

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

**Agenda Item Summary Sheet**

**Committee:** Diversity and Multiculturalism

**Date of Meeting:** July 20, 2011

**Agenda Item:** Proposed Amendment to Board Policy 1B.4 Access for Individuals with Disabilities (Second 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 modified to more closely reflect Minnesota law rather than federal law.

**Background Information:**

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

*Second Reading*

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

**BOARD ACTION**

**PROPOSED AMENDMENT TO BOARD POLICY 1B.4 ACCESS FOR  
INDIVIDUALS WITH DISABILITIES (SECOND 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, the language has been amended to include both accommodations and accessibility and to reflect the definition of persons with disabilities under Minnesota state law.

**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 and May 18, 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
  - Inter Faculty Organization State Leadership
  - Minnesota State College Faculty State Leadership
  - Minnesota State University Association of Administrative and Service Faculty State Leadership
  - Minnesota State College Student Association State Leadership
  - Minnesota State University Student Association State Leadership
  - Minnesota Association of Professional Employees State Leadership
  - Middle Management Association State Leadership
  - American Federation of State, County and Municipal Employees 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

<b>BOARD POLICY</b>	
Chapter 1B.	SYSTEM ORGANIZATION AND ADMINISTRATION EQUAL EDUCATION AND EMPLOYMENT OPPORTUNITY
Section 4.	Access <u>and Accommodation</u> for Individuals with Disabilities

1 **1B.4 ACCESS AND ACCOMMODATION FOR INDIVIDUALS WITH**  
2 **DISABILITIES**

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4 **Part 1. Policy Statement.**

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

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12 **Part 12. Definitions.**

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

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16 1 Any person who has a physical or mental impairment which substantially

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18 2. Any person who has a record of such impairment which means that a person

19 has a history of or has been classified as having a mental or physical

20 impairment that substantially materially limits one or more major life

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22 3. ~~Any person who is regarded as having such an impairment which means:~~

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24 a. ~~Has a physical or mental impairment that may not substantially limit major~~

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26 b. ~~Has a physical or mental impairment that substantially limits major life~~

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28 c. ~~Has no impairment but is treated by others as having such an~~

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30 ~~—impairment.~~

31 **Subpart B.** ~~Personal devices and services: Examples of personal devices and services~~  
32 ~~include wheelchairs; individually prescribed devices, such as prescription eyeglasses or~~  
~~hearing aids; readers for personal use or study; or services of a personal nature~~  
~~including assistance in eating, toileting, or dressing.~~

33 ~~Subpart C. Qualified individual with a disability. A person~~ An individual who,  
34 with or without reasonable modifications to rules, policies, or practices, the removal of  
35 architectural, communication, or transportation barriers, or the provision of auxiliary  
36 aids and services, meets the essential eligibility requirements for receipt of services or  
37 participation in a system office, college, or university program or activity. Essential  
38 eligibility requirements include, but are not limited to, academic and technical  
39 standards requisite to admission or participation in an education program or activity.

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41 Subpart C. Program devices and services may include wheelchairs; individually  
42 prescribed devices, such as prescription eyeglasses or hearing aids; readers for personal  
43 use or study; or services of a personal nature including assistance in eating, toileting, or  
44 dressing.

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46 **Part 23. General Access Policy.**

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48 ~~The system office, colleges~~ Colleges, and universities ~~and the system office will shall~~  
49 provide access to programs, services and activities to qualified individuals with known  
50 disabilities as required by law. ~~Where an~~ An individual requesting asks for an  
51 accommodation, ~~the system office, college, or university may be~~ required ~~the individual~~ to  
52 provide documentation of eligibility for the accommodation.

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54 **Part 34. Availability and Notice.**

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56 ~~Each college~~ Colleges, and university ~~universities, and the system office~~ shall post notices  
57 to the public in an accessible format ~~to the public describing~~ stating 1) ~~college or~~  
58 ~~university a~~ prohibition against discrimination on the basis of disability; and 2) ~~college or~~  
59 ~~university contact~~ information for the person designated to provide information about or  
60 respond to requests for ~~requesting~~ reasonable accommodation. ~~or information.~~

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62 **Part 45. Reasonable Accommodations. to Ensure Access to Programs, Services, and**  
63 **Activities.**

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65 Subpart A. Programs, Services, and Activities. ~~The system office, colleges~~ Colleges,  
66 ~~and universities~~ and the system office shall make reasonable accommodations to ensure  
67 access to programs, services, and activities as required by law. Access means that a  
68 qualified individual with a disability will not be excluded from participation in or be  
69 denied the benefits of the programs, services, ~~programs,~~ or activities, nor will the  
70 individual be subjected to discrimination. Reasonable accommodations may include  
71 modifications to: rules, policies, or practices; the removal of architectural,  
72 communication, or transportation barriers; provision of auxiliary aids or the provision  
73 of equally effective programs, services, or activities. In accordance with the Americans

74 with Disabilities Act, accommodations will **not** not be provided 1) for personal devices  
75 or services even though the individual may be a qualified individual with a disability,  
76 or 2) that result in a fundamental alteration in the nature of a service, program, or  
77 activity or in undue financial or administrative burdens.

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79 **Subpart B. Employment.** System Procedure 1B.0.1, Reasonable Accommodations in  
80 Employment, applies to accommodation requests by employees and applicants for  
81 employment.

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83 **Part 56. Offered and/or Sponsored Services or Activities for Qualified Students with**  
84 **Disabilities.**

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86 Colleges and universities have a responsibility to provide a qualified student with a  
87 disability access to services and/or activities that are operated or sponsored by the ~~college~~  
88 ~~or university~~institution or that receive significant assistance from the ~~college or~~  
89 ~~university~~institution. Such access shall be provided in a reasonable manner as required by  
90 law. At a minimum, the following must be ~~offered to~~available to qualified students with  
91 disabilities:

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- 93 1) support, counseling, and information services that may include support groups,  
94 individual counseling, career counseling and assessment, and referral services;<sup>2</sup>
- 95 2) academic assistance services that may include assistive devices, early registration  
96 services, early syllabus availability, course selection, program advising, course  
97 work assistance, testing assistance and modification, and tutoring;<sup>2</sup> and
- 98 3) coordination services that may include personnel acting on the student's behalf and  
99 serving as the primary contact and coordinator for students needing services,  
100 assistance in working individually with faculty and administrators, intervention  
101 procedures, and grievance procedures.

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102 **Part 67. ProcedureProcess.**

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104 ~~In consultation with the system office, each~~Each college and university shall establish a  
105 ~~procedure~~process for an individuals with a disabilities to ~~make requests for an~~  
106 accommodations to access the institution's programs, services, or activities consistent with  
107 state and federal laws. ~~Such procedure~~The process for access to programs for individuals  
108 with disabilities to request an accommodation must, at a minimum include the following:

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- 110 a. Provide the requesting individual with a copy of Board Policy 1B.4. ~~The system~~  
~~policy statement and system definitions.~~
- 111 b. Assignment and identification of a staff member responsible for making a  
112 determination~~administering~~ about the request for accommodation or the delivery of  
113 services, ~~to individuals with disabilities.~~
- 114 c. Provide a process for appealing a denial of a request for accommodation. ~~program~~  
115 ~~access.~~

*Date of Implementation:* 7/1/95

*Date of Adoption:* 6/20/95

*Subject and Date of Revision: 6/X/XX New Part 1 – added policy statement. Parts 2-7 are for language clarification.*

References:

- Minnesota Statutes Chapter 135A.16
- Minnesota Statutes Chapter 363A.03
- System Procedure 1B.0.1, Reasonable Accommodations in Employment

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

<b>BOARD POLICY</b>	<b>1B.4</b>
Chapter 1B. SYSTEM ORGANIZATION AND ADMINISTRATION EQUAL EDUCATION AND EMPLOYMENT OPPORTUNITY	
Section 4. Access and Accommodation for Individuals with Disabilities	

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

**Part 1. Policy Statement.**

Minnesota State Colleges and Universities is committed to ensuring its programs, services and activities are accessible to individuals with disabilities, 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.** An individual with a disability:

1. Any person who has a physical or mental impairment which materially limits one or more of the 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 materially limits one or more major life activities.

**Subpart B.** Qualified individual with a disability. An individual who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for receipt of services or participation in a system office, college, or university program or activity. Essential eligibility requirements include, but are not limited to, academic and technical standards requisite to admission or participation in an education program or activity.

**Subpart C.** Program devices and services may include wheelchairs; individually prescribed devices, such as prescription eyeglasses or hearing aids; readers for personal use or study; or services of a personal nature including assistance in eating, toileting, or dressing.



35 **Part 3. General Access Policy.**

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37 Colleges, universities and the system office shall provide access to programs, services and  
38 activities to qualified individuals with known disabilities as required by law. An  
39 individual requesting an accommodation may be required to provide documentation of  
40 eligibility for the accommodation.

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42 **Part 4. Availability and Notice.**

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44 Colleges, universities, and the system office shall post notices to the public in an  
45 accessible format stating 1) prohibition against discrimination on the basis of disability,  
46 and 2) contact information for the person designated to provide information about or  
47 respond to requests for reasonable accommodation.

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49 **Part 5. Reasonable Accommodations.**

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51 **Subpart A. Programs, Services, and Activities.** Colleges, universities and the  
52 system office shall make reasonable accommodations to ensure access to programs,  
53 services, and activities as required by law. Access means that a qualified individual  
54 with a disability will not be excluded from participation in or be denied the benefits of  
55 the programs, services, or activities, nor will the individual be subjected to  
56 discrimination. Reasonable accommodations may include modifications to: rules,  
57 policies, or practices; the removal of architectural, communication, or transportation  
58 barriers; provision of auxiliary aids or the provision of equally effective programs,  
59 services, or activities. In accordance with the Americans with Disabilities Act,  
60 accommodations will not be provided 1) for personal devices or services even though  
61 the individual may be a qualified individual with a disability, or 2) that result in a  
62 fundamental alteration in the nature of a service, program, or activity or in undue  
63 financial or administrative burdens.

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65 **Subpart B. Employment.** System Procedure 1B.0.1, Reasonable Accommodations  
66 in Employment, applies to accommodation requests by employees and applicants for  
67 employment.

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69 **Part 6. Offered and/or Sponsored Services or Activities for Qualified Students with**  
70 **Disabilities.**

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72 Colleges and universities have a responsibility to provide a qualified student with a  
73 disability access to services and activities that are operated or sponsored by the institution  
74 or that receive significant assistance from the institution. Such access shall be provided  
75 in a reasonable manner as required by law. At a minimum, the following must be  
76 available to qualified students with disabilities:

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- 1) support, counseling, and information services that may include support groups,  
individual counseling, career counseling and assessment, and referral services;

- 79           2) academic assistance services that may include assistive devices, early registration  
80           services, early syllabus availability, course selection, program advising, course  
81           work assistance, testing assistance and modification, and tutoring; and  
82           3) coordination services that may include personnel acting on the student's behalf  
83           and serving as the primary contact and coordinator for students needing services,  
84           assistance in working individually with faculty and administrators, intervention  
85           procedures, and grievance procedures.

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87 **Part 7. Process.**

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89 Each college and university shall establish a process for an individual with a disability to  
90 request an accommodation to access the institution's programs, services, or activities  
91 consistent with state and federal laws. The process for individuals with disabilities to  
92 request an accommodation must, at a minimum include the following:

- 93           a. Provide the requesting individual with a copy of Board Policy 1B.4.  
94           b. Assignment and identification of a staff member responsible for making a  
95           determination about the request for accommodation or the delivery of services.  
96           c. Provide a process for appealing a denial of a request for accommodation.

*Date of Implementation:*       7/1/95

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