

**POLICY & PROCEDURES MEMORANDUM**

<b>TITLE:</b>	<b>PERSONS WITH DISABILITIES</b>
<b>EFFECTIVE DATE:</b>	<b>December 17, 1996</b> <i>(Title Updates 2/24/05)</i>
<b>CANCELLATION:</b>	none
<b>OFFICE:</b>	Administrative (AD)* <i>*Initially Distributed as PR-1468.1</i>

**POLICY STATEMENT**

In accordance with Section 504 of the Rehabilitation Act of 1973 as amended in 1992, and the Americans with Disabilities Act of 1990, it 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.

**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 Disability Services Designee/Coordinator**

On each campus, the person designated as that campus'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. 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 which 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*

Provosts, 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, the Campus Provost, and the Vice Chancellor for Learning and Student Development, 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*

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.

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.

Disabilities which are discovered or announced after registration will entitle the student to the consideration required by Section 504 of the Rehabilitation Act of 1973, as amended in 1992, 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 Chair 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.

**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 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 of the Rehabilitation Act of 1973, as amended in 1992  
Americans with Disabilities Act of 1990  
Louisiana Community and Technical College System [Policy #6.011 Harassment Policy](#)  
Louisiana Community and Technical College System [Policy #6.023 Americans with  
Disabilities Act: Employees and Students](#)  
Delgado Policy and Procedures Memorandum, [Student Grievance Procedures](#)  
Delgado Policy and Procedures Memorandum, [Discrimination](#)

*Review Process:*

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 Internet

*Attachment:*

Attachment A - [Consent to Release Information](#) (Form 1468/001)  
(Waiver of Confidentiality Form For Person with Disability)