

### **1.3 COMMUNICATIONS PROFICIENCY**

Each institution shall establish a process for verifying communication skills, including the verbal and written English language proficiency of all personnel whose appointments include classroom instruction. The process must include procedures ensuring compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act and prohibit discrimination against a qualified individual with disabilities. The process must also guarantee protection against discrimination in violation of other rights protected under federal and state constitutions or laws and Board policies. Each institution shall:

- A. Develop the process and standards for validating and assessing proficiency through an inclusive process, which recognizes the needs of departments, programs, students, and faculty;
- B. Determine proficiency prior to employment;
- C. Provide a means of continuously improving communication proficiency of all instructors to meet or exceed defined standards;
- D. Establish a mechanism for students and personnel affected by this policy to register concerns related to the provisions of this policy;
- E. Periodically review the effectiveness of the policy and provide reports to the Board upon request; and
- F. Establish procedures to ensure compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act, as well as federal and state constitutions and laws. The procedures shall include a mechanism to identify otherwise qualified personnel who may be unable to demonstrate requisite proficiency due to a disability or because of race, religion or other protected characteristic.

*State Board of Higher Education Policy Manual, 11-19-99, Section [609](#)*

*SEE ALSO: North Dakota Century Code [15-10-13.1](#)*