



CRR: Disability Accommodations

Compliance Risk Areas

Compliance Risk Areas	Related Governing Laws, Rules, Regulations, or University Policies
<p>Student/Programs/Services</p> <ul style="list-style-type: none"> • No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity. • Prohibits discrimination at any federally funded institution. Requires equal access to goods, services, and information. • Provide reasonable accommodations; promote and practice adopting accessible media, technology, instructional methods, building design...and procurement practices. • Provide equal access to and opportunity in...programs, facilities, and employment • "Instructors have a responsibility to accommodate students with documented disabilities and are encouraged to invite students to talk or communicate with them about such circumstances." 	<ul style="list-style-type: none"> • Americans with Disabilities Act of 1990, Title I (USC Title 42, Ch. 126, §12101-12213); • Title II, 28 CFR §35; Title III, 28 CFR §36 • Section 504 of the Rehabilitation Act of 1973 (USC Title 29 § 701); 34 CRF §104; 45 CRF §84 • Board of Regents Policies: Disability Services; Equity, Diversity, Equal Opportunity, and Affirmative Action • Administrative Policy: Teaching and Learning: Instructor and Unit Responsibilities • 2017 Minnesota Statute 137.45

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<ul style="list-style-type: none">Establishes a program for students with intellectual and developmental disabilities at UMM <p>Classroom accommodations:</p> <ul style="list-style-type: none">...all programs, projects, and activities shall be carried out in a manner consistent with ... respect for the privacy, rights, and equal access (including the use of accessible formats), of the individuals; and...support for the involvement of an individual's representative if an individual with a disability requests, desires, or needs such support; ... <p>Testing accommodations:</p> <ul style="list-style-type: none">It is recommended that testing accommodations be provided in the academic department when possible. DRC provides exam accommodations in the DRC Testing Center if needed. These may include, testing space, extended time, adaptive technology, alternate formats and a reader/scribe. According to the DRC, the number of students needing accommodations is growing.	
<p>Employment</p> <ul style="list-style-type: none">No covered entity shall discriminate against a qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms,	<ul style="list-style-type: none">Americans with Disabilities Act of 1990, Title 1Section 504 of the Rehabilitation Act of 1973Board of Regents Policies: Disability Services; Equity, Diversity, Equal Opportunity, and Affirmative Action;

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<p>conditions, and privileges of employment; this includes making reasonable accommodations.</p> <ul style="list-style-type: none">• Employers are required "...to provide reasonable accommodations...that allow employees with disabilities to participate in wellness programs..."• Record keeping and reporting (biennially to the EEOC)	<p>Employee Recruitment and Retention</p> <ul style="list-style-type: none">• (as above) and EEOC Final Rule on Employer Wellness Programs and Title 1 of the ADA• 29 CFR §1602, Subpart O
<p>Information Technology</p> <ul style="list-style-type: none">• Requires effective communication to be provided to individuals with disabilities and, if the Internet is used, to provide information regarding goods, services, and programs through accessible Internet communication.• All colleges, departments and central units are responsible for ensuring access to their Web content and applications is in accordance with the Web Content Accessibility Guidelines including:<ul style="list-style-type: none">○ web page design standards that provide access for all, including those with disabilities,○ hardware and software products that promote universal design and access,○ design and implementation of accessible technology-related work environments that accommodate all users.	<ul style="list-style-type: none">• Americans with Disabilities Act of 1990 Title II• Administrative Policy: Accessibility of Information Technology• Section 504 of the Rehabilitation Act of 1973 (USC Title 29 § 701);• 34 CRF §104; 45 CRF §84• The Web Content Accessibility Guidelines (WCAG) 2.0

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<ul style="list-style-type: none">• Prohibits discrimination at any federally-funded institution. Requires equal access to goods, services, and information.• WCAG are a set of standards developed by an international consortium; includes three levels of compliance, Level AA is the expected standard at the University of Minnesota.	
<p>University Services: Parking and Transportation</p> <ul style="list-style-type: none">• Sec. 12146: ... new facilities must be constructed to be used in the provision of designated public transportation services that are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.• Sec. 12147: ...existing facilities used in the provision of designated public transportation services must be altered to be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.• The University provides designated disability parking spaces throughout campus. A state-issued disability permit or license plate is required.	<ul style="list-style-type: none">• Americans with Disabilities Act of 1990, Title II• (USC Title 42, Ch. 126, Sec. 12101-12213)
<p>University Services: Facilities (inc. Housing)</p> <ul style="list-style-type: none">• Requires the design and construction of new facilities to be accessible to individuals with disabilities; requires	<ul style="list-style-type: none">• Americans with Disabilities Act of 1990, Title III• (USC Title 42, Ch. 126, Sec. 12181-12189)

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<p>renovated facilities to create accessibility in the altered portions and for alterations to be made so that the path of travel to the altered area and the bathrooms, telephones, and drinking fountains serving it are accessible. Also requires the removal of architectural barriers that are structural in nature, when achievable, in existing facilities.</p> <ul style="list-style-type: none"> • Contains language specific to housing at educational institutions, assembly areas (e.g. stadiums), and curb ramps, among others 	<ul style="list-style-type: none"> • 28 CFR §35.150 - 151 and §36 (ADA Standards for Accessible Design) • USC Title 42, Ch. 45, §3601-3619 (Fair Housing Act) • Board of Regents Policy: Disability Services
<p>University Services/Department of Emergency Management: Evacuation Plans</p> <ul style="list-style-type: none"> • Each campus building is required to have a building emergency plan and a representative from each department located in the building to participate in a working group to complete the plan. 	<ul style="list-style-type: none"> • Americans with Disabilities Act of 1990, Title II • (USC Title 42, Ch. 126, §12181-12189) • 28 CFR §35.149 - 151 • Department of Homeland Security and Emergency Management require the University to have an emergency operations plan.
<p>University Finance: Purchasing</p> <ul style="list-style-type: none"> • "...purchasing activities shall promote the use of businesses owned and operated by minorities, women, and disabled persons." • Targeted Business Program: ...a contractor must demonstrate "... meaningful levels of participation of targeted businesses..." 	<ul style="list-style-type: none"> • Board of Regents Policy: Purchasing • Board of Regents Policy: Targeted Business, Urban Community Economic Development, and Small Business Programs • Board of Regents Policy: Disability Services

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| <ul style="list-style-type: none"> • Non-construction contracts and “...for the purchase of goods and services.” • Policy directs the administration to monitor, comply and report annually to the Board | |
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General compliance questions for each risk area

1. How is compliance with the policy monitored?
2. What is the frequency of the monitoring?
3. What are the typical noncompliance issues found and how are they corrected?
4. Have there been any recent (within 3 years) internal audit findings? If yes, how were the risk(s) mitigated?

Cost of Compliance Measurement Questions

1. How many full-time employees (FTEs) are dedicated to compliance-related activities in this area?
2. What is spent annually, on average, to perform the compliance-related activities conducted by this unit? Please include only those items that require the purchase of goods or services from an outside entity such as outside consulting services, equipment purchases, non-routine supplies, or fees.
3. Please list all training required to maintain University compliance in this subject area. For each training requirement:
 - a. Identify the primary source of the requirement as (1) federal or state law, (2) administrative regulations, or (3) University policy. (e.g., Conflict of Interest training is required under code of federal regulations for investigators conducting research funded by a Public Health Service agency)
 - b. Identify category (ies) of employees (e.g., faculty, P&A, etc.) required to take the training.
 - c. Estimate the number of employees in each category required to take the training.

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- d. Identify the frequency (e.g., quarterly, annually) and the length of the training (e.g., 1.5 hours).
4. Estimate the number of employees system-wide who are subject to the compliance requirements in this area.
5. Excluding time required to meet training requirements addressed in Question 3 above, please estimate the time required annually for these employees to comply with other compliance requirements (e.g., record keeping, monitoring, testing, reporting).

Student Services and Programs

1. How is compliance to the ADA for student academic programs (classroom, testing, etc.) monitored? How frequently does the monitoring take place?
2. How is compliance to the ADA for student programs (sponsored activities, athletics, study abroad, etc.) monitored? How frequently does the monitoring take place?
3. Have there been noncompliance issues? If so, how are they found? How are they corrected?
4. Are there certain programs or services at the University where it is difficult to accommodate students?
5. Have there been any recent (within 3 years) internal audit findings? If yes, how were the risk(s) mitigated?
6. Are there types of classroom or testing accommodations that are difficult to manage? If so, what are they and how have been mitigated?
7. How are faculty and TAs made aware of the availability of accommodations?
8. What is the status of development of the legislatively mandated program on the Morris campus?

Notes on accommodations:

Classroom accommodations may include: rescheduling classes to an accessible location; early enrollment options for students with disabilities to allow time to arrange accommodations; substitution of specific courses required for completion of degree requirements; allowing service animals in the classroom; providing students with disabilities with a syllabus prior to the beginning of class; clearly communicating course

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requirements, assignments, due dates, grading criteria both orally and in written form; providing written outlines or summaries of class lectures, or integrating this information into comments at the beginning and end of class; and allowing students to use note takers or tape record lectures.

Communication accommodations may include: *qualified interpreters, assistive listening systems, captioning, TTYs, qualified readers, audio recordings, taped texts, Braille materials, large print materials, materials on computer disk, and adapted computer terminals.*

Testing accommodations may include: *allowing a student extended time to complete a test or providing a distraction-free space, sign language interpreters, readers, or alternative test formats.*

Employment

1. How is compliance with Board policy and the ADA monitored?
2. Are job descriptions and the job application process reviewed to assure that no selection criteria, qualification standards, or employment tests screen out individuals with disabilities (unless consistent with business necessity)?
3. What adaptive technologies are available for persons with disabilities in the application process?
4. What is the frequency of the monitoring (#2 above) and at what level (central, unit) is it done?
5. Are search committees routinely educated to avoid bias against persons with disabilities in the search review process?
6. What methods are used to ensure that decisions to offer employment do not discriminate against individuals with disabilities because of the need to make reasonable accommodations?
7. Is monitoring performed in the areas of job advancement, training, compensation, and the discharge of employees?
8. What is the frequency of the monitoring (of the above) and at what level (central, unit) is it done?

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9. How are “reasonable accommodations” made? (see note below)
10. What are the typical noncompliance issues found and how are they corrected?
11. Have there been any recent (within 3 years) internal audit findings? If yes, how were the risk(s) mitigated?
12. Employment data must be reported biennially to the EEOC (EEO-6 report). Who is responsible for filing that report and maintaining it according to a retention schedule?
13. Have there been non-compliance issues found with reporting requirements?
14. Is the participation rate of employees with disabilities in the wellness program monitored? If so, what is the rate of participation compared to all-employee rate?

Notes on accommodations:

“reasonable accommodation” may include making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

Information Technology

1. How is compliance with the policy to provide information through accessible Internet communication monitored?
2. Is compliance monitored at both central and unit levels? Are there differences in compliance rates?
3. The administrative policy Accessibility of Information Technology commits the University to the purchase, acquisition, development and use of hardware and software that supports universal design and access; and the creation of accessibility tools and techniques to make Web content accessible. How is compliance monitored in each area?
4. What is the frequency of the monitoring in each of the above areas?
5. The administrative policy on accessibility of information technology applies to departments, units, colleges and faculty. How is compliance monitored across multiple

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levels of responsibility?

6. What are the typical noncompliance issues found and how are they corrected?
7. Have there been any recent (within 3 years) internal audit findings? If yes, how were the risk(s) mitigated?

Transportation and Parking

1. What University of Minnesota resources are dedicated to meeting the transportation needs of persons with disabilities in the U of M community?
2. Does the U work in partnership with regional public transportation providers to accommodate persons with disabilities?
3. What indicators, if any, are there to demonstrate that the needs of those needing accommodations with public transportation are being met?
4. How is compliance documented?
5. How are the transportation needs met when there is equipment failure or adverse weather?
6. Are there any noncompliance issues? If so, how are they found? How are they corrected?
7. Do existing designated parking spaces/locations meet the needs of those requiring accommodation?
8. How is the allocation of resources (i.e. number of designated parking spaces) determined?
9. Are there particular campus locations or times of day that are problematic?
10. Is there sufficient designated parking available for campus visitors?
11. Are there any noncompliance issues? If so, how are they found? How are they corrected?
12. Have there been any recent (within 3 years) internal audit findings in either transportation or parking? If yes, how were the risk(s) mitigated?

Facilities

1. Is there an individual assigned to ensuring compliance to the ADA for facilities on each

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campus?

2. How is adherence to the ADA handled at the University through all phases of facility planning and construction?
3. How is compliance ensured for new construction? For renovations?
4. The University has many specialized buildings, from classrooms, to research labs, to libraries, to stadiums and arenas and other event venues. How are accessibility needs met in each of these specialized environments?
5. How is compliance with the policy monitored?
6. What is the frequency of the monitoring?
7. What are the typical noncompliance issues found and how are they corrected?
8. Have there been any recent (within 3 years) internal audit findings? If yes, how were the risk(s) mitigated?

Housing

1. Do the types of housing provided by the University meet the needs of those needing accommodations? (see notes below)
2. How is compliance ensured for new construction? For renovations?
3. Is there an individual assigned to ensuring compliance to the ADA for housing on each campus?
4. What is the demand for service dogs in University housing?
5. The Fair Housing Act recognizes emotional support animals, in addition to service dogs. What is the demand for emotional support animals in University housing?
6. Familial status was added as a protected class to the Fair Housing Act in 1989. What types of housing does the University provide for families?
7. How is compliance with policy monitored?
8. What is the frequency of the monitoring?
9. What are the typical noncompliance issues found and how are they corrected?
10. Have there been any recent (within 3 years) internal audit findings? If yes, how were the risk(s) mitigated?

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28 CFR §36 contains specific requirements for housing facilities with at least 25 beds to provide at least five percent to have clear space for persons with mobility impairments and at least two percent to be accessible for persons with communications-related disabilities. Additional requirements for facilities with 50 or more beds include roll-in showers, kitchens, and service dogs (other animals, except miniature horses, are excluded).

Evacuation Plans

1. Does each campus have an emergency manager?
2. Does every University facility have an emergency plan?
3. What methods of notification are included in the emergency plans to ensure that people who are deaf and people who are blind are made aware of a warning?
4. What is included in emergency plans to assure a safe evacuation for persons with mobility impairments?
5. What is the process for assigning floor monitors? What is done in the case of retirements or reassignments to other buildings?
6. How are floor monitors made aware of any persons with disabilities in the building?
7. Does the University maintain a voluntary, confidential registry of persons with disabilities who may need individualized notification, evacuation assistance, and/or transportation?
8. If so, how is that information shared when it is needed in a particular facility?
9. Do the Universities emergency plans include sheltering? If so, are sheltering facilities accessible to persons with disabilities? Are there provisions for service animals?
10. How is compliance to the ADA requirements for emergency preparedness monitored?
11. What is the frequency of the monitoring?
12. What are the typical noncompliance issues found and how are they corrected?
13. Have there been any recent (within 3 years) internal audit findings? If yes, how were the risk(s) mitigated?

Purchasing

1. What processes are in place to promote purchasing practices from or contracting with

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businesses owned by persons with disabilities?

2. How is compliance with the policy monitored?
3. What is the frequency of the monitoring?
4. What are the typical noncompliance issues found and how are they corrected?
5. Have there been any recent (within 3 years) internal audit findings? If yes, how were the risk(s) mitigated?

SAMPLE

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