

## **NMCC ADA Policy and Procedures**

**SUBJECT: DISABILITY ACCOMODATIONS FOR STUDENTS**

**PURPOSE: To establish the procedure for accommodating students with disabilities**

### **A. Purpose**

This document sets forth the policy of Northern Maine Community College (College) for qualified students with legally recognized disabilities who are entitled to and who are requesting reasonable accommodations. The purpose of this document is to guide College students, faculty and staff in providing disability related services to students. No portion of this policy is intended to expand or diminish any right or obligation imposed by law.

### **B. Policy**

Pursuant to several state and federal laws, including but not limited to Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, the College is committed to helping qualified students with disabilities achieve their individual educational goals. Upon request and documentation, the College provides reasonable accommodations to qualified students. The goal of the College is to balance on a case-by-case basis the specific needs of its students with the programmatic integrity and administrative resources of the College.

### **C. Definitions of Disability**

Applicable law protects many, but not all, impairments that may be regarded as disabling. Disabilities protected by law include certain physical, psychological, mental, neurological, and learning disabilities. Generally speaking, under federal law (primarily Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act), a person with a disability 1) has a physical or mental impairment that substantially limits one or more major life activities; 2) has a history or record of such an impairment; or 3) is perceived by others as having such an impairment. Under state law (primarily the Maine Human Rights Act), a person with a disability has a physical or mental impairment that 1) substantially limits one or more of a person's major life activities; 2) significantly impairs physical or mental health; 3) requires special education, vocational rehabilitation or related services; or 4) is a condition specifically recognized by law. State law also protects a person who has a record of, or is regarded as having or is likely to develop, any such specified condition.

### **D. Accommodations**

The College provides reasonable accommodations to qualified students who satisfy the enrollment-related requirements of the College, and who can, with or without reasonable accommodation, comply with the reasonable academic, behavioral and other rules of the College. Reasonable accommodations will be made on a case-by case basis and implemented to meet the specific needs of each student and each course, program or activity. Accommodations may include, for example, providing additional copies of handouts and supplementary materials for readers, note takers and interpreters; enlarging and photocopying reading materials; providing printed outlines of class lectures or lesson plans; allowing for extra time during writing

assignments and tests; allowing students to take exams in a quiet, distraction-free environment under supervision; providing alternative seating arrangements in a classroom or lab; providing alternative access to course content, such as a video and audio recordings; and other accommodations deemed reasonable by the College. Generally speaking, the law does not require the College to provide accommodations that fundamentally alter the nature of a program (such as by diluting academic integrity); are of a personal nature (such as a guide dog or a wheelchair); or that pose an undue hardship (defined as significantly difficult or expensive).

#### **E. Procedure for Requesting, Reviewing and Implementing Accommodations**

Applicable law requires a multi-step process for assessing requests for, and provision of, reasonable accommodations. The College administers that process as follows:

##### **1. Step One: Student Notice, Communication and Documentation**

Any prospective or current qualified student who seeks an accommodation or other disability-related services for a disability that is or is not yet documented must do the following.

###### **a. Disclosure**

A student must disclose to the Accessibility Services Director (“Director”) as soon as possible after acceptance the student’s claim of disability and request for accommodations. While a student is free to disclose his or her condition and request to instructors or staff, and while instructors and staff are encouraged to refer such disclosures to the Director, a student must not rely on disclosures to persons other than the Director. The student must provide timely notice to the Director. Notice that does not permit the College a meaningful opportunity to review and implement an accommodation is not timely.

###### **b. Documentation**

A student must provide recent and valid documentation of the claimed disability. The documentation should evidence the nature of the disability, how the disability is likely to affect the student in a collegiate learning environment, and recommendations for reasonable accommodations. Examples of recent and valid documentation include, but are not limited to a written assessment completed by a licensed or certified professional qualified to evaluate the disability, or a written evaluation based on assessment reports from the student’s most recent secondary or post-secondary school. A prospective or current student who believes that he or she may have a disability that is currently undiagnosed, undocumented or insufficiently documented should meet with the Director for referral assistance.

**c. Effective Interaction**

A student must communicate with the Director in a timely, consistent and effective manner to enable the Director to properly assess and implement the appropriate course of action.

**2. Step Two: College Review of the Request**

The Director will review the disability documentation, the student's prior disability-related services and other pertinent information. The Director may also consult confidentially with the person(s) assessing the student's disability and those College officials who the Director deems necessary to the appropriate decision. For example, faculty may be asked to help identify and assess possible accommodations for a student. Faculty will also be required to maintain confidentiality and implement the accommodation(s) deemed reasonable by the Director.

**a. Approval of the Student's Request**

If the Director finds the student eligible for an accommodation, the Director will discuss with the student the accommodations appropriate and reasonable under the circumstances. If the student and Director agree to the provision of certain accommodations, the Director will memorialize that agreement in a Memorandum to the student. Upon final agreement to the terms of the Memorandum, the student must meet with each affected instructor(s) or other College personnel to coordinate implementing the recommended accommodations. When requested by the student, the student's academic advisor and/or the Director may assist in this effort. Unless otherwise provided in the Memorandum, the student must arrange to renew or update the terms of the Memorandum for each semester.

**b. Disapproval of the Student's Request**

If the Director finds the student ineligible for accommodation, or if a requested accommodation is denied by the Director, the Director will notify the student. The student may grieve a decision of the Director pursuant to the following complaint procedure.

**F. Complaint Procedure**

The following procedure must be used by a student for complaints about disability services.

**1. Contents of the Complaint**

The complaint must be in writing; contain the name, address, and telephone number of student; and the location, date and description of the alleged discrimination. Alternative means of grieving, such as personal interview or audio recording, are available to the student upon request if required by the student's disability.

## **2. Review by the Dean of Students**

The student or, if necessary because of disability, a designee must submit the complaint to the Dean of Students or designee as soon as possible and no later than twenty (20) calendar days after the alleged violation. As soon as practical after receipt of the complaint, the Dean of Students or designee will meet with the student to discuss the complaint. As soon as practical after the meeting, the Dean of Students or designee will respond in a format accessible to the student. The response should explain the position of the College and, where practical, offer options for substantive resolution.

## **3. Appeal to Student ADA Compliance Officer**

Within fifteen (15) calendar days after receiving the Dean of Students or designee's decision, the student may appeal the decision of the Dean of Students to the Student ADA Compliance Officer ("Officer") or designee. As soon as practical after the receipt of the appeal, the Officer or designee will meet with the student to discuss the appeal. As soon as practical after the meeting, the Officer or designee will issue in a format accessible to the student a final decision regarding the appeal.

## **G. Record Retention**

The College will retain a student's Accessibility Services records for up to five (5) years following graduation of the last date of the student's enrollment, and for at least three (3) years all complaints, appeals and responses under *section F* above.

## **H. Distribution of Policy**

This Policy shall be made available to all prospective students, enrolled students and employees. Notice of the College's non-discrimination statement and contact information for the Affirmative Action Officer/ADA Compliance Officer and the ADA/504 Services Director shall be posted in conspicuous locations throughout the campus.