Delgado COMMUNITY COLLEGE

Policy No. AD-1468.1

POLICY & PROCEDURES MEMORANDUM

TITLE:	**PERSONS WITH DISABILITIES**
EFFECTIVE DATE:	**December 17, 1996** ***(ADA Procedural Update 10/5/15; 1/15/14; Title Updates 6/7/12, 2/24/05)***
CANCELLATION:	none
CATEGORY:	Administrative (AD) *Initially Distributed as PR-1468.1*

POLICY STATEMENT

In accordance with Sections 504 and 508 of the Rehabilitation Act of 1973 as amended, the Americans with Disabilities Act of 1990 as amended, and Louisiana Community and Technical College System Policy #6.032 Americans with Disabilities Act: Employees and Students, is the general policy of Delgado Community College to assure equal opportunity for all qualified persons in admission or participation in, or employment in the activities which the College operates.

The College maintains that regulations that prohibit exclusion and discrimination on the basis of disability may necessitate different or special treatment of persons with disabilities. Services and benefits should be equally as effective or equivalent to those provided to others. Services and benefits to persons with disabilities must be in the most integrated setting appropriate to the persons' needs in order to be non-discriminatory.

Discrimination is defined as (1) action taken against qualified persons with a disability solely by reason of their disabilities; and/or (2) limitation of qualified persons with disabilities' rights, privileges, advantages, or opportunities that are enjoyed by qualified persons without disabilities.

The College is committed to making reasonable accommodations for qualified persons with disabilities such as making facilities accessible and purchasing or modifying equipment or devices necessary as auxiliary aids to students with disabilities. Reasonable accommodations for students may include substitution of courses in curricula, providing readers or interpreters, and other similar actions but do not obligate the College to waive course, or other academic, requirements or change the standards of the program. Programs with limited admissions within the College have specific policies which guide requirements for applicants with disabilities. Program directors for each of these programs may be contacted for information on the policies. Reasonable accommodations for employees may include job restructuring through part-time or modified work schedules, special equipment, etc., and will be determined by (1) operational necessity and (2) financial costs and expenses. Reasonable accommodations must not impose undue hardship on the College. Factors to be considered in determining undue hardship include College operational necessity, the nature and cost of the accommodation, and the resulting personnel requirements.

PROCEDURES & SPECIFIC INFORMATION

1. Purpose

To provide policies and procedures which will eliminate discrimination on the basis of disability in any program or activity which the College operates, and to provide guidance for assisting persons with disabilities in academic matters, student matters other than academic, and matters of program accessibility.

2. Scope and Applicability

This policy and procedures memorandum applies to all employees, students, and visitors of the College.

3. Definitions

According to guidelines set forth by the American with Disabilities Act of 1990, the following definitions apply:

A. Disability

A person with a disability *has a physical or mental impairment which substantially limits one or more major life activities.* "Physical or mental impairment" means 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; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

B. Major Life Activity

A major life activity is a function such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

C. Qualified Person with a Disability

With respect to student services, a qualified person with a disability is a person who meets the academic and technical standards (all non-academic admissions criteria that are essential to participation in the program) requisite to admission or participation in a College program or activity.

D. **Reasonable Accommodation**

Reasonable accommodation includes actions such as making facilities accessible and purchasing or modifying equipment or devices necessary as auxiliary aids to the students with disabilities. Reasonable accommodations for students may include substitution of courses in curricula, providing readers or interpreters, and other similar actions but do not obligate the College to waive course, or other academic, requirements or change the standards of the program. Reasonable accommodations for employees may include job restructuring through part-time or modified work schedules, special equipment, etc., and will be determined by (1) operational necessity and (2) financial costs and expenses.

E. **Undue Hardship**

Federal and state regulations do not define "undue hardship," but state that a "reasonable accommodation" should not impose undue hardship. Factors to be considered in determining undue hardship include College operational necessity, the nature and cost of the accommodation, and the resulting personnel requirements.

F. **Facilities**

Facilities means all or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real properties or interest in such properties.

G. **Discrimination**

Discrimination is:

1. action taken against qualified persons with a disability solely by reason of their disabilities; and/or

2. limitation of qualified persons with disabilities' rights, privileges, advantages, or opportunities that are enjoyed by qualified persons without disabilities.

H. **Non-Discrimination Toward Persons with Disabilities**

Regulations that prohibit exclusion and discrimination on the basis of disability may necessitate different or special treatment of persons with disabilities. Services and benefits should be equally as effective or equivalent to those provided to others. Services and benefits to persons with disabilities must be in the most integrated setting appropriate to the persons' needs in order to be non-discriminatory.

I. Substantially Limits

The U.S. Office of Civil Rights, Department of Health, Education and Welfare has indicated that it cannot define the term "substantially limits" for purposes of programs, activities, and services, but it is clear that minor indispositions do not constitute a disability. However, for purposes of this policy statement the "substantial" limitation need not be a protracted or prolonged limitation; one can be "substantially limited" for only a week or so and thereby be entitled to reasonable accommodation.

J. Service Animal

A service animal is trained to assist people with disabilities in the activities of daily living. The American with Disabilities Act (ADA) defines a service animal as "any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items."

4. Roles and Responsibilities

A. Chancellor

Final authority for all decisions regarding the implementation of this policy rests with the Chancellor of the College.

B. EAEO Officer

The Equal Access Equal Opportunity (EAEO) Officer serves as the College's ADA Compliance Officer who is responsible for the overall disability services program. Also as part of this role, the EAEO Officer is the person with whom individuals may consult regarding grievances pertaining to discrimination based on disabilities. The EAEO Officer is designated as the focus of the College's services to persons with disabilities and will (1) serve as a clearinghouse for information, (2) offer assistance for disability problems, (3) investigate complaints that this policy is not being followed, and (4) hear informal appeals.

C. Vice Chancellor for Business and Administrative Affairs

The Vice Chancellor for Business and Administrative Affairs will be responsible for matters of facilities, traffic and parking, and accessibility of buildings for persons with disabilities.

D. **Campus/Site Disability Services Designee/Coordinator**

On each campus and site, the person designated as that campus/site's Disability Services Coordinator has the responsibility for making judgments for students, faculty, and other academic personnel as to the following: whether a given illness, disorder, or condition substantially limits one or more major life activities; whether a person with a disability is qualified for participation in the program or activity; what accommodation required is reasonable so as not to impose undue hardship on the College; and what method is to be used in achieving program accessibility. In reaching these decisions the Disability Services Coordinator may wish to call upon Student Health Services and the EAEO Officer. It is the responsibility of the Disability Services Coordinator to notify each instructor and the EAEO Officer that a student with a disability should be given special assistance.

E. **Persons with Disabilities Participating in the College as Students**

It is the responsibility of the person with a disability to inform the Disability Services Coordinator of his/her disability in writing which will be considered confidential. A release of information form must be signed by the student before the Office of Disability Services may (1) inform instructors and department heads regarding the restrictions on the work or duties of the person with a disability and regarding his/her necessary accommodations; (2) inform first aid and safety personnel, where appropriate, if the person with a disability may require emergency treatment; and (3) provide relevant information on the nature of the person's disability and his/her special needs (upon request) to Government officials investigating compliance with the Americans with Disabilities Act of 1990.

Students requesting accommodations are responsible for following the procedures as published in the Office of Disability Services Student Handbook. Failure by the student or employee to notify the Disability Services Coordinator of his/her disability will not subject the person to adverse treatment, nor will it require him/her to receive special consideration, if not desired. Students or employees who request special consideration by virtue of a disability that is not clearly discernible to the layman must present medical or other appropriate professional certification of disability dated within the last three years.

5. **Operating Procedures**

A. **Employees with Disabilities**

In order to provide equal employment and advancement opportunities to all persons, employment decisions at the College will be based on merit, qualifications and abilities. Except where required or permitted by law, employment practices will not be influenced by an applicant or employee's known disability. All issues regarding the

employment of persons with disabilities will be handled by the Office of Human Resources. The College will make reasonable accommodations for qualified persons with known disabilities unless doing so would result in an undue hardship. The EAEO Officer, who serves as the College's ADA Compliance Officer, is the person with whom individuals may consult regarding grievances pertaining to discrimination based on disabilities.

B. Students with Disabilities

1. *Orientation and Registration*

Special provision for students with known disabilities will be made in all phases of orientation and registration, so that (a) students with disabilities will have suitable access to meetings and other events and (b) those with impaired hearing or vision will have adequate opportunity to receive the same information imparted to other students. Testing (e.g., placement tests and advanced-standing tests) will be administered in such a manner as to compensate for disabilities unless the compensating adjustments would invalidate the tests.

2. *Curricular Requirements*

Division Deans, Academic Counselors, and other advisors will give careful consideration to modifications of curricular and degree requirements to accommodate the special needs of students with disabilities. With approval of the Chair of the division in which the student is registered and the Vice Chancellor for Academic Affairs, substitutions of courses and exceptions to degree requirements may be made, provided that the academic integrity of the degree program is not violated.

3. *Course and Examination Requirements*

To ensure all students are aware of the disability services available to those who qualify, faculty are required to include the published Course Syllabus Disability Services Statement in all course syllabi. In providing accommodations, faculty and staff are required to meet the responsibilities and complete the procedures as published in the Office of Disability Services Faculty and Staff Guidelines: ADA Rights and Responsibilities.

Individual instructors will modify the methods, requirements, and procedures of courses and examinations appropriately to accommodate the special needs of students with disabilities, provided that the academic integrity of the course or examination is not violated, and the health and welfare of all students are safeguarded. Possible accommodations will be recommended by the Disability Services Coordinator. The instructor must accommodate the student with a disability; however, the instructor may choose which of the accommodations

recommended by the Disability Services Coordinator is appropriate for that particular course. No adjustments to the recommended accommodations may be made without the approval of the Disability Services Coordinator.

Accommodations may include but are not limited to: extended time in class and for testing, distraction-free/ distraction-reduced environment, readers, scribes, oral tests, assistive technologies, etc. Test proctoring services are provided following the testing procedures outlined on the Office of Disability Services webpage. A Request for Special Testing Accommodations for Students with Documented Disabilities Form (Form 1468/002) must be submitted for test proctoring services to be provided.

4. *Notification of a Disability*

It is the responsibility of the person with a disability to inform his/her supervisor, or in the case of a student, the Disability Services Coordinator as to the nature of any disability and to discuss his/her special needs with the Disability Services Coordinator as soon as the disability is known to the student.

Students who have a permanent disability are encouraged to work with the Disability Services Coordinator at the time of registration, even if the disability is one which is clearly discernible to the layman.

To request reasonable accommodations, students must follow the following procedures:

Step 1: Meet with the Disability Services Coordinator regarding policies, procedures, and requirements.

Step 2: Complete the Disabilities Services Student Agreement Form and the Disabilities Services Student Intake Form.

Step 3: Provide proper documentation from medical providers and other medical clinicians using the Office of Disability Services Accommodation Referral Form (Form 1468/004) and as outlined in the Office of Disability Services Student Handbook.

Step 4: Submit Semester Accommodation Request Form each semester/session.

Step 5: Obtain letters of accommodation from Office of Disability Services and distribute to instructors each semester/session.

Disabilities which are discovered or announced after registration will entitle the student to the consideration required by Sections 504 and 508 of the Rehabilitation Act of 1973, as amended, but if it is the judgment of the Division Chair that no adjustment can be made to accommodate the particular disability without violating the academic integrity of the student's program or course(s), the student will be allowed to withdraw and/or resign on the same basis as any other student at the particular time the action is initiated.

Temporary disabilities such as illnesses, accidents, etc., which will not interfere with the student's work for more than two or three class days may be dealt with by the individual instructor.

5. *Classroom Access*

The College will accommodate the needs of students with disabilities for particular classes through the scheduling or rescheduling of classes in accessible locations. In situations in which a student with a disability is enrolled in a class in a building not accessible to the student, the procedure for implementing this policy will be as follows:

a. If the course is a multiple section course with one or more sections scheduled in an accessible building, an effort will be made to rearrange the student's schedule so that the student will be assigned to a section in an accessible building. It will be the responsibility of the student's faculty advisor and/or the Division Dean to work with the student in developing a mutually acceptable modified schedule.

b. If the procedure provided for in "a" above is not workable, or if the class is a single section offering, the meeting place of the class will be moved to an accessible building, if possible. It will be the responsibility of the Division Dean and the Disability Services Coordinator to arrange for the movement of the class.

c. If the student's needs cannot be met by "b" above because the class requires a room of special design or one with special equipment, the College will make all reasonable efforts to modify the building so that the student can gain access to the classroom. When such a situation arises, it will be the responsibility of the faculty advisor and/or Division Dean to notify the EAEO Officer, working with administrators from the Office of the Vice Chancellor for Business and Administrative Affairs, will attempt to handle the situation.

6. *Service Animals*

If an animal meets this definition as described in Section 3J, it is considered a service animal regardless of whether it has been licensed or certified by a state or local government or training program. To be qualified to utilize a service animal for ongoing accommodation at Delgado Community College, the partner must register with the Office of Disability Services and supply appropriate documentation of a disability. The requirements and responsibilities outlined in the Delgado Service Animal Procedures apply in regard to service animals on College premises.

7. *Voter Registration Assistance*

The Office of Disability Services provides assistance with completing and submitting Louisiana Voter Registration Applications / Voter Declaration Forms students with disabilities on an ongoing basis and during authorized voter registration periods.

8. Electronic and Information Technology Accessibility

In accordance with Americans with Disabilities Act (ADA) Guidelines, the College ensures accessibility to electronic and information technology resources to persons with disabilities. Persons with disabilities have access to these resources, which include "computer hardware, software, networks, and peripherals as well as many electronic and communications devices commonly used in offices." The Office of Disability Services ensures accessibility of electronic and information technology resources, as well as the availability of training for these resources, to persons with disabilities at the College.

B. Grievance

A student with a disability who wishes to file a grievance must follow the College's academic appeals procedures (for academic grievances) or the College's student grievance procedures (for non-academic grievances) as outlined in the *Delgado Community College Catalog.* An employee with a disability who wishes to file a grievance must follow the College's procedures as outlined in the College's official publication of its policy on non-discrimination.

C. Information

Information on the existence and location of services for persons with disabilities is available in the EAEO Office. Campus/site maps, building modifications, and copies of the College's plans to accommodate persons with disabilities are available in the Office of the Vice Chancellor for Business and Administrative Affairs.

D. **Physical Facilities**

Program accessibility, to the extent possible, will be achieved through a redesign of equipment, reassignment of classes, or when necessary and feasible, by alteration of existing buildings. Priorities will be given to the method that offers persons with disabilities the largest number of activities in the most integrated setting appropriate.

Alteration of existing buildings or construction of new buildings will be done in accordance with recognized standards for the person with a disability as published by the American National Standards Institute.

E. **College Information and Recruiting Materials**

All College recruiting and general information materials must include an equal opportunity statement that states that Delgado Community College assures equal opportunity for all qualified persons without regard to disability in the admission to, participation in, or treatment or employment in the programs and activities which the College operates. The College also encourages the inclusion of persons with disabilities and features of accessible buildings in recruitment and other general information materials.

F. **Self-Evaluation**

Delgado Community College will conduct a self-evaluation, which will examine current policies and practices and the effects thereof, for the purpose of insuring that all policies and practices are non-discriminatory toward the person with a disability. Any policies and practices which do not meet the standard of non-discrimination will be modified and appropriate remedial steps taken to eliminate the effects that resulted from such policies and practices.

Policy Reference:

Section 504 and 508 of the Rehabilitation Act of 1973 as amended
Americans with Disabilities Act of 1990 as amended
Louisiana Community and Technical College System Policy #6.023 Americans with Disabilities Act: Employees and Students
Louisiana Community and Technical College System Policy #6.011 Harassment Policy
Delgado Policy and Procedures Memorandum, Student Grievance Procedures
Delgado Policy and Procedures Memorandum, Discrimination

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*(*ADA Procedural Update 10/5/15, 1/15/14;*
Title Updates 6/7/12, 2/24/05)

Review Process:

ADA Procedural Update, Vice Chancellor for Student Affairs Approval 10/5/15
ADA Procedural Update, Vice Chancellor for Student Affairs Approval effective 1/14/14
Disability and Health Services Committee 7/15/96
Student Affairs Council 7/31/96
Human Resources Office 8/1/96
Deans' Council 11/25/96
Executive Council 12/17/96

Distribution:

Distributed Electronically via the College's Website

Attachments:

Forms:

Consent to Release Information (Form 1468/001)
(Waiver of Confidentiality Form for Person with Disability)

Request for Special Testing Accommodations for Students with Documented Disabilities Form (Form 1468/002)

Student Waiver of Services/Accommodations Form 1468/003)

Office of Disability Services Accommodation Referral Form (Form 1468/004)

Disabilities Services Student Agreement

Disabilities Services Student Intake Form

Semester Accommodation Request Form

Procedures:

Delgado Office of Disability Services Student Handbook

Course Syllabus Disability Services Statement

Office of Disability Services Faculty and Staff Guidelines: ADA Rights and Responsibilities

Delgado Service Animal Procedures