Policy Number: **300.3**

Policy Title: **Student Disability Accommodations Policy**

Subject: **300 – Student Affairs**

Responsible Office: **Compliance/Accessibility Services**

Date Adopted:

Date(s) Revised:

Date(s) Reviewed:

Approved by:

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PURPOSE:

Helena College aims to create an environment that welcomes all individuals. The College is committed to providing accommodations that allow qualified individuals with disabilities the opportunity to study, work, and participate in its programs and activities. This policy sets forth Helena College's disability accommodations and review process.

POLICY STATEMENT:

Helena College follows all applicable state and federal laws regarding accommodations for qualified individuals with disabilities. The College will make good faith efforts to engage in the interactive process with students, employees, and applicants to determine reasonable accommodations consistent with its obligations under the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, and various other provisions of state and federal law.

This policy sets forth steps students should follow to access accommodations, seek review of accommodations provided or declined, and raise concerns regarding the implementation of provided accommodations.

Exclusions:

This policy does not apply when an individual believes they have experienced discrimination, harassment, or retaliation because of a disability. Such individuals should contact the Conduct Officer.

DEFINITIONS:

Accommodation Letter

The written letter issued by Accessibility Services outlining the reasonable accommodations the qualified student may receive, or a decision that a student is not eligible for an accommodation.

Accessibility Services

Accessibility Services serves as the primary resource for ensuring that the College complies with the ADA and applicable provisions of the Rehabilitation Act.

Disability

Any physical, medical, mental, or psychological impairment, or a history or record of such impairment, that constitutes a disability under applicable federal or state law.

Essential Requirements

The core learning outcomes (including skills, knowledge, and licensure requirements) all students must demonstrate, with or without accommodations, to successfully complete a course, program, or degree. A non-exclusive list of factors that can be considered in determining essential requirements includes:

1. Nature and purpose of the course, program, or degree;
2. The relationship of the requirement to the functional elements of the course, program, or degree;
3. Whether reasonable exceptions, alternatives, or modification are permitted;
4. Whether the requirement exists in similar programs at other institutions;
5. Whether the requirement is fundamental to a given vocation for which the program is preparing students; and/or
6. Whether the requirement is for licensure or certification related to the occupation or profession for which the program prepares students.

Final Review

Next step after reconsideration if concerns are not resolved.

Fundamental Alteration

An accommodation that would alter the essential requirements or essential functions of a course, program, or degree.

Interactive Process

A collaborative effort between a student with a disability and Accessibility Services to consider barriers or limitations and to identify the accommodation(s) that will enable the student to perform the essential requirements of a course, program or degree. It generally requires the individual requesting an accommodation to provide specific information, such as medical documentation. The interactive process may include confidential consultation with a representative from the relevant academic unit or such as a department Director, Executive Director, or Dean, if necessary.

Qualified Student

A student with a disability who meets the academic and technical standards requisite for participation in Helena College's education program or activity.

Reasonable Accommodations

Any change, adjustment or accommodation in the academic environment, policy or practice that enables a student to enjoy equal opportunities and that does not create a fundamental alteration of the course/program.

Reconsideration

Process for students who disagree with the accommodation(s) provided in the final determination. This process is described in the procedure section below.

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Review Committee
If the reconsideration process does not resolve concerns, as a next-step the student may notify Accessibility Services to request a review of the final determination. Accessibility Services will convene a review committee.

Undue Hardship
Significant difficulty or substantial expense incurred by the College in providing a specific accommodation. Undue hardship refers not only to financial difficulty, but to reasonable accommodations that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of the business or academic program.

PROCEDURE:

The following procedure details the process students should follow in requesting, implementing, and challenging reasonable accommodations. This procedure in no way limits individuals' rights under College policy or applicable law.

Step 1: Requesting Reasonable Accommodations

A student should contact Accessibility Services, who will acknowledge the receipt of reasonable accommodation requests, engage in the interactive process, and issue an accommodations letter regarding reasonable accommodations. Interim accommodations will be approved when reasonable and where delays would result in negative impacts.

Interactive Process by Role
The following sections detail the obligations of different individuals and entities throughout the interactive process:

Accessibility Services

1. Reviews student accommodation requests and any supporting documentation. Works with each student to determine whether they qualify for accommodations.
2. For eligible students, identifies reasonable academic accommodations by collaborating with students, and with faculty/departments/others when needed, to understand the essential requirements of the classes and programs and to determine what accommodation is reasonable.
3. Reviews requests and provides an accommodation letter to the student. An email will outline if an accommodation has not been implemented because it amounts to a fundamental alteration of the course and/or program.
4. Provides consultation, as appropriate, when a requested accommodation is identified as unreasonable due to a fundamental alteration or undue burden, and discusses alternative accommodations.
5. Assists students if new or additional accommodations are needed or if there is a concern about implementing an accommodation.

Students

1. Initiate the process by contacting Accessibility Services to schedule an initial meeting;
2. Engage in the interactive process with Accessibility Services by providing necessary information, which may include medical or educational information documenting and/or describing academic barriers related to disability;
3. Access the accommodation letter provided by Accessibility Services;
4. Contact faculty, provide them with the accommodation letter, and request accommodations promptly;

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5. Promptly communicate with Accessibility Services if new or additional accommodations are needed or if there is a concern about accommodation implementation; and
6. Reconnect with Accessibility Services each semester as needed. Students must obtain a new accommodation letter each semester.

Faculty

1. Collaborate and communicate with the student and/or Accessibility Services, as needed, to implement reasonable accommodations listed on the accommodations letter;
2. Implement reasonable accommodations provided in the accommodations letter consistently and promptly;
3. Immediately consult with Accessibility Services if questions or concerns about the accommodations letter arise, including the implementation of accommodations that may be a fundamental alteration to a course; and
4. Respond promptly to Accessibility Services requests for information and collaboration.

Step 2: Accommodation Follow-Up

Accessibility Services will carefully evaluate all available information when determining reasonable accommodations. If the student disagrees with the accommodation(s) provided in the accommodation letter or believes an accommodation has not been properly implemented, students must notify Accessibility Services. If the concern is not resolved, students may proceed with a request for reconsideration by following the process outlined in the reconsideration section below.

Step 3: Reconsideration

If concerns remain after completion of Step 2, the student may begin the reconsideration process. The student must initiate a request for reconsideration within 14 calendar days of the issuance of the accommodation letter.

**Note: If the student believes that their accommodations as outlined in their letter are not being met, they should follow the directions in the Implementation Complaint Section.*

Student Reconsideration:

The student shall email the 504 Officer a request to meet and a description of their concern(s) and/or reason(s) for requesting reconsideration.

The student shall meet in person, by video call, or phone call with the 504 Officer or their designee when concerns may be discussed, and additional information and/or documentation may be presented.

The 504 Officer or their designee may also seek information from faculty and/or appropriate College administrators as well as seek external expertise as necessary.

The 504 Officer or their designee will issue a written decision on the reconsideration and provide a copy to the student. The time required for a decision on reconsideration will depend on various factors, including the nature and scope of the matter. A reasonable effort will be made to resolve the matter as promptly as possible.

Upon issuance of a written decision to the student, Accessibility Services will notify faculty about accommodation(s) provided or changed. Faculty are required to implement any accommodation(s) determined by this process to be reasonable.

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Step 4: Final Review

If the issue is not resolved through the reconsideration process, the student may request a committee review of the reconsideration within five calendar days. The student must submit a written request to Accessibility Services with the following information:

1. the issue of disagreement;
2. the substantive reason(s) the individual disagrees with the decision; and
3. the desired outcome.

Review Committee

Accessibility Services will convene a Review Committee to address the matter.

Student matters will be considered by a review committee consisting of the 504 Officer, Executive Director of the Academic area, and a relevant department official. Accessibility Services will serve as ex-officio. If one of these members is unavailable or otherwise cannot serve on the review committee, Accessibility Services will appoint a replacement member. The review committee may appoint an additional ex officio member, such as a representative from the relevant academic unit if deemed appropriate by a majority vote of the committee.

The student review committee will review all submitted information and may meet with the student to discuss the concern(s) and obtain clarifying information. The review committee also has the discretion to request additional documents and information and to consult with other College officials as appropriate.

The time required for a decision on a review will depend on various factors, including the nature and scope of the matter. Accessibility Services will issue the review committee's written decision on the reconsideration. The written decision is final and not appealable.

Student Implementation Complaints

Students who believe a reasonable accommodation already granted in their accommodation letter has not been properly implemented should immediately notify Accessibility Services.

Once notified, the College will take appropriate steps to ensure the student does not lose an equal opportunity to access college programs and activities. Where appropriate, the College's response will include the coordination of any other relevant offices or policies.

The student does not have to engage in the reconsideration process which addresses a concern with the grant or denial of accommodation in the accommodation letter.

Discrimination & Harassment Complaints

Students who have complaints related to discrimination, harassment, or retaliation because of disability should report to the 504 Officer and follow the procedures in the College's Discrimination, Harassment, and Retaliation policy.

Confidentiality

The College will maintain confidentiality as required under relevant laws and policies. Only information necessary to identify and implement the agreed-upon reasonable accommodations and to carry out the purposes of this policy and procedure and/or as allowed or required by applicable law shall be released to the appropriate entities. Pursuant to applicable law, course instructors will be informed only of the information

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necessary to implement reasonable accommodations or program modifications for their students. Medical information will remain confidential.

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