Part 1. Purpose. This procedure sets forth the process to be used for responding to requests for reasonable accommodations in employment based on an applicant's or employee's disability. The scope of this procedure is limited to reasonable accommodations, and is not intended to fully describe other provisions of the Americans with Disabilities Act or the Minnesota Human Rights Act.

Part 2. Reasonable Accommodations in Employment. It is the policy of MnSCU-BSU/NTC to encourage the employment and promotion of any qualified individual including qualified individuals with disabilities. The system office, college or university will not discriminate in providing reasonable accommodations to qualified individuals with a disability in regard to job application procedures, hiring, advancement, discharge, employee compensation, job training or other terms, conditions, and privileges of employment.

Part 3. Definitions. For purposes of this procedure, the following terms have the meaning given them:

Subpart A. Employer. The employer is the system office, college or university.

Subpart B. Essential Functions. Essential functions are the fundamental job duties of the position in question. The term does not include the marginal functions of the position.

A. A job function may be considered essential for any of several reasons, including but not limited to the following:

   o The function may be essential because the reason the position exists is to perform that function;

   o The function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed; and/or

   o The function may be highly specialized so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.
Evidence of whether a particular function is essential includes, but is not limited to:

- The employer's judgment as to which functions are essential;
- Written job descriptions;
- The amount of time spent on the job performing the function;
- The consequences of not requiring the incumbent to perform the function;
- The terms of a collective bargaining agreement;
- The work experience of past incumbents in the job; and/or
- The current work experience of incumbents in similar jobs.

Subpart C. Individual with a Disability. An individual with a disability for the purposes of determining reasonable accommodations is any applicant, current employee, including student employees, or employees seeking promotion, who has a physical or mental impairment which substantially or materially limits one or more of such individual’s major life activities. Generally, a disabling physical or mental condition which is expected to be temporary and from which the individual is expected to recover is not a disability under this procedure.

Subpart D. Qualified Individual with a Disability. A qualified individual with a disability is an individual with a disability who meets the requisite skill, education, experience and other job-related requirements of the job and who, with or without reasonable accommodation, can perform the essential functions of the job.

Subpart E. Reasonable Accommodations. A reasonable accommodation is a modification or adjustment to a job or employment practice or the work environment that enables a qualified individual with a disability to perform the essential functions of the job as identified at the time of the reasonable accommodation request and to access equal employment opportunities. Reasonable accommodations may also include those things which make a facility and its operations readily accessible to and usable by individuals with disabilities. Under the law, the employer has a responsibility to make reasonable accommodations for individuals with a disability only if the disability is known and it is not an undue hardship under Part 6, Subpart C.

Part 4. Identification of Assigned Staff Member. The system office, and each college and university shall assign and identify a staff member responsible for administering requests for reasonable accommodations.

Part 5. Right to Representation. In accordance with applicable collective bargaining agreement language, employees may have the right to request and receive union representation during the reasonable accommodations process.

Subpart A. Job Relatedness. Reasonable accommodations will be provided only for job-related needs of individuals with a disability. The primary factor in evaluating an accommodation’s job relatedness is whether the accommodation specifically assists the individual to perform the essential functions of the job as identified at the time of the reasonable accommodation request. If the requested accommodation is primarily for the benefit of the individual with a disability to assist that individual in daily personal activities, the employer is not required to provide the accommodation. The appropriate reasonable accommodation is best determined through a flexible, interactive process that involves both the employer and the qualified individual with a disability; it may include the appropriate union representative as provided by the applicable collective bargaining agreement.

Subpart B. Essential Functions. The system office, college or university may deny employment or advancement in employment based on the inability of an individual with a disability to perform the essential functions of the job and may decline to make accommodations to the physical or mental needs of an employee or job applicant with a disability if:

- The accommodation would impose an undue hardship on the system office, college or university as provided under Subpart C.;

- The individual with a disability, with or without reasonable accommodations, is not qualified to perform the essential functions of that particular job; or

- Having the individual in the job would create a direct threat because of a significant risk to the health and safety of the individual or others and the risk cannot be eliminated by reasonable accommodation.

Subpart C. Undue Hardship. In determining whether providing a reasonable accommodation would impose an undue hardship on the employer, the factors to be considered include:

- The nature and net cost of the accommodation needed;

- The overall financial resources of the employer involved in the provision of the reasonable accommodation, the number of persons employed, and the effect on expenses and resources;

- The overall financial resources of the employer, the overall size of the business of the employer with respect to the number of its employees, and the number, type and location of its facilities;

- The type of operation or operations of the employer, including the composition, structure and functions of the workforce, and the geographic separateness and
administrative or fiscal relationship of the employer in question to the covered entity; and

- The impact of the accommodation upon the operation of the employer, including the impact on the ability of other employees to perform their duties and the impact on the employer's ability to conduct business.

**Subpart D. Documentation.** Documentation of a disability is required as part of the reasonable accommodation process unless the nature and extent of the disability is already known to the employer, or as a practical matter, the requested accommodation is minimal and the employer makes modifications for its convenience, regardless of whether the employee or applicant meets the requirements for a reasonable accommodation under this procedure.

**Subpart E. Choice of Accommodations.** The employer is not required to provide the specific accommodation requested by the individual and may choose an effective accommodation which is less expensive or easier to provide. Accommodations provided to the individual are the financial responsibility of the employer.

**Subpart F. Request Process.** The system office, colleges and universities are responsible for establishing a process for individuals with disabilities to make requests for reasonable accommodations in compliance with the Americans with Disabilities Act or the Minnesota Human Rights Act. Such process should include the following:

- MnSCU-BSU/NTC policy statement and definitions;

- Assignment and identification of a staff member responsible for administering requests for reasonable accommodations;

- Provide a process for appealing a reasonable accommodations decision.

**Part 7. Application.** Nothing in this procedure is intended to expand, diminish or alter the provisions of the Americans with Disabilities Act or the Minnesota Human Rights Act.

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### VIII. EVACUATION PROCEDURES FOR INDIVIDUALS WITH DISABILITIES

A copy of the Bemidji State University/Northwest Technical College’s weather and emergency evacuation plans can be found at:

[http://www.bemidjistate.edu/offices/safety/emergency_preparedness/](http://www.bemidjistate.edu/offices/safety/emergency_preparedness/).

Distributed throughout the campus are Emergency Procedure Guides that list guidelines for reasonable individual actions and responses to the types of emergency situations most likely to
occur on campus, including evacuations and relocations from buildings. The guide lists the E-911 address and the designated internal and external relocation site for each building.

Building occupants are directed to the internal relocation site for emergency situations requiring shelter, such as severe weather.

Building occupants are directed to the external relocation site for emergency situations requiring them to leave the building, such as fires or hazardous material spills.

Individuals who are not able to relocate from a building due to physical mobility issues or other reasons will be directed to take shelter in the nearest stairwell, close the door to the stairwell, and wait for assistance. Alternatively they can take refuge in the closest room, close the door, and if possible, use towels or other items to prevent smoke from coming in under the door. If possible, they should contact 911 or BSU Public Safety, 218-755-3988, or take other actions to inform responders of their location.

Everyone has a responsibility to develop their own personal emergency evacuation plans; this includes individuals with disabilities or individuals who will need assistance during evacuation. The Americans with Disabilities Act Coordinator or designee at Bemidji State University/Northwest Technical College will work to develop a plan and consult the appropriate building and safety personnel.

Directors, managers, and supervisors should review the emergency evacuation procedures with staff, including informing all staff that if additional assistance may be needed, and individuals with disabilities should contact the Bemidji State University/Northwest Technical College contact(s) below to request the type of assistance they may need.

Mary L Ward, Assistant to the President for Affirmative Action and General Administration Deputy 307, 218.755.2010, mward@bemidjistate.edu

Timothy Boyer, Director of Disabilities Services/Student ADA Compliance, Sanford 202, 218.755.3883, tboyer@bemidjistate.edu

Sarah Plahn, NTC Learning Services Director, NTC 211, 218.333.6650, sarah.plahn@ntcmn.edu

Richard Marsolek, Environmental Health and Safety Officer, Bangsberg 111, 218.755.2545, rmarsolek@bemidjistate.edu

**Evacuation Options:**

Individuals with disabilities have four basic, possibly five, evacuation options:

- **Horizontal evacuation:** Using building exits to the outside ground level or going into unaffected wings of multi-building complexes;
• Stairway evacuation: Using steps to reach ground level exits from building;

• Shelter in place: Unless danger is imminent, remain in a room with an exterior window, a telephone, and a solid or fire resistant door. If the individual requiring special evacuation assistance remains in place, they should dial 911 immediately and report their location to emergency services, who will in turn relay that information to on-site responders. The shelter in place approach may be more appropriate for sprinkler protected buildings where an area of refuge is not nearby or available. It may be more appropriate for an individual who is alone when the alarm sounds;

• Area of rescue assistance: Identified areas that can be used as a means of egress for individuals with disabilities. These areas, located on floors above or below the building’s exits, can be used by individuals with disabilities until rescue can be facilitated by emergency responders.

Evacuation Procedures for Individuals with Mobility Disabilities, Hearing Disabilities, and Visual Disabilities:
Individuals with disabilities should follow the following procedures:

• Mobility disabilities (individuals who use wheelchairs or other personal mobility devices ("PMDs"): Individuals using wheelchairs should be accompanied to an area of rescue assistance by an employee or shelter in place when the alarm sounds. The safety and security staff will respond to each of the areas of rescue assistance every time a building evacuation is initiated to identify the individuals in these areas and notify to emergency responders how many individuals need assistance to safely evacuate.

• Mobility disabilities (individuals who do not use wheelchairs): Individuals with mobility disabilities, who are able to walk independently, may be able to negotiate stairs in an emergency with minor assistance. If danger is imminent, the individual should wait until the heavy traffic has cleared before attempting the stairs. If there is no immediate danger (detectable smoke, fire, or unusual odor), the individual with a disability may choose to wait at the area of rescue assistance until emergency responders arrive to assist them.

• Hearing disabilities: The Bemidji State University/Northwest Technical College’s buildings are equipped with fire alarm horns/strobes that sound the alarm and flash strobe lights. The strobe lights are for individuals with who are deaf and/or hard of hearing. Individuals with hearing disabilities may not notice or hear emergency alarms and will need to be alerted of emergency situations.

• Visual disabilities: The Bemidji State University/Northwest Technical College’s buildings are equipped with fire alarm horn/strobes that sound the alarm and flash strobe lights. The horn will alert individuals who are blind or have visual disabilities of the need to
evacuate. Most individuals with visual disabilities will be familiar with their immediate surroundings and frequently traveled routes. Since the emergency evacuation route is likely different from the common traveled route, individuals with visual disabilities may need assistance in evacuating. The assistant should offer assistance, and if accepted, guide the individual with a visual disability through the evacuation route.

**Severe Weather Evacuation Options:**
Individuals with disabilities or who are in need of assistance during an evacuation have three evacuation options based on their location in their building:

- **Horizontal evacuation:** If located on the ground or basement floor, severe weather shelter areas are located throughout each floor;

- **Elevator evacuation:** If there are no safe areas above the ground floor, the elevator may be used to evacuate to the ground or basement levels; and/or

- **Shelter in Place:** Seeking shelter in a designated severe weather shelter and remaining there until the all clear is used.