

SUPERSEDES: 11/14/2017	SECTION: Academic and Student Affairs
POLICY AND PROCEDURE MANUAL MERCY COLLEGE OF OHIO, TOLEDO, OHIO Signature on file Signature: Dr. Susan Wajert, President	CODE NO. 501
	SUBJECT: Accessibility/ADA/504
	DATE ORIGINATED: 07/02/2015
	DATE BOARD COMMITTEE APPROVED: N/A
	DATE BOARD APPROVED: 06/11/2019
	DATE OF NEXT REVIEW: 2022 April 1-30

Policy: Accessibility/ADA/504

PURPOSE:

To provide for equal access, Mercy College of Ohio is committed to making individuals with disabilities full participants in its programs, services and activities through compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990.

SCOPE:

All College representatives, including faculty, staff, and students are responsible for the implementation of this policy and adherence to the principles of equal access.

POLICY:

It is the policy of Mercy College of Ohio (the “College”) that no otherwise qualified individual with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination in any program, service or activity offered by the College. Specifically, the College does not discriminate on the basis of disability in employment or in its admission, recruitment, academics, research, financial aid, counseling, employment assistance, and/or any other service, facility, or privilege available to students or potential students. Further, the College does not screen out, exclude, expel, limit, or otherwise discriminate against an individual seeking admission as a student, or an individual enrolled as a student, based on disability. As such, individuals with disabilities have a right to request reasonable accommodations.

Definitions

Disability: The United States’ Americans with Disabilities Act (ADA) defines “disability” as “having a physical or mental impairment that substantially limits one or more of the major life activities.” In addition, the ADA protects individuals from discrimination if they have a record of such impairments or if they are regarded as having such impairments. Additional protections are provided through Section 504 of the Rehabilitation Act of 1973.

Reasonable Accommodations: Reasonable accommodations include modifications to policy, procedure, or practice and the provision of auxiliary aids and services that are designed to provide equal access to programs and services for qualified individuals with disabilities. Accommodations are reasonable when they do not pose a direct threat to health, safety, or quality of care; when they do not fundamentally alter the nature of a program or service; and when they do not represent an undue financial or administrative burden.

REQUESTS FOR REASONABLE ACCOMMODATION:

Employees: Requests for reasonable accommodation are governed by the Mercy Health Accommodations Policy (HRMH081). Employees must direct requests for reasonable accommodation to the Mercy Health Human Resources Department.

Students: Requests for reasonable accommodation are handled by the Office of Accessibility and Testing Services pursuant to the Procedures set forth below.

Academic Honesty & Integrity

Reasonable accommodations provided to students may relate to the administration of testing, examinations, or other coursework. Students provided with such accommodations must continue to adhere to the College's academic honesty & integrity policy and to the College's Student Code of Conduct. Failure to adhere to the academic honesty & integrity policy and the standards of conduct may result in corrective action.

SECTION 504 COORDINATOR:

The College has designated the following individual as its Section 504 Coordinator. The Section 504 Coordinator has responsibility for coordinating the College's efforts to comply with the requirements of Section 504 and its implementing regulations.

Christine Miller
Director of Accessibility and Testing Services
2221 Madison Avenue
Toledo, OH 43604
419-251-1784
Christine.Miller1@mercycollege.edu

GRIEVANCE PROCEDURE:

Any person may file a grievance alleging discrimination or harassment on the basis of disability by filing a complaint pursuant to the Civil Rights/Nondiscrimination Policy. The grievance process applies to all individuals regardless of whether the individual has requested accommodations. Grievances may allege disability discrimination, including disability harassment, carried out by employees, students, or third parties.

A copy of the Civil Rights/Nondiscrimination Policy and its related procedures is available online at

https://assets.mercycollege.edu/uploads/documents/policy_109_civil_rightsnondiscrimination_201806_board_approved.pdf?mtime=20190225083240.

REFERENCING FORM:

Office of Accessibility and Testing Services Disability Disclosure Form 501-A

Full Board Approved: 06/11/2019

Board Committee Approved: N/A

Revised: May 2019 (*Added information regarding Section 504 Grievance procedure, employee requests for accommodations*)

Full Board Approved: November 14, 2017

Board Committee Approved: October 24, 2017

Revised: August 2017 (*Separated policy from procedure*)

Full Board Approved: September 8, 2015

Board Committee Approved: August 25, 2015

PROCEDURE 501:

The following procedures govern the reasonable accommodation process for students.

Students must provide appropriate documentation to the Office of Accessibility and Testing Services for the College to fully determine eligibility for services and evaluate requests for accommodations or auxiliary aids.

Students should be aware that accommodations granted by the College in no way guarantee that the same accommodations will be granted at other institutions, testing centers, or licensing agencies. Students are solely responsible for pursuing accommodations at other institutions, testing centers, or licensing agencies. The Office of Accessibility and Testing Services may assist in the process at the student's request.

Initiating Consideration for Accommodation

Students who are seeking assistance from the Office of Accessibility and Testing Services are responsible for:

- a) Contacting the Office of Accessibility and Testing Services. Students bear the responsibility for disclosure of a disability and the request for services. Such disclosure and request for services must be done by the student directly unless the nature of the student's disability precludes direct contact.
- b) Providing complete, adequate, and current documentation from an appropriately qualified professional regarding the disability and the need for accommodations (see Essential Elements of Disability Documentation below.) Students are responsible for costs associated with obtaining the appropriate documentation.
- c) Notifying the College of accommodation requests prior to the beginning of the semester for which the accommodation is sought. While accommodation requests can be made and will be considered at any time, the documentation and approval process takes time. Please note that granted accommodations are not effective retroactively, and a student will not be able to retake exams or redo assignments that were completed before an accommodation was approved.

Essential Elements of Disability Documentation

1. **The credentials of the evaluator(s).** Documentation should be provided by a licensed or otherwise properly credentialed professional who has undergone appropriate and comprehensive training, has relevant experience, and has no personal relationship with the individual being evaluated. A good match between the credentials of the individual making the diagnosis and the condition being reported is expected (e.g., an orthopedic limitation might be documented by a physician, but not a licensed psychologist).
2. **A diagnostic statement identifying the disability.** Documentation should include a clear diagnostic statement that describes how the condition was diagnosed, provide information on the functional impact, and detail the typical progression or prognosis of the condition. When appropriate, documentation should include diagnostic codes from

the Diagnostic Statistical Manual of the American Psychiatric Association (DSM) or the International Classification of Diseases (ICD).

3. **A description of the diagnostic methodology used.** As appropriate, documentation should include a description of the diagnostic criteria, evaluation methods, procedures, tests and dates of administration, as well as a clinical narrative, observation, and specific results. Where appropriate to the nature of the disability, having both summary data and specific test scores (with the norming population identified) within the report is recommended. Diagnostic methods that are congruent with the particular disability and current professional practices in the field are recommended.
4. **A description of the current functional limitations.** Information on how the disabling condition(s) currently impacts the individual provides useful information for both verifying a disability and identifying possible accommodations. Documentation should be thorough enough to demonstrate whether and how a major life activity is substantially limited by providing a clear sense of the severity, frequency, and pervasiveness of the condition(s). A combination of the results of formal evaluation procedures, clinical narrative, and the individual's self-report will be reviewed. While recent documentation is recommended in most circumstances, discretion will be used in accepting older documentation of conditions that are permanent or non-varying. Likewise, changing conditions and/or changes in how the condition impacts the individual may warrant more frequent updates to provide an accurate picture. The need for recent documentation depends on the facts and circumstances of the individual's condition.
5. **A description of the expected progression of stability of the disability.** Information on the cyclical or episodic nature of the disability and known or suspected environmental triggers to episodes provides opportunities to anticipate and plan for varying functional impacts. If the condition is not stable, information on interventions for exacerbations and recommended timelines for re-evaluation are most helpful.
6. **A description of current and past accommodations, services and/or medications.** Documentation should include a description of both current and past medications, auxiliary aids, assistive devices, support services, and accommodations, including their effectiveness (and side effects) in ameliorating functional impacts of the disability.
7. **Recommendations for accommodations, adaptive devices, assistive services, compensatory strategies, and/or collateral support services.** Recommended accommodations and strategies should be logically related to functional limitations; if connections are not obvious, a clear explanation of their relationship can be useful in decision making. Mercy College has no obligation to provide or adopt recommendations made by outside entities.

High school special education evaluations, Summary of Performance (SOP) or Individual Educational Program (IEP) documentation, while helpful, may not provide adequate information to document a disability. In addition, references to academic weaknesses/learning differences/test anxiety alone may not substantiate a learning disability diagnosis.

Specific Disability Documentation

Learning Disabilities:

Psycho-educational assessment conducted by the diagnosing licensed psychologist, psychiatrist, or other appropriately credentialed professional specializing in learning disabilities.

Psycho-educational Testing: The comprehensive psycho-educational test battery should include intelligence/ability testing and educational/achievement testing. A full diagnostic report, including all standard test scores as well as subtest scores and the evaluator's narrative is recommended. Assessments should be normed for adults, i.e. WAIS-III rather than WISC-III.

Attention Deficit Disorder:

Psychological/Psycho-educational assessment conducted by the diagnosing licensed psychologist, psychiatrist, or other appropriately credentialed professional.

Psychological Disabilities:

Psychological assessment conducted by the diagnosing licensed psychologist, psychiatrist, or other appropriately credentialed professional.

Speech and Hearing:

Full report of assessments conducted by the diagnosing licensed speech/hearing specialist, audiologist, or other appropriately credentialed professional.

Visual:

Full report of assessments conducted by the diagnosing licensed ophthalmologist, optometrist, or other appropriately credentialed professional.

Mobility:

Evidence of substantial limitation in upper and/or lower extremity mobility. As appropriate, this may or may not include full report of assessments conducted by the diagnosing licensed medical doctor/physician or other appropriately credentialed professional.

Review of Documentation and the Determination of Accommodation

1. **All documentation will be reviewed on an individual, case-by-case basis.** This calls for an individualized inquiry, examining the impact of a disability on the individual and within the specific context of the request for accommodations. There is no list of covered disabilities or accepted diagnostic criteria.
2. **Determination of accommodations is an interactive process.** The Director of Accessibility and Testing Services may contact the evaluator, as necessary and with the student's permission, for clarification of any information (tests results, conclusions, recommendations, etc.) contained in the documentation. An interview with the student will be conducted to inquire about the disability, understand its impacts and identify appropriate accommodations. At the conclusion of the interactive process, the institution will determine accommodations as appropriate.

- 3. Documentation of a specific disability does not translate directly into specific accommodations.** Reasonable accommodations are individually determined and based on the functional impact of the condition and its likely interaction with the environment. As such, accommodations may vary from individual to individual with the “same” disability diagnosis and from environment to environment for the same individual.

Process of Approved Accommodations

Once an accommodation has been granted, students are provided with a letter of accommodation from the Office of Accessibility and Testing Services each semester to notify their instructors as they deem appropriate. Students with accommodations are responsible to speak with each of their instructors about their accommodation needs.

Students with accommodations can submit their testing schedule to the Testing Center at the beginning of each semester if their tests will be proctored in the Testing Center. Students who have received accommodations may request modifications to those accommodations at any time.

Appeal Procedure

A student who has been denied a requested accommodation or otherwise disagrees with an accommodation decision may file an appeal. The student is encouraged, but not required, to first discuss his or her concern with the Vice President of Student Affairs/Dean of Students. A conversation may resolve a disagreement quickly.

The student should complete the Student Appeal and Grievance Form available on the Office of Accessibility and Testing Services website. Individuals needing assistance may fill out the form in the Office of Accessibility and Testing Services with staff assistance.

Appeals should be filed promptly and no later than 10 business days after receiving an accommodation decision. Appeals submitted after this deadline will not be accepted absent a showing of good cause. Time-sensitive requests should be made as far in advance as possible. Although the College tries to expedite urgent matters, requests made fewer than 10 business days in advance of a deadline typically do not allow for adequate time for review.

Informal Review: Upon receipt of an appeal, the Vice President of Student Affairs/Dean of Students will try to resolve the disagreement informally with the student and the Office of Accessibility and Testing Services. If informal resolution is not possible or the student requests to proceed through the formal appeals process, the Vice President of Student Affairs/Dean of Students will refer the matter to the Office of Compliance and Risk Management.

Formal Appeals Process: The Director of Compliance and Risk Management will review the formal appeal request and determine whether an investigation is necessary. If any material facts are in dispute, an investigation will be initiated within 5 business days of receipt of the appeal request from the Vice President of Student Affairs/Dean of Students. The investigation will involve meeting with the student and may also involve meeting with Office of Accessibility and

Testing Services staff, faculty members, or other staff members with relevant information. During the investigation, all parties to the appeal will be permitted to present witnesses and other relevant evidence. The Director of Compliance and Risk Management will present written findings of fact from the investigation to the President, who will decide whether any changes to the original decision are warranted. The President will issue a written determination regarding the appeal to the student and Office of Accessibility and Testing Services. Unless an extension is necessary for good cause, this determination will be provided within 5 business days of receiving the findings from the Director of Compliance and Risk Management. If the President decides that additional or different accommodation(s) should be approved, an updated accommodation letter will be issued to the student. If the President upholds the initial accommodation determination, the matter will be closed. The President's decision is final and not subject to appeal. Every effort will be made to complete the appeal process within 30 days of the initial request for appeal.

The College does not tolerate retaliation against any individual who participates in the appeal process. Allegations of retaliation should be referred to the Director of Compliance and Risk Management.