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Policy Title: Accessing and Implementing Accommodations due to Disability

Policy Type: Academic and Student

Responsible Party: Center for Academic Support Services

Governing Bodies: Academic Affairs Administration Team and Senior Leadership Team

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Accessing and Implementing Accommodations due to Disability

The Center for Academic Support Services (CASS) in the Office of Academic Affairs provides reasonable academic accommodations, access or referrals related to auxiliary aids, and support services that are individualized and based upon disability documentation, functional limitations and a collaborative assessment of needs.

Students request accommodations/auxiliary aids based on what they are authorized to use and specific class needs. Academic Affairs does not guarantee to meet personal preference requests, but rather ensures that access to reasonable academic accommodations and auxiliary aids will be provided in accordance with ADA and Section 504 of the Rehabilitation Act of 1973. Please see the *Student Rights and Responsibilities* section below for more information.

Student Rights and Responsibilities

Students of Antioch College have the right to:

Equal access to courses, programs, services, activities, and facilities offered throughout the College.

1. Reasonable academic accommodations and services are determined after providing the Center for Academic Support Services (CASS) with appropriate documentation of your disability (see *Documentation Guidelines*) and a joint assessment of needs. You must submit your Verification of Individual Student Accommodations letter or VISA letter to your instructors within two weeks of receiving them so that your instructors have time to make reasonable accommodations.
2. Confidentiality. Disability documentation will be kept on a confidential need-to-know basis in CASS. Exception: Records may be shared if you agree, in writing, to release them, or when such a disclosure is required or permitted by law.
3. Advocacy support. If you appropriately make known your need for an approved academic accommodation to your instructor and it is denied, notify CASS immediately about the situation. If outside of the regular office hours, please send an email detailing the situation to CASS at eharveyspain@antiochcollege.org
4. Discuss your concerns if you believe that your right to appropriate accommodations has not been met. Disability-related concerns should be first discussed with CASS staff. Students should explain what accommodation(s) they are looking for and rationale for needing the outlined accommodation(s). If a meeting or conversation with CASS still results in an adverse decision, students should appeal to the Vice President of Academic Affairs (VPAA) within one quarter of the initial meeting where the VISA letter was discussed after documentation was submitted. Note: The VPAA may need to involve other appropriate college personnel in order to fully address the issues at hand.

5. Our goal is to facilitate individualized reasonable accommodations and supports. However, the Office for Civil Rights (OCR), U.S. Department of Education protects the rights of students and ensures that individuals who meet the program qualifications and eligibility requirements are given equal opportunity to participate. You reserve the right to file a grievance through OCR, if you believe your situation has not been resolved within the college support system.

Students at Antioch College have the responsibility to:

1. Meet qualifications and maintain essential institutional standards for courses, programs, services, activities, and facilities.
2. Contact the Center for Academic Support Services within the first two weeks of each term for assistance to identify and secure academic accommodations and supports. In addition, inform the Student Success Advisor if you are uncertain about what you need or are having difficulty getting what you requested.
3. Request classroom and testing accommodations at least one week in advance from faculty and CASS.
4. Register with the Center for Academic Support Services and provide sufficient and appropriate documentation of your disability from a qualified professional regarding how the disability limits your participation in courses, programs, services, activities, and facilities to be eligible for any accommodation from the Antioch College. You must contact the office during the first 2 weeks of each term to ensure that VISA letters can be created for you to provide to instructors. If your accommodations need to be adjusted, you are encouraged to schedule an appointment to discuss those needs with the Student Success Advisor. Upon approval of the request, updated VISA letters will be created for the student to distribute to instructors.
5. When requesting classroom and/or testing accommodations from your instructors, a VISA letter/form must be presented to each instructor for each class, each term you are enrolled and should be provided no later than the 2nd week of each term. Note: Students should make an appointment with instructors to share the approved accommodations as stated on the VISA letter.
6. Inform the Office of Academic Affairs (OAA) if your name, address, telephone number, etc. should happen to change.

The primary concern of the Center for Academic Support Services and the Office of Academic Affairs at Antioch College is the successful completion of the students' academic goals. The college is dedicated to providing access for all students.

Rights of College Students with Disabilities

The Americans with Disabilities Act of 1990, as amended, prohibits discrimination on the basis of disability and protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits and other aspects of employment. The law also requires that covered entities provide qualified applicants and employees with disabilities with reasonable accommodations. An individual is considered to have a disability if that individual either 1) has a physical or mental impairment that substantially limits one or more of that person's major life activities, 2) has a record of such impairment, or 3) is regarded as having such impairment.

The ADA further prohibits retaliating against an individual for asserting their rights under the ADA. The Act also makes it unlawful to discriminate against an individual, whether disabled or not, because of the individual's family, business, social, or other relationship or association with an individual with a disability.

It is the policy of Antioch College not to discriminate against individuals with disabilities—who are otherwise qualified—in administering educational policies, employment policies, scholarship and loan programs, and athletic and other College-administered programs.

It is further the policy of the College to enable those individuals with disabilities to participate as independently as possible in Antioch College activities so that campus life will be enhanced and the individual lives of members of the College community will be enriched.

Antioch College resolves to make reasonable efforts to see that the opportunities it offers are accessible to all qualified individuals. Appropriate academic adjustments and modifications of policies and procedures will be implemented for students with disabilities.

In addition, Antioch College adheres to the policies and procedures and Section 504 of the Federal Rehabilitation Act of 1973, which reads:

“No otherwise qualified handicapped individual...shall, solely by reason of his/her handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

In April of 1977, the Department of Health, Education and Welfare issued a regulation that defines handicapped persons as those individuals who have a physical or mental impairment that substantially limits a major life activity, and generally requires that “each program and activity, when viewed in its entirety, is readily accessible to handicapped persons and is offered in the most integrated setting appropriate.” Specific requirements of interest to students with disabilities include the following (in summary form).

1. Admission to Classes

Institutions may not, on the basis of disability, exclude a qualified student with a disability from any course or area of concentration. This provision requires that some classes may have to be relocated, and some laboratory equipment may have to be modified to accommodate the needs of a qualified student with a disability, and that auxiliary aids must be permitted in the classroom when they are necessary to ensure the full participation of a student with a disability.

2. Academic Requirements

Instructors are obligated to make changes in course requirements if necessary to ensure that such requirements do not discriminate against a qualified student with a disability. Similarly, the faculty must alter or waive any requirement for a major or a College degree that has the effect of discriminating against a qualified student with a disability. Examples of such modifications may include changes in the length of time permitted for completion of requirements, or providing an alternative for particular laboratory assignments or field trips. If a requirement is essential to a

course, major or degree, and a student with a disability cannot fulfill it, then the person is not “qualified” within the definition of this term.

3. Other Adjustments

Prohibitive rules, which would have the effect of limiting the participation of a student with a disability in campus activities, must be waived for the student with a disability. Such rules include a ban on having a service animal in classrooms or residence halls, or on using a tape recorder in a classroom or during guest lectures. Instructors will be notified via the student’s VISA if these are approved accommodations for the student. If an instructor is concerned about possible misuse of recordings of lecture material that will be published or otherwise protected by copyright, the instructor may ask a student to sign an agreement describing that class recording will only be used for the individual student’s personal study and the timeline in which the recordings should be deleted.

4. Examinations

If necessary, course instructors are obligated to provide alternate testing procedures for a student with a disability, so that the results of the evaluation represent the student’s achievement in the course, rather than the student’s impaired sensory, manual or speaking skills (except where skills are the specific factors being measured).

5. Counseling

A student with a disability may not be counseled toward a more restrictive career than would be suggested for a non-disabled student, unless such counseling is based on strict licensing or certification requirements in a profession.

6. Procedures

Specific procedures for students with disabilities to receive accommodations are available through the Center for Academic Support Services. Please refer to the, *Documentation Guidelines* and the, *Accommodations Guidelines* for more information.

7. Student Appeal – The College provides, as required, an internal procedure through which a student may appeal an adverse decision on a request for some academic adjustment. Disability or Accommodation-related concerns should be first discussed with CASS staff. Students should explain what accommodation(s) they are looking for and rationale for needing the requested accommodation(s). If a meeting or conversation with CASS still results in an adverse decision, students may appeal to the Vice President of Academic Affairs (VPAA) within one quarter of the initial meeting where the VISA letter was discussed after documentation was submitted by the student’s health care professional. Note: The VPAA may select an appointee or need to involve other appropriate college personnel in order to fully address the issues at hand.

The primary concern of the Center for Academic Support Services and the Office of Academic Affairs at Antioch College is the successful completion of the students' academic goals. The college is dedicated to providing access for all students.

Documentation Guidelines:

Individuals eligible for disability services through Antioch College's Center for Academic Support Services must meet the following criteria based on their disability(ies). It should be noted, however, that in all cases, eligibility determination is made on a case-by-case basis.

Learning Disabilities:

- Diagnosis must be made by a qualified professional, i.e., licensed school psychologist, licensed psychologist or learning disabilities/educational specialist.
- All students must provide the Center for Academic Support Services with a current diagnostic report that includes a specific statement of diagnosis, actual test scores and, if available, the most recent IEP & Multifactorial Evaluation report.
- The documentation must be based on a psycho-educational test battery that includes both intelligence/ability testing and educational/achievement testing. All test scores, including subtest scores, should be included.
- For transfer students, the most recent copy of psycho-educational testing which validates the diagnosis is required. It is also recommended that these students provide written verification from the previously attended school that includes an account of the accommodations used. Eligibility for services at another postsecondary institution does not automatically make a student eligible for services at Antioch College. Eligibility determination is made on a case-by-case basis.
- A 504 Plan from high school in and of itself does not substantiate a learning disability. A 504 Plan will be reviewed in conjunction with a comprehensive psycho-educational test battery on a case by case basis.

There are several situations where individual's documentation **does not** meet the eligibility criteria. They include but are not limited to:

1. Letters or reports used as documentation from such professionals as medical doctors, optometrists or speech pathologists who have not administered a psycho-educational test battery to make a diagnosis.
2. Psycho-educational test reports that do not specifically state the individual is learning disabled.
3. A 504 Plan that is not supported by a diagnosis of a learning disability.

Psychological Disabilities:

- The following guidelines are provided in the interest of assuring that documentation will adequately verify eligibility and support requests for accommodations, academic adjustments, and/or auxiliary aids and services.
- Documentation must include a medical or clinical diagnosis of a psychological disability based on DSM-V criteria and a rationale for the diagnosis.
- The evaluation must be performed by an appropriate professional: a psychiatrist, a clinical psychologist, or a clinical social worker. The evaluator's name, title and professional credentials and affiliation should be provided.

- Documentation necessary to substantiate a psychological disability must include the following:
 1. Information regarding the severity of the disability and the specific academic functions affected by the disability and/or medication (e.g., ability to concentrate, ability to attend class regularly, ability to interact in small/large groups):
 2. Recommendations for and compliance to a prescriptive treatment, including medication;
 3. Recommendations for academic accommodations based upon specific features/symptoms of the disability.
- Documentation must reflect the current (within the past year) array of symptoms/features and level of functioning; if the documentation does not, students may be required to submit updated information and/or documentation.

ADD/ADHD:

The following guidelines are provided in the interest of assuring that documentation will adequately verify eligibility and support requests for accommodations, academic adjustments, and/or auxiliary aids and services.

- Documentation must include a medical or clinical diagnosis of ADD/ADHD based on DSM-V criteria and a rationale for the diagnosis.
- The evaluation must be performed by an appropriate professional, a medical doctor or a clinical psychologist, who is knowledgeable regarding ADD/ADHD and DSM-V. The evaluator's name, title and professional credentials and affiliation should be provided.
- The documentation should include the following:
 1. Quantitative and qualitative information that supports the diagnosis;
 2. Summary and interpretation of assessment instruments (formal assessment instruments and/or clinical interview);
 3. Information regarding the specific academic functions affected by the disability and the severity of the limitations (e.g., ability to sustain attention, distraction index);
 4. Recommendations for and compliance to prescriptive treatment, including medication;
 5. Recommendations for academic accommodations based on specific features/symptoms of the disability;
 6. Investigation/evaluation of dual and/or confounding diagnosis (e.g.; mood, behavioral, neurological, learning and personality disorders).
- Documentation must reflect the current (within the past year) array of symptoms/features and level of functioning; if the documentation does not, students may be required to submit updated information and/or documentation.
- Neither a 504 plan nor an individualized education plan (IEP) from high school constitute sufficient documentation but may be submitted along with a medical or clinical evaluation.

**** Please note that this office cannot accept documentation provided by a member of the student's family.**

Once a student's health care provider mails documentation to CASS, the student must contact CASS and schedule an appointment to review and discuss documentation. It may take up to two

weeks to schedule a meeting with CASS, so it is important to contact the office as soon as possible. Please see the *Accommodation Guidelines* for more information.

Accommodation Guidelines

Definitions:

Accommodation: “any modification made for a person or within an environment to minimize the discriminatory effect of a person's physical, emotional, or learning disability.”

(Boston University)

Reasonable accommodations: “those adjustments within a work or school site that allow an otherwise-qualified individual with a disability to perform the tasks required.” (Boston

University)

Functional Limitations: Refers to activities that individuals may have trouble doing or tasks they may have difficulty carrying out, due to the specific nature of their disability.

Accommodations Must:

- Be based on the specific diagnosis
- Be based on the functional limitations of the disability upon the specific individual
- Be subject to modification if the impact or symptomatology of the disability changes
- Be subject to modification based on the exigencies of medication trials and adjustments
- Be preceded by disclosure of the disability to the Center for Academic Support Services with appropriate documentation.

Accommodations Cannot:

- Cause undue burden on the setting or the institution
- Significantly alter the academic requirements of the course
- Significantly alter the course content

Who is Eligible for Accommodations?

There are several academic resources available to all Antioch College students. However, students who request accommodation on the basis of a diagnosed disability must register with the Center for Academic Support Services. CASS staff will meet with students on an individual basis in order to plan the appropriate accommodations.

Registering with the Center for Academic Support Services

Appropriate and reasonable accommodations are best determined through an interactive process that includes the student with the disability, the Center for Academic Support Services, course instructors, and other faculty or staff members as appropriate. Students are expected to make academic accommodation requests to faculty by submitting their Verification of Individual Student Accommodation (VISA) letters within two weeks of the start of each quarter. Housing Accommodation Requests must be approved by CASS and a VISA should be submitted to housing staff within the deadline set by Residence Life. See the *Housing Accommodations Form* for more information.

1. **Contact the Center for Academic Support Services.** Requests for accommodations are made to CASS staff who can be reached at 937-319-0093 ext. 3303 or at eharveyspain@antiochcollege.org.
2. **Meet with CASS to discuss determination of the status of the student as a person with a disability.** If the student is a person with a disability, the Center for Academic Support Services will work with the student to determine the necessary accommodations. The student receives a VISA letter verifying the student's disability status and needed accommodations. At this point, the student is responsible for presenting the VISA letter for accommodations to the faculty or staff member within two weeks of the start of each quarter. The student may request that a member of disability services staff contact the faculty member for an initial introduction.
3. **Discuss details of the accommodations with faculty and staff members as appropriate.** It is the student's responsibility to follow-up to arrange specific accommodations. For testing accommodations, students must make arrangements with faculty at least one week prior to the test/exam/quiz.

Disability Confidentiality

Confidentiality in Higher Education

Students with disabilities are enrolling in institutions of higher education in increasing numbers. These students are protected from discrimination under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 in the United States. Recognizing that discrimination often occurs as a result of attitudinal barriers and misconceptions regarding the potential of persons with disabilities, these government mandates for nondiscrimination carry within them rules regarding the confidential treatment of disability related information. The intent of this section is to provide information about how these rules impact day-to-day activities in postsecondary institutions and to suggest appropriate practices to follow.

What are the Rules Regarding Confidentiality?

Disability related information should be treated as medical information and handled under the same strict rules of confidentiality as is other medical information. This includes any supplemental reports that persons with disabilities may provide to establish their need for accommodation.

Disability related information should be collected and maintained on separate forms and kept in secure files with limited access.

Disability related information should 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.

Why Do We Need These Rules?

Some disability related information is clearly medical in nature, and as such, must remain confidential as noted. Other disability related information may trigger negative connotations about the person with the disability. People whose disability is a result of HIV, seizure disorder or psychiatric illness, for example, deserve and expect to have their privacy protected by having

this information handled in a highly confidential manner. The government statutes regarding persons with disabilities hold the promise that they will provide the same level of protection for any one individual, or class of individuals, with a disability than they do for another. Therefore, since some disability related information must be guarded closely, keeping all such information equally protected is a conservative, safe and legally acceptable practice.

But Doesn't FERPA Give Faculty the Right to More Information?

In the U.S., the Family Educational Rights and Privacy Act of 1974, also known as the Buckley Amendment, provides faculty with access to educational information in institutional files regarding students with whom they are working. Disability related records provided by a physician, psychiatrist, psychologist, or other recognized professional are not subject to free access under FERPA. The Act exempts such disability related records that are used for support of the student and are available only to service providers and other professionals chosen by the student.

Student and Staff Signature Page

Students, please initial next to each listed document below that you have received and reviewed the *Accessing and Implementing Accommodations due to Disability* policy. That you have asked for clarification as needed.

_____ **Accommodation Guidelines**

_____ **Documentation Guidelines**

_____ **Student Rights and Responsibilities**

_____ **Disability Confidentiality**

**I understand the rights and responsibilities outlined above and throughout this document.
I understand my rights and responsibilities when receiving services from the Center for
Academic Support Services at Antioch College.**

Student Printed Name: _____

Student Signature: _____ **Date:** _____

Center for Academic Support Services: _____ **Date:** _____
Staff Representative