

APPENDIX E-2-2017

Compensatory Abilities Procedures

WNCC is committed to helping students with disabilities achieve their educational goals (an overview of the laws dealing with disability discrimination, including the definition of disability, can be found at the following: <http://www2.ed.gov/policy/rights/guid/ocr/disability.html>). Upon request and documentation, the College provides to qualified students reasonable accommodations or academic adjustments to equalize the student's educational opportunities. The goal of the College is to balance on a case-by-case basis the specific needs of its students with the fundamental aspects of the class, program or activity. The purpose of these procedures is to ensure consistency and guide WNCC students, faculty and staff in providing and receiving disability related services. No portion of these procedures is intended to expand or diminish any right or obligation imposed by law. The names and contact information of all officers and administrators set forth in the following procedure shall be listed in the documentation provided to students and faculty and otherwise published by the College.

A. Procedure For Requesting, Reviewing and Implementing Accommodations

Step One: Self-Identify, Request Form, Meeting and Documentation

I. Be admitted to or enrolled at the College

II. Student chooses to self-identify

Disclose as soon as possible to the Disability Services Officer ("DSO"), and/or delegate, the student's claim of disability and request for accommodations. (The DSO's name, address, email address, and phone number shall be included in all actual, appropriate publications.) While a student is free to disclose his or her condition and request to instructors or staff, and while instructors and staff shall refer such requests to the DSO, a student must provide timely notice to the DSO. Notice that does not permit the College a meaningful opportunity to review and implement an accommodation is not timely.

III. Complete Request and Confidentiality forms

Complete the Request for Accommodations and Confidentiality forms with Disability Services at least ten (10) days before the beginning of the academic semester or as soon as the need arises and make an appointment to meet with the DSO to discuss the disability and possible accommodations. Appointments can be arranged at all WNCC campuses.

IV. Meeting and Documentation

At the meeting with the DSO, provide current and valid documentation of the disability. Documentation submitted to the DSO must specify the nature of the disability and that the student's disability substantially limits one or more major life activities. This documentation should reflect limitations that are currently impacting the student as determined by an appropriate professional who is qualified to evaluate the functional impact of the disability and provide recommendations for accommodations to equalize the student's educational opportunities.

Examples of current and valid documentation include, but are not limited to:

- neuropsychological evaluations;
- psychoeducational evaluations;
- medical evaluations;
- physiological assessments; or
- audiograms.

The DSO may waive documentation requirements for a student whose disability is readily apparent or obvious (e.g., paralysis, total blindness, profound hearing impairment.)

Step Two: College Review of the Request

The DSO will review the disability documentation, the student's prior disability-related services and other pertinent information. The DSO may also consult confidentially with the person(s) assessing the student's disability and those College officials who the DSO deems necessary to the appropriate decision. At the discretion of the DSO, an accommodation may be put in place on a temporary basis for a student who is awaiting documentation.

I. Approval of the Student's Request

If the DSO finds the student eligible for accommodation, the DSO will discuss with the student the accommodations appropriate and reasonable under the circumstances. If the student and DSO agree to the provision of certain accommodations, the DSO will provide an Accommodation Plan to the student. The student must approve, revise or reject the Plan and return it to the DSO. If the student wishes to revise or reject the Plan, the student must make an appointment and meet with the DSO.

The student, the Associate Dean of Instructional Support Services ("ADISS"), the Instructional Technology Coordinator ("ITC"), and the affected faculty members are informed in writing of recommended accommodations for the student. (The ADISS's name, address, email address, and phone number; and the ITC's name, address, email address, and phone number shall be included in all actual, appropriate publications). The student must also meet with the affected instructor(s) to coordinate implementing the recommended accommodations. When requested by the student, the DSO or other advisor may assist in this effort. The student must arrange to renew or update the terms of the Plan at the beginning of each semester.

II. Disapproval of the Student's Request

If the DSO finds the student ineligible for accommodation, or if a requested accommodation or academic adjustment is denied by the DSO for any reason, the DSO will so notify the student in writing. Further, accommodations or academic adjustments, in general, must not fundamentally alter the essential nature of a course, program or activity, and may not result in a direct threat to health or safety, and cannot impose an undue financial or administrative burden upon the College.

If the requested accommodation or academic adjustment is denied by the DSO for any reason, the student may then appeal the DSO's decision pursuant to the Appeal Procedure in Section C.

III. Role of Faculty, Instructors, and Administrators

Faculty, instructors, and administrators are situated to play an important role in this process. They shall refer to the DSO students who disclose a condition that may be disabling and shall forward to the DSO any request(s) for an accommodation. Such persons may be asked to participate in identifying and assessing possible accommodations. Such persons shall keep confidential all such information regarding the student, and shall implement the accommodation(s) deemed reasonable by the College. Faculty, instructors, and administrators with concerns or questions regarding a disability or its accommodation should bring these concerns or questions to the attention of the DSO and the ADISS as soon as possible.

If good faith efforts fail to find a solution to the concern(s) and it is believed the accommodation / adjustment will fundamentally alter or subvert academic standards / course methodology, the concerned party may avail themselves of the Resolution and Appeal Process in Section D below.

B. Student Appeal Procedure

The following appeal procedure must be used by a student for complaints regarding claims of disability and requests for accommodation.

1. Contents of an Appeal

- a. An appeal must be in writing; contain the name, address, and telephone number of the student; and should include the following items: The accommodations that are being appealed;
- b. The reason for the appeal; and
- c. Any additional documentation that supports the appeal.

Alternative means of appeal, such as personal interview or tape-recording, are available upon request if required by disability.

2. Filing the Appeal

The student or, if necessary because of disability, a designee must submit the grievance to the Dean of Students, and/or delegate, within five (5) school days of receiving the accommodations plan, or as soon as is reasonable after the student comes to believe that he or she is not being properly served by the accommodation. The Dean of Students' name, address, email address, and phone number shall be included in all actual, appropriate publications).

3. Dean's Decision

After considering the appeal, the Dean will respond to the DSO and in a format accessible to the student (such as large print, Braille or audiotape) within five (5) school days. The response will explain the position of the College and, where practical, offer options for substantive resolution.

4. Student Appeal to Equal Access Review Panel

If a student does not agree with the Dean's recommendations, she/he may appeal to the Equal Access Review Panel (EARP) by submitting a written appeal to the Institutional Compliance Officer who will order formation of the EARP.

I. Contents of an Appeal

The contents of the Appeal to EARP are the same as the appeal procedure set forth in Section C (1) above.

II. Membership of the EARP Team

The EARP will be comprised of the following members:

- a. Chaired by the Institutional Compliance Officer, and/or delegate. (The Institutional Compliance Officer's name, position title, address, email shall be included in all actual, appropriate publications).
- b. Includes the Vice President of Student Services, and/or delegate;
- c. Includes the Executive Vice President, and/or delegate; and
- d. Includes the Supervisor of the instructional area in which the course is offered, or the supervisor of the staff member who is affected by the question, policy or procedure, and/or delegate.

At the discretion of the Chair, EARP members may consider written information from, consultancy with, or participation by the College's Disability Services Officer, the College attorney, and other legal, medical or neurological expert. Any experts or officials whom the Chair believes can help the panel make an effective, fair determination may also participate as ex-officio members.

III. Location and Timing of EARP Hearing

The proceedings of the EARP may take place at any College site; the location and time to be determined by the Chair. The EARP team must meet for the first time within five (5) school days of the Compliance Officer having received written notice of appeal from the student and must make reasonable progress in reviewing materials, accepting testimony, and deliberating to conclusion.

All efforts must be made to avoid the student having to miss other classes in order to appear at a meeting or hold conferences with College officials relevant to the appeal, regardless of the student's "home" campus or the class location.

IV. Student Evidence and Testimony

A student has the right to present both oral and written testimony and to produce expert witnesses who may speak to the specific condition or the designated accommodation. The EARP Chair has the discretion to allow or disallow a witness proposed by the student.

V. Decision of Equal Access Review Panel

A final determination is based upon a simple majority vote by the committee members to determine the outcome of the student appeal. If an appeal is upheld, the EARP may agree to the student's request for changes in whole or in part.

If the panel endorses a change to the accommodation determined by the DSO, the EARP Chair will issue an order of change which is endorsed by the panel. The panel's recommendations for change take effect as soon as the changed is signed or as soon as is reasonably possible in the event the change requires items to be purchased or other procedures which cannot be accomplished immediately.

The decision reached by the EARP is the final institutional appeal afforded the student.

5. Record Retention

The college will retain all appeals and responses in the above Procedure for at least three (3) years.

C. Faculty / Instructor Resolution / Appeal Process

Step One: Meet with Associate Dean of Instructional Support Services

Faculty or instructors who may have a concern regarding an accommodation plan for a student or who need assistance or clarification should immediately meet with the ADISS, and/or delegate. The grounds for objections to implementing an accommodation shall be limited in scope to substantive issues concerning the learning process. The instructor must demonstrate that the expectations for student learning or achievement cannot be met through a reasonable alternative method.

Step Two: Review by Dean of Students

If a concern still exists after discussion with the ADISS, the faculty member / instructor contacts the Dean of Students, and/or delegate, who will consider the materials presented, consult with the DSO and ADISS, and offer to the concerned party a recommendation to follow or deny the accommodation within five (5) school days of receiving notice (unless a valid reason cause further delay).

Step Three: Appeal to Equal Access Review Panel

Faculty / instructors who do not agree that the accommodation should be upheld may appeal in writing to the Institutional Compliance Officer who will convene the EARP for the purpose of considering the appeal. The EARP will follow these guidelines:

- The EARP will consist of the same members as a student appeal panel with the Compliance Officer retaining the right to make other discretionary appointments or external appointments (ex-officio capacity only). The DSO will participate in an advisory capacity.
- The findings of the EARP will either uphold the Dean of Student's decision or may result in a change order. The EARP ruling is the final appeal for a faculty member or instructor.

D. DISTRIBUTION OF PROCEDURE

This Policy and Procedure shall be distributed to all employees and added to the Student Handbook. Notice of the College's non-discrimination statement and contact information for the Equal Opportunity / Institutional Compliance Officer shall be posted on College's website and in conspicuous locations throughout the campus.