

Accommodation of Individuals with Disabilities Policy

The School is committed to providing individuals with disabilities access to its programs, services, and activities. Pursuant to Section 504 of the Rehabilitation Act, the Americans with Disabilities Act (ADA), and other applicable federal, state, and local laws and regulations, the School prohibits discrimination and harassment against qualified individuals with disabilities.

Consistent with its policy of nondiscrimination, the School provides reasonable accommodations where they are necessary for individuals to perform the essential functions of a position or to fully participate in the School's educational and artistic programs and activities. The School does not grant accommodations that would fundamentally alter an essential function of an employment position, constitute an undue hardship, or fundamentally alter the School's academic or artistic standards or the nature of any good, service, facility, privilege, or advantage the School offers.

The School encourages individuals with disabilities to self-identify and request reasonable accommodation. Requests for accommodation must be submitted pursuant to the procedures set forth below.

I. Definition of Disability

An individual with a disability is defined by federal law as a person who has a physical or mental impairment that substantially limits one or more major life activities; a person who has a history or record of such impairment; or a person who is perceived by others as having such impairment.

The New York State Human Rights Law defines disability as physical, mental, or medical impairment resulting from an anatomical, physiological, genetic, or neurological condition that prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or a record of such an impairment or condition regarded by others as such impairment.

II. Roles and Responsibilities

- A. **Director of HR Operations.** The Director of HR Operations is the point of contact for all employees and members of the public regarding disability issues. The Director of HR Operations assists faculty members, staff employees, job applicants, and members of the public by maximizing ability and opportunity for full participation at the School.
- B. **Associate Director for Student Success.** The Associate Director for Student Success is the point of contact for all current and prospective students regarding disability issues. The Associate Director for Student Success evaluates the academic needs of students with disabilities and approves reasonable accommodations where necessary for the student to utilize and benefit from the School's programs, services, and activities.
- C. **Section 504/ADA Coordinator ("Section 504 Coordinator").** The Section 504 Coordinator oversees compliance with laws governing disability issues, consults with School offices and individuals regarding accommodation requests, responds to access

concerns, reviews formal grievances under the Nondiscrimination Policy, and provides training and information on the provision of equal opportunity for persons with disabilities. Students or employees with questions or concerns may always consult the Section 504/ADA Coordinator. The Section 504 Coordinator's contact information is as follows:

Jessica Ferrell, Director of HR Operations
Email: jferrell@msmny.edu
Telephone: (917) 493-4472

- D. **Students.** Students are expected to meet the minimal academic and technical standards of School programs. They must self-identify with the Associate Director for Student Success and actively participate in the accommodation process, provide appropriate medical documentation, and contact the Associate Director for Student Success if a granted accommodation is not meeting the student's needs.
- E. **Employees.** Employees initiate and actively participate in the accommodation process, which includes (i) providing appropriate documentation to the Director of HR Operations; (ii) meeting with supervisors to discuss any reasonable accommodations approved by the Director of HR Operations; and (iii) contacting the Director of HR Operations if the granted accommodations are not meeting the employee's needs.
- F. **Faculty.** Faculty work with the Associate Director for Student Success by providing information as requested and referrals to the office as necessary. Faculty assure that course instruction and materials are accessible and implement accommodations granted by the Associate Director for Student Success. Faculty are responsible for including information on the course syllabus indicating that reasonable accommodations may be requested and providing contact information to begin an interactive process about requests for course-specific academic accommodations (such as adjustments of exam times or attendance requirements).
- G. **Supervisors.** Supervisors work with the Director of HR Operations by providing information as requested and referrals as necessary to facilitate the provision of reasonable accommodation. Supervisors also meet with employees to discuss and implement accommodations determined by the Director of HR Operations and discuss challenges or concerns after implementation.

III. Procedure for Requesting an Accommodation

- A. **Request for Accommodation.** An employee or prospective employee who wishes to seek an accommodation based on a disability is responsible for requesting an accommodation by completing an *Employee Request for Accommodation Form* (available on the School's intranet) and submitting it to the Director of HR Operations. A student or prospective student who wishes to seek an accommodation based on a disability is responsible for requesting an accommodation by completing the *Student Disability Services Form*, uploading documentation, and scheduling an appointment with the Associate Director for Student Success. These procedures can be found on the Office of Student Affairs Disability Services webpage here <https://www.msmny.edu/campus/student-affairs/disability-services/>.

Students who are also working as employees at MSM, either through work-study or some other part-time compensated arrangement, may seek reasonable accommodations in

their capacities as student workers. Such accommodation requests should be directed to the Director of HR Operations and will be evaluated using the interactive process and standards applicable to employee requests, as set forth in this policy.

- B. **Interactive Discussion.** On receipt of an accommodation request from an employee, a prospective employee, a student, or a prospective student, the Director of HR Operations, the Associate Director for Student Success, or their designees, as appropriate, will meet with the individual to discuss the accommodation request.
- C. **Verification and Documentation.** It is the responsibility of the employee, prospective employee, student, or prospective student to provide requested medical documentation to substantiate the individual's need for accommodation. Medical documentation must be no more than three years old from a clinically diagnosing medical professional verifying the nature and extent of the disability. Documentation from relatives or persons not licensed to diagnose such conditions will not be accepted. At any time during the accommodation request process, the School may ask for additional medical documentation of the disability and of the need for an accommodation. The School encourages submission of documentation well before the start of employment or classes to allow sufficient time for review and follow-up where required. From time to time, the School may request updated documentation.
- D. **Professional Consultation.** In some cases, the School may need to discuss (with the individual's consent) the nature of the applicant's disability and related limitations with the physician or other health care professional to assess the request for accommodation. Individuals seeking accommodation may be asked to execute releases in order to permit School personnel to follow up with health care professionals.
- E. **Analysis of Work, Educational, and/or Performance Fundamentals or Responsibilities.** As part of the accommodation process, the School will consider the essential functions or core work, educational, and/or performance-related tasks of the individual's position as they relate to the requested accommodation. For employees and prospective employees, this analysis may solicit input from the division head, unit supervisor, and Office of Administration and Human Relations to determine whether the requested accommodation will enable the employee to perform the essential functions of the position. For students or prospective students, this analysis may solicit input from the student's teacher(s) and the Office of Student Affairs.
- F. **Analysis and Resolution of Request for Accommodation.** After adequate documentation of a disability has been provided and a meeting with the individual has taken place, the School will determine whether the requested or some other reasonable accommodation can be approved. What constitutes a reasonable accommodation will vary depending on the circumstances of each case. In evaluating alternatives for accommodation, the preferences of the individual are considered, but the ultimate decision regarding what type of accommodation, if any, will be provided is made by the Director of HR Operations or the Associate Director for Student Success.
- G. **Student Accommodations.** Accommodations for students may include academic adjustments or modifications, such as a change in the length of time permitted for completion of a degree, extended exam times, and alternate exam environments, as well as auxiliary aids/services such as note takers, large print handouts, electronic textbooks, alternatives to printed tests, and other assistive technology. The School does not provide

attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature. The student is expected to follow all instructions contained in the approved accommodation and course syllabus (if applicable) regarding scheduling for extended exam times, alternate exam sites, and other academic adjustments.

- H. **Notification and Implementation of an Accommodation; Temporary Accommodations.** The School will inform the individual requesting an accommodation of its decision in writing within a reasonable period after receiving the completed form and related documentation. If the School grants an accommodation, the School will indicate the nature of the accommodation, its expected implementation date, and the period of time for which it will remain in place. The School may grant accommodations as a temporary matter while analyzing documentation, engaging in an interactive process, or following up upon medical documentation. The granting of a temporary accommodation does not constitute a determination that the accommodation is a reasonable one or obligate the School to continue providing it.
- I. **Expedited Appeal Procedure.** If the School denies an accommodation request, the individual making the request may submit an appeal to the School's President by submitting a written statement explaining the accommodation requested and the reasons for the request. If the President denies the request on appeal, that decision is final. However, an appeal and decision pursuant to this provision does not waive an individual's right to file a grievance alleging disability discrimination or harassment as set forth below.

An employee, prospective employee, student, or prospective student who has questions regarding this policy should contact the Director of HR Operations or the Associate Director for Student Success.

IV. Section 504 Grievance Procedure

The School encourages, but does not require, individuals with concerns about a disability-related issue to first discuss the matter with the Vice President for Administration and Human Relations (employees/applicants/members of the public) or the Dean of Students (students). Any individual may file a grievance alleging discrimination or harassment on the basis of disability by filing a written complaint with the Section 504 Coordinator. The grievance will be processed using the School's Nondiscrimination Policy and Complaint Resolution Procedures. This Section 504 grievance process applies to all individuals regardless of whether the individual has requested accommodations. Grievances may allege disability discrimination, including disability harassment, carried out by employees, students, or third parties. The grievance process may also be used when a student, employee, or applicant for employment is dissatisfied with an approved accommodation.

V. Confidentiality and Records

All School employees have a responsibility to maintain the confidentiality of medical information regarding an employee, prospective employee, student, or prospective student's disability. This includes maintaining the confidentiality of all written documentation relating to disability, requests for accommodation, interactive processes, or grants or denial of accommodation; it also includes refraining from discussing medical information, accommodation requests, or interactive processes with anyone who is not directly involved in an accommodation process and does not need to know the information in order to perform their job responsibilities. Such information will

only be shared as necessary to administer the accommodation process or otherwise ensure compliance with MSM's obligations under this policy. To that end, materials related to an applicant's disability, including the Request for Accommodation and any medical information, will be placed in a separate employee or student medical file. This file will be held in a separate and secure location.