LORAS COLLEGE

Lynch Office of Disability Services

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Policies for

Access for

Individuals with Disabilities

Loras College
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Acknowledgement

In March, 2001, Dr. L. Scott Lissner, the ADA Officer/Coordinator at Ohio State University presented a workshop to assist colleges in developing policies affecting students with disabilities. At this workshop sponsored by the Illinois/Iowa Chapter of AHEAD, the Association on Higher Education and Disability (ILLOWA/AHEAD), Dr. Lissner provided the attendees with a framework for policy development and sample policy statements.

I want to thank Dr. Lissner for his thoughtful, comprehensive approach to developing policies and procedures and acknowledge that his words and structure are the basis of this document.

Dianne Gibson
LODS Program Director
Loras College

POLICY FOR ACCESS FOR INDIVIDUALS WITH DISABILITIES

Loras College is committed to the full and total inclusion of all individuals and to the principle of individual rights and responsibilities. To this end, policies and procedures will ensure that persons with disabilities will not, on the basis of that disability, be denied full and equal access to programs (academic, co-curricular, or employment), activities, benefits or services or otherwise be subjected to discrimination under programs or activities offered by Loras College.

This policy was developed to ensure access at Loras College for individuals with disabilities and to ensure full compliance with all pertinent Federal, State, and local legislation.

RIGHTS AND RESPONSIBILITIES

In order to ensure the full translation of the Policy for Access of Individuals with Disabilities into policies and procedures, two important areas of rights and responsibilities have to be considered: (a) The right of the individual to be included on the basis of criteria that does not unfairly discriminate because of the disability and (b) the right of the college to set and maintain standards for admitting and evaluating the progress of students.

To assure full consideration of both areas, this document outlines the rights and responsibilities of Loras College and the rights and responsibilities of students who have disabilities.

Philosophy of the Program

We believe that qualified students with disabilities at Loras College have the right to a quality post-secondary education. The federal laws that pertain to post-secondary education are Subpart E, 504 of the Rehabilitation Act of 1973 and the *Americans with Disabilities Act* (See Appendix). Facing the same demands as other students at the college, students with disabilities are provided accommodations and support services appropriate to their needs.

Mission Statement

The mission of the Lynch Office of Disability Services (LODS) is to recognize the dignity of students with disabilities and challenge them to grow in the supportive environment offered by the program, developing the skills associated with active learners, reflective thinkers, ethical decision makers, and responsible contributors to the college community.

Placement of the Program

The LODS exists within the Academic Affairs Division of Loras College. The staff of the program consists of a director and one or more associate(s), assisted by a secretary and student workers. The director reports to the Vice-President for Academic Affairs. The staff works closely with faculty, the staff of the Student Development Division and the administration to

carry out the mission of the college.

Services of the Lynch Office of Disability Services (LODS)

Loras College's Lynch Office of Disability Services (LODS) offers two levels of service for students with diagnosed disabilities: Accommodation Services and the Enhanced Program.

Accommodation Services are those accommodations required by law and available at no additional charge to students who submit the appropriate documentation. Examples of these accommodations include note takers, extended-time testing, and/or testing in a distraction-reduced environment, texts in alternative formats, and assistive technology (including Kurzweil reading software) and consultation with Lynch Office of Disability Services staff. Accommodations are determined by individual need and documentation.

The Enhanced Program is a comprehensive program designed to provide *additional support* for students with a primary disability of learning disability or attention deficit disorder; however, students with other disabilities will be considered. The Enhanced Program includes a two-credit Learning Strategies class both semesters of the first-year; a weekly meeting with an LODS staff member; peer tutors, as needed; and Accommodation Services. Students may choose to continue in the Enhanced Program after the first year with a weekly meeting and tutors. A fee is charged for the Enhanced Program.

Rights and Responsibilities of Institution, Students, Staff and Faculty

Student Rights

Students with documented disabilities are first and foremost students of Loras College, experiencing the same rights and responsibilities as other students, including the responsibility to meet and maintain the academic standards of the college.

Additionally, students with disabilities have the right to:

- Have their disability documentation held in confidence by the LODS staff.
- Choose to whom information about their disabilities will be disclosed.
- Be treated with respect and honesty by the LODS staff.
- An equal opportunity to learn.
- An equal opportunity to participate in and benefit from the academic community, which includes access to services, benefits, honors, co-curricular activities, housing and transportation that are comparable to those provided to any other student.
- Reasonable modifications or accommodations in aspects of their educational experiences such as location, delivery system, or instructional methodologies.
- Information regarding the availability of auxiliary aids and possible modifications or accommodations, as well as procedures for making requests for either.
- Have accommodation requests honored in a timely manner by faculty and staff.
- Be informed of procedures for initiating an appeal of a decision regarding auxiliary aids, modification or accommodations, through both internal and external channels.
- Have access to information about how to access and use accommodations appropriately.

Student Responsibilities

Students with disabilities have the responsibility to:

- Meet the requirements of their chosen program or course of study.
- Advocate for their own individual needs and to seek counsel, information, and assistance as necessary to be effective self advocates.
- Self-identify their disability and provide professional and appropriate documentation of the disability.
- Demonstrate or document how their disabilities limit their ability to benefit from a particular delivery system, instructional method or evaluation criteria when they make a request for a modification or accommodation.
- Consult with an LODS staff member to discuss appropriate accommodations.
- Consult with faculty, preferably at the beginning of each semester, to discuss accommodation needs.
- Arrange exam accommodations with faculty well in advance of exam dates.
- Notify the LODS staff if requested accommodations are not being provided or are not effective.
- Treat the LODS staff with respect.
- Attend class regularly and report their progress honestly.
- Contact peer tutors and set up times and places to meet once the LODS staff has made the student aware of the name and contact information for the tutor hired to serve him or her. (This applies to students in the Enhanced Program.)
- Pay for lost or damaged equipment loaned from the LODS.
- Follow published procedures for filing an appeal.

Loras College Rights

Loras College recognizes the need to ensure the rights of individuals with disabilities to full participation in its programs while at the same time maintaining the academic standards that are fundamental to providing quality academic programs. To meet this obligation, the college has the right to:

- Identify and establish the abilities, skills and knowledge necessary for success in its programs and to evaluate applicants and students on this basis.
- Identify and establish the abilities, skills and knowledge that are fundamental to academic programs/courses and evaluate each student's performance against these standards. Fundamental program and course standards are not subject to modifications.
- Select among equally effective modifications for individuals with a disability.
- Refuse an unreasonable modification or one that imposes an undue hardship on the college.
- Request and review documentation that supports requests for modifications. Loras College has a right to deny a request if the documentation demonstrates that no modification is necessary, or if the individual fails to provide such documentation.

Loras College Responsibilities

The college is also responsible for making reasonable accommodations for a student with a disability. In particular, the college has the responsibility to:

- Ensure that its recruitment information, recruitment activities, and communications are available in accessible formats and facilities.
- Evaluate applicants solely on their abilities. If an evaluation method or criterion unfairly discriminates against an applicant with a disability, Loras College will seek reasonable alternatives.
- Ensure that all of its programs, including but not limited to academic offerings, housing, transportation, student organizations, counseling, and placement, are accessible and usable when viewed in their entirety.
- Adjust, substitute, or waive any academic requirements that unfairly discriminate against a student with a disability and that are not essential to the integrity of the student's academic program.
- Make reasonable modifications for a student with a disability in the delivery, instructional method, and evaluation system of a course.
- Inform its applicants and students about the availability of auxiliary aids and the range of possible modifications as well as the procedures for requesting them. If a request for a modification is denied, Loras College has the responsibility to inform the individual of his or her right to appeal the decision and the procedures for initiating an appeal.

LODS Staff Rights

In working with students with disabilities, the LODS staff has the right to:

- Require and review professional and appropriate documentation of a student's disability, and to obtain clarification of the diagnosis, limitations, and accommodation needs if necessary.
- Deny a request for accommodations if the documentation provided by a student does not demonstrate the need for accommodation or if an individual fails to provide appropriate documentation.
- Discuss questions regarding the appropriateness or feasibility of an accommodation with faculty and the student when necessary.
- Seek assistance for a student who is experiencing a physical or mental problem requiring professional attention.

LODS Staff Responsibilities

To ensure that students with disabilities are served appropriately, the LODS staff has the responsibility to:

- Assess the effect of a student's disability on his/her ability to access programs, services, and activities.
- Identify, through examination of documentation and discussion with the student, reasonable modifications or accommodations.
- Answer faculty and student questions regarding accommodation needs and requests.
- Facilitate equal access to Loras College programs and services for students with disabilities.
- Maintain all professional disability documentation in confidential files and release this documentation to designated individuals only with the student's written request or permission.

Loras College Faculty Rights

Faculty at Loras College has the right to:

- Ask for evidence that documentation for a student's disability is on file with the LODS staff.
- Require that students with disabilities meet all program/course requirements and standards.
- Consult with the student and/or the LODS staff members about requested accommodations.

Loras College Faculty Responsibilities

Along with their rights with regard to teaching students with disabilities, Loras College Faculty has the responsibility to:

- Provide identified students full and equal access to participate in Loras College's programs and activities.
- Cooperate with students and the LODS staff in providing authorized accommodations in a fair and timely manner, as long as the accommodations do not alter the fundamental nature of the course or program.
- Contact the student and/or the LODS staff with any questions or problems regarding requested accommodations.
- Respect the confidential nature of a student's disability.

The Americans with Disabilities Act (ADA) forbids faculty from questioning whether a documented disability exists or requesting to examine a student's disability documentation if the student does not grant him/her the permission to do so.

Student Records

The records kept for students in the Enhanced Program include the documentation of the disability, a copy of their application materials (including high school transcript, ACT or SAT results, and college application form) and the weekly notes kept by the LODS staff person. These records are not part of the official college records. Students receiving Accommodation Services have application materials and documentation of their disability on file, but no weekly notes are kept.

Documentation Guidelines

STATE OF IOWA FRAMEWORK FOR DOCUMENTING A DISABILITY

ADA defines a disability as a substantial limitation of a major life function. Students requesting academic adjustments, accommodations, or auxiliary aids from the Lynch Office of Disability Services (LODS) at Loras College are required to submit documentation of their disability to verify eligibility under the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973.As appropriate to the disability, documentation should include:

1. **A diagnostic statement** identifying the disability, date of the current diagnostic evaluation, and the date of the original diagnosis.

The diagnostic systems used by the Department of Education, the Area Education Agencies, The State Department of Rehabilitative Services or other State agencies and/or the current editions of either the Diagnostic Statistical Manual of the American Psychiatric Association (DSM-IV-TR) or the International Statistical Classification of Diseases and Related Health Problems of the World Health Organization (ICD) are the recommended diagnostic taxonomies.

2. **A diagnostic criteria and or diagnostic tests** used. This description should include the specific results of diagnostic procedures, diagnostic tests utilized, and when they were administered. Diagnostic methods used should be congruent with the disability and current professional practices within the field. Informal or nonstandardized evaluations should be described in enough detail that a professional colleague could understand their role and significance in the diagnostic process.

3. **A description of the current functional impact of the disability**. The current functional impact on physical, perceptual, cognitive, and behavioral abilities should be described either explicitly or through the provision of specific results from the diagnostic procedures. Currency will be evaluated based on the typical progression of the disability, its interaction with development across the life span, the presence or absence of significant events (since the date of the evaluation) that would impact functioning, and the applicability of the information to the current context of the request for accommodations.

4. **A description of current treatments, medications, assistive devices/services.** A history of treatments, medications, assistive devices, accommodations and/or assistive services to include statements about the effectiveness in minimizing the impact of the disability, must be provided. Significant and potential side effects that may impact physical, perceptual, behavioral or cognitive performance should also be noted.

5. **A description of the expected progression or stability of the impact of the disability over time**. This description should provide an estimate of the change in the functional limitations of the disability over time and/or recommendations concerning the predictable needs for reevaluation.

6. **Recommendations for accommodations**. Depending on the impact of the condition on the individual, the statement should include suggestions or recommendations for accommodations, adaptive devices, assistive services, compensatory strategies, and/or collateral support services that can help to provide full access. As appropriate, recommendations for collateral medical, psychological, and/or educational support services or training that would be beneficial may also be included.

   Recommendations from professionals with a history of working with the individual provide valuable information for the review process. They will be included in the evaluation of requests for accommodations and/or auxiliary aids. Where such

recommendations are congruent with the programs, services, and benefits offered by Loras College they will be given deference. When recommendations go beyond services and benefits that can be provided by Loras, they may be used to suggest potential referrals to area service providers outside the college.

7. **The credentials of the diagnosing professional(s)**. Information describing the certification, licensure, and/or the professional training of individuals conducting the evaluation should be provided.

The review process includes an examination of the presented documentation to determine the functional limitation resulting from the disability and how that limitation impacts the goals and standards of the program or course.

Provisional accommodations might be offered in the interim, but a final determination of accommodations will not be made until the student's documentation is complete.

Sources of Information:
For high school students who received or are currently receiving special education services, the information requested **may** be contained in IEPs, 504 plans, assessment reports, or in the high school records. **Seldom would IEPs or 504 plans contain all the information necessary to determine eligibility or need.** Because this information is not part of the general academic record, students must specifically request this information from their high school.

Individuals receiving vocational rehabilitation services may have needed information contained in the eligibility evaluation and/or their vocational plan.

Information relating to the disability is not part of the academic record and will not be sent with a transcript request. Consequently, individuals transferring from another college must request that the history of their accommodations and a copy of their documentation be sent from the transferring college's disability office to the Lynch Office of Disability Services for review

Grievance Procedure
An appeals process is available to students whose request for accommodations has been denied or not fulfilled in a satisfactory manner by a faculty member, department or an LODS staff member.

Informal Resolution
The student, the person who denied the request, a representative from the LODS, and the student's advisor meet to discuss the denial of the accommodation. (Note: The LODS representative is responsible for arranging the meeting.)

The meeting must take place within ten working days of the initial notification.

The issue may be resolved at this level. However, if the issue is not resolved, the process moves to the formal appeal.

Formal Appeal

The student or the student's designee asks the Vice-President for Academic Affairs to schedule a meeting which convenes within ten working days from the initial meeting in the informal stage. The Vice-President for Academic Affairs or designee, the LODS representative, and the ADA Compliance Officer review the complaint, examine the evidence and solicit additional information as needed.

The student may be present, call witnesses and submit new evidence.

After a determination is made, the student and the participants in the meeting are notified of the outcome, in writing, within fifteen working days. The written copy is placed in the ADA Compliance Officer's file.

Office of Civil Rights

If the denial is upheld and the student is dissatisfied with the result, he or she may take the complaint to the regional Office of Civil Rights located in Chicago, IL. Office for Civil Rights, U.S. Department of Education, 111 North Canal Street, Suite 1053, Chicago, IL 60606-7204. Phone number: (312) 886-8434. Fax number: (312) 353-4888. TDD: (312) 353-2540.

Appendix

REQUIREMENTS UNDER FEDERAL LAW

Subpart E, Section 504 of The Rehabilitation Act of 1973

GENERAL TREATMENT OF STUDENTS

- Notice of non-discrimination and availability of accommodations.
- Institution may not exclude qualified students with disabilities from any course, course of study, or other sponsored activity.
- Programs or activities not wholly operated by the institution but used in conjunction with institutionally sponsored programs must provide an equal opportunity for participation by qualified students with disabilities.
- All programs (curricular and co-curricular) must be accessible when viewed as a whole.
- Programs and services must be operated to allow participation by students with disabilities in the most integrated setting possible.
- Appointment of a compliance officer.
- Establish grievance procedures.

ADMISSIONS AND RECRUITMENT

- The institution may not use any test or criterion for admission that has a disproportionate, adverse effect on individuals with disabilities.
- Admission and recruitment information must be available in accessible formats.
- Admission and recruitment activities must be held in accessible locations.
- Quotas for admissions of students with disabilities are prohibited.
- Preadmission inquiries concerning disabilities are prohibited. (Exception-if the college has a special support program and students want to apply to that program.)

ACADEMIC ADJUSTMENTS

- Institutions must make modifications to academic requirements as necessary to ensure that such requirements do not discriminate or exclude students on the basis of disability.
- Evaluations of student performance, including course examinations, must be provided with appropriate accommodations to ensure that the evaluation represents a student's achievement rather than reflecting the impact of a student's disability.
- Institutions are responsible for ensuring that students with disabilities are not denied access to the benefits of any sponsored program or activity because of the absence of auxiliary aids or services.

PHYSICAL EDUCATION AND ATHLETICS

- Institutions must offer equal opportunity for participation in physical education courses, intercollegiate athletics or intramural athletics to students with disabilities.

HOUSING

- An institution that provides housing to its students must provide comparable, convenient and accessible housing to students with disabilities at the same cost as to others.

FINANCIAL/EMPLOYMENT ASSISTANCE TO STUDENTS

- Institutions may not limit eligibility for or provide less financial assistance to students on the basis of disability.
- Institutions are prohibited from assisting any outside agency, organization or person in providing employment opportunities to its students if such opportunities are not made available to all students, regardless of disability.

COUNSELING SERVICES

- Counseling services, including personal, academic, and career counseling, must be provided without discrimination on the basis of disability.

SOCIAL ORGANIZATIONS

- An institution that provides significant assistance to fraternities, sororities, or similar organizations shall assure themselves that the membership practices and activities of such organizations do not deny participation on the basis of disability.

Title V of the Rehabilitation Act of 1973 is generally regarded as the first national "civil rights" legislation for persons with disabilities. Section 504 of the Act is a program access statute. It requires that no otherwise qualified person with a disability be denied access to, the benefits of, or be subjected to discrimination by any program or activity provided by any institution or entity receiving federal financial assistance. Subpart E of Section 504 deals specifically with institutions of higher education. **It requires that an institution, whether public or private, be prepared to make appropriate academic adjustments and reasonable modifications to polices and practices in order to allow the full participation of students with disabilities in the same programs and activities available to non-disabled students.**

General Requirements under ADA (The Americans with Disabilities Act of 1990)

- No exclusion on the basis of disability.
- Notice of non-discrimination and availability of accommodations.
- No discrimination through eligibility criteria.
- Modification in policies, practices, and procedures to ensure non-discrimination and accessibility.
- Examinations and courses must be accessible.
- General services and programs must be accessible.
- Participation in the most integrated setting.
- Surcharges to cover the costs of accessibility may not be imposed solely on persons with disabilities.
- No discrimination through contract.
- Appointment of a compliance officer.
- Established grievance procedures.

The Americans with Disabilities Act (ADA) of 1990 recently reinforced the provisions of the Rehabilitation Act by requiring that all public facilities, services, and communications be accessible to persons with disabilities and that auxiliary aids and services be provided unless an

undue burden would result. The ADA does not require universities to lower academic standards or fundamentally alter the nature of the programs provided.

THE RELATIONSHIP OF THE ADA TO SECTION 504:

The ADA does not replace Section 504 of the Rehabilitation Act. Where jurisdiction and standard of access of the two Acts overlap the Department of Justice and the Department of Education's Office of Civil Rights have agreed that complaints will be evaluated and pursued under Section 504 regulations and case law. Where the ADA calls for a higher standard of Access, complaints will be pursued by the Department of Justice under the ADA.

THE RELATIONSHIP OF FEDERAL TO STATE LEGISLATION:

The ADA and Section 504 establish minimum accessibility and non-discrimination guidelines. Both Acts defer to any State or local legislation that requires a higher standard.