

ADA POLICIES AND PROCEDURES

Disability Services for Students
ADA-504, Title III
POLICIES & PROCEDURES
For
OTTAWA UNIVERSITY

PURPOSE AND SCOPE

This policy is to ensure that reasonable accommodation for persons with known disabilities will be made in accordance with section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA) of 1990, and the ADA Amendments Act of 2008. No person with a known disability will be intentionally excluded from participation in, be denied the benefit of, or otherwise be subject to discrimination under any University policy, program, service, or in relation to employment because of a disability. University programs and facilities are intended to be accessible to persons with disabilities as required by law.

An accommodation is a change in the learning environment intended to provide equal opportunity for academic or physical accessibility. Each accommodation is considered on an individual basis, considering recommendations provided in the documentation of the disability. Accommodations are to be reasonable, not impose an undue hardship on the operation of the program, and not fundamentally alter the academic and technical standards of the learning environment.

These policies and procedures/roles and responsibilities are to be applied to all administration, faculty, staff, and students in situations involving students. Please note that accommodations for employees are handled by OU's Office of Human Resources.

The scope of accommodations provided by OU is based on official medical documentation, the availability of resources, the reasonableness of the request, and the discretion of the Disability Services Coordinator (DSC), who may consult with the ADA Coordinator.

Because ADA accommodations require a diagnosed and documented disability, it must be noted that the DSC does not provide accommodations for temporary situations such as concussions, illness, and medical emergencies. Temporary and short-term accommodations should be made in conjunction with the instructors with assistance from the academic dean, if necessary. Accommodations related to pregnancy will be addressed as a Title IX accommodation and requests can be made to the Title IX/ADA Coordinator, Carrie Stevens, carrie.stevens@ottawa.edu or 785-248-2326.

KEY ROLES AND RESPONSIBILITIES

University ADA/504 Coordinator (“ADA Coordinator”): Oversees and evaluates disability services for students throughout the University system; monitors the University's compliance with the law; assures consistency among the units in providing accommodations; resolves

disputes or grievances relevant to disabilities and accommodations; continuously updates disability services policies and procedures, handles some non-academic accommodations; and reviews documents to assure continual commitment to improving accessibility within the University's physical facilities and provide training to faculty and staff.

Disabilities Services Coordinator (DSC): Maintains and oversees the evaluation of disability documentation for their unit; works with faculty and administrative personnel to determine reasonable accommodations for individual students; ensures the provision of those accommodations in classrooms, in residence halls, during testing, etc.; and provides information to faculty on universal design for classroom teaching and pedagogical materials. A DSC is identified for each academic unit of the University. On the Ottawa, Kansas campus, the DSC position is held by the Student Support Specialist.

POLICIES AND PROCEDURES

1. THE INSTITUTION'S BROAD RESPONSIBILITIES:

In accordance with Section 504 and Title III of the ADA, and in fulfilling its mission as a private Christian liberal arts university, Ottawa University provides reasonable accommodations to prevent discrimination on the basis of disability. All administrators, staff, faculty, and students adhere to the philosophy of equal access to opportunity. All members of the OU community are responsible for contributing to the implementation of these ADA-504 policies and procedures.

Contact information for personnel designated as the ADA Coordinator and DSC is provided on the institution's website home page under the Disabilities Services link:
www.ottawa.edu/disability-services.

The reasonableness of accommodations is determined with two points of view in mind: that of the student and that of the institution. Accommodations are reasonable when they effectively address equal access to programs for the student, as well as remaining within the fiscal capacities and curricular requirements of the institution.

2. PROCEDURE FOR REQUESTING AND RECEIVING ACCOMMODATIONS

The request for accommodations must be initiated by the student in writing to the DSC. This can be done by obtaining the forms in person from the DSC or by going online. To ensure adequate time for the University to provide reasonable accommodations students are encouraged to provide requests for accommodations as soon as possible and ideally prior to the beginning of an academic term whenever possible.

Requests for accommodations should be provided as follows:

- a. The student shall complete and submit a Request for Services Form. The form may be obtained from the University website or from the DSC. Documents sent to other departments such as Athletics or Admissions will not be considered a request for accommodations.

- b. The student shall provide the DSC the Medical Service Providers Form completed by a credentialed professional that documents their disability and connects the disability to the requested accommodation. The form may be obtained from the University website or from the DSC. If a student has documents from a former school, such as an IEP, those are helpful and should also be submitted.
- c. The DSC shall review the documentation and determine if further documentation is necessary.
- d. The DSC shall meet with the student to discuss a suggested plan and prepare finalized accommodations. This meeting may be in person or conducted via email, telephone, or other video conferencing methods.
- e. The student will receive a copy of the academic plan and will sign an acknowledgment or submit acknowledgment via email. The student shall determine how they want the accommodations delivered to their instructors. This may be via email from the DSC or hand-delivered to each instructor. The student will be required to discuss the accommodations with each instructor in order for the accommodations to be effective.
- f. The student is responsible for informing the DSC of any changes in class or instructors, regardless if the change occurs mid-term or at the term break. This is to ensure proper notification to instructors.
- g. Accommodations must be renewed on an annual basis. To do so, the student must contact the DSC to review and make necessary adjustments based on current needs. Substantial changes to the plan shall be supported by documentation from a certified professional and an updated Medical Service Provider Form.
- h. When necessary, the DSC will collaborate with the relevant instructor to negotiate for alternative testing space, additional time for testing, note-taker services, etc. If accommodations are not provided as set forth in the plan document, the student may address the issue directly with the instructor and, if the issue is not resolved, should report directly and immediately to the DSC, who will conduct an inquiry and resolve the matter to ensure that accommodations are provided. (*See* Section 4. Disputes, Informal Process)
- i. Each student is entitled to involve their family and other supports in the process of determining accommodations; however, the student must be present (may be via telephone or video conferencing) at any discussions regarding the student and their accommodations. The student must also have signed an ADA/504-specific FERPA waiver. This waiver is separate from the general FERPA waiver kept by the OU Registrar's Office.

3. FORM OF DOCUMENTATION & MAINTENANCE OF INDIVIDUAL RECORDS

The requirement for documentation has two purposes: first, to establish that an individual is a person with a disability, and second, to establish that the person has a related need for accommodations. Federal law mandates that Ottawa University ensure equal, non-discriminatory

access to its programs, and the requirement for documentation helps OU meet that demand.

Documentation must:

- a. Confirm the existence of a disability to afford the promise of nondiscrimination;
- b. Demonstrate that the disability creates a substantial limitation to a major life activity to establish eligibility for protection under the law;
- c. Establish a current need for accommodation. The DSC will use their discretion in determining, case-by-case, whether the age of documentation of the student's disability is relevant in establishing current need; when documentation is older than one year, the DSC may require updated information in some cases.
- d. Show the connection between the disability and the recommended accommodation.
- e. Be provided by an appropriately credentialed professional (The DSC may make a determination without professional documentation of instances of an obvious disability such as impaired sight, hearing, etc.). Some diagnoses, such as learning disabilities, may come from prior school testing.

Documentation will be maintained by the DSC, who will ensure security and confidentiality. If necessitated by the transient or changeable nature of a disability, the DSC will obtain updated documentation to ensure continuing eligibility for services as necessary. The need for updated documentation will be determined by the DSC on a case-by-case basis after a review of the documentation provided.

4. DISPUTES (INFORMAL AND FORMAL PROCESS)

A student who disagrees with their academic accommodations may attempt to resolve those disputes either informally or formally. Ottawa University strongly encourages a student to attempt to resolve issues through the informal process, although this is not necessary to filing a formal grievance. Note that a formal grievance must be filed within 30 days of either becoming aware of the disputed action regarding the accommodation or the disputed decision if the informal process.

Informal Process

Depending on the reason for disagreement with the accommodations, the avenues for informal resolution may differ.

1. In instances where the disagreement concerns implementation of accommodations by an instructor, the student may opt to attempt to meet with the instructor to resolve the issue. Should the instructor and student not be able to agree on the result, either party may contact the DSC to assist in communication. During this time, the accommodations should be implemented as determined.

2. In instances where the disagreement concerns the accommodations allowed by the DSC, every effort should be made to resolve the issue through a meeting and communication. The ADA Coordinator may be brought in to facilitate. During this time, the determination of the DSC will stand.
3. If the student is not satisfied with the result in the informal process, the student may file a formal grievance.

Formal Grievance Process

Ottawa University has an internal grievance procedure for prompt and equitable resolution of complaints alleging violations of Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the American with Disabilities Act, Amendment Act of 2008. Section 504, the ADA and the ADAAA state, in part, that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by such an entity.”

1. A formal grievance should be filed no later than 30 days after the complainant becomes aware of the alleged violation. If the complainant first pursued the informal process, the formal grievance should be filed no later than 30 days after the determination in the informal process. Any complaint filed after 30 calendar days will be dismissed as untimely.
2. A complaint may fill out the online form or may email the ADA Coordinator for a copy of the form. The Complaint should be in writing and signed (electronic signatures will be accepted). Please contact the ADA Coordinator if you need assistance.
3. The Complaint shall be sent to the ADA Coordinator, Carrie Stevens: carrie.stevens@ottawa.edu (OUKS Taury Jones, 2nd Floor), 785-248-2326.
4. Complaints will be reviewed by the ADA Coordinator. Should the ADA Coordinator determine a conflict exist, they will assign the complaint to a party without conflict, such as the Academic Dean, Provost, Campus President, or in the case of non-academic accommodations, the Dean of Student Affairs/Life. Any party may designate an alternate to review the complaint.
5. Retaliation against any Complainant under this grievance procedure or against any person who assists a complainant in this process is prohibited and the alleged violation will be investigated.

5. ENSURING CONFIDENTIALITY

In accordance with the Family Education Rights & Privacy Act of 1974 (FERPA), Ottawa University keeps all student records confidential, including records pertaining to disabilities. Those faculty members and other administrators who have a legitimate educational interest in a student's records are entitled to specific and limited access to information. While a student's specific diagnosis is usually unnecessary to establishing equal access to learning experiences,

some knowledge of functional limitations can be quite helpful. NOTE: Confidentiality is waived if a student is determined to be a threat to themselves or to others.

6. DISCRIMINATION

Reasonable accommodation for persons with known disabilities will be made in accordance with section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA) of 1990 and the ADA Amendments Act of 2008. No person with a known disability will be intentionally excluded from participation in, be denied the benefit of, or otherwise be subject to discrimination under any University policy, program, service, or in relation to employment because of a disability. University programs and facilities are intended to be accessible to persons with disabilities as required by law.

If you believe you have been discriminated against for a known disability, please refer to Ottawa University's Anti-discrimination and Anti-harassment Policy and Grievance Procedures. Additionally, you have a right to file a complaint with the Office of Civil Rights. You may file the complaint by going to the website: <https://www.hhs.gov/ocr/complaints/index.html> or you may contact the Office of Civil Rights directly by emailing (OCR@ed.gov) or calling 800-421-3481. The office does not recommend mail as they work remotely.