

104-02 DISABILITY RESOURCES—PROCEDURE

1. PURPOSE

Guide students, staff, faculty and interested community members through the accommodation process in terms of the College's legal and ethical responsibilities to ensure equal access and equal opportunity to all students in accessing facilities, programs, services and resources of the College. The Office of Disability Resources is committed to providing reasonable accommodations for qualified students with disabilities in accordance with the Section 504 of the Rehabilitation Act of 1974 and the Americans With Disabilities Act of 1990 (ADA). This procedure covers only students. Employees requesting accommodations need to refer to Procedure 104-01 (ADA Employee Accommodation Procedure) or contact the Human Resources Office.

2. PROCEDURE

1. A student who meets the requirements as having a permanent or temporary disability is responsible for contacting the Office of Disability Resources, submitting a "Request for Support" form and providing documentation (as referred to in section 4 below). This will initiate the process to determine eligibility for accommodations. A student may initiate this process at any time.
2. Definitions per the Americans with Disabilities Act and Section 504 of the Rehabilitation Act:
 - a. Disability: The term "disability" means, with respect to an individual:
 1. a physical or mental impairment that substantially limits one or more major life activities of such individual;
 2. a record of such an impairment; or
 3. being regarded as having such an impairment
 - b. Major Life Activities: In general, to have a major disability under Section 504, an individual must have an impairment that substantially limits a major life activity. Major life activities include, but are not limited to, self-care, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, immune system function, normal cell growth, digestive function, bowel function, bladder function, neurological function, brain function, respiratory function, endocrine function, reproductive function, and circulatory function.
 - c. Substantially Limits
 1. In general, an individual is covered if he or she has a disability that "substantially limits" a major life activity. While left undefined in the statute and the regulations, "substantially limits" has nine "rules of construction" spelled out in the ADA Title 1 regulations. The rules generally explain that while individualized assessments are

- required, extensive analysis should be required to determine whether impairment is a disability.
2. Substantially limits must be construed broadly in favor of expansive coverage and is not meant to be a demanding standard.
 3. An impairment is a disability if it substantially limits the ability of an individual to perform a major life activity compared to most people in the population.
3. To qualify for Disability Resources, a student must submit a current assessment(s) from a professionally-trained and qualified to diagnose and treat the presenting condition. The report must be typed on letterhead, signed, dated and include the information listed below as appropriate to the disability:
 - a. A clear disability diagnosis, including clinical summary, last contact with the student and any secondary conditions that might be present.
 - b. A clear statement specifying substantial limitations to one or more major life activities (including the degree of severity) due to the disability and/ or medications for which the student may require accommodations.
 - c. The methods/procedures used to determine the diagnosis.
 - d. A description of any medical and/or behavioral symptoms associated with the disability.
 - e. A discussion of medications, dosage, frequency and any adverse side effect attributable to their use.
 - f. A list of professional recommendations of accommodations in a college setting, including rationale.
 4. The Office of Disability Resources is authorized to determine reasonable accommodations on the basis of need as demonstrated by the disability documentation submitted by a student and an interview with Disability Resources personnel. Accommodations cannot fundamentally alter standards of the course.
 5. Upon determination by the Disability Resources program, that a student is eligible for accommodations, the student will be issued a "Letter of Accommodation" (LOA) which indicates their eligibility as a student with a disability and the accommodation(s) they are eligible for.
 - a. It is the student's responsibility to provide the LOA to the instructor for each class in which they want to utilize their accommodations.
 - b. The LOA must be given to their instructor within a reasonable time frame to allow the instructor time to implement accommodations for the student.

- c. Students must request new copies of the Letter of Accommodation to share with instructors for each term they choose to enroll in college courses.
 - d. Students and instructors are responsible for following the timelines outlined in the Disability Resources operational guidelines and student contract for implementation of testing accommodations and other accommodations to avoid delays in service.
6. Student Records are managed in accordance with College policies, state laws and federal laws. No one will have immediate access to Disability Resources student files, except for appropriate Disability Resources personnel. Any information regarding a disability is considered confidential and will be shared only with others in the College who have a legitimate educational interest and need to know.
7. Complaint Process for students and faculty
- a. A student who does not agree with a recommended accommodation, or has been denied accommodation(s) may file a complaint through the Disability Resources Complaint Process.
 - b. A faculty or a staff member who does not agree with an accommodation recommendation for a student should contact the Disability Resources Coordinator immediately and follow the grievance procedure. A faculty or staff-initiated complaint cannot delay the implementation of an accommodation which the Disability Resources Office believes to be in compliance with ADA.
 - c. The following steps have been established to outline the Grievance Process:
 - 1. If informal discussions with College personnel have not resolved the issue, the student shall submit a written or recorded complaint to the Director of Student Services or his/her designee, within ten working days of the event(s) that led to the complaint.
 - 2. The Director of Student Services or his/her designee shall meet with the student within ten working days of the receipt of the complaint.
 - 3. If this meeting does not resolve the complaint, the Director of Student Services, or his/her designee, will forward the written complaint, within three working days of the meeting, to the Director of Human Resources (504/ADA Compliance Officer).
 - 4. Within ten working days of receiving the official complaint, the Director of Human Resources (504/ADA Compliance Officer), or his/her designee, will appoint an ad hoc committee to investigate the complaint. This committee will be chaired by the Human

Resources Director or his/her designee and an investigation will proceed.

5. Within five working days following the conclusion of the investigation, the chair of the ad hoc committee will provide a written notice of the decision to all parties involved.
6. Student accommodations will continue until the complaint has been resolved.

3. BACKGROUND

1. References: Americans with Disabilities Act and Section 504 of the Rehabilitation Act
2. Revision history: 08/08/2012 (supersedes Procedure 515.1)
3. Legal review: 06/13/2012
4. Sponsor: Student Services

Adopted by College Council: 09/12/2012

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