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2.1.1 p GT TCSG ADA Guidelines for Faculty/Staff and Students

THE LAW

SECTION 504 of the Rehabilitation Act of 1973

No otherwise qualified individual with disabilities in the United States . . . shall solely by reason of his/her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Definition of Terms

The term "disability" means, with respect to an individual

- (A) a physical or mental impairment that substantially limits one or more major life activities of such individual;
- (B) a record of such an impairment; or
- (C) being regarded as having such an impairment

Provisions of Section 504 of the Rehabilitation Act of 1973

Gwinnett Technical College is a public institution of higher education which receives federal assistance, so it is legally bound to prohibit discrimination in the recruitment process, the admissions process, and the educational process of students with disabilities. Students with documented disabilities are entitled to receive approved accommodations or auxiliary aids that will enable them to participate in and have the opportunity to benefit from all educational programs and activities of Gwinnett Tech.

Under the provisions of Section 504, Gwinnett Technical College may not:

- Limit the number of otherwise qualified students with disabilities admitted
- Make pre-admission inquiries in regards to a disability
- Exclude an otherwise qualified student with a disability from any course of study
- Provide less financial assistance to students with disabilities than is provided to non-

- disabled students, or limit eligibility for scholarships on the basis of disability
- Counsel students with disabilities into more restrictive career paths than are recommended to non-disabled students,
- Measure student achievement using modes that adversely discriminate against a student with a disability, or
- Establish rules and policies that have the effect of limiting participation of qualified students with disabilities in educational programs or activities.

Section 504 of the Rehabilitation Act of 1973 is still in effect, and it contains (in Subpart F) more specific information regarding post-secondary education than the ADA.

Americans with Disabilities Act (ADA)

The Americans with Disabilities Act of 1990 is civil rights legislation that affects some 43,000,000 Americans with disabilities. It is the purpose of this act to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities. The ADA applies to all institutions of higher education regardless of receipt of federal funds.

Provisions of the ADA

Title I. Title I covers nondiscrimination in employment activities.

Title II. Title II of the ADA is divided into two sub-parts. Subpart A requires that state and local government entities and programs be made accessible to persons with disabilities. Subpart B requires that public transportation systems be made fully accessible to and usable by persons with disabilities.

Title III. Title III covers the accessibility and availability of programs, goods and services provided to the public by private entities. Title III also contains the ADA Accessibility Guidelines (ADAAG) that specifies guidelines for construction and renovation.

Title IV. Title IV requires that telecommunication services be made accessible to persons with hearing and speech impairments and has specific reference to the development of telecommunications relay systems and closed-captioning technology.

Title V. Title V of the ADA contains miscellaneous provisions that apply to all of the other titles as well. Enforcement guidelines including how to file a complaint are described.

Facility Access

The ADA requires existing facilities of Title II entities to be accessible. For new construction or renovations, the College must be in compliance with the Americans with Disabilities Act Accessibility Guidelines for buildings and facilities (ADAAG). Any questions regarding building accessibility should be directed to Facilities Management.

Responsibilities of the Students

It is the responsibility of the student to identify himself/herself to the College and to provide recent, professional documentation of the disability. Please refer students that indicate a

disability to the Disability Services Office, Building A, Room 309, or Lisa Richardson, Building A/Room 515, or call 678-226-6691 or email lrichardson@gwinnettech.edu. Once documentation is received, we will determine specific accommodations that will be utilized while he/she is a student at Gwinnett Tech. Accommodations may change based on the class being taken based on what is "reasonable" in regards to the program outcomes. It is the student's responsibility to notify the Disability Office of any changes to their schedule each semester. Because of FERPA and HIPPA requirements, no information regarding a disability will be released without the permission of the student. After late registration, forms will be sent to all instructors notifying them of the student and accommodations requested for that - semester. It is the responsibility of the student to meet with his/her instructor at the beginning of each semester to discuss arrangements for accommodations in each course.

Students with disabilities must maintain the same responsibility for their education as non-disabled students. This includes maintaining the same academic progression standards, maintaining appropriate behavior and giving timely notification of any needs for reasonable accommodations.

Responsibilities of the Faculty

It is the shared responsibility of the faculty and student to cooperate with Gwinnett Tech's ADA personnel in providing authorized accommodations and support services in a fair and timely manner. Faculty should meet as quickly as possible with students who request accommodations. Students should initiate this meeting, but faculty may take the initiative when students are reluctant to self-advocate.

Faculty should not refuse to provide reasonable accommodations, to question the validity of a documented disability when accommodations have been authorized by the college, or to request to examine the students' confidential documentation. However, faculty members should have input and should arrange with students the means for providing accommodations in a particular class. A student must be able to comprehend the course material and communicate that comprehension to the instructor. Accommodations give the student the opportunity to achieve that outcome. Reasonable accommodations do not alter the fundamental nature of the course or program. If a faculty member has questions about the appropriateness of a reasonable accommodation, he or she should consult with the ADA Coordinator. If the disagreement is not resolved, the faculty member should contact the Vice President of Academic Affairs to initiate a review.

If a student requests that an instructor provide accommodations for a disability and the faculty member has had no official notification of the student's need for accommodation, it is important that the instructor assist the student in contacting the Disability Service office.

Definition of Disability

The definition of disability in the Americans with Disabilities Act (ADA) draws substantially from existing legislation, namely Section 504 of the Rehabilitation Act of 1973, as amended, and the Fair Housing Amendments Act of 1988. The ADA defines the term "disability" with respect to an individual is: (A) a physical or mental impairment that substantially limits one or more major life activities of such individual; (B) a record of such an impairment; or (C) being regarded as having such an impairment.

"Major life activities" include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing,

learning, reading, concentrating, thinking, communicating, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Description of Services

The Office of Disability Services coordinates services offered to students with disabilities. The services are provided based on individual needs of the student. Determination of appropriate accommodations is based on assessment and documentation.

In order for services to be provided, the student must self-identify with the Office of Disability Services. Appropriate documentation must be provided that indicates the nature of the accommodation needed or that provides information adequate to determine a reasonable accommodation.

Services for Persons with Temporary Disabilities

Anyone can become disabled at any time. Individuals with a temporary disability, usually due to an injury such as a broken writing arm, an eye injury, etc., should be referred to the Office of the Disability Services after the individual has received initial medical treatment. While students with a “temporary” disability do not fall under ADA and therefore we are not legally obligated to provide services, sometimes the student can be accommodated easily with something as easy as asking another student to be a note taker. If the student is absent for an extended period, the Disability Services office may assist in making a request for a medical withdrawal through the Vice President for Academic Affairs.

Is Your Program Accessible?

All announcements of special events, programs, and activities should contain a public statement informing and asking attendees to request reasonable accommodations in advance (usually two weeks). When a fee is charged for the event, it is the responsibility of the sponsoring department or office to budget for the cost of accommodations such as interpreters and note takers. Prior planning consideration should be given to selecting an accessible site whether on- or off-campus, and identifying accessible parking areas.

Emergency Evacuation of Buildings

Please offer assistance to individuals with disabilities by alerting them to the nearest route to safety. Individuals with mobility impairment or who use wheelchairs on upper floors, should proceed to the nearest appropriate stairwell for rescue assistance. Stairwell landings that allow space for a person to wait without blocking the exit of others provide possible areas of rescue assistance. Alert the public safety officers or on-site emergency personnel, such as the Fire Department, as to exact location of individuals awaiting rescue assistance. For information, contact Public Safety at x6293 or dial “0.” **Please note that all buildings have a stair chair at the top of the staircase to assist in evacuation.**

FOR SPECIFIC INFORMATION REGARDING THESE POLICIES, CLASSROOM AND BUILDING ACCESSIBILITY, AND ANY OTHER THE SPECIAL NEEDS, please refer to the ADA website (<http://www.ada.gov/>) or see the ADA coordinator, Lisa Richardson, in Building A, Room 515.