

# STUDENTS WITH DISABILITIES

## Introduction

Union College is an educational community that values diversity and seeks to promote meaningful access to educational opportunities for all its students. Union College is committed to full compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.

As an educational institution, Union College believes that students should understand their disabilities and learn ways to compensate for them. Professional documentation should include strategies for coping, when possible, so that students can find reliable ways to be successful. While Union College is committed to make reasonable accommodations, it is the students' responsibility to learn about themselves and how they can negotiate in the world successfully. A part of that process is self-advocacy.

What is a disability? Union College is required by Section 504 of the Rehabilitation Act and the Americans with Disabilities Act to provide effective auxiliary aids and accommodations for qualified students with documented disabilities if: such aids and accommodations are needed to provide equitable access to Union College's programs activities, and services, and, if the accommodation is reasonable (*e.g.*, the accommodation does not fundamentally alter the nature of Union College's academic or other programs, activities, and services). Federal law defines a disability as a physical or mental impairment that substantially limits or severely restricts the condition, manner, or duration under which an average person in the population can perform a major life activity such as walking, seeing, hearing, speaking, breathing, learning, working, taking care of oneself, or any other task of central importance to daily life. An impairment or diagnosis in itself does not necessarily constitute a disability. It must "substantially limit" one or more of these activities. In order to receive accommodations, specific documentation is required.

It is at the discretion of Union College to determine whether or not a diagnosis of a disability does in fact constitute a disability under the ADA and whether or not the requested accommodations are reasonable or appropriate at Union.

## 1. Eligibility and Documentation Guidelines

The Director will conduct the following analysis in determining whether a student is considered disabled, and if so, what accommodations to recommend to the faculty or administrators of the campus community.

### 1.1 *Does the student have a disability?*

The College defines "disability" as a mental or physical impairment which substantially limits one or more major life activity(ies) including learning;

If NO, the student is ineligible and the office will not support the requested accommodation. If YES, then proceed.

### 1.2 *Did the student submit supporting documentation?*

#### 1.2.1 Supporting documentation of an LD typically consists of data that:

- a. measures student aptitude, achievement, and information processing;
- b. has been conducted by an appropriate professional; AND
- c. is current (often defined as no more than 3 years old).

#### 1.2.2 Supporting documentation of physical disabilities typically consists of information that:

- a. is from a clinician qualified to make such a diagnosis; AND
- b. gives detailed information about the diagnosis, treatment, functional limitations posed by the condition as expected to impact adult learning and living, and expected duration of conditions.

If NO, the student is ineligible until he or she supplements the documentation and the office will not support the requested accommodation. If YES, then proceed.

1.3 *Is the student qualified (which can only be determined in discussions with the faculty/department chair)?*

- a. Can the student meet the prerequisite academic and technical standards of a course or program?
- b. Can the student perform the essential tasks of the course or program with accommodation?

If NO, the accommodation need not be provided. If YES, then proceed.

1.4 *Is the accommodation reasonable? Reasonable accommodations:*

- a. are based on documented individual needs;
- b. allow the most integrated experience appropriate;
- c. do not compromise the essential requirements of a course or program;
- d. do not pose a significant risk of substantial harm to the health or safety of the student or others;
- e. do not impose undue financial or administrative burden;
- f. are not of a personal nature;
- g. do not give the student an unfair advantage.

If NO, the accommodation need not be provided.

If the four questions can be answered YES, then accommodation should be provided. This analysis in some cases will require interaction between the faculty or department and the Director of Student Support Services (and possibly the Dean of Undergraduate Education) to determine whether a requested accommodation is reasonable.

## **2. Verification of Physical Disabilities**

- 2.1 A student with a physical disability must provide professional verification certified by a licensed physician, psychologist, audiologist, speech pathologist, rehabilitation counselor, physical therapist, occupational therapist, or other professional health care provider who is qualified in the diagnosis of the disability. The verification must reflect the student's present level of functioning of the major life activity affected by the disability. The student shall provide the verification documentation to the Director of Student Support Services. The cost of obtaining the professional verification shall be borne by the student.
- 2.2 If the initial verification is incomplete or inadequate to determine the present extent of the disability and appropriate accommodations, the College shall have the discretion to require supplemental assessment of a physical disability. The cost of the supplemental assessment shall be borne by the student. If the College requires an additional assessment for purposes of obtaining a second professional opinion then the College shall bear any cost not covered by any third party payor.

## **3. Verification of Learning Disability**

- 3.1 A student with a learning disability must provide professional testing and evaluation results which reflect the student's present level of processing information. The following are required to establish a claim of a learning disability. Hereafter reference to learning disabled students shall refer to those students who have so established the claim.
- 3.2 Documentation verifying the learning disability must:
  - a. be prepared by a professional qualified to diagnose a learning disability, including, but not limited to, a licensed physician or psychologist. The cost of obtaining the professional verification shall be borne by the student;

- b. be presented as a written statement signed by the attending professional attesting to the diagnosis of the specific learning disability as well as recommendations for academic interventions based on that diagnosis;
  - (1) the written statement concerning the diagnosis and recommendations must be dated after the student's sixteenth birthday, and
  - (2) in the case of an entering First-year student, a student must present the signed statement to the Director of Student Support Services as soon as possible after reserving a place in the First-year class; for returning students, the statement should be presented to the Director of Student Support Services in accordance with the Students with Learning Disabilities Policy.
- c. include the testing procedures followed, the instruments used to assess the disability, the test results, and a written interpretation of the test results by the professional;
- d. reflect the student's present level of functioning in the achievement areas of reading comprehension, reading rate, written expression, and writing mechanics and vocabulary, grammar, and spelling;
- e. reflect the student's present level of functioning in the areas of intelligence and processing skills.

### 3.3 Criteria to Establish a Claim of a Learning Disability:

- a. average or above average intelligence as measured by a standardized intelligence test which includes assessment of verbal and non-verbal abilities;
- b. the presence of a cognitive-achievement discrepancy or an intra-cognitive discrepancy indicated by a score on a standardized test of achievement which is 1.5 standard deviations or more below the level corresponding to a student's sub-scale or full-scale IQ;
- c. the presence of disorders in cognitive or sensory processing such as those related to memory, language, or attention;
- d. an absence of other primary causal factors leading to achievement below expectations such as visual or auditory disabilities, emotional or behavioral disorders, a lack of opportunity to learn due to cultural or socio-economic circumstances, or deficiencies in intellectual ability; and
- e. the assessment must provide data that support the requests for any academic adjustment. In the event that a student requests an academic adjustment or accommodation that is not supported by the data in the assessment or if the initial verification is incomplete or inadequate to determine the extent of the disability, then it is incumbent on the student to obtain supplemental testing or assessment at the student's expense.

The College recognizes that students' needs may change as they move through the College's programs. Reasonable accommodations may be made to help them as they continue to develop. It may be necessary for the student to provide appropriate documentation to support the need for new or additional accommodation(s).

## 4. Verification of ADD/ADHD

- 4.1 In order to file a claim of disability based on a diagnosis of ADD/ADHD, the student must submit complete documentation in support of that diagnosis to the Director of Student Support Services. The documentation must be submitted by a qualified professional specializing in the assessment of psychological disorders and ADD/ADHD. The name and credentials of the professional must appear in the documentation as well as the date the student was assessed and the date of the last contact between the professional and the student.
- 4.2 Recent documentation better informs the student and the College of appropriate accommodations. For that reason, submit documentation from assessments performed after the student's sixteenth birthday or within the past three years.
- 4.3 Documentation Criteria to Establish a Claim of ADD/ADHD as a Disability:
  - a. interview with parents and student;
  - b. behavior ratings from parents, teachers, and the student;
  - c. psychological evaluations;
  - d. description of symptoms;

- e. a list of assessment instruments and procedures in diagnosing ADD/ADHD and its impact on educational activity;
- f. when first diagnosed, an identified major life activity affected by ADD/ADHD. Rank the severity of the student's condition and its impact on the identified major life activity in comparison to the average person when using prescribed medication;
- g. evidence that the disability interferes with a major life activity, including Global Assessment of Functioning Scale Score (GAF) and the professional's observations as well as any reports from school officials or medical reports;
- h. a list of any medications prescribed, patient's use of same and effect on the impairment;
- i. an identification of what accommodations have been received and when; and
- j. recommendations for accommodation.

## **5. Verification of Psychiatric Disabilities**

- 5.1 In order to file a claim of disability based on a diagnosis of a psychiatric disability, the student must submit complete documentation in support of that diagnosis to Director of Student Support Services. The documentation must be submitted by a qualified professional specializing in the assessment of psychiatric disorders. The name and credentials of the professional must appear in the documentation, as well as the date the student was assessed and the date of the last contact between the professional and the student. The document should list the current status of the disability and show how it affects the student in a postsecondary setting. Information regarding medication and specifically its impact on the student's ability to study is required. The documentation should include a statement indicating the current status of the disability and the relevance in an institutional setting. Documentation should be no more than six months old. Documentation should include and support recommendation for academic accommodations.

## **6. Verification of Temporary Impairment**

- 6.1 It is not uncommon for a student to experience a temporary or short-term illness or injury while attending college. Union College naturally wants to provide reasonable supports to the student to help avoid unnecessary absenteeism or breaks in the student's education. Some supports may be made available through the Disability Services Office on a temporary basis.
- 6.2 Students seeking accommodations on the basis of a temporary impairment (illness or injury) must provide documentation verifying the nature of the condition, stating the expected duration of the condition, and describing the supports that may be necessary. Such verification must be provided by a professional health care provider who is qualified in the diagnosis of such conditions. The assessment or verification of the illness must reflect the student's current condition and shall be no older than sixty (60) days. The cost of obtaining the professional verification shall be borne by the student.
- 6.3 If the initial verification is incomplete or inadequate to determine the extent of the impairment and appropriate interventions, the College shall have the discretion to require supplemental assessment of a temporary impairment. The cost of the supplemental assessment shall be borne by the student. If the College requires an additional assessment for purposes of obtaining a second professional opinion, then the College shall bear the cost not covered by any third party payor.

Documentation can be sent to the address below. If you have any questions, please feel free to contact the Director of Student Support Services.

Shelly Shinebarger  
 Director of Student Support Services  
 Dean of Students Office  
 Reamer Campus Center – Room 306  
 Union College

Schenectady NY 12308  
Phone: 518-388-6116  
Fax: 518-388-6648  
shinebas@union.edu

## 7. **Self-Advocacy**

- 7.1 In pursuit of self-advocacy, neither the use of similar services in high school or at another college nor the unreasoned recommendation for an accommodation guarantees provision of such services at Union College. Rather, documentation must be complete and support the suggested accommodation of the student who is otherwise qualified to attend Union. Please refer to the sections on Documentation Guidelines for specific documentation criteria.
- 7.2 A student with disabilities on a college campus is encouraged to take an active role in developing strategies for reasonable accommodation. (For example, students with documented learning disabilities are encouraged to talk with relevant faculty and staff about the disability in order to determine how a given accommodation will be provided). Students who understand the disability, through reviewing coping strategies with the evaluator who provided the original assessment documentation, have an easier time self-advocating.
- 7.3 Should any issues arise during the term, it is the student's responsibility to make faculty and administration aware of them in a timely fashion in order to receive help. Students should meet with the Director of Student Support Services who can assist in determining whether the problem can be addressed and what resources might be available. There are limitations on the accommodations that can be provided. The student can work with the Director of Student Support Services and the administration to determine what is best for the situation. The accommodation will allow equal access without altering the core requirements of the academic program.

## 8. **Students' Responsibilities**

Students seeking reasonable accommodations should be aware that it is their responsibility to:

- 8.1 supply supporting clinical documentation (see Documentation Guidelines) to the Director in advance of the term to determine ADA eligibility and appropriate services and accommodations. Submission of documentation after the Term begins will likely result in a delay in the receipt of accommodations. For students registering with a learning disability, documentation needs to be current within the last three years.
- 8.2 request accommodations from the Director in person with at least two (2) weeks notice of the accommodation needed. If less than two (2) weeks notice is given, reasonable efforts will be made to provide reasonable accommodations, but accommodations are not guaranteed.
- 8.3 confirm the adequacy of accommodations as soon as possible and notify the Director whenever they encounter unsatisfactory conditions.
- 8.4 approach faculty and staff in a confidential setting to discuss accommodations provided and deliver, in person, letters verifying the accommodation from the Director to the faculty or staff.
- 8.5 obtain syllabi and lists of course materials for reproduction in alternate formats.
- 8.6 adhere to deadlines established by the Director, Residential Life, faculty, Registrar, etc., for submission of medical documentation and requests for accommodations.
- 8.7 notify the Director of pre-registered classes for the following Term so accessible space can be arranged if necessary.

Students are encouraged to also pursue financial aid and/or state vocational rehabilitation support for accommodations and personal equipment needs.

## **9. Processing Requests and Appeals**

### 9.1 Classroom Accommodations

- 9.1.1 All requests for accommodations and the supporting documentation must be sent to the address above. Upon review it is recommended that you meet with the DSS to discuss your accommodation request. The Director of Student Support Services processes requests for accommodations and (except for housing accommodation requests, see section below) suggests recommended accommodations that the course instructor should consider and implement unless the recommendation is unreasonable given the nature of the course or program of study. Students generally successfully work out appropriate arrangements following discussion. However, if the student is not satisfied with a faculty member's response, the student needs to notify the Director of Student Support Services who will attempt to informally facilitate a resolution. If informal intervention is not satisfactory to the student, he or she may file a grievance with the Dean for Undergraduate Education.
- 9.1.2 The decision can be appealed by submitting a written request to the Dean for Undergraduate Education for classroom accommodations. Your request must include: the accommodation requested, the decision reached and an explanation of how the decision contravenes the College's policy on accommodating students. If you have any questions, please feel free to contact the Director of Student Support Services. The decision of the Dean of Undergraduate Education will be final.
- 9.1.3 If a dispute arises as to whether reasonable accommodations consistent with the recommendations of the Director of Student Support Services are being provided in a course, the student may appeal by contacting the Chair of the Department in which the course is being offered and the Dean for Undergraduate Education. The Department Chair must determine whether the requested accommodation represents a fundamental alteration of the academic goals of the course. If the Chair is unable to make a determination or upholds the faculty member's decision to not provide the accommodation and the student wishes to appeal further, then the matter goes to the Dean for Undergraduate Education. The Dean for Undergraduate Education may consult with the Director of Student Support Services, the faculty member or anyone else appropriate in reviewing the appeal. The Dean's decision will be communicated to the student. There will be no further appeal.
- 9.1.4 If the dispute concerns a college-wide academic requirement, then the student may appeal to the Dean for Undergraduate Education, who will consult with appropriate faculty, administrators or committees in reviewing the appeal. The Dean's decision will be communicated to the student. Within 10 days of being notified of the Dean's decision, the student may appeal to the Vice President for Academic Affairs. The Vice President may consult with the Dean and/or anyone else in reviewing the appeal. The Vice President's decision will be communicated to the student. There will be no further appeal.

### 9.2 Housing/Environmental Accommodations

- 9.2.1 The Committee on Special Accommodations (CSA) processes requests for environmental support, including housing accommodation requests, and determines reasonable accommodations (subject to appeal as provided below). Students must submit forms that can be downloaded off the Union College web site at <http://www.union.edu> to the Director of Student Support Services along with appropriate documentation. The Committee on Special Accommodations considers housing requests during the eighth week of the preceding term. The Committee will respond to students' requests by mail, giving students ten (10) days to appeal the decision by contacting the Dean of Students.

9.2.2 Environmental/Housing Accommodations: The Committee for Special Accommodations (CSA) reviews the requests from students for housing accommodations who have submitted documentation and makes recommendations as to whether the location and specific space are appropriate and available. NOTE: Because of frequent housing shortages, many requests to move students who become ill or injured after being housed may not be able to be met. CSA works closely with the Dean of Students Office and the Housing Office to identify suitable and available alternative housing solutions whenever possible. However, there may be circumstances wherein students may need to seek off-campus housing not controlled by Union College when health, safety, and other requirements cannot be met in available College facilities.

NOTE: Other claims of discrimination based upon disability such as claims of harassment will be resolved through the Harassment Policy or conduct procedures outlined in the Union College *Student Handbook*, or by bringing the matter to the attention of the 504 Coordinator, also known as the Director of Affirmative Action.

## **“FERPA” FAMILY EDUCATION RIGHTS AND PRIVACY ACT**

Union College complies fully with the provisions of the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g. Under FERPA, students have, with certain limited exceptions, the right to inspect and review their education records and to request the amendment of their records to ensure that they are not inaccurate, misleading, or otherwise in violation of the students' privacy or other rights.

Requests to inspect or review education records should be addressed to the Registrar, Dean of Students, or other record custodian and will be honored within 45 days. Any student questioning the accuracy of any records may state his or her objection in writing to the appropriate record custodian, who will notify the student of his or her decision within 45 days of receiving the objection. If the decision is in agreement with the student's request, the appropriate records will be amended. If the decision is not in agreement with the student's request, the College will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing. Students alleging failure to comply with FERPA also have the right to file complaints with the U.S. Department of Education under its regulations (see 34 C.F. R. Part 99). The name and address of the Office that administers FERPA are:

Family Policy Compliance Office  
U.S. Department of Education  
600 Independence Avenue SW  
Washington, D.C. 20202-4605

FERPA further requires, again with certain limited exceptions, that the student's consent must be obtained before disclosing any personally identifiable information in the student's education records. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests, as determined by the administrator responsible for the file. A "school official" includes: anyone employed by the College in an administrative, supervisory, academic or research, or support staff position (including law enforcement, unit personnel, health staff and athletic coaches); any person or company acting on behalf of the College (such as an attorney, auditor or collection agent); a member of the Board of Trustees or other governance or advisory body; and a student serving on an official committee (such as a disciplinary or grievance committee) or assisting another school official in performing his or her tasks. Other exceptions which permit disclosure without consent are: to persons or organizations providing student financial aid, to accrediting agencies carrying out their accreditation function, to persons in compliance with a judicial order, and to persons in an emergency in order to protect the health or safety of students or other persons. Another exception permits disclosure without consent to parents and guardians in cases of violation of institutional policies governing the use or possession of alcohol or a controlled substance if the student is under the age of 21 and if the College determines that there has been a violation with respect to such use or possession.

All students are required to declare their tax status at the commencement of each academic year by signing a statement. The College may, at its own discretion, disclose to the parents of a student who is claimed as a dependent, without obtaining the student's consent, information about the student pertaining to formal academic warnings, probationary status, and dismissal. Additionally, the College will notify parents of a student, without obtaining the student's consent and regardless of the student's tax status, in connection with a health or safety emergency as permitted under FERPA. In other communications with parents, the College will normally respect the privacy of the student. The College's policy regarding the release of grades is found under the section entitled "Students Rights and Confidentiality."

The College considers the following to be directory information: name, address (campus, home, e-mail), telephone numbers, date and place of birth, academic fields of study, dates of attendance, ID photographs, participation in recognized activities and sports, degrees and awards, weight and height of athletic team members, most previous

educational agency or institution attended, or other similar information. The College may publicize or respond to requests for such information at its discretion. However, the use of these records for commercial or political purposes is prohibited unless approved by the Vice President for Academic Affairs.

As previously advised, all requests made on or before August 15<sup>th</sup> of this year, will make it possible to be excluded from the College's campus directory. In addition, currently enrolled students may also request that directory information be withheld from disclosure by making a request, in writing, to the Dean of Students Office on or before the 5<sup>th</sup> day of the Fall Term. The College assumes that failure on the part of the student to specifically request the withholding of any directory information indicates approval of disclosure. Request for non-disclosure will be honored by the institution for only one academic year; therefore, authorization to withhold directory information must be filed annually.

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