, with or without  
47 | reasonable modifications to rules, policies, or practices, the removal of architectural,  
48 | communication, or transportation barriers, or the provision of auxiliary aids and  
49 | services, meets the essential eligibility requirements for receipt of services or  
50 | participation in a system office, college, or university program or activity. Essential  
51 | eligibility requirements include, but are not limited to, academic and technical  
52 | standards requisite to admission or participation in an education program or activity.  
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54 | **Part ~~23~~. General Access Policy.**

55 | ~~The system office, Colleges, and universities, and the Office of the Chancellor~~ will  
56 | provide access to programs, services and activities to qualified individuals with known  
57 | disabilities as required by law. Where an individual asks for an accommodation, the  
58 | ~~institutionsystem office, college, or university~~ may require the individual to provide  
59 | documentation.  
60 |

61 | **Part ~~34~~. Availability and Notice.**

62 | ~~Each Colleges, and universities, and the Office of the Chancellor~~ shall post notices in  
63 | an accessible format to the public ~~statingdescribing~~ 1) ~~college or university~~ prohibition  
64 | against discrimination, including the contact information of the person designated to  
65 | receive complaints of discrimination; and 2) contact information for the person  
66 | designated to provide information about or respond to requests for reasonable  
67 | accommodation. ~~college or university contact for requesting reasonable accomodation or~~  
68 | ~~information.~~  
69 |

70 | **Part ~~45~~. Reasonable Accommodations to Ensure Access to Programs, Services, and**  
71 | **Activities.**

72 | ~~The system office, Colleges, and universities, and the Office of the Chancellor~~ shall  
73 | make reasonable accommodations to ensure access to programs, services, and activities as  
74 | required by law. Access means that a qualified individual with a disability will not be  
75 | excluded from participation in or be denied the benefits of the services, programs, or  
76 | activities, nor will the individual be subjected to discrimination. Reasonable  
77 | accommodations may include modifications to rules, policies, or practices, the removal of  
78 | architectural, communication, or transportation barriers, provision of auxiliary aids or the

79 provision of equally effective programs, services, or activities. In accordance with the  
80 Americans with Disabilities Act, accommodations will **not** be provided 1) for personal  
81 devices or services even though the individual may be a qualified individual with a  
82 disability, or 2) that result in a fundamental alteration in the nature of a service, program,  
83 or activity or in undue financial or administrative burdens.

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85 | **Part 56. Offered and/or Sponsored Services or Activities for Qualified Students**  
86 | **with Disabilities.**

87 | Colleges and universities have a responsibility to provide access to services and/or  
88 | activities that are operated or sponsored by the ~~institution~~college or university or that  
89 | receive significant assistance from the ~~institution.~~ college or university. Such access  
90 | shall be provided in a reasonable manner as required by law. At a minimum, the  
91 | following must be offered to qualified students with disabilities: 1) support, counseling,  
92 | and information services that may include support groups, individual counseling, career  
93 | counseling and assessment, and referral services, 2) academic assistance services that may  
94 | include assistive devices, early registration services, early syllabus availability, course  
95 | selection, and program advising, course work assistance, testing assistance, and  
96 | modification, and tutoring, and 3) coordination services that may include personnel acting  
97 | on the student's behalf and serving as the primary contact and coordinator for students  
98 | needing services, assistance in working individually with faculty and administrators,  
99 | intervention procedures, and grievance procedures.

100  
101 | **Part 67. Process. ~~dure.~~**

102 | In consultation with the ~~Office of the Chancellors~~system office, each college and  
103 | university shall establish a process~~dure~~ for individuals with disabilities to make requests  
104 | for accommodations to access programs, services, or activities at the ~~institution~~college or  
105 | ~~university,~~ consistent with state and federal laws. ~~The process.~~ Such procedure for access  
106 | to programs for individuals with disabilities must, at a minimum, include the following:

- 107 | a. The ~~Board of Trustees~~system policy statement and ~~policy~~ system definitions.
- 108 | b. Assignment and identification of a staff member responsible for administering the  
109 | delivery of services to individuals with disabilities.
- 110 | c. ~~Provide~~Aa process for appealing a denial of a request for program access.

111  
112 | *Date of Implementation:* 7/1/95

113 | *Date of Adoption:* 6/20/95

114 | *Subject and Date of Revision:* 5/xx/11 - New Part I – added policy statement. Part 2  
115 | changes the definition of disability to better reflect Minnesota statute. Parts 3 – 7 are  
116 | language clarifications.

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118 | References:

- 119 | • Minnesota State Laws Chapter 135A.16
- 120 | • Minnesota State Laws Chapter 363A.03

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