

DISABILITY POLICIES AND PROCEDURES

**Southern Nazarene University
Bethany, Oklahoma**

**Compiled by
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An electronic version of this document can be found at:
<http://home.snu.edu/dept/ace/DisabilityPolicyManual.pdf>

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Portions of the following document were adapted from “The Policy Book: Guidance for Disability Service Providers” by JoAnne Hill, LRP Publications

SECTION 1. INTRODUCTION

1.1 Purpose of Policies and Procedures

Disability Support Services - Policies and Procedures Manual is designed to assist students, faculty, administration and staff by providing recognized procedures for assuring students with disabilities equal access at Southern Nazarene University.

1.2 Southern Nazarene University Cabinet Resolution, Adopted May, 2006.

Resolution on the Commitment of Southern Nazarene University to the Needs of the Disabled

WHEREAS disabilities, both visible and invisible, carry with them stereotypes and negative images that result in both physical and attitudinal barriers to access and participation;

WHEREAS hundreds of people with disabilities participate in the life of Southern Nazarene University as students, staff, faculty, administration and visitors;

WHEREAS Southern Nazarene University seeks to ensure that people with disabilities are given full access to and participation in all aspects of university life by removal of both physical and attitudinal barriers;

WHEREAS Southern Nazarene University is guided by Sections 503-504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, which provides for nondiscrimination of otherwise qualified individuals with disabilities, and that reasonable accommodations be made for such persons;

WHEREAS Southern Nazarene University has made many significant inroads toward removing both physical and attitudinal barriers mandated by the above laws, some physical and attitudinal obstacles still exist that hinder the full participation of people with disabilities in all aspects of university life;

NOW THEREFORE BE IT RESOLVED that Southern Nazarene University will continue to implement programs on each campus that actively engage representatives of the disabled, faculty, students, staff and administration which address the stereotypes and attitudinal barriers concerning disabilities, and in ADA compliance program planning and implementation processes; and

BE IT FURTHER RESOLVED that the university will continue the timely removal of physical and programmatic barriers consistent with the financial resources allocated; and

BE IT FURTHER RESOLVED that Southern Nazarene University will develop plans for ensuring that the academic needs of the students with disabilities are met. The goal is to enable students with disabilities to participate fully in the educational experiences available at Southern Nazarene University while meeting the academic standards maintained by the institution; and

BE IT FURTHER RESOLVED THAT program enhancements resulting from this resolution will be implemented consistent with available resources and in a timely manner.

1.3 Philosophy of the University/College

Southern Nazarene University is committed to providing equal educational opportunity for all students who meet the academic admissions requirements. Further, they are committed to being a comprehensive liberal arts university, one that promotes Character - Culture - Christ.

In accordance with university philosophy, the purpose of Disability Support Services is to provide comprehensive support to meet the individual needs of a diverse population, which includes students or prospective students with disabilities.

1.4 Mission Statement of Disability Support Services

Embracing the university's philosophy that emphasizes teaching excellence while encouraging research, creative work, and service to the university and the community, Disability Support Services enhances this mission for students with disabilities. Disability Support Services' philosophy is to provide an education for individuals with disabilities through equal access, empowerment, support, resources, advocacy, collaboration and outreach throughout the university campus and community. In addition to providing services and accommodations to students with disabilities as mandated by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, Disability Support Services works closely with faculty and staff in an advisory capacity and assists in the development of reasonable accommodations that allow students with disabilities to fully participate in all of the programs offered on campus.

1.5 Association on Higher Education and Disabilities Code of Ethics

AHEAD is an international, multicultural organization of professionals that was organized in 1977 to act as a resource to postsecondary institutions' disability service providers. The association sponsors workshops, conferences, printed

materials and other information to assist service providers in the delivery of services. In August 1997, AHEAD adopted a Code of Ethics as a guiding principle for delivery of services by AHEAD members.

As members of AHEAD, the Southern Nazarene University disability service providers adhere to the Code of Ethics of this organization.

We agree that these principles are the Code of Ethics for postsecondary disability service providers. As professionals, we are responsible for upholding, supporting and advancing these ideas whenever possible. Members of AHEAD agree to monitor themselves and their peers in accordance with the spirit and provisions of this code, as delineated by the following principles:

1. Postsecondary disability service providers are committed to facilitating the highest levels of educational excellence and potential quality of life for postsecondary students with disabilities.
2. Postsecondary disability service providers strive to achieve and maintain the highest levels of competence and integrity in all areas of assistance to adult students with disabilities. This support is guided by the consistent use of objective, professional judgment in all areas, especially when addressing the confidential nature of the student's disability.
3. Postsecondary disability service providers continually participate in professional activities and educational opportunities designed to strengthen the personal, educational and vocational quality of life for students with disabilities. This includes the on-going development of strategies, skills, research and knowledge pertinent to the highest quality of disability service delivery whenever and wherever it occurs.
4. Postsecondary disability service providers carry out their responsibilities in accordance with all AHEAD professional standards and policy guidelines for adult students with disabilities. When certified, licensed or affiliated with other professionals or organizations they comply with those professional guidelines as well.
5. Postsecondary disability service providers are actively engaged in supporting and clarifying all institutional, state, provincial and federal laws, policies and procedures applicable to the service delivery to students with disabilities. Compliance implies that professionals will not condone or participate in any unethical or illegal acts discussed within these guidelines.

1.6 AHEAD Program Standards

Based upon empirical data (Dukes & Shaw, 1998) involving more than 1,000 postsecondary disability professionals, the Association on Higher Education and Disability (AHEAD) is pleased to present Program Standards for Offices for Students with Disabilities. The Program Standards represent those service components that are fundamental for assuring equal educational access for postsecondary students with disabilities. They set parameters for essential postsecondary Disability Support Services and assert the credibility and unique responsibilities of offices that serve students with disabilities. Program Standards should serve as a tool for professionals to proactively develop appropriate services that meet both the letter and the spirit of the law.

The 27 Program Standards across nine categories have been identified as essential regardless of type of school (two or four year), funding source (public or private), location (U.S. or Canada), or competitiveness (open enrollment vs. competitive). Their implementation should provide more consistency across institutions and help students with disabilities by simplifying the selection of postsecondary services.

1. Consultation/Collaboration/Awareness

- 1.1 Serve as an advocate for students with disabilities to ensure equal access.
- 1.2 Provide disability representation on relevant campus committees (*e. g.*, academic council policy development).

2. Information Dissemination

- 2.1 Disseminate information through institutional publications regarding Disability Support Services and how to access them.
- 2.2 Provide services that promote access to the campus community (*e.g.*, alternative materials formatting, interpreter services, adaptive technology).
- 2.3 Provide referral information to students with disabilities regarding available campus and community resources (*e.g.*, assessment, counseling).

3. Faculty/Staff Awareness

- 3.1 Provide consultation with faculty regarding academic accommodations, compliance with legal responsibilities, as well as instructional, programmatic, physical and curriculum modifications.
- 3.2 Provide individualized disability awareness training for campus constituencies (*e.g.*, faculty, staff, administrators).
- 3.3 Provide feedback to faculty regarding general assistance available through the office that provides services to students with disabilities.

4. Academic Adjustments

- 4.1 Maintain records that document the plan for the provision of selected accommodations.
- 4.2 Determine with the students, appropriate academic adjustments consistent with the student's documentation.
- 4.3 Have final responsibility for determining effective academic accommodations that do not fundamentally alter the program of study.

5. Instructional Interventions

- 5.1 Advocate for instruction in learning strategies (*e.g.*, attention and memory strategies, planning, self-monitoring, time management, organization, problem-solving).

6. Counseling and Advocacy

- 6.1 Assist students with disabilities to assume the role of self-advocate.

7. Policies and Procedures

- 7.1 Develop written policies and guidelines regarding procedures for determining and accessing "reasonable accommodations."
- 7.2 Establish guidelines for student rights and responsibilities with respect to service provision (*e.g.*, documentation of a disability, course substitution/waiver).
- 7.3 Develop written policies and guidelines regarding confidentiality of disability information.
- 7.4 Encourage the development of policies and guidelines for settling a formal complaint regarding the determination of a "reasonable accommodation."

8. Program Development and Evaluation

- 8.1 Provide services that are based on the institution's mission or service philosophy.
- 8.2 Coordinate services for students with disabilities through a full-time professional.
- 8.3 Collect student feedback to measure satisfaction with Disability Support Services.
- 8.4 Collect data to monitor use of Disability Support Services.
- 8.5 Report program evaluation data to administrators.

9. Training and Professional Development

- 9.1 Provide Disability Support Services staff with ongoing opportunities for professional development (*e.g.*, conferences, credit courses, membership in professional organizations).
- 9.2 Provide services by professional(s) with training and experience working with college students/adults with disabilities.
- 9.3 Adhere to the AHEAD Code of Ethics.

1.7 Consortium of Support Programs for Students with Disabilities

OK-AHEAD (Oklahoma Association on Higher Education And Disability) was organized in 1980 to develop a network of professionals to provide the best services possible for students with disabilities who are enrolled in institutions of higher education in Oklahoma. OK-AHEAD members work collaboratively, benefiting all students with disabilities in Oklahoma higher education.

The mission of OK-AHEAD is to further full participation for individuals with disabilities in Oklahoma post-secondary education, through collaboration and information dissemination, advocacy, professional and policy development, and research. OK-AHEAD is an affiliate chapter with the national AHEAD organization.

The Director of Disability Support Services will maintain a membership and close working relationship with OK-AHEAD by attending meetings, workshops, conferences, serving as an officer or on committees, and utilizing the wide variety of experience and expertise available through OK-AHEAD.

1.8 Networking with Collaborative Agencies

Disability Support Service providers will actively communicate and participate with agencies locally, regionally and at the federal level to ensure that Southern Nazarene University remains in compliance with the law and maintains services for students with disabilities at a level consistent with similar institutions. This will be accomplished through the following or other network systems:

- AHEAD (See Section 1.5)
- Consortium (See Section 1.7)
- Disabled Student Services in Higher Education.

DSSHE is a listserv of approximately 1,000+ service providers throughout the United States and several foreign countries who are a source for discussions on disability services at postsecondary institutions.

Discussions may include recent legal decisions, technology, specific disabilities or problem solving of any other pertinent issues.

- Regional Department of Education of Civil Rights (OCR)
The Director of Disability Support Services will contact OCR to request guidance in resolving issues that have no definitive rules or guidelines.
- State Department of Vocational Rehabilitation
Collaboration is maintained with the individual's rehabilitation counselor when students are a client of this agency.

1.9 Important Phone Numbers/Addresses

University Provost	(405) 789-6400 ext. 6300
Vice President for Academic Affairs	(405) 789-6400 ext. 6304
Dean of Arts and Sciences	(405) 789-6400 ext. 6304
Dean of Graduate and Adult Studies	(405) 789-6400 ext. 6680
Director of Disability Support Services	(405) 789-6400 ext. 6694
University Legal Counsel	(405) 789-6400 ext. 6308
ADA Technical Assistance Center	(713) 520-0232 www.adata.org or www.dlrp.org
State of Oklahoma Vocational Rehabilitation	(405) 951-3400 www.okrehab.org
Disability Support Services Advisory Committee	(405) 789-6400 ext. 6694
Office of Civil Rights (www.ed.gov/ocr)	Regional (816) 268-0550 Federal (800) 421-3481

SECTION 2. FEDERAL LAWS AND LEGAL PRECEDENTS PERTINENT TO DISABILITY SERVICES

There is no one law or set of rules and regulations that determine policies and procedures for providing services to individuals with disabilities. There are two primary acts, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, 1990. Continuing judicial opinions and interpretations of the law that establish legal precedent affect the determination of services. Although the judicial actions may be specific to employment, they can often be generalized to education. It is a continuing process of finding the proper balance. An interpretation of this balance was provided in *Alexander v. Choate*, when the court noted “any interpretation of Section 504 must ... be responsive to two powerful but countervailing considerations—the need to give effect to the statutory objectives and the desire to keep Section 504 within manageable bounds.” (Milani, 1996, 990-91). A summary statement of the ADA was proposed by the former commissioner of the U.S. Equal Employment Opportunity Commission, Paul Miller, when he said the ADA is “based on the premise that disability is a natural part of the human experience and in no way diminishes the rights of the individuals to live independently, pursue meaningful careers, and enjoy full inclusion in the economic, political, cultural and educational mainstream of American society.” (Ibid)

Another parameter to be included is the state laws in which you reside. Thus, it is important that colleges use legal reasoning in writing their policies and be consistent in applying the procedures to each individual student until such time that those procedures are reviewed by the Office of Civil Rights or judicial action as a result of an appeal. OCR is a fact-finding agency that determines if there is a violation. It is not an advocate for the student or the college, instead acting as an unbiased agency. After its investigation of the issues, OCR will issue a Commitment to Resolve letter or Letter of Finding. OCR is a very good source for general information, and service providers will benefit by contacting the agency.

2.1 The University/College Legal Disclaimer

Realizing “the vagueness of Section 504 and the ADA reflect the fact that no two students—and no two colleges—are exactly alike, and no universal rule can govern individual needs and college resources” (Milani, 1996, p. 1043), the *University/College Policies and Procedures* herein is a living document subject to fluctuation due to ongoing judicial decisions. The procedures are periodically reviewed by the university/college’s legal counsel. Policies may be revised to comply with the counsel’s legal opinions that reflect continuing OCR opinions and judicial rulings.

The *Policies and Procedures* supercede any other policies, procedures or agreements between any university department and former disability service offices.

2.2 Section 504 of the Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973 is a civil rights statute that guarantees specific rights in federally funded programs and activities to persons who qualify as individuals with disabilities. It provides equal access and reasonable accommodations for “otherwise qualified” students with disabilities. This law requires all recipients of federal funds—whether in the form of a grant or a contract—to review and, if necessary, to modify their programs and activities so that discrimination based on disability is eliminated. This act covers all qualified individuals with disabilities as defined in Title 45, Health, Education, and Welfare (now Health, Education, and Human Services) Government Wide Regulations, which means a disabled person who, with reasonable accommodation, can perform the essential functions of the job (or school curriculum) in question. The objective of Section 504 is to ensure that people with disabilities have opportunities and access to the benefits of all federally funded programs and activities.

Specifically, Section 504 states:

No otherwise qualified individual with a disability in the United States shall solely by reason of his (or her) disability, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance, or under any program conducted by any executive agency or by the United States Postal Service (104.4).

Disabled persons means any person who (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment. (104.3)

Federal Register, Vol 45, No. 92, Friday, May 9, 1980, Rules and Regulations.

Definitions of Terminology in Section 504

Physical impairment: any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory including speech organs, cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin and endocrine.

Mental impairment: any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Major life activities: functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Record of such: a history of or has been misclassified as having an impairment.

Regarded as having: does not limit major life activities but is treated as such, is limited only as a result of attitudes of others or is treated by a recipient as having such an impairment.

Substantially limits: prohibits or significantly restricts an individual's ability to perform a major life activity as compared to the ability of the average person.

(Federal Register, Vol 45, No. 92 5/9/80, Rules & Regulations) 30937.

Further clarification has been made on "record" and "regarded as" through an OCR Senior Staff memorandum (19 *Individuals with Disabilities Education Law Report* 894 (OCR 1992)):

OCR clarified the distinctions between having a disability, having a 'record' of a disability and being 'regarded as' having a disability. This memo clarifies official OCR policy that in order to be entitled to academic adjustments and auxiliary aids, the student must currently have a disability that substantially limits a major life activity. The other two categories (i.e., record of or regarded as) merely protect the student from being *discriminated* against for this reason.

Kincaid, Jeanne, Esq. *Legal Considerations for Serving Students with Learning Disabilities in Institutions of Higher Education*. April, 1998, P.3.

2.3 Americans with Disabilities Act of 1990

This act augments Section 504 legislation and extends it to the general public, not only educational institutions. In Title II, the ADA specifies that:

Qualified individual with a disability who, with or without reasonable modifications to rules, policies or practices, the removal of architectural communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

(ADA 42 U.S.C. Sec. 12111.)

The purpose of the ADA is:

1. To provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.
2. To provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities.
3. To ensure that federal government plays a central role in enforcing standards established in this act.
4. To involve congressional authority, including the Fourteenth Amendment, to regulate commerce in order to address the major areas of discrimination.

Further information regarding this legislation is available in the Disability Support Services office.

NOTE: THIS ACT SPECIFICALLY INCLUDES INFECTION WITH HIV, WHICH CAUSES AIDS, PAST DRUG ADDICTION AND ALCOHOLISM. SEC. 104(A) EXCLUDES CURRENT ILLEGAL DRUG USERS. (*Sec 504, Rehabilitation Act of 1973*)

As reported by Kincaid (*Compliance Requirements of the ADA and Section 504*, p.7) there has been a contagious disease case to determine if the individual was "otherwise qualified." The *School Board of Nassau County v. Arline* was an

employment case that ruled determination must be based on the following factors: “(1) the nature of the risk (e.g., how the disease is transmitted); (2) the duration of the risk; (3) the severity of the risk; and (4) the probabilities the disease will be transmitted and will cause varying degrees of harm. In making this determination, courts should defer to the medical judgments of public health officials. Then a determination must be made as to whether the entity can make a reasonable accommodation for the person with the disability.”

2.4 Family Educational Rights and Privacy Act

All student record information is governed by FERPA (sometimes referred to as the Buckley Amendment). The primary rights given to students are a) the right to inspect and review education records; b) the right to seek to amend education records; and c) the right to have some control over the disclosure of information from education records. Again, this is pertinent to any educational institution receiving federal funding.

Information received concerning persons receiving or requesting disability services will be kept confidential unless a release of information is signed by the student. (See Section 2.6 for further clarification.) Once the individual is 18 years old (in some states this may also differ), he or she has the right to deny the parents access to educational records. It is important that the person(s) responsible for maintaining confidential records obtain permission to release before disclosing any information to parents, spouses or friends. (It doesn't matter who is paying the tuition.)

(Section 418A of the Higher Education Act of 1965 as amended by the Education Amendments of 1980 20 U.S.C. 1232g, Regulations: 34 CFR Part 99 (updated 3/99).)

2.5 State Statutes

States may adopt the federal laws, portions thereof, or add to them substantively. With reference to the confidentiality discussion in *Section 2.6* pertaining to Disability Support Services records being for educational purposes and not treatment, psychologists, licensed professional counselors, social workers, etc. should be cognizant of the state laws pertaining to their profession and be clear in their role. It is with all issues and not just confidentiality that state statutes must be considered. It is one more piece of the balancing act of legal reasoning and consideration of individual needs.

2.6 Confidentiality

Guidelines

Under FERPA (Sec. 2.4), an exception to education records include medical records made and maintained in connection with treatment and disclosed only to individuals providing treatment. However, the question becomes whether documentation of a medical nature are records used for treatment or providing accommodations. In *Wynne v. Loyola University of Chicago*, the U.S. District Court for the Northern District of Illinois ruled that the university could demand the psychologist's personal notes. It's reasoning was that the “student waives the psychotherapist-patient privilege when he or she makes a request for accommodations. (*Disability Compliance for Higher Education*, 11/99; 5,4, 16). Ongoing legal decisions that can vary among OCR regions and courts can present a conundrum for disability service offices. It is important for the college policies and procedures to be delineated and consistent in application. Thus, the position taken by this university is that in order to provide confidentiality and develop a trust relationship with students, disability-related information will generally be treated as medical information and handled under the same strict rules of confidentiality as is other medical information until legally challenged. This includes the comprehensive documentation from an appropriate source that persons with disabilities must provide to establish the existence of their disability and their need for accommodation or consideration. SNU's position is that it is ethically inappropriate to release any information without the student's permission unless in extreme circumstances, as discussed below.

Disability-related information will be shared only on a limited basis within the institutional community. It may be shared only when there is a compelling reason for the individual from the institution seeking information regarding some specific aspect of this confidential information. Unless there is a threat to an individual's safety and/or an emergency situation, consent of the student will be requested before providing any copies of medical/psychological documentation to a third party.

Extreme Exceptions

The extreme exceptions would be child abuse (of which reporting is mandatory in most states), suicide or homicidal intent. Again, the role of the disability service provider is to provide academic access; however, it is very possible that a relationship of trust may develop between the student and service provider. It can become an ethical dilemma for the advisor when a student mentions an intent to harm. It is the responsibility of the staff member to assess the sincerity of the statement and if deemed necessary work with campus security in the event a student expresses action or intent to harm.

Postsecondary Implications

Disability Support Services is responsible for collecting and holding disability-related documentation for students with disabilities. It is kept in a secure file within limited access.

“This may mean sharing with faculty only the information that a student has a documented disability and need for accommodation(s). The U.S. Department of Justice has indicated that a faculty member generally does not have a need to know what the disability is, only that it has been appropriately verified by the individual (or office) assigned this responsibility on behalf of the institution. Thus, faculty would have no legal right to demand access to the actual documentation including testing scores, dates or names of professionals providing such documentation.”

(Confidentiality & Disability Issues in Higher Education, AHEAD. 1996)

Designated Office

The designated office at Southern Nazarene University is Disability Support Services, which is a part of the Academic Center for Excellence (Learning Resource Center, Rm# 309). The person responsible for this confidentiality is the Director of Disability Support Services.

Need to Know Basis

In general, the need to know is very limited. The person(s) to whom information would be released is dependent upon the need to know. Some common needs may be:

- Requests for a course substitution
- Safety for the student's health
- Special circumstances in the housing village
- Grievance procedures
- Special financial aid considerations

Maintenance of Records—Hard Copy

A confidential contact file is maintained on each student that includes demographics, a record of each student's visit, the purpose of the visit and action taken, a current Access Plan (when applicable), the documentation of the disability and any ongoing changes in the student's condition.

Disposal of Records

If a student is no longer enrolled at Southern Nazarene University their file is placed in an archive file. A student may request a copy of his/her documentation with the following exceptions:

1. Documentation provided by Vocational Rehabilitation offices is available only through that office. (May be local and not global.)
2. If raw data was the only information provided as documentation by the diagnostician, this data will not be released.

Computer Database

The database is utilized for management of the caseload; as such, individual records may not be maintained for five years after a student has graduated.

2.7 Legal Implications: Individual Needs

The contents herein are the guiding procedures and policies in general for all students with disabilities. However, each student's needs must be considered on an individual basis. Basic determination of accommodations will be in collaboration with the student and sometimes faculty based on documentation recommendations.

SECTION 3. DOCUMENTATION OF DISABILITIES

3.1 Eligibility Verification

Eligibility for disability services/accommodations at Southern Nazarene University is dependent upon the nature of the disability and its impact on learning and/or major life activities (e.g. housing, transportation, etc.). The decision as to eligibility is a judgement that must be made by the Director of Disability Support Services and based on the institution's policies, procedures and guidelines.

Once a student has been verified by the DSS office, a disability eligibility form is completed and placed in the confidential file with documentation.

3.2 Documentation Guidelines

Introduction

Individuals with disabilities who attend or plan to attend a postsecondary institution in Oklahoma may need reasonable accommodations, modifications or auxiliary aides in order to have equal access to the programs and services offered. There are two laws that require postsecondary institutions to provide these services to otherwise qualified students: Section 504 of the Vocational Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA). Students who need accommodations are responsible for requesting these services from the Director of Disability Support Services for the following reasons:

- To provide documentation that supports the request for services
- To discuss the request, the nature of their disabilities, and past experiences

Purpose

These documentation guidelines have been provided to assist students in obtaining appropriate documentation from qualified professionals. Appropriate documentation of a disability is only one part of determining necessary accommodations. The provision of appropriate documentation to an institution helps students educate appropriate staff and faculty about the impact of their disabilities, needs and potential accommodations. Institutions may request documentation for the following reasons:

- To verify the existence of a disability
- To assist in the collaborative determination of eligibility for auxiliary aids and services, and individual needs to minimize the impact of the disability
- To personalize the student's right to equal access to the institution

Rights and Responsibilities of Students

In addition to notifying and documenting the need for accommodation(s), students with disabilities also have the following rights and responsibilities:

- Equal access to all programs at Southern Nazarene University
- Disability-related records are maintained to determine appropriate services and will be housed separately from academic records
- Students initiate all requests for services and/or accommodations
- Students need to give advance notice of needed accommodation(s)
- Students will need to meet with a Disability Support Services staff member for an intake appointment and discussion about the nature and impact of their disabilities
- Submission of documentation is not the same as the request for services; these are two different steps in the process of determination and provision of appropriate accommodations
- Generally, an Individualized Education Plan, 504 Plan, or General Education Initiative from a secondary school does not provide thorough information for the documentation of disability and needed accommodations

Rights and responsibilities of the institution and Disability Support Services:

Southern Nazarene University's DSS office reserves the right to determine the appropriateness of submitted documentation and requests for accommodation(s) on a case-by-case basis, using the professional judgment of the Disability Support Services Director. Additional information may be requested to determine eligibility for services.

Relevant information regarding the student's disability may be shared with those who have a legitimate educational interest and on an individual need-to-know basis.

The primary categories of disabilities commonly recognized in postsecondary institutions are as follows:

ATTENTION DEFICIT/HYPERACTIVITY DISORDER

(Includes ADHD-DSM 314.01 combined type; ADHD-DSM 314.00 inattentive type; ADHD-DSM 314.01 hyperactive-impulsive type)

ADHD is considered a medical or clinical diagnosis. Individuals qualified to render a diagnosis for this disorder are practitioners who have been trained in the assessment of ADHD and are experienced in assessing the needs of adult learners. Recommended practitioners may include: developmental pediatricians, neurologists, psychiatrists, licensed clinical or educational psychologist, family physicians or a combination of such professionals. The diagnostician must be impartial and not a family member of the student.

The following guidelines are provided to assist the service provider in collaborating with each student to determine appropriate accommodations. Documentation serves as a foundation that legitimizes a student's request for appropriate accommodations. Recommended documentation includes:

1. A clear statement of ADD or ADHD with the DSM-IV diagnosis and a description of supporting past and present symptoms.
2. Documentation for eligibility must be current, preferably within the last three years; (the age of acceptable documentation is dependent upon the disabling condition, the current status of the student and the student's specific request for accommodations).
3. A summary of assessment procedures and evaluation instruments used to make the diagnosis.
4. A narrative summary, including all scores, which supports the diagnosis.
5. A statement of the functional impact or limitations of the disorder or disability on learning or other major life activity and the degree to which it impacts the individual in the learning context for which accommodations are being requested.
6. Medical information relating to the student's needs, including the impact of medication on the student's ability to meet the demands of the postsecondary environment.

Further assessment by an appropriate professional may be required if coexisting learning disabilities or other disabling conditions are indicated. The student and the disability specialist at the institution collaboratively determine appropriate accommodations.

BLIND/LOW VISION

Ophthalmologists are the primary professionals involved in diagnosis and medical treatment of individuals who are blind or who experience low vision. Optometrists provide information regarding the measurement of visual acuity as well as tracking and fusion difficulties. The diagnostician must be an impartial individual who is not a family member of the student.

The following guidelines are provided to assist the service provider in collaborating with each student to determine appropriate accommodation(s). Documentation serves as a foundation that legitimizes a student's request for appropriate accommodations. Recommended documentation includes:

1. A clear statement of vision-related disability with supporting numerical description that reflects the current impact the blindness or vision loss has on the student's functioning (the age of acceptable documentation is dependant upon the disabling condition, the current status of the student and the student's request for accommodations).
2. A summary of assessment procedures and evaluation instruments used to make the diagnosis and a summary of evaluation results including standardized scores.
3. Present symptoms that meet the criteria for diagnosis.
4. Medical information relating to the student's needs, the status of the individual's vision (static or changing), and its impact on the demands of the academic program.
5. Narrative or descriptive text providing both quantitative and qualitative information about the student's abilities that might be helpful in understanding the student's profile including functional limitation, the use of corrective lenses and ongoing visual therapy (if appropriate).
6. A statement of the functional impact or limitations of the disability on learning or other major life activity and the degree to which it impacts the individual in the learning context for which accommodations are being requested.

Further assessment by an appropriate professional may be required if coexisting learning disabilities or other disabling conditions are indicated. The student and the disability specialist at the institution collaboratively determine appropriate accommodations.

HEAD INJURY/TRAUMATIC BRAIN INJURY

Head injury or traumatic brain injury is considered a medical or clinical diagnosis. Individuals qualified to render a diagnosis for these disorders are practitioners who have been trained in the assessment of head injury or traumatic brain injury. Recommended practitioners include physicians, neurologists, licensed clinical, rehabilitation and school psychologists; neuropsychologists and psychiatrists. The diagnostician must be an impartial individual who is not a family member of the student.

The following guidelines are provided to assist the service provider in collaborating with each student to determine appropriate accommodations. Documentation serves as a foundation that legitimizes a student's request for appropriate accommodations. Recommended documentation includes:

1. A clear statement of the head injury or traumatic brain injury and the probable site of lesion.
2. Documentation for eligibility must reflect the current impact the head injury has on the student's functioning (the age of acceptable documentation is dependent upon the disabling condition, the current status of the student and the student's specific request for accommodations).
3. A summary of cognitive and achievement measures used and evaluation results including standardized scores or percentiles used to make the diagnosis.
4. A summary of present residual symptoms which meet the criteria for diagnosis.
5. Medical information relating to student's needs to include the impact of medication on the student's ability to meet the demands of the postsecondary environment.
6. A statement of the functional impact or limitations of the disability on learning or other major life activity and the degree to which it impacts the individual in the learning context for which accommodations are being requested.

Further assessment by an appropriate professional may be required if coexisting learning disabilities or other disabling conditions are indicated. The student and the disability specialist collaboratively determine appropriate accommodations.

DEAF/IMPAIRED HEARING

Physicians, including otorhinolaryngologists and otologists, are qualified to provide diagnosis and treatment of hearing disorders. Audiologists may also provide current audiograms. The diagnostician should be an impartial individual who is not a family member of the student.

The following guidelines are provided to assist the service provider in collaborating with each student to determine appropriate accommodations. Documentation serves as a foundation that legitimizes a student's request for appropriate accommodations. Recommended documentation includes:

1. A clear statement of deafness or hearing loss, with a current audiogram that reflects the current impact the deafness or hearing loss has on the student's functioning, (the age of acceptable documentation is dependent upon the condition, the current status of the student, and the student's request for accommodations).
2. A summary of assessment procedures and evaluation instruments used to make the diagnosis and a narrative summary of evaluation results, if appropriate.
3. Medical information relating to the student's needs, the status of the individual's hearing (static or changing) and its impact on the demands of the academic program.
4. A statement regarding the use of hearing aids (if appropriate).
5. A statement of the functional impacts or limitations of the hearing loss on learning or other major life activity and the degree to which it impacts the individual in the learning context for which accommodations are being requested.

Further assessment by an appropriate professional may be required if coexisting learning disabilities or other disabling conditions are indicated. The student and the disability specialist collaboratively determine appropriate accommodations.

PHYSICAL AND SYSTEMIC DISORDERS

(Includes but is not limited to: multiple sclerosis, cerebral palsy, chemical sensitivities, spinal cord injuries, cancer, AIDS, muscular dystrophy and spina bifida.)

Any physical disability or systemic illness is considered to be in the medical domain and requires the expertise of a physician, including a neurologist, physiatrist or other medical specialist with experience and expertise in the area for which accommodations are being requested. The diagnostician must be an impartial individual who is not a family member of the student.

The following guidelines are provided to assist the service provider in collaborating with each student to determine appropriate accommodations. Documentation serves as a foundation that legitimizes a student's request for appropriate accommodations. Recommended documentation includes:

1. A clear statement of the medical diagnosis of the orthopedic/mobility disability or systemic illness.
2. Documentation for eligibility must reflect the current impact the physical disability or systemic illness has on the student's functioning (the age of acceptable documentation is dependent upon the disabling condition, the student's request for accommodations and the current status of the student). Therefore, disabilities that are sporadic or degenerative may require more frequent evaluation.
3. A summary of assessment procedures and evaluation instruments used to make the diagnosis, including evaluation results and standardized scores if applicable.
4. A description of present symptoms that meet the criteria for diagnosis.
5. Medical information relating to the student's needs to include the impact of medication on the student's ability to meet the demands of the postsecondary environment.
6. A statement of the functional impact or limitation of the disability on learning or other major life activities and the degree to which it impacts the individual in the learning context for which accommodations are being requested.

Further assessment by an appropriate professional may be required if coexisting learning disabilities or other disabling conditions are indicated. The student and the disability specialist collaboratively determine appropriate accommodations.

PSYCHIATRIC/PSYCHOLOGICAL DISORDERS

(Includes but is not limited to: depressive disorders, post-traumatic stress disorders, bipolar disorders and dissociative disorders)

A diagnosis by a licensed mental health professional including licensed clinical social workers, licensed professional counselor, psychologists, psychiatrists and neurologists is required and must include the licensee number. The diagnostician must be an impartial individual who is not a family member of the student.

The following guidelines are provided to assist the service provider in collaborating with each student to determine appropriate accommodations. Documentation serves as a foundation that legitimizes a student's request for appropriate accommodations. Recommended documentation includes:

1. A clear statement of the disability, including the DSM-IV diagnosis and a summary of present symptoms.
2. Documentation for eligibility must reflect the current impact the psychiatric/psychological disability has on the student's functioning (the age of acceptable documentation is dependent upon the disabling condition, the current status of the student and the student's specific request for accommodations).
3. A summary of assessment procedures and evaluation instruments used to make the diagnosis, including evaluation results and standardized scores if applicable.
4. Medical information relating to the student's needs, including the impact of medication on the student's ability to meet the demands of the postsecondary environment.
5. A statement of the functional impact or limitations of the disability on learning or other major life activities and the degree to which it impacts the individual in the learning context for which accommodations are being requested.

Further assessment by an appropriate professional may be required if coexisting learning disabilities or other disabling conditions are indicated. The student and the disability specialist collaboratively determine appropriate accommodations.

SPECIFIC LEARNING DISABILITIES

(May include: reading disorders 315.00, mathematics disorders 315.1, disorders of written expression 315.2, learning disorders not otherwise specified 315.9, perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia)

Professionals conducting assessment and rendering diagnoses of specific learning disabilities must be qualified. A qualified professional needs to hold a degree in a field related to diagnosis of SLD and have at least one year of diagnostic experience with adults and late adolescents. Recommended practitioners include: certified and/or licensed psychologists, learning disabilities specialists, educational therapists, and diagnosticians in public school or colleges and rehabilitation services and private practitioners with the above qualifications are typically considered qualified. The diagnostician must be an impartial individual who is not a family member of the student.

The following guidelines are provided to assist the service provider in collaborating with each student to determine appropriate accommodations. Documentation serves as a foundation that legitimizes a student's request for appropriate accommodations. Recommended documentation includes:

1. Testing that is comprehensive, including a measure of both aptitude and academic achievement in the areas of reading, mathematics and written language.
2. Documentation for eligibility must reflect the current impact the learning disability has on the student's functioning (the age of acceptable documentation is dependent upon the disabling condition, the current status of the student and the student's specific request for accommodations).
3. A clear statement that a learning disability is present along with the rationale for this diagnosis. (Note: Individual learning deficits, learning styles and learning differences do not, in and of themselves, constitute a learning disability.)
4. A narrative summary, including all scores (standard and percentile), which supports the diagnosis.
5. A statement of strengths and needs that will impact the student's ability to meet the demands of the postsecondary environment.
6. A statement of the functional impact or limitations of the disability on learning or other major life activities and the degree to which it impacts the individual in the learning context for which accommodations are being requested.

Further assessment by an appropriate professional may be required if coexisting learning disabilities or other disabling conditions are indicated. The student and the disability specialist collaboratively determine appropriate accommodations. PLEASE REFER TO SECTION 3.3: SLD DISCUSSION

REHABILITATED DRUG ADDICTION

Professionals who are qualified for diagnosing, treating and providing documentation for individuals who have been rehabilitated for drug addiction or are under treatment for alcoholism include physicians with a specialty in addiction, clinical psychologists, psychiatrists and licensed mental health professionals or State Health Department certified addiction counselors who are supervised by psychologists or psychiatrists. The diagnostician must be an impartial individual who is not a family member of the student.

The following guidelines are provided to assist the service provider in collaborating with each student to determine appropriate accommodations. Documentation serves as a foundation that legitimizes a student's request for appropriate accommodations. Recommended documentation includes:

1. A clear statement of successful completion of a supervised drug rehabilitation program with the DSM-IV diagnosis. A dated statement attesting to the compliance with appropriate post-rehabilitation treatment (the age of acceptable documentation is dependent upon the disabling condition, the current status of the student and the student's request for accommodations).
2. A summary of assessment procedures and evaluation instruments used to make the diagnosis.
3. A summary of qualitative and quantitative information that supports the diagnosis.
4. Medical information relating to the student's needs including the functional limitation and the impact of medication on the student's ability to meet the demands of the postsecondary environment.
5. A statement of the current functional impact or limitations of the disability on learning or other major life activities and the degree to which it impacts the individual in the learning context for which accommodations are being requested.

Further assessment by an appropriate professional may be required if coexisting learning disabilities or other disabling conditions are indicated. The student and the disability specialist collaboratively determine appropriate accommodations.

ALCOHOLISM

Professionals who are qualified to diagnose, treat and provide documentation for individuals with alcoholism include physicians with a specialty in addiction, clinical psychologists, psychiatrists, licensed mental health professionals, or state health department certified addiction counselors who are supervised by psychologists or psychiatrists. The diagnostician must be an impartial individual who is not a family member of the student.

The following guidelines are provided to assist the service provider in collaborating with each student to determine appropriate accommodations. Documentation serves as the foundation that legitimizes a student's request for appropriate accommodations. Recommended documentation includes:

1. A clear statement of the disability, including the DSM-IV diagnosis and a summary of present symptoms.
2. Documentation for eligibility must reflect the current impact the alcoholism has on the student's functioning (the age of acceptable documentation is dependent upon the disabling condition, the current status of the student and the student's request for accommodation).
3. A summary of assessment procedures and evaluation instruments used to make the diagnosis.
4. A summary of qualitative and quantitative information that supports the diagnosis.
5. Medical information related to the student's needs, including the impact of medication on the student's ability to meet the demands of the postsecondary environment.
6. A statement of the functional impact or limitations of the disability on learning or other major life activities and the degree to which it impacts the individual in the learning context for which accommodations are being requested.

Further assessment by an appropriate professional may be required if coexisting learning disabilities or other disabling conditions are indicated. The student and the disability specialist collaboratively determine appropriate accommodations.

VISUAL DISORDERS/NOT ACUITY

(Learning-related visual disabilities include but are not limited to: ocular motility dysfunction/eye movement disorders, vergence dysfunction/inefficiency in using both eyes together, strabismus/misalignment of the eyes, amblyopia/lazy eye, accommodative disorders/focusing problems, visual sensory disorders, and motor integration)

Professionals conducting assessment and rendering diagnoses of these disabilities must be qualified to do so and have experience in assessing the needs of adult learners. The qualified professional in this field is licensed to practice as an optometrist and is a Fellow of the College of Optometrists in Vision Development. The diagnostician must be impartial and not a family member.

The following guidelines are provided to assist the service provider in collaborating with each student to determine appropriate accommodations. Documentation serves as the foundation that legitimizes a student's request for appropriate accommodations. Recommended documentation includes:

1. A clear statement of the learning-related visual disability with supporting numerical description (the age of acceptable documentation is dependent upon the disabling condition, the current status of the student and the student's request for accommodation). Documentation must reflect the current impact the disability has on the student's functioning.
2. A summary of assessment procedures and evaluation instruments used to make the diagnosis and a summary of evaluation results, including standardized scores.
3. Present symptoms that meet the criteria for diagnosis.
4. Medical information relating to the student's needs and the status of the individual's vision (static or changing) and its impact on the demands of the academic program.
5. Narrative or descriptive text providing both quantitative and qualitative information about the student's abilities which might be helpful in understanding the student's profile, including the use of corrective lenses and ongoing visual therapy (if appropriate).
6. A statement of the functional impact or limitations of the disability on learning or other major life activities and the degree to which it impacts the individual in the learning context for which accommodations are being requested.

Further assessment by an appropriate professional may be required if coexisting learning disabilities or other disabling conditions are indicated. The student and disability specialist at the institution collaboratively determine appropriate accommodations.

3.3 Discussion of Specific Learning Disabilities

Specific Learning Disability Definitions:

Federal Definition: "Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, read, write, spell or do mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not include children who have learning problems that are the result of visual, hearing or motor limitations, of mental retardation, of emotional disturbance or of environmental, cultural, or economic disadvantage."

Diagnostic and Statistical Manual of Mental Disorders (DSM-IV): The DSM-IV criteria for learning disorders specifies there are learning disorders in reading (315.00), mathematics (315.1) and written expression (315.2) and use the assessment that the “ability, as measured by individually administered standardized tests, is substantially below that expected given the person’s chronological age, measured intelligence, and age-appropriate education” (1994,p. 51-53).

However the American Psychiatric Association has included another consideration, 315.9 Learning Disorder Not Otherwise Specified, which states:

“This category is for disorders in learning that do not meet criteria for any specific learning disorder. This category might include problems in all three areas (reading, mathematics, written expression) that together significantly interfere with academic achievement even though performance on tests measuring each individual skill is not substantially below that expected given the person’s chronological age, measured intelligence, and age-appropriate education.” (American Psychiatric Association. 1994. *Diagnostic Criteria from DSM-IV*,p. 52-53.)

National Joint Committee on Learning Disabilities: “[A] heterogeneous group of disorders manifested by significant difficulties in the acquisition and use of speaking, reading, writing, reasoning, or mathematical abilities. These disorders are intrinsic to the individual, presumed to be due to central nervous system dysfunction, and may occur across the life span.” (1990, p. 65)

Southern Nazarene University Position Statement: Research is inconclusive on the methods of measurement of a learning disability, and definitions vary as delineated above. Although the formulas below are utilized, the reliability—particularly, for adults—provides mixed results. Eligibility for services at Southern Nazarene University will take into consideration documentation that uses any of the following assessments. More than one instrument is necessary, and eligibility is always determined on an individual basis. Professional judgement is important, and justification and reasoning for any learning disability that digresses considerably from the above definitions should be noted on the disability certification form.

1. On WAIS-R (WISC-R) (III), a 15-point or greater discrepancy (“substantially below”, DSM discussion, p. 49) between verbal and performance. (More than one assessment is necessary)
2. Aptitude-achievement discrepancy regression formula.
3. Aptitude-achievement discrepancy utilizing norm-referenced standardized testing; an overall/verbal/performance IQ score that is at least two standard deviations or greater below the mean, with some specific area of academic achievement that is minimally two standard deviations below measured ability level.
4. Intracognitive subtest variability on the WAIS-R (WISC-R); a difference of 10 points either in verbal, performance or full scale. (Blalock)
5. Lower performance (two standard deviations or greater) on the ACID (arithmetic, coding (digit symbol), information, digit span) cluster of the WAIS-R. (Beckman)
6. Recategorization hierarchy of the WAIS-R: Spatial > Conceptual > Sequential > Acquired Knowledge. (Bannatyne) (Groth-Marnot, 1997, p. 195-197).

Recommended Instruments for Assessment of Specific Learning Disabilities in Adults:

Assessment measures selected for use in any evaluation should be normed appropriately (*i.e.*, tests used for the assessment of adults should include an adult norm sample that is appropriate for the individuals being tested) and used according to the test author’s recommendations. Reliability and validity data should also be considered in the selection of test instruments. Abbreviated test batteries are not acceptable for the assessment of learning disabilities unless the test authors recommend the shortened version for this purpose.

The minimal assessment for learning disabilities and their academic impact should include measures of:

1. Intellectual/cognitive/information processing abilities (one instrument – or more if the diagnostician determines otherwise.)
 - *Halstead-Reitan Neuropsychological Battery (complete battery often not indicated unless there is a head injury or suspicion of some other cognitive dysfunction)
 - *Stanford-Binet IV
 - *Wechsler Adult Intelligence Scale-II or III (Preferred)
 - *Woodcock Johnson Psycho-educational Battery-Revised (Part I, Tests of Cognitive Ability)
 - *Wechsler Memory Scales-Revised (supplement to WAIS-R)

2. Academic Achievement (one only)

*Woodcock Johnson Psycho-educational Battery-Revised (Part II, Tests of Achievement) (Preferred)

*Peabody Individual Achievement Test - Revised (ages 5-18)

*Stanford Test of Academic Skills (grades 8-13)

*Nelson-Denny Reading Test ELF (used only to determine rate of reading when extended time accommodation is a consideration; grades 9+)

3. Current and Historical Socio-emotional Adjustment

The purpose of the comprehensive initial interview is to screen for other factors that may contribute to learning difficulties. The initial interview is vital in making differential diagnoses and identifying current needs. Information gathered helps rule out emotional, sensory, head injury, substance abuse and educational deficiencies as the primary diagnoses or explanation for current academic difficulties. Objective personality tests may also be used for screening purposes but never in the absence of or in lieu of a thorough initial interview.

SECTION 4. MEDICAL PROGRAM TECHNICAL STANDARDS

4.1 Legal Guidelines

According to Section 504, “With respect to postsecondary and vocational education services, an individual with a disability is (further) defined as a person who meets the academic and technical standards requisite to admission or participation in the recipient’s education program or activity” (104.3 (3), Federal Register, Vol. 45, No. 92, May 9, 1980).

Historically individuals with sensory impairments have often been excluded from medical programs, as it was generally believed that their performance may threaten the safety of the patient or that they might not be able to provide services comparable to that of individuals without such a disability, even with accommodations. There are now individuals who have been able to complete medical programs with reasonable accommodations and are able to practice medicine. However, the medical programs of any college must be certain that they have clearly delineated minimum technical standards, that they are consistent in the application of these standards, and that all prospective/incoming students are aware of these standards. Students must also be aware that state licensure requirements may vary and that completion of a medical degree program does not automatically ensure licensure. Students will be advised of the technical standards and they will be held responsible for determining if they can meet those standards. The medical program administration can advise the students regarding the standards but cannot be held responsible for assuring students they can meet those standards. It is the faculty/administration personnel’s responsibility to provide safe practices in clinical settings.

Each student’s situation must be considered on an individual basis. Recent legal precedents and standards cited herein are provided to assist the students and their advisors in determining whether they will ultimately meet requirements for licensure once they have earned their degree in the nursing program. Also, Disability Support Services, in collaboration with the medical staff, can assist the student in determining what reasonable accommodations are available for a particular functional limitation, *i.e.*, adaptive stethoscopes, etc.

Safety Issue. In *North Central Technical College*, the Office for Civil Rights determined that:

[U]nder Section 504 and Title II of the ADA, a college could prevent a student with a mental disability from engaging in a counseling program or providing services in a clinical setting, such as an emergency room, if it has a reasonable basis to believe that an emotionally distraught client or seriously ill patient could be harmed by the student’s conduct. The institution, however, should make ‘every reasonable effort’ to allow people with disabilities to engage in their programs, including making a variety of accommodations in response to requests by an individual with a disability. An institution should provide the student with reasonable notice of the standards, provide the basis for why it believed the student did not meet the standards, and provide the student with the opportunity to modify the behavior or begin counseling.

Otherwise qualified: physical limitation. In *Doherty v. Southern College of Optometry* (862 F.2d 570, December 1988), the Court of Appeals ruled that a student who had a disorder that affected his motor skills (retinitis pigmentosa) and that prevented him from being clinically proficient was not “otherwise qualified.”

Otherwise qualified: contagious disease. In *School Board of Nassau County v Arline* (Kincaid, Compliance Requirements, p.7), the Court held that in most cases to determine whether a person with a disability who has a contagious disease is ‘otherwise qualified,’ the following factors must be considered; (1) the nature of the risk (*e g*, how the disease is transmitted); (2) the duration of the risk; (3) the severity of the risk; and (4) the probabilities the disease will be transmitted and will cause varying degrees of harm. In making this determination, courts should reasonably defer to the medical judgments of public health officials. Then a determination must be made as to whether the entity can make reasonable accommodations for the person with the disability.

4.2 Technical Standards (Outcomes)

For those standards specific to the individual state licensure programs, a copy should be available in the advisors’ office for students to preview or may be attached to the student’s agreement of the Minimal Standards Disclosure. It is important to segregate state licensing requirements from curricular decisions when determining standards.

A legal precedent has been set by *Southeastern Community College v Davis* (Supreme Court 442 U.S. 397; 99 S Ct. 2361). They ruled, “An otherwise qualified person is one who is able to meet all of a program’s requirements in spite of his handicap (disability).” Further. “[Respondent’s] handicap (disability) actually prevents her from safely performing in both her training program and her proposed profession.” *Id*, at 1345. A footnote emphasizes that “nothing in the language or history of 504 reflects an intention to limit the freedom of an educational institution to require reasonable physical qualifications for admission to a clinical training program.”

The standards and outcomes established herein are designed not to be exclusionary but to establish performance expectations that will enable students to provide safe patient practice with or without accommodations. The outcomes are program access requirements, not individual functional ability requirements.

In keeping with the 1990 Americans with Disabilities Act (ADA), passed by the United States Congress to prohibit discrimination against qualified individuals with disabilities, the following policy with definitions has been adopted:

- Disability is defined in the Act as a person (1) with a physical or mental impairment that substantially limits one or more of the major life activities of such individual; (2) with a record of such impairment; or (3) being regarded as having such an impairment.
- For the purposes of the nursing program, a qualified individual with a disability is one who, with or without reasonable accommodation or modification, meets the essential eligibility requirements for participation in the program.
- Nursing is defined as a practice discipline with cognitive, sensory, affective, and psychomotor performance requirements.

The School of Nursing has adopted the "Core Performance Standards" developed by the Southern Council on Collegiate Education for Nursing (SCCEN) to define the requirements of students entering and progressing through the nursing program. Each standard has an example of an activity which a student will be required to perform while enrolled in the School of Nursing. These standards are reflected in specific objectives for clinical nursing courses. Before admission to the nursing program, prospective students are requested to read the Core Performance Standards for Admission and Progression and determine if accommodation or modification will be necessary.

If a student believes that he or she cannot meet one or more of the standards without accommodations or modifications, the student will be referred to the Director of Disability Support Services for determination of need for reasonable and necessary accommodations and modifications (SNU 2005-2007 Catalog, p 47).

Reasonable accommodations are defined by the Act to include:

- a. making existing facilities...readily accessible to and usable by individuals with disabilities;
- b. job restructuring, part-time or modified work schedules....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.

Reasonable accommodations will be made as indicated for specific individual needs. Procedures for meeting these needs will be developed on an individual basis in consultation with the Academic Center for Excellence. If you have a disability that may need accommodation, you are encouraged to contact the Academic Center for Excellence as soon as possible. ACE is located in the Learning Resource Center, Room 309, and the phone number is (405)491-6694.

4.3 Reasonable Accommodations

In order to help students meet performance and technical standards, Southern Nazarene University's School of Nursing provides reasonable accommodation and equal opportunity to qualified students with disabilities. Determination of a reasonable accommodation will be considered on an individual basis and is a collaborative process with the Director of Disability Support Services, the student, the program advisor, the Chair of the School of Nursing, and the faculty member, as appropriate.

4.4 Procedure for Determining Safety Issues in Clinical Classes

The medical program will make every reasonable effort to provide accommodations that will provide equal opportunity as long as those accommodations do not pose a threat to the safety of the patient or the student. The following process will be utilized when there is a question of safety:

- a) What are the requirements for performing essential functions in this clinical setting?
- b) What are the violations of this requirement by this student?
- c) What is the plan for remediating these violations?
- d) Are there specific accommodations based on a disability?
- e) Are these accommodations deemed safe in this particular setting?
- f) What is the particular safety threat?

4.5 Admission, Expulsion and Readmission

Students with disabilities will adhere to the same admission, performance standards, expulsion and readmission procedures as all students. If a student has been diagnosed with a disability, accommodations will be a consideration in the readmission process if expulsion can be attributed to the disability. If the dismissal involved a safety issue, it must be determined whether the student, with reasonable accommodation, can perform to a standard that is safe and effective.

SECTION 5. DISABILITIES: CHARACTERISTICS AND REASONABLE ACCOMMODATIONS

The contents in this section have been compiled - with minor changes - from Project PAACS (Postsecondary Accommodations for Academic and Career Success), a three-year demonstration project funded by the U.S. Department of Education, Office of Special Education and Rehabilitative Services. (PR Award No. H078C50060)

5.1 Attention Deficit/Hyperactivity Disorder

ADHD is officially called Attention Deficit/Hyperactivity Disorder and is a neurologically based medical problem. It is a developmental disability characterized by inattention, impulsivity, and sometimes hyperactivity. The results can lead to lifelong problems.

Students with ADHD *may* demonstrate one or more characteristics:

- *concentrating
- *listening
- *starting, organizing, and completing tasks
- *following directions
- *making transitions
- *interacting with others
- *producing work at a consistently normal level
- *organizing problems that involve multiple steps
- *performing better in morning classes or evening classes
- *needing to sit at the front of the class
- *needing assignment organizers
- *needing assignments in writing
- *experiencing difficulty following through with several directions at once
- *having problems organizing multi-step tasks
- *benefiting from structure using lists, schedules
- *benefiting from ADD coaching

Accommodations may include those for students with specific learning disabilities (Section 5.8).

5.2 Blind/Impaired Vision

Visual impairments include disorders in the senses of vision that affect the central vision acuity, the field of vision, color perception, or binocular visual function. The American Medical Association defined legal blindness as visual acuity not exceeding 20/200 in the better eye with correction, or a limit in the field of vision that is less than a 20 degree angle (tunnel vision). Legal blindness may be caused by tumors, infections, injuries, retrolental fibroplasia, cataracts, glaucoma, diabetes, vascular impairments, or myopia. Visual disabilities vary widely. Some students may use a guide dog, others a white cane, while others may not require any mobility assistance.

Accommodations may include:

- *reading lists or syllabi in advance to permit time for transferring into an alternate format
- *textbooks ordered in the preferred medium of the student
- *seating in the front of the class without glare from windows
- *tape recording of lectures and class discussions
- *note-taking devices such as pocket Braille computers
- *handouts in the medium that the student prefers
- *clear black print on white, pale blue, or pale yellow paper
- *testing accommodations: taped tests, reading of tests, scribe, extended time, separate place, enlarged print, computer word processing software with speech access
- *materials presented on the board or on transparencies read out loud
- *lab assistance
- *advance notice of class schedule or location changes
- *passageways kept clear
- *professors encouraged to use a black felt tip marker on written assignments and white boards

5.3 Closed Head Injury/Traumatic Brain Injury

Head injury is one of the fastest growing types of disabilities; especially, for individuals 15 to 28 years old. More than 500,000 cases are reported in hospitals each year. There is a wide range of differences in the effects of a TBI on the individual, but most cases result in some type of impairment. The functions that may be affected include: memory, cognitive/perceptual communication, speed of thinking, communication, spatial reasoning, conceptualization, psychosocial behaviors, motor abilities, sensory perception, and physical disabilities including speech impairment.

Students with TBI may demonstrate one or more characteristics and the form may be mild, moderate, or severe:

- *organizing thoughts, cause-effect relationships, and problem solving
- *processing information and word retrieving
- *generalizing and integrating skills
- *interacting with others
- *compensating for memory loss
- *needing established routines with step-by-step directions
- *needing books and lectures on tape
- *needing repetition or some type of reinforcement of information to be learned
- *demonstrating poor judgment and memory problems
- *needing a tutor
- *exhibiting discrepancies in abilities such as reading comprehension at a much lower level than spelling ability
- *having difficulty with projection and clarity in voice

Accommodations may include accommodations for students with specific learning disabilities (Section 5.8).

5.4 Deaf/Impaired Hearing

More individuals in the United States have a hearing impairment than any other type of physical disability. A hearing impairment is any type or degree of auditory impairment while deafness is an inability to use hearing as a means of communication. Hearing loss may be sensorineural, involving an impairment of the auditory nerve; conductive, a defect in the auditory system that interferes with sound reaching the cochlea; or a mixed impairment, involving both sensorineural and conductive. Hearing loss is measured in decibels and may be mild, moderate, or profound. A person who is born with a hearing loss may have language deficiencies and exhibit poor vocabulary and syntax. Many students with hearing loss may use hearing aids and rely on lip reading. Others may require an interpreter.

Accommodations may include:

- *seating in the front of the classroom
- *written supplement to oral instructions, assignments, and directions
- *visual aids as often as possible
- *speaker facing the class during lectures (overhead vs. whiteboard)
- *speaker repeating the questions that other students in the class ask
- *note-taker for class lectures
- *test accommodations: extended time, separate place, proofreading of essay tests, access to word processor, interpreted directions
- *unfamiliar vocabulary written on the board or a handout
- *small amplification system
- *interpreter seated where the student can see the interpreter and the lecturer
- *excess noise reduced as much as possible to facilitate communication
- *instructor facing the student who is lip reading, speaking slowly, using shorter sentences and appropriate facial expressions and gestures
- *alternative oral presentations
- *the use of overheads and all types of visual aids providing better communication
- *copies of PowerPoint slides in advance

5.5 Orthopedic/Mobility Disorders

A variety of orthopedic/mobility-related disabilities result from congenital conditions, accidents, or progressive neuromuscular diseases. These disabilities include conditions such as spinal cord injury (paraplegia or quadriplegia), cerebral palsy, spina bifida, amputation, muscular dystrophy, cardiac conditions, cystic fibrosis, paralysis, polio/post polio, and stroke. Functional limitations and abilities vary widely even within one group of disabilities. Accommodations vary greatly and can best be determined on a case-by-case basis.

Characteristics may include:

- *pain, spasticity, or lack of coordination
- *flare-ups of intensity of the symptoms
- *period of remission in which little or no symptoms are visible
- *inability to walk without crutches, canes, braces, or walkers
- *inability to stand or walk and may use wheelchair to conserve energy or gain speed
- *limited lower body use but full use of arms and hands
- *limited uses of lower body and limited use of arms and hands
- *impairment of speech or hearing
- *limited head or neck movement
- *decreased physical stamina and endurance
- *decreased eye-hand coordination

Accommodations may include:

- *accessible location for the classroom and place for faculty to meet with student
- *extra time to get from one class to another, especially, in inclement weather
- *special seating in classrooms
- *note-takers, use of tape recorders, laptop computers, or photocopying of peer notes
- *test accommodations: extended time, separate place, scribes, access to word processors
- *special computer equipment/software: voice-activated word processing, word prediction, keyboard modification
- *extra time for assignments due to slow writing speed
- *adjustable lab tables or drafting tables for classes taught in lab settings
- *lab assistance
- *accessible parking in close proximity to the building
- *customized physical education class activities that allow the student to participate within their capabilities
- *taped texts
- *advance planning for field trips to ensure accessibility (if the university provides student transportation, it must provide accessible transportation on a field trip)
- *lockers to store materials

5.6 Other Disorders: Primarily, Systemic Disorders

There are students with disabilities that originate from a systemic disorder. The degree to which these disabilities affect students in the academic setting vary widely. At times, it is not the condition itself but the medication that is required to control symptoms that impairs academic performance. Common side effects of medications include fatigue, memory loss, shortened attention span, loss of concentration, and drowsiness. In some cases, the degree of impairment may vary from time to time because of the nature of the disability or the medication. Some conditions are progressive and others may be stable.

A partial list of other disabilities:

- *AIDS
- *hemophilia
- *arthritis
- *lupus
- *asthma
- *motor neuron diseases
- *burns
- *multiple sclerosis

- *cancer
- *muscular dystrophy
- *cardiovascular
- *renal-kidney disease
- *cerebral palsy
- *respiratory disorders
- *chronic pain
- *sickle cell anemia
- *diabetes
- *stroke
- *epilepsy
- *Tourette syndrome

Some characteristics may include:

- *the need to leave the classroom frequently
- *the need to drink fluid frequently
- *limitations to physical mobility
- *need to stand or change positions intermittently
- *intolerance to weather changes

Some accommodations may include:

- *extended time for exams
- *enlarged printed materials
- *tape-recorded course materials
- *readers
- *adaptive equipment
- *scribes
- *flexibility in attendance requirements in case of health-related absences
- *extension of time to complete papers/projects

5.7 Psychiatric/Psychological Disorders

Psychiatric/psychological disorders cover a wide range of disorders such as neuroses, psychoses, and personality disorders as well as dissociative disorder, post-traumatic stress disorder and depression. A great majority of those disorders are listed in the DSM- IV. The majority of these disorders are controlled using a combination of medications and therapy. Problems may also occur from the side effects of the medication. There are not many legal precedents, but it is probable that some of the following accommodations may be considered appropriate and reasonable, based on other types of court rulings.

Characteristics may include:

- *poor concentration and motivation
- *inability to tolerate stress
- *episodes of lower level academic functioning
- *sleep disturbance

Accommodations may include:

- *extended time for exams, nondistracting environment
- *note-takers, readers, or taped lectures
- *incompletes or late withdrawals in place of course failures in the event of prolonged illness
- *assistance with time management and study skills
- *encouragement to use relaxation and stress reduction techniques during exams
- *assistance with panic attack control
- *flexibility in the attendance requirements in case of health-related absences
- *a “buddy” who can tape record, take notes and gather handouts when absent

5.8 Specific Learning Disabilities

A learning disability is a permanent neurological disorder that affects the manner in which information is received, organized, remembered and then retrieved or expressed. Students with learning disabilities possess average to above average intelligence. For definitions, see Section 3.3.

Terms associated with learning disabilities include:

- *dyslexia - inability to read
- *dyscalculia - inability to do mathematics
- *dysgraphia - inability to write words with appropriate syntax
- *dysphasia - inability to speak with fluency or sometimes to understand others
- *figure-ground perception - inability to see an object from a background of other objects
- *visual discrimination - inability to see the difference in objects
- *auditory figure-ground perception - inability to hear one sound among others
- *auditory sequencing - inability to hear sounds in the right order

Characteristics may include an inability to perform in accordance with the norm in such areas as:

- *oral language - understanding, word recall, grammar, pronunciation
- *listening comprehension
- *written expression - spelling errors, sentence structure, organization and development
- *basic reading skills - slow reading rate and retention, tracking skills, difficulty with syntax on tests
- *mathematical reasoning and calculation - basic operations, number reversals and confusion of symbols, copying problems, concept of time
- *social skills - spatial disorientation, low frustration level, low self-esteem, problem resolution
- *study skills and time management

Accommodations may include:

- *reduced course load
- *extended time to complete assignments
- *tape recorders
- *note-taking
- *taped texts
- *readers
- *extended time for in class assignments
- *assistive technology (calculator, word processor)
- *extended time for testing, nondistracting environment

5.9 Substance Abuse

A rehabilitated substance abuser's performance is dependent upon the length of time the substance was abused, the age of onset, and the type of substance(s) abused. Characteristics and accommodations may be similar to ADHD or there may be comorbid psychological disabilities.

5.10 Vision Disorders: Not Acuity

Learning-related visual disabilities include, but are not limited to ocular motility dysfunction/eye movement disorders, vergence dysfunction/inefficiency in using both eyes together, strabismus/misalignment of the eyes, amblyopia/lazy disorders, and motor integration. The functional limitation varies according to the intensity of the problem.

The characteristics of these disorders may include:

- *eye fatigue
- *slow reading
- *difficulty with maps and/or charts

Accommodations may include:

- *avoiding seats where there is a glare from light
- *using a guide for reading

- *taking frequent breaks to rest eyes
- *using extended time for testing
- *experimenting with various colors of paper for testing
- *using readers for tests

5.11 Temporary Medical Condition

Some disabling conditions are temporary but may require accommodations for a limited time. Students who are recovering from surgery, injury or severe illness may be unaware of accommodations that may be reasonable for a limited time period. Encouragement to contact the SNU Office of Academic Affairs may prevent students from dropping out of school. Documentation is also requested for temporary disabilities. Reasonable accommodations are determined based on the nature of the medical condition. (This service is not a requirement of the law but a humane and reasonable consideration)

Some accommodations may include:

- *using a liaison with faculty regarding absences
- *requesting for a volunteer to share notes and gather handouts
- *determining if the student qualifies for an incomplete and collaborating with the instructor
- *taking make-up exams in the testing center
- *depending on the condition, any accommodations for all other disabilities may be appropriate

5.12 Tips for Faculty That Facilitate Student Learning

- *select a text with a study guide
- *include a disability statement on the syllabi
- *write key terms on the board or provide a lecture handout
- *create study guides
- *provide guided lecture questions
- *briefly review the previous lecture
- *use visual aids
- *face the class when speaking
- *administer frequent quizzes to provide feedback
- *provide PowerPoint slide copies before the lecture
- *various technological resources (i.e., educational software programs)

5.13 Medical Emergencies

It is not uncommon to have students on campus who may be prone to heart attack, seizures or any other disorder that may require immediate medical response. The student will sign a release of information and then the instructors are provided information regarding the procedure to follow. This will vary depending upon the person and the medical condition.

Seizure Disorder: The following plan is adapted from Georgia Coastal Community College as reported in *Disability Compliance for Higher Education*, Vol 3, Issue 8, March 1998.

Student Information Requested:

- *The particular seizure disorder, the frequency, duration and intensity
- *The best method of assistance
- *Documentation from the physician
- *A signed self-disclosure and release of information
- *A procedural process signed by the student is established that will include instructions as to how long to wait before calling an ambulance and other relevant information
- *A copy of this process will be furnished to the Security office, Campus Housing and the instructors for that semester

Seizure Occurrence Procedures:

- *The faculty member instructs a class member to call the Security office (#6309)
- *The faculty member instructs students to clear an area and wait in the hall to give the student privacy

*The faculty member (or Security) assists the student in lying down (assuming this is the plan of action in procedural process provided by the student)

*The attending person makes sure there are no obstructions in the student's mouth and places a soft object under his/her head

*If the seizure continues longer than the time stated in the disclosure, the faculty member or security staff may, at its discretion, call an ambulance

*If the seizure ends in the specified time and the student feels recovered, the class may continue. (If there is an empty classroom nearby and the instructor is not needed to attend the student, the class may adjourn to that room and continue.)

*If the student is fatigued, a family member may be contacted to pick up the student or the student may be transported to the Student Health Center

SECTION 6. CAMPUS ACCESS

(All citations herein are adapted from Sec. 504 *Federal Register*. Vol 45, No 92, 5/9/80 Rules and Regulations unless otherwise specified.) To reiterate: “No qualified handicapped person (individual with a disability) shall, on the basis of handicap (the disability), be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from federal financial assistance.” [104.4(a)]

6.1 Activities

Institutional departments that offer programs or events that are open to the public must be accessible to those with disabilities. Public announcements or advertisements should include a statement regarding accessibility and whom to contact to request special assistance.

Disability Support Services is not responsible for providing accommodations for out-of-classroom activities that are not related to achieving a degree or credits for a degree. Decisions to attend extracurricular activities are voluntary and services to students with disabilities are the responsibility of the activity host, *i. e.*, athletics department, student sponsored activities board, theatre, graduation committee, etc. The Director of Disability Support Services will serve as a consultant to the department/board in meeting individual requests for accommodations at such events.

6.2 Admission, Registration and Readmission

(To review the *Federal Register* regarding admissions, see Subpart E-Postsecondary Education, 104.42.) All students who meet the academic standards requisite to admission and are otherwise qualified are accepted and provided services (104.3 of Section 504). No preadmission inquiry as to disability is made. “Except as provided in paragraph (c) of this section, may not make preadmission inquiry as to whether an applicant for admission is a handicapped person, but, after admission, may make inquiries on a confidential basis as to handicaps that may require accommodation.” (104.42[4] of Section 504). As stated in Section 6.11, all publications should reflect compliance with the ADA.

6.3 Continuing Education

The 11th U.S. Circuit Court of Appeals ruled that the University of Alabama’s policy that excluded students enrolled in noncredit or nondegree programs from receiving auxiliary aids violated the interpretation of Section 504 of the Rehabilitation Act (908 F.2D 740). Graduate and Adult Studies serves the student body and public year-round by offering lifelong learning opportunities. Thus, it is important that an agreement be made with the Graduate and Adult Studies programs or any other campus programs that provide classes as to how individuals with disabilities will be served.

Disability Support Services will accommodate students in Graduate and Adult Studies courses if they are enrolled at Southern Nazarene University as a degree-seeking student and require a particular class. For example, if a degree-seeking student who needs certain accommodations must enroll in Modern English Usage (ENGL 0103) to satisfy requirements to enroll in Composition I (ENGL 1113), Disability Support Services may provide the accommodations/services. This excludes those persons who are enrolled in Graduate and Adult Studies courses to meet relicensure requirements. When requested, Disability Support Services will advise the office of Graduate and Adult Studies or assist in meeting the needs of students with disabilities who are not degree-seeking.

In essence, the issue here is one of funding. It is essential that services be provided for all students and a clear agreement should be made as to whom will be responsible for funding and service implementation.

6.4 Facilities: Buildings and Other

Subpart C-Program Accessibility states: “No qualified handicapped person shall, because a recipient’s facilities are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which this part applies (104.21).”

Existing: Each program or activity when viewed in its entirety is to be accessible. This does not always necessarily mean a structural change when other methods are effective. Alternatives may include reassignment of classes, redesign of equipment or other adaptations. For example, a professor whose office is not accessible to an individual using a wheelchair must arrange to meet that student at another reasonable location (104.22 of Section 504).

New construction: Each facility or part of a facility is to be designed and constructed in such a manner that the facility or part of the facility is readily accessible (104.23).

Field trips or off-campus projects: Any activities held off-campus such as a geological field trip must afford the same opportunities for students with disabilities. Reasonable accommodations will be provided to provide the same benefits. When a student is unable to participate in a field trip, specimens, detailed pictures, drawings, etc. should be provided (adapted from *Federal Register*, Vol. 45, No. 92 5/9/80, Rules & Regulations). This is applicable to any course, whether it regularly includes fieldwork such as an archeological field trip or a theatrical production, or as an adjunct to a traditional lecture class.

6.5 Financial Aid

Students with disabilities are provided equal assistance in obtaining financial aid and student employment as the assistance provided to all students: “A recipient to which this subpart applies may not (i), on the basis of handicap, provide less assistance than is provided to nonhandicapped persons) (104.45 (a) of Section 504).”

The Higher Education Act of 1965 (amended by Congress) mandates that institutions of higher education establish minimum standards of “Reasonable Academic Progress” toward their degree to receive financial aid. Federal guidelines consider a student with 12 credits to be a full-time student. Each college is responsible for establishing these policies specific to their campus while remaining within federal guidelines. At Southern Nazarene University a reduced load of classes may be taken and financial aid will be adjusted accordingly. The Disability Support Services Office is familiar with these requirements and will make recommendations on an individual basis.

When a student requests a reduced courseload waiver, medical documentation will be provided to the Director of Disability Support Services, a release of information will be signed and an official letter will be provided to the Financial Aid Office.

Another important issue for reduced courseload is health insurance. If a student is still receiving benefits under a parent’s policy, it is important they understand that many policies will drop a dependent if their college courseload falls below full-time status.

6.6 Housing

“A recipient that provides housing to its nonhandicapped students shall provide comparable, convenient, and accessible housing to handicapped students at the same cost as to others available in sufficient quantity and variety so that the scope of handicapped students’ choice of living accommodations is, as a whole, comparable to that of nonhandicapped students.”

The office of Student Development adheres to the legal requirements that students housing needs be accessible to all students and have rooms that are designed for individuals with special needs.

The Director of Housing (SNU Student Development office) should develop policies specific to student housing accommodations for its residents with disabilities. The Disability Support Services Director consults with the Director of housing when special accommodations are requested due to a disability.

6.7 Inclement Weather Access

- **University closings:** The university administration determines when the weather is hazardous and a threat to the safety of its students, faculty, administration and staff. As soon as the determination is made, public announcements are made on radio and television stations.

- **Class absences for safety reasons:** There are some individuals with mobility problems whose safety is effected by less-than-hazardous weather conditions. These students may contact the Safety and Security office to determine conditions on the campus. If they believe it is unsafe for them to attend school that day, they should leave a voice mail with both the instructor and the Disability Support Services Office. The disability Access Plan provided to faculty at the beginning of the semester will note this potential accommodation.

- **Snow and ice removal:** Snow and ice removal or sanding initially concentrates on areas of the greatest student impact. This process starts with the _____?_____ and then continues throughout the campus.

With continual construction occurring, the routes that will be cleared in a sequential manner will be changing to adapt to university growth. The order of clearance will continue to start with areas of immediate and greatest impact.

Naturally, it is the goal of physical plant personnel to clear all areas of the campus as rapidly as possible. This is an ongoing process that commences early in the morning and continues throughout the day until conditions are no longer hazardous.

6.8 Library

A brochure or handout delineating the services, the availability of technology and its location, parking and physical access is readily available to all library users.

The R. T. Williams Learning Resource Center is committed to providing all users with equal access to library programs, services and materials. The most efficient service may be received between the hours of 8 a.m and 10 p.m. Monday through Thursday, 8 a.m. and 4 p.m. on Friday, and 11 a.m. through 4 p.m. on Saturday, when the library is fully staffed. Advance notice is appreciated whenever possible.

There are designated disability parking spaces provided in the parking lot south of the Don Beaver Science Building. A ramp is available on the west side of the library, and the east library entrance is equipped with power-assisted doors. An elevator is also available. Wheelchair accessible restrooms for men and women are located on second floor of the library building.

Services for persons with disabilities may include:

*Retrieval of materials for library users who are unable to retrieve materials themselves. Request this service in person or by calling the library. As always, advance notice is appreciated.

*Assistance completing library forms

*Photocopying of library materials when use of the self-service photocopy machine is not accessible. The cost is 10 cents per page.

*Reference service is available all hours the library is open. Regular hours are listed elsewhere in the brochure (summer hours may vary from this schedule and will be posted on the doors of the library and on the library webpage).

*Most workstations are wheelchair accessible. Please check with the reference desk if assistance is needed.

6.9 Public Safety

Allocated disabled (handicap) parking spaces

The number of disabled parking spaces on campus is a percentage of the total number of students enrolled using the American National Standard Institute, Inc. (1430 Broadway, NY, NY 10018) recommendations. The number of handicap parking spaces at the university/college is equal to or greater than that suggested by the national standards.

Parking permits

Students qualifying for handicap parking permits must purchase an on-campus parking permit to supplement their state handicap parking permit.

Temporary parking permit

In the event the student has a temporary medical condition requiring disabled parking or the student has been unable to process the state handicap parking permit, a temporary handicap permit will be issued for up to one semester. To obtain this, approval must be given by the Director of Disability Support Services. This approval is based on documentation provided and the nature of the condition.

Emergency Response

The Security office is responsible for all emergency responses, including medical alerts, evacuations, etc. At the beginning of each semester, the Security office is notified by Disability Support Services—with the student's permission—that a student with a disability who may require an emergency medical response is on campus. The Security office keeps records of the student's classes and can respond accordingly.

6.10 Publication of Disability Support Services and Other Information

It is important that all publications have a reference to accessibility to individuals with disabilities. As stated in Section 6.1, any advertisement should specify whom to contact.

Publication in accessible format

Milani (1996, 1022-23) reviewed litigation and concluded that “with the increased use of computers, text need not take a printed form ... as long as a school supplies the student with the text in some accessible format, it should be in compliance with 504 and the ADA.” The university/college catalog and class schedule is available on the computer; thus, it is an

accessible format, except for blind students. Disability Support Services will provide assistance for those students whose limitations preclude computer/Web access.

6.11 Recruitment

Recruitment by university personnel does not discriminate on the basis of disability, race or gender. Reasonable accommodations will be provided to prospective students and their families while they are actively considering and pursuing admission to the university.

To avoid any preadmission inquiry by the Office of Admissions, all individuals who mention disabilities are referred to Disability Support Services office (LRC #309).

6.12 Scholarships

The Financial Assistance office provides scholarship services. Any student who meets the individual scholarship requirements may apply. There may be scholarships whose requirements include specific disabilities. For information, contact the Financial Assistance office (#6310).

6.13 Student Conduct

Individuals with disabilities are subject to the university/college student code of conduct, as are all students. Inappropriate behavior will be referred to the Vice President of Student Development. The VP of Student Development will collaborate with the Director of Disability Support Services when the student has a disability.

Persons with Tourette syndrome can have behaviors that appear to be inappropriate. In this instance, the Director will work closely with the student and his/her physician, the instructor and other indicated persons to determine the most appropriate accommodation for this student.

6.14 Student Employment

Students with disabilities meet the same employment criteria that all students must meet. If a student meets the financial criteria, work-study grants are part of the financial aid package. Individuals with disabilities adhere to the general campus nondiscrimination policy.

6.15 Student Health Center

The Student Health Center is located on the first floor of the Webster Commons. Students with disabilities qualify for the same services as all students. Any medical services specific to the disability are the responsibility of the student. The Student Health Center staff will provide specific information regarding medical services.

6.16 Support Services

Academic advising

One of the functions of the Academic Center for Excellence is to provide academic support services. At the student's request, the staff work closely with the Director of Disability Support Services to determine if the course load or course combinations are appropriate.

Career services

Qualified individuals with disabilities will not be "counseled toward more restrictive career objectives than are nondisabled students with similar interests and abilities. (504 and 104.47(2b))" An advisor may provide factual information regarding licensure or certification requirements that may present obstacles.

Testing Services

Services provided through the Testing Center include standardized testing such as the ACT, SAT, MAT (Millers Analogy Test) and placement testing such as the TSWE, RST, and mathematics. This service DOES NOT include assessments for diagnosis of disabilities nor academic testing accommodations for students with disabilities.

6.17 Counseling Center

The Counseling Center provides free short-term counseling related to personal issues for all students. The Disability Support Services Office refers students to the center when there is conflict and the student does not already have a personal counselor. When students sign a release, the counselor from the center and the Disability Support Services staff will collaborate with the student on strategy development or problem solving.

7. ACADEMIC SERVICES (ACCOMMODATIONS)

Academic accommodations are any adjustments that provide equal academic opportunity for students with disabilities. Academic requirements that the university can demonstrate are essential to the program of instruction being pursued by such student or to any directly related licensing requirement will not be regarded as discriminatory (104.44 of Section 504). The university shall make “reasonable accommodation to the known physical or mental limitations” (104.12). Several court decisions and agency rulings make it clear that requests of students need not be provided when: (1) the student is not qualified; (2) the accommodation would result in a fundamental alteration of the program; (3) the institution is being asked to address a personal need; or (4) the accommodation would impose an undue financial or administrative burden. (Heyward, 1995). Universities need not provide “attendants, individually prescribed devices, readers for personal use or study, or other devices for services of a personal nature” (104.44 (d)(2)).

Benefits and services to be equally effective, are not required to produce the identical result or level of achievement for disabled and nondisabled persons, but they must afford individuals with disabilities equal opportunity to obtain the same result, to gain the same benefit or to reach the same level of achievement in the most integrated setting appropriate to the person’s needs (Sec.504 of the Rehabilitation Act of 1973 Subpart E).

Academic adjustments (accommodations) provide equal opportunity for students with disabilities. They are flexible to meet various disabilities and must be consistent with documentation guidelines. Requests that would alter the academic standards of the course/program are not granted. Adjustments must be requested in a timely manner dependent upon the request; preferably, there must be at least two weeks notice.

7.1 Qualifying for Services

Eligibility for services is dependent upon the university guidelines. It cannot be assumed that a person receiving services from another agency such as disabled veterans or vocational rehabilitation will also qualify for services at a university (see Section 3).

Self-identification

The student must register with the Disability Support Services Office to request services. The student is not eligible for accommodations until he/she has requested services and is certified eligible.

Documentation

It is the student’s responsibility to provide documentation, per the guidelines.

Intake interview

A student should make an appointment to meet with the Director of Disability Support Services as soon as he/she is accepted at the university/college and has made a decision to attend. For out-of-state students, this meeting should take place as soon as the student is on campus. If interpreter services or special equipment is needed, out-of-state students should notify the director by telephone immediately. To provide the most efficient services, a two-week notice is beneficial.

Using the documentation, the student and director/staff of Disability Support Services will collaboratively determine the most appropriate academic adjustments and review procedures for implementation.

Interim services

If the student does not have documentation at the initial interview, interim services may be provided. However, it is to the student’s advantage to provide the documentation before arriving at the campus or at the initial visit. Disability verification is contingent upon the appropriate documentation. If the Director of Disability Support Services determines through an initial intake screening that there is strong evidence of a disability, interim services may be provided while assessment and documentation is in process. Records are reviewed at the beginning of each semester and services are discontinued if documentation is incomplete or does not meet eligibility requirements for the college.

Temporary medical condition (services provided through the office of Academic Affairs)

Some medical conditions are temporarily disabling and may require accommodations for a limited amount of time. These may include surgery, accidents, severe illness or any other medical condition that temporarily impairs regular attendance or academic performance. Documentation will be required and appropriate accommodations provided.

7.2 Disability Access Plan

The Access Plan (official notification of the student's specific accommodations) must be presented to faculty/instructor by the student as soon as possible. No student is to receive accommodations unless the faculty/instructor has received a copy of the Access Plan. It is the student's responsibility to obtain the Access Plan from Disability Support Services within the first two weeks of the beginning of class and to deliver the letter to the faculty/instructor. However, due to a variety of course programming, the timeline for notifying the faculty/instructor will vary.

7.3 Accommodations Specific to a Curriculum

In general, an accommodation is a change in the learning environment that may include services, academic accessibility through adjustments and physical accessibility. The student must be "otherwise qualified" and the standards of the institution need not be compromised. According to Section 504.104.12 statutes, an accommodation:

- *must be reasonable.
- *must not impose an undue hardship on the operation of the program.
- *must include readily accessible facilities.
- *must provide modification of equipment or devices.
- *must provide readers and/or interpreters if necessary.

Further, Section 504.104.43 and 44 specifies:

- * provision of equal opportunity.
- *changes in length of time permitted for completion of degree requirements.
- *substitution of specific courses required.
- *adaptation of manner in which the course is instructed.
- *examinations must reflect the student's achievement rather than the impairment.
- *auxiliary aids such as taped text, interpreter, readers, classroom equipment.

Recent judicial action has stipulated that the burden of proof is on the institution that an accommodation would be an undue burden/hardship or alter the nature of the program.

The general reasonable accommodations as listed above are applicable at Southern Nazarene University. As new litigation appears, these adjustments will be revised to meet current proceedings. Due to the nature of specific areas that are problematic for many students with disabilities, adjustments specific to certain curriculums are addressed.

7.4 Testing

The primary testing accommodations are extended time and/or a nondistracting environment if specified in the documentation. These arrangements are to be made with Disability Support Services. Requests for other alternatives as specified in the documentation will be considered on an individual basis. In general, alternative formats have not been considered reasonable. Milani (1996) cited an accommodation request was denied and upheld by the court that the school had documented "the multiple choice format provides the fairest way to test the students' mastery of the subject matter of biochemistry, 1017." *Wayne v Tufts University School of Medicine*, 932F 2d 1a (1st Cir 1991).

Requests for extended time and/or a nondistracting environment is a general request for many disabilities. Should the documentation support the need for an oral exam, reader, scribe or alternative format, special discussions with the Disability Support Services office will be required, as well as coordination with the course instructor.

Extended time does not mean unlimited time. "A student with a learning disability alleged that a law school discriminated against him when it denied him unlimited time for taking examinations. The student was granted extended time, not unlimited time, to take examinations." (*Disability Compliance for Higher Education*, 5.2, p. 10) *Thurgood Marshall School of Law* 1 NDLR 305 (1991).

If the instructor can demonstrate that the alternative format considerably changes the nature of the course, he/she has the right to refuse. The instructor's denial must be data-based and be as credible as the documentation certifying the need for the adjustment. The university at no time is required to compromise its academic standards.

7.5 Assistive Technology (Auxiliary Aids)

Subpart E, Section 504.104.44 (d) specifies, "A recipient to which this subpart applies shall take such steps as are necessary to ensure that no handicapped student is denied the benefits of, excluded from participation in, or otherwise

subjected to discrimination under the education program or activity operated by the recipient because of the absence of educational auxiliary aids for students with impaired sensory, manual, or speaking skills.”

When specified in the documentation, students are permitted to use such technology as calculators, spell checkers, word processing and any other mechanical tools that might provide an equal opportunity for participation in the academic environment. For other specialized technology needs, students must contact the Director of Disability Support Services in advance to assure the availability of such equipment and modifications. Portable equipment may be checked out. However, to assure equipment is returned and in the same condition it was in when borrowed, students borrowing the equipment will sign an agreement stating they understand that if the equipment is damaged or not returned, their university /college account will be charged accordingly. Until the fee is paid, students will be unable to register or obtain transcripts.

7.6 Audio-Taped Lectures

When the documentation warrants, students are permitted to tape lectures. The intent of the law to provide this accommodation has been questioned in the cases of medical clinical classes due to the nature of medical confidentiality. Until such time that there is a clearly stated legal precedent, students will not be allowed to tape-record classes that include clinical rounds and/or direct discussion of a patient and his/her symptoms and treatment.

7.7 Faculty Liaison

Students are encouraged to be self-advocates and are provided guidance when necessary. Most faculty-student issues can be resolved between the two parties. In the event there is a communication problem or no resolution, the Director of Disability Support Services will act as liaison.

7.8 Final Exams

It is university policy that no student is required to take more than two final exams per day. Any additional exception to this for students with disabilities will be considered on an individual basis.

7.9 Interpreting Services

Students requesting interpretation should request those services in advance through Disability Support Services.

7.10 Note-Taking Assistance

Note-taking services are provided by assigned classmates. The university provides pressure-sensitive, hole-punched notetaking paper. The disability Access Plan indicates that note-taking is a recommended accommodation. It is the student’s responsibility to request a notetaker. He/she may do this directly or ask the professor to announce that a person is needed for notetaking. The Director of Disability Support Services will assist in facilitating this procedure.

7.11 Off-Campus Facilities/Internships/Student Teaching

In his review of current ADA and 504 litigation, Milani (1996,1038) concluded that academic adjustments must be provided in internships or student teaching and must ensure that off-site facilities are accessible.

Students participating in practicums, internships, student teaching or any other off-campus participation that is required as a part of the class requirements in order to receive a grade toward a university/college degree completion, are entitled to the same accommodations as are those individuals with disabilities who remain on campus. An example of a certificated program is the teaching program. Students may already have a degree but are in the teaching programs to meet state licensure requirements and will receive a certificate as opposed to another degree. Students must identify themselves to the Disability Support Services office and provide documentation to establish eligibility just as they would if the class were on campus.

The Office of Civil Rights did rule that “one of the requirements for permission to student teach is that instruction of the student teacher not unduly interfere with the ability of the Master Teacher to teach her own children.” (4 NDLR 359 (1993); Case No. 09-93-2037 (Region IX).

7.12 Personal Attendant

Section 104.44 [2](d) states specifically, “Recipients need not provide attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature”. Personal needs that necessitate an attendant are the responsibility of the student. This may range from assistance in toileting and being repositioned in chairs to having medication placed in the mouth. Students who are requesting these types of services from peers, staff or faculty will be requested to obtain a personal attendant. Requesting such services from a nontrained, random individual can be a safety

threat to both the student with a disability and the individual who is providing the assistance. The university cannot assume the liability of risk involved.

7.13 Reader, Scribe or WYNN

Readers (or the WYNN program), if specified in the documentation, are provided for test taking only. Otherwise, a reader is considered a personal service and the university is not required to provide one. "A qualified reader who can clearly convey the information in the reading material" (*City University of New York, Brooklyn, Case No. 02-95-2145 (OCR Region II)* (Kincaid, 1996), will be provided upon student request when the documentation supports the request. Disability Support Services must be notified one week in advance of the need for a reader, scribe or use of the WYNN program. The reader will not offer clarification. If clarification of the question is a problem for the student, he/she may write a brief explanation of how they understood the question so the instructor will understand the point of view of the answer. The standard test time may need to be extended if a student makes multiple explanations of his/her perception of the question.

Scribes will be supplied during exams, and the same guidelines as those for readers/interpreters apply. Scribes will write as accurately as possible what the student dictates. Readers, scribes or WYNN will be noted on the test "scribed by." Students are responsible for contacting Disability Support Services as soon as the test is announced to request the appropriate assistance.

7.14 Substitution/Waivers

Substitutions

Section 504.104.44 (a) specifically states that "substitution of specific courses required for the completion of degree requirements" is a legitimate academic adjustment. Such accommodations are made only when it is clear that the student's disability makes completion of the requirement impossible and that such an accommodation does not alter the integrity of the academic program. As needed, course substitutions will be established for the foreign language requirements and the general letters, arts, and sciences mathematics requirements. Any other requests for substitutions will be considered on an individual basis.

The guidelines that will be used in considering the substitution are:

- *Is it a reasonable accommodation request?
- *Does the content of the substituted course meet the nature and intent of the course for which it is being substituted?
- *Is the reasoning presented by the student for this substitution credible and logical?
- *Does the documentation on file with Disability Support Services justify the need for the substitution?
- *Has the student accessed available accommodations and assistance from faculty, when applicable?
- *Has the student attempted the course?
- *Is there an alternative to substitution?

Waivers

According to attorney Salome Heyward (1994), waivers are illogical adjustments and, as such, not reasonable accommodations. After a review of court cases, Heyward concluded that "institutions are not required to eliminate or substantially alter standards and requirements that they can demonstrate are legitimate, reasonable and necessary . . . if it is an essential requirement for some, it most certainly should be considered an essential requirement for all . . . if the program requirement is, in fact, legitimate, reasonable and essential, there can be no justification for requiring nondisabled individuals to meet it while relieving similarly situated individuals with disabilities of the responsibility to do so."

In general, the courses are designed to meet the criteria of being reasonable and necessary. Any consideration of a waiver would be an extreme situation that must have impeccable documentation. The DSS Director will assist the student in determining an acceptable alternative or substitution.

7.15 Testing Guidelines

- 1) Students must notify Disability Support Services as soon as they know the date of an assigned test.
- 2) Students must give a copy of the Access Plan to the instructor at least one week in advance of the test.

- 3) If it is a night class, students need to discuss with the instructor when s/he wants the student to take the test. They may do it earlier the same day or the next day, as all tests taken in the Disability Support Services office must be completed by 5 P.M.
- 4) Students are allowed to transport tests for the faculty, as long as the test document is in a sealed envelope.
- 5) The exams will be taken in the disability testing area. If a student has a behavior that is distracting to other students or the disability is such that it is impossible to be in a room with others, the student should point this out to the person scheduling the test and an alternative location will be arranged.
- 6) Students needing adaptive equipment, scribes, readers or WYNN should notify the Disability Support Services office at least one week in advance.

7.16 Texts-Alternative Format Books for the Blind and Dyslexic

Students may register individually with Recordings for the Blind and Dyslexic. If the student is not already a member of RFB&D and membership is an essential component by which the university's educational program is made accessible, the university is responsible for paying the membership fee.

7.17 Tutor Services

When campus departmental tutoring has not proven successful, individual tutors may be assigned. Although individual tutor services are considered a personal service and not mandated by law, this is one of the services that helps facilitate student success. Tutoring is also a valuable resource due to the limited staff within Disability Support Services. In rare cases, individual tutors are provided based upon availability of qualified students. Disability Support Services cannot be held responsible if, after an adequate search, no qualified tutor is available. Normally students are allowed a maximum of two hours tutoring per week.

7.18 Absences

In *Quinsigamond Community College*, OCR Region I (1994), it was determined that absences due to a disability do not have to be accommodated. However, it must be remembered that each request should be considered on an individual basis. Proactive action can be taken by notifying the faculty on the disability Access Plan that excess absences are a possibility and may require reasonable flexibility. If a proportion of the grade is dependent on classroom participation, the faculty is notified in advance and can discuss the issue with the student. The student can then make an informed decision as to the alternatives.

SECTION 8. STUDENT RIGHTS/RESPONSIBILITIES SUMMARIZED

8.1 Rights

- * To not be denied access due to a disability
- * To receive reasonable accommodations that provide equal opportunity
- * To have access to auxiliary aids/assistive technology
- * To receive assistance from the Disability Service office in removing any physical, academic and attitudinal barriers
- * To not be discriminated against due to a disability or receive any retaliatory discrimination

8.2 Responsibilities

- * To identify themselves to the Disability Support Services office
- * To provide appropriate documentation of the disability
- * To initiate requests for accommodation by providing a copy of the Access Plan to faculty within the first weeks of the semester
- * To provide one-week notice to the instructor and Disability Support Services office when there will be a test
- * To assume responsibility for testing procedures and notifying faculty and Disability Support Services accordingly
- * To provide for his/her personal independent living needs or other personal disability-related needs

SECTION 9. FACULTY RIGHTS/RESPONSIBILITIES

Several judicial decisions have stated that faculty members may be held personally responsible for compliance under federal statutes and regulations. In *Howe v. Hull*, 873 F.Supp. 72,77 (N.D. Ohio 1994) (Heyward, Lawton & Associates, 1995) the decision held “an individual may be subject to personal liability under the ADA.” The court further outlined the circumstances as being “where (a) he or she is in a position of authority; (b) he or she has both the power and discretion to perform potentially discriminatory acts; and (c) the discriminatory acts are the result of the exercise of the individual’s own discretion, as opposed to the implementation of institutional policy or the mandates of superiors.”

One of the roles of the Disability Support Services office is to support faculty by not only collaborating to provide academic adjustments but to advise the faculty of their obligations and their rights.

9.1 Rights

Taped Lectures

It is the faculty member’s right to request a written agreement before allowing the student to tape record the class.

Classroom Behavior

All university students must adhere to the university code of conduct regardless of whether they have a disability. Infractions of this code should be directed to the Vice President of Student Development. If the student has been identified as a student with a disability, this information should be provided to the vice president to facilitate collaboration with the Director of Disability Support Services.

Alternative Testing

A testing location is provided by the Disability Support Services office (LRC #309).

Challenge Accommodations

A faculty member has the right to challenge an accommodation request if s/he believes the student is not qualified, the accommodation would result in a fundamental alteration of the program, the institution is being asked to address a personal need, or the accommodation would impose an undue financial or administrative burden. Accommodation requests are based on documentation on file in Disability Support Services. (If warranted, interim services are provided while documentation is being obtained). Due to confidentiality, the nature of the disability may not be disclosed to the faculty unless there is a specific need to know. (Please refer to Sec. 2.5) When beneficial to the faculty/student academic relationship, students are encouraged to self-disclose.

9.2 Responsibilities

Shared responsibility

As an employee of Southern Nazarene University who has compliance obligations under federal laws, it is the *responsibility of the faculty to assume a shared responsibility* with the Disability Support Services office in providing reasonable accommodations for students with disabilities.

Whether or not faculty disagree with the law is immaterial. The university is responsible for implementation and, as an employee, faculty are required to adhere to the policies and procedures. The responsibility for meeting the academic needs of individuals with disabilities through reasonable accommodations has been assigned to the Director of Disability Support Services.

Referral

If a faculty member is notified by a student that s/he has a disability or if the student brings a medical statement to the instructor, it is the faculty member’s responsibility to refer that student with his or her medical statement to Disability Support Services. Also, if an instructor notices that a student is not performing up to standards and suspects there might be a learning disability, s/he should encourage students to seek assistance in the Academic Center for Excellence.

Disability Certification Request

Faculty are not to provide academic adjustments under the guise of a disability unless there is an Access Plan from Disability Support Services certifying the student is qualified to receive services and the nature of the accommodations.

Faculty are encouraged to make additional recommendations to the DSS office for adjustments if they believe the student will benefit.

Syllabus Statement

Each course syllabus will contain an official Disability Syllabus statement. The syllabus statement can be obtained by accessing the following path: [gdrive/faculty/forms/Disability Statement](#)

9.3 Confidentiality Caution

Students with disabilities are protected under FERPA and the civil rights laws. At no time should the faculty make any statements or implications that the student is any different from the general student population.

Examples:

- * Do not ask the student to come to the classroom and then leave with the test in hand
- * Do not place the student in the hall or any other obvious place to take an exam because you want to be close to them in case they have a question
- * Do not ask the student for documentation other than the letter from Disability Support Services
- * Do not discuss the student's needs or accommodations other than in a private place
- * Do not make comparisons between students and their needs
- * Do not use a grading standard that is any different from the rest of the class
- * Do not give students with disabilities an advantage over the rest of the class; the idea of the law is to give equal access or equal opportunity provided through the recommended accommodations

SECTION 10. INSTITUTIONAL/DISABILITY SUPPORT SERVICES RESPONSIBILITIES

- * To prohibit discrimination against qualified individuals with disabilities
- * To reduce or eliminate physical, academic and attitudinal barriers
- * To provide reasonable accommodations
- * To maintain the strictest of student confidentiality
- * To develop a shared responsibility and community for individuals with disabilities
- * To assist the student in self-advocacy
- * To guide the student to possible resources that might assist him or her, whether it is on campus or networking in the community
- * To be sensitive to the individual personalities of students, whether it be in communicating their needs or an attempt to maintain dignity with a very difficult issue
- * To serve as liaison with faculty when a medical emergency necessitates an extended absence

SECTION 11. GRADUATE PROGRAMS

Students in graduate programs are provided services just as students in undergraduate studies are. The difference is that graduate programs are more specific and often require different types of accommodations as per each program's basic requirements. It is suggested that the student meet with the graduate program advisor and the Director of Disability Support Services as soon as he or she is admitted, to clarify any possible special needs and establish guidelines for degree completion. If the student cannot complete the requirements in the established time, or has an unexpected medical crisis that precludes timely completion, the student should meet with his or her advisor and establish in writing any changes to the customary requirements due to the disability.

SECTION 12. GRIEVANCE/APPEAL PROCEDURES

Again, Title II of the Americans with Disabilities Act states, in part 5, “that no otherwise qualified disabled individual shall solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination in programs or activities sponsored by a public entity.” The purpose of grievance/appeal procedures is to attempt to resolve internally all types of grievances at the level where they occur and in a timely manner.

It is to the students’ advantage to keep communication open with faculty, administration, staff and peers, thus avoiding the necessity for appeals. If there is a situation that the student feels is escalating and he or she is uncomfortable with the direction it is going, **CONTACT SOMEONE IMMEDIATELY TO REQUEST ASSISTANCE:** faculty, the department chair, the office of Academic Affairs, the Disability Support Services Office, the financial aid office, or the office of Student Development (whichever is deemed most appropriate). In the event a situation is not resolved, both the Disability Support Services office and the office of Academic Affairs should be contacted. **Note: The Director for Disability Support Services will support and assist in the process with the above procedures.**

12.1 Grievances - Internal

For complaints or appeals related specifically to services for students with disabilities provided by the Disability Service Office as required under the Americans with Disabilities Act, the following procedures will be followed. Address the complaint to the Director of Disability Support Services.

1. The complaint should contain the name and address of the person/s filing it, and briefly describe the alleged violation of the regulations. It should be filed with the Director of the Academic Center for Excellence within 10 workdays from the date of the alleged complaint.
2. An investigation conducted by the Director, as may be appropriate, shall follow the filing of a complaint. The investigation shall be informal but thorough, and it should afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.
3. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the ACE Director and forwarded to the complainant no later than 10 workdays after the filing.
4. The Director shall maintain the files and records relating to the complaints for a period of three years.
5. If a grievance is against the ACE Director, the above procedures are to be followed with the exception that the initial complaint will be made with the Dean of Arts and Sciences.
6. The complainant can request a reconsideration of the case in instances of dissatisfaction with the resolution. The request for reconsideration should be made to the Vice President of Academic Affairs within 10 workdays of the resolution of the complaint.
7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by nor shall the use of this procedure be a prerequisite to the pursuit of other remedies.
8. These rules shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the university complies with the Americans with Disabilities Act.
9. Students may further appeal any of these decisions within the hierarchy of the institution. The next chain of command above these persons and committees is the Provost, then the President.

12.2 Grievances - External (OCR) Complaints

Although the student is encouraged to attempt to resolve a grievance within the campus process, he or she has the right to file any grievance directly to the Office of Civil Rights at any time.

The Statute of Limitations for filing a complaint with OCR is 180 days from the time the incident occurred. Forms may be obtained from the Academic Center for Excellence.