



# Idaho State University

## POLICIES AND PROCEDURES

### Accommodations for Students with Disabilities

#### ISUPP 5030

#### *POLICY INFORMATION*

**Policy Section:** *Office of Students Affairs*

**Policy Title:** *Accommodations for Students with Disabilities*

**Responsible Executive (RE):** *Vice President for Student Affairs*

**Sponsoring Organization (SO):** *Disability Services Office*

**Dates: Effective Date:** *April 2021*

**Revised:** *New Policy*

**Review Date:** *April 2024*

## I. INTRODUCTION

Idaho State University (ISU or University) is committed to ensuring equal access of educational services for Qualified Students with Disabilities through the provision of Reasonable Accommodations.

## II. DEFINITIONS

- A. **Auxiliary Aids:** A public entity is required to furnish appropriate Auxiliary Aids and services necessary to provide a Qualified Student with a Disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity sponsored or funded by a public entity. Auxiliary Aids include, but are not limited to: taped texts, note takers, sign language interpreters, open and closed captioning, voice synthesizers, readers, videotext displays, talking calculators, electronic readers, braille, telephone handset amplifiers and assistive listening devices and systems.
- B. **Documentation:** Required Documentation must both establish the Qualified Disability and provide adequate information regarding the Functional Limitation or impact of the disability

so that Reasonable Accommodations can be identified and provided. All Documentation should come from a Qualified Health Professional or a reputable institution or agency as determined by Disability Services.

- C. **Functional Limitation:** A significant restriction in the condition, manner or duration in which a major life activity is performed compared to most people. The activity must be limited to a considerable extent by the impairment, after mitigating measures, for that individual to be protected by federal statutes.
- D. **Interactive Process:** The process whereby Disability Services receives information from the student to determine appropriate and effective Reasonable Accommodation(s). The purpose of the Interactive Process is to determine what, if any, accommodation should be provided. The student must communicate throughout the entire process, but particularly where: the specific limitations or barriers are unclear; an effective accommodation is not obvious; the parties are considering different forms of Reasonable Accommodation; or the current accommodation is no longer effective and another effective accommodation must be identified.
- E. **Qualified Disability:** Mental or physical impairment that substantially limits one or more major life activities of an individual.
- F. **Qualified Health Professional:** An individual who has completed a course of study and is licensed to practice in the field of health care, which includes the diagnosis and assessment of the particular disability or disabilities in question.
- G. **Qualified Student with a Disability:** A student who has a physical, mental, or sensory impairment that substantially limits one or more of their major life activities, has a record of such an impairment, is perceived as having an impairment or it is visible. Designation as a Qualified Student with a Disability is determined by Disability Services through the Interactive Process, in accordance with applicable law.
- H. **Reasonable Accommodation:** Any change in an educational environment that effectively and appropriately enables a student with a Qualified Disability to have equal educational access and opportunities, to participate in programs and activities such as making existing facilities and programs used by students readily accessible and usable by individuals.
- I. **Undue Hardship or Burden:** Any excessive, costly, extensive, or disruptive modification, or a modification that would substantially alter the operation of the institution, or any of its programs or services. Modifications shall not pose a threat to the health or safety of others, substantially change an essential element of course curricula, or substantially alter the manner in which services are offered or provided to non-disabled students. Modifications shall not pose an undue financial or administrative burden.

### **III. POLICY STATEMENT**

The University is committed to providing Reasonable Accommodations, modifications or academic adjustments for Qualified Students with Disabilities in accordance with federal, state, and local disability laws. Pursuant to these laws, no Qualified Student having a disability, or regarded as having a disability, shall unlawfully be denied access to or participation in any services, programs, or activities sponsored by or funded by ISU.

In accordance with requirements of section 504 of the Rehabilitation Act of 1973 (Rehab Act) and Title II of the Americans With Disabilities Act (ADA) and the ADA Amendments Act (ADAAA) of 2008, ISU will not discriminate against Qualified Students with Disabilities on the basis of disability in its services, programs, or activities. ISU shall comply with all regulations promulgated by the U.S. Department of Education, and the U.S. Department of Justice.

### **IV. AUTHORITY AND RESPONSIBILITIES**

- A. ISU Disability Services is the University department designated to approve and provide appropriate Auxiliary Aids and services for students with Qualified Disabilities in an effort to ensure their full participation in all activities, programs, and services. Disability Services also serves as a source of disability-related information and guidance for the University community.
- B. The Director of Disability Services is the individual designated by the University to oversee compliance with the ADAAA and the Rehab Act.
- C. Disability Services operates, in accordance with applicable law, under the direction of the Division of Student Affairs and is responsible for the following:
  - 1. Receiving and reviewing accommodation requests from students for the following areas: classroom instruction, University housing, clinical and experiential learning, and other activities offered by the University.
  - 2. Coordinating accommodation services for Students with Qualified Disabilities.
  - 3. Obtaining appropriate Documentation from Qualified Health Professionals, or a reputable institution or agency as determined by Disability Services, to substantiate Qualified Disability and to identify Functional Limitations in order to determine Reasonable Accommodations.
  - 4. Providing information regarding policies and procedures for students and assuring information is provided in accessible formats.

5. Engaging with students in the Interactive Process and developing Reasonable Accommodations, in accordance with applicable law.
6. Serving as a campus resource for disability-related information, providing support services, and technical guidance for the University.
7. Communicating established Reasonable Accommodations for Students with Qualified Disabilities to faculty, campus units, and external organizations as necessary.
8. Communicating denials for accommodations, including but not limited to: Undue Hardship or Burden, inability to demonstrate Qualified Disability, inadequate Documentation, or fundamental alteration to course standards.
9. Maintaining appropriate confidentiality of records and communication concerning students, except where the student authorizes disclosure or where disclosure is permitted or required by law.
10. Assisting the University's 504 Coordinator in facilitating the formal complaint process to receive student complaints regarding non-compliance with the ADAAA and the Rehab Act, including complaints of retaliation.

#### D. Faculty Responsibilities

1. Providing information in the course syllabus on how to obtain disability accommodations. Language examples are available at the Disabilities Services website [isu.edu/disabilityservices](http://isu.edu/disabilityservices).
2. Evaluating students based on their performance.
3. Communicating with students and Disability Services regarding accommodations.
4. Developing and communicating course technical standards in consultation with Disability Services to assist with identifying essential functions of the course for qualified students.
5. Collaborating with Disability Services to develop Reasonable Accommodations for Qualified Students with Disabilities.
6. Ensuring Reasonable Accommodations approved by Disability Services are applied.
7. In accordance with applicable law, ensure an environment free of discrimination and retaliation.

#### E. Student Responsibilities

1. Requesting accommodations and identifying as an individual with a disability in a timely manner.

2. Meeting qualifications and technical standards as outlined in courses, programs, and services.
3. Providing necessary Documentation to Disability Services, when applicable by law, to establish Reasonable Accommodations, based on the Functional Limitations.
4. Following Disability Services procedures for obtaining Reasonable Accommodations, academic adjustments and/or Auxiliary Aids and services.
5. Communicating requests for Reasonable Accommodations to faculty as directed by Disability Services.
6. Contacting Disability Services or the Office of Equity and Inclusion regarding issues related to disability discrimination or retaliation.

## **V. PROCEDURES TO IMPLEMENT**

Disability Services will communicate accommodations procedures and document guidelines on the Disability Services website regarding the following:

1. Process to request accommodations.
2. Documentation required when requesting services for accommodations.
3. Disability or retaliation-related complaint procedures related to non-compliance with the ADA or section 504 of the Rehabilitation Act.
4. Service animals on campus.
5. Accommodations for residential housing in accordance with applicable law.
6. Confidentiality and retention of disability records.

## **VI. OTHER PROVISIONS**

### **A. Disability Complaint Procedures and Retaliation**

The University strictly prohibits disability discrimination and any form of retaliation against students who request an accommodation, report or participates in the investigation of a complaint, or otherwise exercise rights secured by this policy or under the law. Complaints regarding non-compliance with disability discrimination laws or retaliation against a student shall be reported to the Director of Disability Services.

Students who have concerns about a granted service; denial of a request for service or accommodation; or a modification of a University policy, practice or requirement are

encouraged to bring those concerns or complaints to the attention of the Director of Disability Services for immediate resolution. The Director will review the matter and will attempt to informally resolve the situation. In the event the matter cannot be resolved at this level, the student may then meet with the Dean of Students. If the matter cannot be resolved with Disability Services or the Dean of Students, the student may submit a formal complaint to the Office of Equity and Inclusion, where resides the University's designated 504 Coordinator, pursuant to ISUPP 3100 Equal Opportunity, Harassment and Non-discrimination.

B. Department of Education Office of Civil Rights

Although students are encouraged to attempt to resolve grievances at the lowest level possible and by using the University grievance processes, students have the right to file any disability-related complaint directly with the Idaho Human Rights Commission or the U.S. Department of Education Office of Civil Rights (OCR). Complaints must be filed with these entities within 180 days from the time the incident occurred.

## **VII. RELATED LAWS, RULES, AND POLICIES**

A. Rehabilitation Act of 1973

B. Americans with Disabilities Act Amendments Act of 2008 (ADAAA)