



## **POLICY & PROCEDURE DOCUMENT**

NUMBER: 6.1020

DIVISION: Student Affairs

TITLE: **Student Disability Accommodations / Section 504 and ADA Compliance**

DATE: April 15, 2013

Authorized by: Administrative Counsel

### **I. Purpose and Scope**

Title II of the Americans With Disabilities Act of 1990 [ADA] (42 U.S.C., Section 12102 et. seq.) states in part, that "No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, program, or activities of a public entity, or be subject to discrimination by any such entity." Under this Procedure, a student alleging noncompliance with the terms of Title II of the ADA may lodge a complaint alleging disability discrimination carried out by employees, other students, or third parties and seek a satisfactory resolution of said complaint.

The Student Accessibility Resource Center is responsible for approving and coordinating services and accommodations for students with documented disabilities so as to ensure they are provided access to all facets of the Western Kentucky University experience. The Director of the Center for Career and Professional Development and the Student Accessibility Resource Center has been designated to serve as the Student ADA Compliance Officer, and will oversee student ADA compliance efforts. The University will take steps to prevent disability discrimination and/or harassment and to correct its effects, if appropriate.

### **II. Policy / Procedure**

- A. **Definition:** According to section 504 of the Rehabilitation Act of 1973 and Americans with Disabilities Act of 1990, an individual is considered disabled when 1) a physical or mental impairment substantially limits one or more life activities; or 2) has a record of such impairment; or 3) is regarded as having such impairment.
- B. **Registration and Interactive Process:**
  - 1. Students requesting accommodation for disabilities are responsible for registering with the Student Accessibility Resource Center (SARC). Students are

encouraged to register with SARC prior to enrollment but may register at any point in their academic career at WKU.

2. Application / Documentation: Students registering with SARC must complete a Student Disability Services Application and Student Disability Verification Form. Both the application and the form are available in the SARC office, or may be downloaded from the SARC website.
  - a) The student's disability must be diagnosed by a licensed medical professional. Depending on the disability, that professional may be a private psychologist, psychiatrist, primary care physician, or specialist.
  - b) The documentation of a disability must be provided by a licensed professional and may be no older than three years.
  - c) SARC will notify the student if the documentation submitted is insufficient or if more information is needed.
  
3. Interactive Process: SARC will engage the student in an interactive process to consider recommended reasonable accommodations necessary to enable the student to have an equal opportunity to benefit from services, programs, or activities of the university. This process will include (as appropriate) consideration of:
  - a) Documentation substantiating a request for particular accommodations;
  - b) **The student's prior use of auxiliary aids;**
  - c) Specific course or program requirements;
  - d) Available course options or alternatives;
  - e) Available accommodations, modifications, or auxiliary aids;
  - f) A review of the nature and extent of the disability and the effect of the disability on performance within the course and/or the program.
  
4. Consultation: Under some circumstances, the interactive process may include consultation with course instructors or specialists familiar with the student's disability, where appropriate. In such instances:
  - a) The course instructors or specialists will be knowledgeable and informed about the nature of the student's disability, and the effect of that disability on the student's performance in all aspects of the program.
  - b) SARC will ensure that any determination regarding auxiliary aids and academic adjustments includes reasoned deliberation, consultation with course instructors or specialists familiar with the student's disability, a review of course or program requirements and available options/alternatives.

### C. Approved Accommodations

1. Academic (i.e., classroom, course curricula):

- a) If SARC determines academic accommodations are appropriate, SARC will issue Letters of Accommodation (with copies as required in item (b), below) to the student which will serve to document the student's registration with SARC and the recommended reasonable accommodations. Letters of Accommodation will be issued to the student each semester.
- b) The student is responsible for delivering a Letter of Accommodation to each of his/her professors for signature. A copy will be provided to the student for the professor. The student must return the signed Letter to the SARC office.

2. Non-Academic (Housing, Parking, etc.):

If SARC determines non-academic accommodations are appropriate, SARC will contact the appropriate WKU office / official to confirm the student's registration with SARC and inform the office / official of the recommended reasonable accommodations.

3. Issues / Problems Related to Provision of Recommended Accommodations:

- a) In the event an accommodation recommended by SARC is not provided to the Student by the professor / office / official, or the Student experiences other issues or problems related thereto, the Student should notify SARC immediately.
- b) SARC will investigate and attempt to informally resolve the matter.
- c) If the matter remains unresolved five (5) business days following the date of the student's report, SARC will inform the student and other officials / parties involved in the matter that the student may initiate a grievance under the *Student Grievance Procedure for Section 504 and ADA Compliance*. Following this:
  - I. The student has the option of continuing the informal resolution process or initiating the Grievance procedure.
  - II. If the student elects to continue the informal resolution process, he/she should notify SARC immediately. The fifteen (15) day time frame provided in II.C of the *Student Grievance Procedure for Section 504 and ADA Compliance* under which a student may file a grievance will be suspended.
  - III. If the student elects not to continue the informal resolution process, the student must submit a grievance within the

fifteen (15) day time frame provided in II.C of the *Student Grievance Procedure for Section 504 and ADA Compliance.*

**D. Denial of Accommodations by SARC (in whole or in part):**

1. A request for accommodations, or a specific accommodation, may be denied. Factors considered in denying a request for accommodation may include the following:
  - a) Medical documentation is insufficient / inadequate to substantiate the disability or the need for the requested accommodation.
  - b) Requested accommodation would not be effective or is not possible based on the requirements of a course or program.
  - c) Requested accommodation would alter the fundamental nature and essential curricular components of the course or program.
  - d) Requested accommodation would require the lowering of performance standards of the course or program
  - e) The student, by virtue of his or her disability, is incapable of performing the legitimate physical tasks that are necessary to the program
  
2. A student who is denied accommodation by SARC will be provided written notification of the specific reason or reasons for the denial within two (2) business days following the decision, and also advising the student that he/she has the right to:
  - a) Meet with SARC staff to discuss the specific rationale for denying the request.
  - b) Pursue an appeal of the denial of a requested accommodation using the *Student Grievance Procedure for Section 504 and ADA Compliance*.
  - c) File a complaint with the Director of the Office for Civil Rights, U.S. Department of Education, Wanamaker Suite 515, 100 Penn Square, Philadelphia, PA, 19107. Email: [OCR.philadelphia@ed.gov](mailto:OCR.philadelphia@ed.gov).

This policy is available in alternative format; please contact the Student Accessibility Resource Center at:

- [sarc@wku.edu](mailto:sarc@wku.edu)
- Phone: (270) 745-5004
- TDD: 270-745-3030
- Fax: 270-745-6289