

National-Louis University Policy on Students with Disabilities AP: 306

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An Introduction

The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990. This act protects millions of Americans with disabling conditions from discriminatory practices in public accommodations (including, colleges and universities), employment transportation and telecommunications. The ADA extends the coverage of Section 504 of the Rehabilitation Act of 1973.

Section 504 is designed to eliminate discrimination on the basis of disability in any program or activity receiving federal financial assistance. It provides that no qualified disabled person shall, on the basis of disability, be excluded from participation in, be denied benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from federal financial assistance. National-Louis University supports this philosophy.

According to the ADA, disabled person means any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment. The ADA protects every person who either has, used to have, or is treated as having, a physical or mental disability which substantially limits one or more major life activity.

Since the passage of the ADA Amendments Act (ADAAA) in 2008, National Louis University has endeavored to ensure that qualified students are not discriminated against by way of demanding extensive medical and/or clinical documentation of a student's disability and its impact on access to higher education. As such, the standard for documentation submitted by a student seeking academic accommodations has been adjusted to reflect the wider protections against discrimination on the basis of disability as enumerated in the ADAAA.

Employment Policy

National-Louis University (NLU), as an employer of students, faculty and staff, will not discriminate against qualified individuals with disabling conditions as defined under the ADA

and must reasonably accommodate the disabilities of qualified applicants or employees unless undue hardship would result. The specifics of the employment policy are delineated in the Human Resource policies.

Public Services Access and Accommodation

National-Louis University will not discriminate against qualified individuals with disabling conditions by excluding them from participating in or denying them the benefits of the services, programs or activities of the university. Public facilities of NLU, including student common areas, auditoriums, libraries, athletic/recreational facilities, etc., must be accessible to individuals with disabling conditions. The specifics of the institutional policies related to Public Services Access and Accommodation are delineated in other institutional policies.

Policy on Students with Disabilities

Preface

National-Louis University, with this policy statement, asserts its commitment to students with disabilities. Underlying this policy, which is of necessity written in legalistic and prescriptive terms, is a firm belief in the value that the University places on students with disabilities. The faculty and administration believe that such students have a contribution to make to the University community and to society.

The University faculty and administration recognize that students with disabilities have often been prevented from achieving their potential. This policy will ensure that this does not happen at National-Louis University. It is intended that National-Louis University be an institution that welcomes, supports, values, and enhances the education of students with disabilities.

I. Rights and Responsibilities

A. University Rights and Responsibilities

The rights and responsibilities of National-Louis University administrators, academic administrators, and the faculty relate to implementing criteria for the assessment, placement and accommodation of applicants and students with a disability.

1. National Louis University, through the Office of the Provost and Chief Academic Officer, has an obligation (right) to maintain the integrity of its academic programs and to fairly and consistently uphold academic standards. The University

understands its obligation (responsibility) to provide reasonable accommodations and academic adjustments and to provide applicants and students with a disability the opportunity to succeed. To meet its commitment to provide access to academic programs and courses, the University acknowledges its rights and responsibilities by articulating specific procedures herein to ensure that a consistent academic decision making process is followed in the admissions process and where appropriate, in the selection of reasonable accommodation. The University has an obligation to:

- a. Ensure that University courses, programs, services, jobs, activities, and facilities, when viewed in their entirety, are offered in the most integrated and appropriate settings.
- b. Provide information regarding policies and procedures to students with disabilities and assure its availability in accessible formats upon request.
- c. Evaluate students on their abilities, not their disabilities.
- d. Provide reasonable and appropriate accommodations, academic adjustments and/or auxiliary aids for students with disabilities in response to timely requests by applicants and students.
- e. Maintain appropriate confidentiality of records and communication concerning applicants/students with disabilities except where disclosure is required by law or authorized by the applicant/student.

B. Applicant/Student Rights and Responsibilities

The rights and responsibilities of applicants and students with a disability relate to qualification for, admission to, and completion of University programs and course.

1. The University's rights and responsibilities must be understood in the context that otherwise qualified applicants for admission and students with documented disabilities that meet the University's qualifications and essential technical, academic, and institutional standards also have rights. These include the right to:
 - a. Equal access to courses, programs, services, job, activities, and facilities available through the University.
 - b. Reasonable and appropriate accommodations, academic adjustments, and/or auxiliary aids determined on a case-by-case basis.
 - c. Appropriate confidentiality of all medical or psychoeducational information pertaining to his/her disability with the choice of whom to disclose their disability to except as required by law. (Access to information within the University is limited to those persons involved in the admission/accommodation decisions as provided for herein.)
 - d. Access to admissions and academic information, which is reasonably available in accessible formats.

2. The University is fully committed to ensure that every otherwise qualified applicant for admission and student with a documented disability that meet the University's qualifications and the essential technical, academic, and institutional standards are afforded the opportunity for admission and are afforded the opportunity to succeed in University programs and courses. In support of that commitment, applicants and students with documented disabilities must recognize that they have a responsibility to:
 - a. Identify themselves in a timely manner (within the first two weeks of class) as an individual with a disability when seeking an accommodation.
 - b. Academic accommodations may be approved after the first week of a course, but no approved accommodation will be applied retroactively.
 - c. Provide medical or psychoeducational documentation from an appropriate professional source that verifies the nature of the disability, functional limitations, and the need for specific accommodations.
 - d. Follow specific procedures outlined herein for obtaining reasonable and appropriate accommodations, adjustments, and/or auxiliary aids.

II. Admissions and Recruitment Procedure

A. The Recruitment and Admissions Process

1. Qualified persons with a disability may not, on the basis of disability, be denied admission or be subjected to discrimination in admission or recruitment.
2. It is illegal for any university to make pre-admission inquiries about a student's disability.
3. National-Louis University personnel may not make pre-admission inquiries as to whether an applicant for admission is a disabled person.
4. Ensure that all applicants who are denied admission are provided with an opportunity to appeal the decision through the appropriate academic appeals policy. (The Policy of Academic Appeals is found in the Student Guidebook and the Faculty Handbook.) If an applicant feels he/she has been denied admission because based on a disability, the individual may file a discrimination charge with the Library & Learning Support Specialist for ADA accommodations or if the charge is against the Library & Learning Support Specialist, , the individual may file a charge with the Office of the Provost and Chief Academic Officer.
5. Included in the University Admissions Packet will be a statement (see attachment) that outlines for the student the opportunity to self-identify *after admission to NLU* and requests accommodations as needed to assist with his or her matriculation as a member of the NLU community.
6. Any medical or psychoeducational documentation provided is confidential and cannot be released to anyone without the applicant/student's permission.
7. Once a student asks for special accommodations (self-identifies), the student must

be referred to the Library & Learning Support Specialist or appropriate Student Disability Representative who will implement this policy.

B. Post-Admissions Accommodation Process

1. Library & Learning Support Specialist

Part of the responsibility of the person who is Library & Learning Support Specialist is to serve as the University's Student Disabilities Coordinator. The Library & Learning Support Specialist is directly responsible to the Provost and Chief Academic Officer, the Senior Vice President for Student Services and to the President in these matters. The Library & Learning Support Specialist coordinates all student accommodation requests and delivery for all the university's campus locations. Appropriate personnel from Library & Learning Support are called upon to assist with facilitation of accommodations as needed. The Library & Learning Support Specialist will:

- a. Implement this procedure in response to an individual who has self-identified as having a disability, the request of a faculty member and/or the request of an academic administrator.
- b. Request current medical or psychoeducational documentation from the applicant/student that was completed by an appropriate professional source to verify the need for reasonable accommodations, academic adjustments, and/or auxiliary aids. The currency of submitted documentation will be weighed in conjunction with other factors relevant to the impact of a present disabling condition.
- c. Since the passage of the ADAAA in 2008, national guidelines for reputable documentation should take a three-tiered approach:
 - i. Primary-self-report from student
 - ii. Secondary-observation and interaction with student by Library & Learning Support Specialist
 - iii. Tertiary-medical letter/psycho educational report (accommodation letter from institution of higher education the student attended previously could also suffice as valid documentation) ("Supporting Accommodation Requests: Guidance on Documentation Practices," April 2012, Association of Higher Education and Disability (AHEAD)).
- d. In the event that the student does not have current medical or psychoeducational documentation, or the documentation is not sufficient, advise the student on methods for obtaining appropriate documentation of his/her disability. A list of reputable referral sources will be provided for students in these instances.

- e. In the event that the student has submitted documentation of a psychological, psychoeducational, or neuropsychological nature, provide the Library & Learning Support Specialist with the medical or psycho educational documentation for assessment. The Library & Learning Support Specialist will, in turn, when warranted, consult with the academic department/program administrator and other appropriate individuals (e.g. Program Chair, Associate Dean, Dean, Office for Student Affairs and/or a facilities person) to develop a consensus as to an appropriate disposition/ accommodation. If the DSR has been the designate person for the consultation, he/she will advise the Library & Learning Support Specialist of the result of that consultation.
- f. In the event that physical adjustment(s) and or auxiliary aid(s) are required for a physical disability, review the request for accommodation, the medical documentation, the university's ability to accommodate and make an appropriate decision regarding an accommodation (in some situations, it may be appropriate to consult with the program administrator, Office for Student Affairs or persons responsible for facilities prior to making a decision).
- g. When the Library & Learning Support Specialist has made his/her final decision regarding a reasonable accommodation, the Library & Learning Support Specialist will:
 - 1) Advise the student of the decision.
 - 2) If a student requests to meet with the Library & Learning Support Specialist if dissatisfied with the decision, attempt to obtain student agreement as to the accommodation (this may necessitate a meeting with the LLSS and/or the academic department/ program administrator.
 - 3) Inform students with disabilities of University policies and procedures for filing a formal grievance through Library & Learning Support or by initiating an appeal to the Office of Academic Affairs if the grievance is against the Library & Learning Support Specialist.
 - 4) Ensure that the admitted student with a disability receives the appropriate accommodation.
 - 5) Assure confidentiality of all information pertaining to a student's disability.
 - 6) If the Library & Learning Support Specialist is unable to perform any of the responsibilities of his/her role for an extended period of time, a previously designated individual from Library & Learning Support will fulfill that role.

III. Admitted or Returning Students with Disabilities

A. Current Student:

- 1. Provide the Library & Learning Support Specialist generally acting in the capacity of Student Disability Representative (out-of-state campuses), with appropriate

- medical, psychological, psychoeducational, or neuropsychological documentation indicating the student's disability and suggested accommodation.
2. Provide a signed consent authorizing the Library & Learning Support Specialist to discuss his/her need for reasonable accommodations, academic adjustments, and/or auxiliary aids with the professional source of his/her medical or psychoeducational documentation.
 3. Meet with the Library & Learning Support Specialist to discuss the admissions decision and to determine if an appropriate reasonable accommodation can be made, and to provide input on appropriate academic adjustments, and/or auxiliary aids.
 4. Students enrolled in the four-term academic year system or a sequenced field or clustered program will formally request accommodations by submitting to the Library & Learning Support Specialist a complete accommodation request form. This step includes indicating the student's needs (e.g., extended time to complete exams, note taking assistance, classroom relocation, laboratory assistant, etc.).
 5. Once a decision has been reached by the Library & Learning Support Specialist and the student has been notified, the student is strongly encouraged to contact his/her course instructor either two weeks before the start of the next course or as soon as practicable to ensure that accommodations may be coordinated with the Library & Learning Support Specialist.
 6. Inform the faculty member via discussion with a letter to follow that has generally been developed between the student and the Library & Learning Support Specialist and perhaps with input from the faculty member when appropriate prior to the beginning or within the first two weeks of each course about the nature of his/her disability, how performance may be affected, and necessary and reasonable accommodation(s).
 7. Meet the timelines and procedural requirements established by the Library & Learning Support Specialist and coordinated with the faculty member, for scheduling exams, requesting assistance, arranging with a faculty member for getting the exam to a location of testing. If the student fails to provide adequate notice of the need for space and/or assistance, he/she is still entitled to the accommodation, but there is no guarantee that it can be provided in the fullest measure.
 8. If the student fails to comply with these requirements, he/she will receive a written reminder of responsibilities in order to stress the importance of these requirements.

B. Returning Student

1. A student with a disability who left the University in good academic standing and applies for readmission within three academic years, may be readmitted based on the previously submitted documentation or may submit updated material if they wish to modify a previously agreed upon accommodation.
2. A student with a disability who left the University in good academic standing and applies for readmission more than three academic years after leaving, must

submit new or updated documentation and go through the same process with the Library & Learning Support Specialist as they did after their initial university admission.

3. A student with a disability who has been dropped from a program for academic reasons may apply for readmission in accordance with the current University Catalog requirements for readmission. The University Graduate and Undergraduate Directors of Admissions may consult with the Library & Learning Support Specialist for input.

IV. The Faculty Responsibilities

A faculty member should not make an accommodation on his or her own initiative; the Library & Learning Support Specialist has access to resources within the University which will ensure that the appropriate accommodations, academic adjustments, and/or auxiliary aids are made available on a case-by-case basis.

- A. To ensure that admitted students with disabilities have the greatest opportunity for success in their courses, faculty members have the responsibility to comply with the following:
 1. Provide appropriate accommodations as specified by the Library & Learning Support Specialist
 2. Once an admission decision is made (a student is enrolled in a course), on a confidential basis, discuss a demonstrated need of assistance with a student and may suggest that the student seek assistance with Library & Learning Support. Or, if a student who has not previously self-identified wishes to declare a disability, the faculty member must direct the student to the Library & Learning Support Specialist.
 3. Discuss any concerns related to accommodation(s) or arrangements that have been requested by the student with the Library & Learning Support Specialist and the academic department director/administrator when warranted.
 4. Discuss academic issues related to meeting course objectives with the academic department head or program administrator/director when warranted to include methods for ensuring that the student meets those objectives within the criteria set by the agreed upon accommodation(s).
 5. Provide appropriate accommodations, either personally or by making arrangements with the Library & Learning Support Specialist, Office of Student Affairs or academic department head or program director when warranted.
 6. Assure the timely delivery of an examination or other graded assignment, along with all necessary instructions and materials for proper administration, if an examination or assignment is to be administered outside of class. The faculty member may also make arrangements with the student for the delivery and return of the examination or assignment.
 7. Maintain a safe and secure environment for all students regardless of status with particular emphasis on emergency egress.
 8. Assure the confidentiality of information regarding students with disabilities.

V. Academic Adjustments/Accommodations

- A. National-Louis University shall make such modifications to academic requirements as are necessary to ensure that such requirements do not discriminate or have the effect of discriminating, on the basis of disability, against a qualified disabled applicant or student. Academic requirements that are essential to the program of instruction being pursued by such student or to any directly related licensing requirement, will not be regarded as discriminatory within the meaning of this section.
- B. Modifications may include changes in the length of time permitted for the completion of degree requirements and adaptation of the manner in which specific courses are conducted. The university shall take such steps as are necessary to ensure that no disabled student is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination under the education program or activity operated by the university because of the absence of educational auxiliary aids for students with impaired sensory, manual, or speaking skills.
- C. Faculty Guide in Assisting Students with Disabilities, 1999, published by Andreen A. Neukranz-Butler, Director of Diversity, Access and Equity at National-Louis University is available to all students, faculty and staff.