

AP 3445 HANDLING ACCOMMODATIONS FOR PERSONS WITH DISABILITIES FOR NON CLASSROOM-RELATED ACTIVITIES

References¹:

Education Code Sections 66250 et. seq., 66270, 66271.1, 66281.5, 12926;
Government Code Section 11135-11139.5, 12926, 12950, 12950.1;
Title 5 Sections 59300 et seq.;
34 C.F.R. Section 106.8(b) 20
U.S.C § 1681 et seq.
Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d) Section 504 of
the Rehabilitation Act of 1973 (29 U.S.C. § 794) Americans with
Disabilities Act of 1990 (42 U.S.C. § 12100 et seq.) California
Constitution, Art. 1, § 1
Civil Code § 47
Penal Code § 422.6 & 422.55
BP 3410 and BP 3430

Introduction and Scope

Riverside Community College District is committed to providing access and reasonable accommodation to all District programs and activities. The purpose of this procedure is to set forth processes for assuring non-classroom related District activities are accessible to individuals with disabilities. This procedure addresses District sponsored activities that are not covered by disability services provided to students at the colleges. The scope of this procedure is to address reasonable accommodations and is not intended to address other provisions of the Americans with Disabilities Act.

Procedures for providing reasonable accommodations related to employment (including applicants) are addressed in Administrative Procedure 3447.

¹ If the federal statutes cited would result in broader protection of the civil rights of individuals then that broader protection or coverage shall be deemed incorporated by reference into, and shall prevail over conflicting provisions of Title 5, section 59300.

Activity Announcements

Announcements for District sponsored programs and activities will include a statement identifying a contact person if a disability accommodation is needed for participation. The statement will include the time frame by which the request should be made to reasonably arrange the accommodation, and contact information for the designated individual responsible for arranging the accommodation. When an accommodation request is received, the designated individual may contact the District Compliance Officer for assistance with arranging an appropriate accommodation.

Auxiliary Aides, Interpreters and Captioning

All District programs and activities will provide access to auxiliary aids and services to ensure effective communication with individuals who are deaf or hard of hearing. These services include, but are not limited to, qualified interpreters, closed captioning and transcription services such as computer-aided real-time transcription. Providing interpreting, captioning and/or transcription service is the responsibility of the event-initiating department or individual.

Videos purchased with District funds or produced with District resources will include a closed caption feature, whenever possible. Videos without a closed caption feature purchased with District funds or produced with District resources must be captioned upon request.

When District resources are utilized to video record District sponsored activities or produce video material, the final product must be made available in alternate format if requested at the time of the event. In addition, the video must be closed captioned if the final product is intended for wide distribution as District-produced material or will be archived by the District for future use.

It is the responsibility of the event organizer/video requestor to provide material necessary for closed captioning the video (e.g. scripts or real-time transcription) in accordance with the operating rules of the college Instructional Media Center (IMC). Video material will not be released until the closed caption material is provided to the video producer. Notification of the closed caption requirement and responsibility for providing necessary material will be included on IMC video production request forms.

Alternate Format Availability

Printed material produced by District resources or announcing District sponsored programs and activities will include a standard statement of alternate format availability and contact information for the individual designated to arrange access to alternate formats of the material. Notification of the alternate format requirement and designation of an individual responsible for providing alternate format versions will be included on requests for print production forms.

Exemptions

Requests for exemption from the closed caption and alternate format availability requirements may be made in writing to the District Compliance Officer. Exemption requests must include evidence that at no time the material will be utilized in a widely distributed manner. Prohibitive cost is not usually an adequate basis for exemption.

Funding for Accommodation Costs

The office of Human Resources and Employee Relations provides funding assistance for actual accommodation expenses. Funding to the District for disability accommodation is limited, therefore the funds will be allocated in the following priority:

1. Accommodation for participants during programs and activities
2. Post-production and alternate format accommodation

Requests for funding must be made in writing and submitted to the District Compliance Officer. Funding determinations and the basis for the decision will be communicated in writing within 2-business days of the original request, whenever possible.

Denial of Accommodation or Accommodation Funding

Participants of District sponsored programs and activities who believe they have been denied reasonable accommodation for a disability should notify the District Compliance Officer. Individuals may file a formal complaint of discrimination based on Disability using the District's complaint procedure, *Administrative Procedure 3435: Handling Complaints of Discrimination, Harassment and Retaliation*.

Appeal of a decision to deny funding for accommodations may be made in writing to the Vice Chancellor of Human Resources and Employee Relations. The appeal must include evidence that other funding sources were explored and not available. The appeal response will be made in writing within 5-business days, whenever possible.

Notification Templates to Be Used as Applicable

Standard Statement for Alternative Format Availability

Alternate formats for this material are available to individuals requiring disability accommodation. Please contact **[designated individual and contact info]** or the District Compliance Officer at (951) 328-3874.

Standard Statement for Programs and Activities

RCCD is committed to providing access and reasonable accommodation to all district programs and activities. Accommodations for persons with disabilities may be requested by contacting **[Event Organizer and contact info]** and the office of the District

Compliance Officer at (951) 328-3874 by ***[insert date no less than 3- business days before event]***. Requests received after this date will be honored whenever possible.

Standard Statement for Employment Applications

Riverside Community College District provides equal opportunity to qualified persons with disabilities in all terms and conditions of employment. The district will provide reasonable accommodation upon request. If you require accommodation for the application or interview process, please contact **[designated individual and contact info]** or the office of the District Compliance Officer at (951) 328-3874.

Definitions of Commonly Used Terms

Disability: Includes, but is not limited to, all of the following:

- (1) Having any physical, mental or psychological disorder or condition that limits a major life activity. For purposes of this section:
 - (A) "Limits" shall be determined without regard to mitigating measures, such as medications, assistive devices, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.
 - (B) A disorder or condition limits a major life activity if it makes the achievement of the major life activity difficult.
 - (C) "Major life activities" shall be broadly construed and shall include physical, mental, and social activities and working.
- (2) Any other disorder, condition or health condition not described in paragraph (1) that requires specialty supportive services.
- (3) Having a record or history of a physical, mental or psychological disorder or condition described in paragraph (1) or (2), which is known to the District.
- (4) Being regarded or treated by the District as having, or having had, any physical or mental condition that makes achievement of a major life activity difficult.
- (5) Being regarded or treated by the District as having, or having had, a mental or psychological disorder or condition that has no present disabling effect, but that may become a mental disability as described in paragraph (1) or (2).
- (6) "Mental disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs².

Qualified Individual with a Disability: A person with a disability who meets the skills, experience, education, and other job-related requirements of the position held or desired and who, with or without reasonable accommodation, can perform the essential job functions.

Reasonable Accommodation: Modification or adjustment that enables a qualified individual with a disability to perform the essential functions of the position. There are three categories of reasonable accommodations:

- (1) modifications or adjustments to a job application process to permit an individual with a disability to be considered for a job;

- (2) modifications or adjustments necessary to enable a qualified individual with a disability to perform the essential functions of the job; and
- (3) modifications or adjustments that enable employees with disabilities to enjoy equal benefits and privileges of employment.

Undue Hardship: The District is not required to provide accommodations that would impose an undue hardship on the operation of the district. An undue hardship means that a specific accommodation would require significant difficulty or expense. This determination is made on a case-by-case basis considering factors such as the nature and cost of the accommodation and the impact of the accommodation on district operation.

Office of Primary Responsibility: Human Resources and Employee Relations

Administrative Approval: December 13, 2010

Revised: June 15, 2011

Revised: June 17, 2013

² If the Americans with Disabilities Act of 1990 definitions would result in broader protection of the civil rights of individuals with a mental or physical disability, or would include any medical condition not included within these definitions, then that broader protection or coverage shall be deemed incorporated by reference into, and shall prevail over conflicting provisions of the definitions in Government Code section 12926 and should be included in district policy. (Gov. Code, § 12926(l).)