

## UNIVERSITY POLICIES & PROCEDURES

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| <b>POLICY NAME:</b> ACCESS FOR STUDENTS WITH DISABILITIES   | <b>TEMPORARY REVIEW NUMBER:</b> 060701  |
| <b>CLASSIFICATION:</b> ACADEMIC SUPPORT   | <b>SUPERSEDES:</b> TWO CURRENT UNIVERSITY POLICIES ENTITLED "ACCOMMODATION OF STUDENTS WITH DISABILITIES" AND "VERIFICATION OF ENROLLMENT FOR STUDENTS WITH DISABILITIES" |
| <b>AUTHOR:</b> DIRECTOR , OFFICE OF DISABILITY SERVICES   | <b>LAST REVIEW:</b> SEPTEMBER, 2000   |
| <b>AUTHORITY:</b> MNSCU BOARD POLICY 1B.4; FEDERAL LAW ( SECTION 504 OF THE REHABILITATION ACT OF 1973 AND AMERICANS WITH DISABILITIES ACT OF 1990) | <b>NEXT REVIEW:</b> SEPTEMBER, 2012   |
| <b>APPLICATION:</b> Undergraduate and Graduate Students   | <b>EFFECTIVE DATE:</b> JULY 1, 2007   |
| <b>DISTRIBUTION (IDENTIFY AUDIENCE/PUBLICATIONS):</b><br>UNIVERSITY POLICY WEBSITE  | <b>CUSTODIAN OF POLICY:</b> VICE PRESIDENT FOR ACADEMIC AND STUDENT AFFAIRS   |

### BACKGROUND:

Minnesota State University, Mankato, is committed to achieving equal educational opportunity and full participation for qualified persons with disabilities. Achieving full participation and integration of people with disabilities requires the cooperative efforts of all the departments, offices, and personnel. Assurance of equal educational opportunity rests upon legal foundations established by federal law, specifically the Rehabilitation Act of 1973 including Section 504, and the Americans with Disabilities Act of 1990.

By federal law, a person with a disability is any person who: 1) has a physical or mental impairment; 2) has a record of such impairment; or 3) is regarded as having such an impairment which substantially limits one or more major life activities such as self-care, walking, seeing, hearing, speaking, breathing, or learning.

A qualified individual is a person who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for receipt of services or participation in a university program or activity. Essential eligibility requirements include, but are not limited to, academic and technical standards requisite to admission or participation in an education program or activity. (MnSCU Board Policy 1B.4, Subpart C)

### POLICY:

A qualified individual with a disability must be ensured the same access to programs, opportunities, and activities at the University as all others.

All programs, services, and activities of the University when viewed in their entirety, will be accessible to and usable by qualified students with disabilities. All classes, meetings, programs, or other events will be held in facilities that are accessible. Announcements of meetings or other events will contain a statement indicating the availability of accommodation of disabilities upon request.

Requests for accommodation must be initiated by the student and supported by documentation of the disability indicating a current need for accommodation. Reasonable accommodations may include the

following: alterations to rules, policies, or practices, removal of architectural or communication barriers, or the provision of auxiliary aids.

Minnesota State University, Mankato has the right to refuse to provide an accommodation that poses a direct threat to the health and safety of others, constitutes a substantial change or alteration to an essential element of a course or program, results in undue financial or administrative hardship, or is considered a personal device or service (i.e. wheelchairs, hearing aids, personal transportation).

#### **PROCEDURES:**

All students with a disability may request accommodation through the Office of Disability Services.

Responsibilities of students with a disability seeking accommodation include:

- Identifying themselves as an individual with a disability through the MSU Office of Disability Services.
- Providing current (within three years) documentation from an appropriate professional source that verifies the nature of the disability, functional limitations, and the need for specific accommodations.
- Following specific Office of Disability Services procedures for obtaining reasonable and appropriate accommodations including initiating certain services each semester in a timely manner.
- Adhering to the same conduct code as all other students.
- Meeting the University's qualifications and essential technical, academic, and institutional standards.

Responsibilities of the Office of Disability Services include:

- Determining eligibility for participation of students with disabilities in the accommodations process based upon a review of appropriate documentation.
- Determining reasonable accommodations for each student based on the individual's disability related needs.
- Assuring the student receives appropriate accommodations.
- Supporting and advising faculty and department staff regarding student disability accommodations as they relate to program standards.
- Verifying reduced course load (minimum of 3/4 time), for academic and insurance purposes, as a reasonable accommodation for qualified students with disabilities.

Responsibilities of faculty and staff include:

- Understanding and complying with the University's policies and procedures for providing accommodations to students with disabilities.
- Notifying students, through the class syllabi and/or departmental electronic and printed materials, that accommodations are available.
- Discussing with the Office of Disability Services any concerns related to the accommodation(s) or arrangements that have been requested by the student.
- Assuring the confidentiality of information regarding students with disabilities.
- Determining the essential elements and academic standards of the course or program.

## Discrimination Complaint Procedures

This grievance process shall apply to situations where a student has followed the established procedures to request accommodations on the basis of disability and the request has been denied or otherwise not provided.

1. Written or emailed complaints should be filed within 30 days of the date the incident occurred with the Director of the Office of Disability Services.
2. If an informal resolution is not reached in Step 1, the student should file a grievance through the University's Office of Affirmative Action.
3. Students also may file a complaint directly with the U.S. Department of Education's Office for Civil Rights (<http://www.ed.gov/about/offices/list/ocr/index.html>) or with the Minnesota Department of Human Rights ([www.humanrights.state.mn.us](http://www.humanrights.state.mn.us)). The Statute of Limitations for filing a complaint with the Office for Civil Rights is 180 days from the date the incident occurred.

## Confidentiality and Maintenance of Records

All disability-related documentation will be centralized in a confidential file in the Office of Disability Services and is only shared with others with the expressed written permission of the student. Departments, faculty, and staff may not access diagnostic or other information regarding a student's disability and may not keep copies of such documentation. Information concerning a student's disability should be disclosed only to those with a legitimate "need to know". Sharing of information with other faculty and staff needs to be balanced with the student's interest while maintaining their privacy. Disability documentation and/or record of accommodation provision do not become part of the students' permanent record. Confidentiality is not maintained in the case of child abuse, suicidal or homicidal intent.

A confidential file is maintained on each student that includes demographics, documentation of the disability, a record of each contact and action taken. An electronic database is utilized for caseload management purposes with limited access. Student records will be shredded **seven** years after the last contact, but the Center will maintain a record of each student and their dates of affiliation with the Center.

| <b>Policy: Access for Students with Disabilities</b> |                       |                        |
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| <b>Formal Review Submissions and Reviews:</b>        | <b>Date Submitted</b> | <b>Date Reviewed</b>   |
| MSUAASF Meet and Confer                              | April 19, 2007        | May 10, 2007           |
| Faculty Association Meet and Confer                  | April 19, 2007        | May 10, 2007           |
| Classified Meet and Confer                           | April 19, 2007        | May 10, 2007           |
| MSSA Meet and Confer                                 | April 19, 2007        | May 10, 2007           |
| <b>✓ Vice President's Recommendation</b>             |                       |                        |
| Signature  |                       | Date of Recommendation |
|  |                       |                        |
| <b>✓ President's Approval</b>                        |                       |                        |
| Signature  |                       | Date of Approval       |
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