

# **FACULTY HANDBOOK FOR DISABILITY SERVICES**



**Support Services for  
Students with Disabilities**



Available in alternate format

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**Hours of Operation:**  
**8:00 am to 4:00 pm**  
**Monday through Friday**  
**All semesters when school is in session**

U.S. Department of Education, Office of Civil Rights has oversight of delivery of educational programs and activities.

**Non-Discrimination Statement**

It is the policy of Pierpont Community & Technical College that no discriminatory practices based on gender/sex, race, religion, color, age, national origin, disability, height, weight, or any other status covered by federal, state or local law be allowed in providing instructional opportunities, programs, services, employment or in policies governing student conduct and attendance.

Any person believing that Pierpont Community & Technical College or any part of the organization has engaged in a discriminatory practice should contact the CARE Team at Pierpont, [CARE@pierpont.edu](mailto:CARE@pierpont.edu), <https://pierpont.edu/current-students/student-services/counseling-center/CARE/report>, or the Office of Counseling & Disability Services, 1201 Locust Avenue, Fairmont, WV, 26554, 304-534-7878.

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This handbook is a "living document" in that it is in continual revision to reflect amendments to and interpretations of disability laws, in addition to advances in technology and acquisitions of the college that affect available accommodations and aids.

**NOTE: A student guidebook is available to students registered with Disability Services. This guidebook should be accessed for more information.**

Portions of this publication are reprinted from the following handbooks.

Chattahoochee Technical College: Disability Rights California, Rights of Students with Disabilities in Higher Education- A guide for College and University Students; July 2013, Pub #5309.01: Faculty Handbook, Support Services for Students with Disabilities, Glen Oaks Community College: Sowela Technical Community College Faculty Handbook: Disability Services Policy, Procedures & Resources, The Office of Disability Services Faculty Handbook, Terra State Community College: California State University San Marcos, The Office of Disabled Student Services, Faculty Handbook.

**W**elcome to the Pierpont Community & Technical College Faculty Handbook for Disability Services. This handbook was written for you, Pierpont faculty.

There were multiple purposes for the creation of this handbook. The first was to give you information about who we are and what we do. Some of you know us well, and we look forward to the pleasure of meeting others of you. Another purpose was to provide you with easily accessible information, including an overview of disabilities and guidelines to create and modify essential functions in classes and in programs, which can help you in your provision of student accommodations. A third was to supply you with information and links related to providing accommodations for your students with disabilities who qualify for accommodations to see what options are available. Yet another was to give answers to frequently asked questions about disability services and accommodations. Overall, the purpose was to be more proactive in helping you meet the needs of our students.

In our role as advocates for Pierpont students with disabilities, we see ourselves as partners with you, the faculty, in the common responsibility of providing a supportive educational environment in which Pierpont students can reach their educational goals. We are available to consult with you on individual student issues and to provide information by joining you in your meetings. Let us know what your needs are, and we will do our best to help you.

Consultation, training, and continuing education from our office may be provided to faculty, staff, and students. We are available to do disability services orientations (e.g., accommodation letters, resources, available aids) with new faculty. Resources also can be found on the Counseling and Disability Services' Faculty Resource Mentor lib guides website found at <http://guides.library.fairmontstate.edu/mentors> and Pierpont's Counseling & Disability Services Faculty & Staff Connection found at <https://www.pierpont.edu/current-students/student-services/counseling-center>.

Our door is always open!



Acknowledgments go to Pierpont's Counseling & Disability Services' Faculty Mentor Committee and Michael Waide, Judicial Officer, for their input and work on proofing this handbook.

We cannot do it without you!

**W**hat is Disability Services?

## **Who We Are**

The Office of Disability Services (ODS) is a department under the Office of Student Services. Our Office coordinates services and provides advocacy and support to students with documented physical, learning, and psychological disabilities. We work as a team with faculty and staff in responding appropriately to requests for accommodations based on documented disabilities to help students reach their educational goals.

## **Our Philosophy**

Our vision is in the creation of a society in which individuals with disabilities flourish and fully participate. As education opens doors for persons without disabilities, it also opens doors for those who do have disabilities. We see the educational environment as nurturing and challenging individuals to become responsible decision-makers, problem solvers, and self-advocates. We are committed to a philosophy of acceptance, compassion, and support for those we serve, and we strive to provide an emotionally safe and respectful environment. We support students of all identities including age, culture, race, sexual orientation, language, mental and physical ability, spirituality, size, socio-economic status, political perspective, and worldview.

## **Our Mission**

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, ODS provides support services and programs that enable students with disabilities to receive equal access to an education within legal mandates. We coordinate academic accommodations and support services, promoting independence and self-advocacy, and providing information and referral to appropriate resources. Our activities ensure that all Pierpont educational programs are accessible to qualified students with disabilities. We assist our students in reaching their full potential by fostering a supportive and inclusive educational environment through building and maintaining partnerships with faculty and staff, promoting disability awareness among all members of the College community, and providing guidance regarding College policies and procedures. We advocate that students be judged on their abilities, not on their (dis)abilities.

## Disability Laws in Postsecondary Education



### **The Rehabilitation Act (Section 504)<sup>1</sup>**

Title V of The Rehabilitation Act of 1973 is generally regarded as the first civil rights legislation for people with disabilities on the national level.

Section 504 of The Rehabilitation Act is a program access statute. It prohibits discrimination on the basis of disability in any program or activity offered by an entity or institution receiving federal funds.

Section 504 states (as amended):

*No otherwise qualified person with a disability in the United States . . . shall, solely on the basis of disability, be denied access to, or the benefits of, or be subjected to discrimination under any program or activity provided by any institution receiving federal financial assistance.*

The Office of Civil Rights (OCR) under the US Department of Education is the entity that enforces Section 504 in programs and activities that receive federal financial assistance from the Education Department.<sup>2</sup> Pierpont is part of the Mid-Atlantic Region, and OCR offices for this region are in Philadelphia, PA.<sup>3</sup>

Under Section 504, institutions are required to appoint and maintain at least one person, a Section 504 Coordinator, to coordinate its efforts to comply with the requirements of Section 504. This individual or office has the ongoing responsibility of assuring that the institution/agency/organization practices nondiscrimination on the basis of disability, and this person/office should be included in any grievance procedures developed to address possible instances of discrimination brought against the institution. At Pierpont Community & Technical College, the established office is the Office of Disability Services (ODS).

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<sup>1</sup> The Rehabilitation Act, introduced as H.R. 8070 by Representative John Brandemas (D-IN) and S. 1875 by Senator Jennings Randolph (D-WV), and it was signed by President Richard Nixon on September 26, 1973. <https://www.dol.gov/oasam/regstats/statutes/sec504.htm> accessed June 11, 2018.

<sup>2</sup> Protecting Students With Disabilities; <http://www2.ed.gov/about/offices/list/ocr/504faq.html>, accessed June 11, 2018.

<sup>3</sup><https://www.hhs.gov/about/agencies/ogc/offices/regional-offices/index.html>; accessed June 11, 2018.

## **The Americans with Disabilities Act (ADA)<sup>4</sup>**

The ADA is a federal civil rights statute that prohibits discrimination against people with disabilities. There are four sections in the law: employment, government, public accommodations, and telecommunications. The ADA adds more protection for disabled persons to the Rehabilitation Act of 1973. The ADA is designed to remove barriers that prevent qualified individuals with disabilities from enjoying the same opportunities that are available to persons without disabilities. The purpose is not to guarantee success in a program, but to provide an equal opportunity for success.

Colleges and Universities are covered in several ways under the ADA. Employment is addressed by Title I, accessibility provided by public and private entities is covered in Title II and III, telecommunications services for hearing- and speech-impaired individuals in Title IV, and miscellaneous items are covered under Title V.<sup>5</sup>

## **The ADA in Relation to Section 504 of the Rehabilitation Act**

Institutions that receive federal funds (such as Pierpont Community & Technical College) are covered under Section 504. The ADA does not supplant Section 504, but in those situations where the ADA provides greater protection for persons with disabilities, the ADA standards apply. Therefore, colleges and universities must adhere to both Section 504 and The Americans with Disabilities Act.

## **Definition of a Disability**

The ADA §12102.1<sup>6</sup> defines a disability in relation to an individual as:

- “a physical or mental impairment that substantially limits one or more major life activities of such individual,
- a record of such impairment, or

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<sup>4</sup> The Americans with Disabilities Act (ADA) was passed and signed into law by President George H.W. Bush on July 26, 1990. It was amended by the ADA Amendments Act of 2008.  
<https://www.ada.gov/pubs/adastatute08.pdf>. Accessed June 11, 2018.

<sup>5</sup> Information and Technical Assistance on the Americans with Disabilities Act,  
[https://www.ada.gov/2010\\_regs.htm](https://www.ada.gov/2010_regs.htm). Accessed June 11, 2018..

<sup>6</sup> The Justice Department amended the definition of disability on August 11, 2016. Information can be found at  
<https://www.federalregister.gov/documents/2016/08/11/2016-17417/amendment-of-americans-with-disabilities-act-title-ii-and-title-iii-regulations-to-implement-ada>. Accessed June 11, 2018.



- being regarded as having such an impairment.”

The ADA also states, “The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures”<sup>7</sup> (e.g., medication, use of assistive technology, reasonable accommodations or auxiliary aids, or learned behavioral modifications).

Under the ADA §12102.3.B, impairments also must be chronic, not “transitory and minor”. A chronic impairment is one with an actual or expected duration of more than six months.<sup>8</sup> Overall, the ADA §12102.4.A instructs that the definition of disability be interpreted as to involve a “broad coverage of individuals”.

### **Physical Impairment**

A physical impairment is any chronic physiological disorder or condition, cosmetic disfiguration, or anatomical loss affecting one or more of the following body systems:

Neurological	Musculoskeletal
Special Sense Organs	Respiratory (including speech organs)
Cardiovascular	Reproductive
Digestive	Genitourinary
Hemic and Lymphatic	Skin and Endocrine

### **Mental Impairment**

A mental impairment (also known as a psychiatric/psychological disability or an invisible disability) is defined as any psychological disorder such as a neurological psychological disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

### **Major Life Activity**

A major life activity is defined as any function including, but not limited to, “caring for oneself, performing manual tasks, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.”<sup>9</sup>

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<sup>7</sup> ADA §12102.4.E.i

<sup>8</sup> In the case of a transitory disability, our office can give the student a letter or contact the student’s instructors to inform them of the temporary disability and suggest that they provide appropriate accommodations.

<sup>9</sup> ADA §12102.2

# Accommodations for Disabilities

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## What Is an Accommodation?



Schools who receive government funding, which Pierpont receives, are required to make accommodations for qualified individuals (employees, students) with a documented disability. In relation to a student, an accommodation is an “academic adjustment” or “modification”, which levels the playing field, allowing the student with the disability to compete on an equal basis with students who do not have disabilities. Students with documented disabilities are entitled to receive reasonable accommodations to afford them an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity.<sup>10</sup>

## How is “Qualified Individual” Defined?

A qualified individual with a disability is a person who meets legitimate skill, experience, educational, or other requirements of an educational program, and who can perform the essential functions of the program with or without reasonable accommodations.

“‘[w]ith respect to postsecondary and vocational education services,’ a qualified individual is someone ‘who meets the academic and technical standards requisite to admission or participation in the [school’s] education program or activity..’” 45 CFR § 84.3(k)(3) (1978) [28]”.<sup>11</sup>

## Who Is Qualified To Receive Accommodations?

A qualified individual who meets the definition of an individual with a disability (see *Definition of a Disability*) and who has legitimate documentation of her/his disability is able to receive reasonable accommodations.

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<sup>10</sup> Title II, Americans with Disabilities Act, 42 U.S.C. § 12182(b)(1)(B).

<sup>11</sup> White Paper on Inclusion of Students with Disabilities in Nursing Educational Programs for the California Committee on Employment of People with Disabilities (CCEPD), <http://www.aacn.nche.edu/education-resources/Student-Disabilities-White-Paper.pdf>, accessed August 25, 2016.

## What is Legitimate Documentation?<sup>12</sup>

*Need to Know Basis:* The student is required to provide information about her/his diagnosis and details of the disability to ODS only. The student can offer this information to faculty and staff, if the student chooses to do so. It is not appropriate for faculty or staff to inquire about this information. The information that faculty and staff need to know are the accommodation(s) that the student will need. Faculty and staff can make sure that their procedures for all students include information about accommodations and contact information for ODS. If faculty discerns that a student might benefit from an accommodation, they again can share with the entire class information about disability services, without singling out a particular student. It should be noted that not all physical or psychological diagnoses qualify for accommodations.

Legitimate documentation is evidential, current<sup>13</sup> documentation of a person's disability, not including their entire medical file, provided by an appropriate health care or rehabilitation professional (e.g., physicians, psychiatrists, psychologists, nurses, physical therapists, occupation therapists, speech therapists, vocational rehabilitation specialists, licensed mental health professional) who is qualified in the appropriate specialty area and is not related to the student. The documentation should be on letterhead, dated, and signed. The documentation should include:

- 1) a clear statement of the disability (DSM-5 or ICD-10 diagnosis, summary of the symptoms, and a prognosis);
- 2) the functional limitations of the disability in relation to schooling (how the disability interferes with or impacts the student's ability to participate in the educational process);
- 3) medical information relating to the impact of medication and/or treatment on the

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<sup>12</sup> Association on Higher Education and Disability (AHEAD), accessed August 24, 2016.

<https://www.google.com/search?q=what+is+legitimate+documentation+of+disability+in+higher+ed&og=what+is+legitimate+documentation+of+disability+in+higher+ed&aqs=chrome..69i57.15183j1j8&sourceid=chrome&ie=UTF-8>, accessed June 11, 2008.

<sup>13</sup> In describing the current functional limitations of a disability, AHEAD summarizes "Information on how the disabling condition(s) currently impacts the individual..." indicating that the documentation should be current. Generally, documentation which is less than three years old is adequate, although the age of the documentation is dependent upon the condition, the current status of the student, and the student's request for accommodations was the previous recommendation from the Association on Higher Education and Disability (AHEAD), <https://www.google.com/search?q=what+is+legitimate+documentation+of+disability+in+higher+ed&og=what+is+legitimate+documentation+of+disability+in+higher+ed&aqs=chrome..69i57.15183j1j8&sourceid=chrome&ie=UTF-8>, accessed June 11, 2008, accessed June 11, 2018.

- student’s ability to participate in all aspects of the academic environment; and  
4) suggested accommodations supported by disability related rationale.

If an individual has more than one disability, ODS can request information pertaining only to the disability that requires a reasonable accommodation, or may need documentation from different professionals, depending on the type of disabilities. Individualized Educational Plans (IEP) from high school can be used for documentation of a history of accommodations given; but they usually do not provide diagnoses, unless they include psychological or physical evaluations or testing.

It is important for the student to contact ODS to learn what documentation may be needed, as the type of documentation required can be determined on a case-to-case basis due to the broad definition of disability under the ADA (see *Definition of a Disability*).

### **What Is a “Reasonable Accommodation”?**

A reasonable accommodation is a modification or an adjustment to policies, procedures, practices, and facilities to ensure full participation in campus life.<sup>14</sup> “[the Office of Civil Rights] OCR cannot require an institution to waive or lessen essential requirements. OCR can require a modification of the requirement, if the requested modification does not lower academic standards, fundamentally alter the nature of the program, [pose a threat to the health and safety of the student or of others,] or impose an undue burden on the College or University, and the modification meets the underlying reason for the requirement.”<sup>15</sup> (See *Guidelines for Essential Functions*.) Undue burden is determined by looking at the financial and administrative resources of the entire institution, not a single program. Modifications of academic requirements that are essential to a program of instruction (see *How are “Essential Functions” Defined?*) or to any directly related licensing requirement will not be regarded as discriminatory.<sup>16</sup> ODS is available to work with faculty to facilitate accommodations for students in their classes.

“Providing accommodations do not compromise the essential elements of a course or curriculum; nor do they weaken the academic standards or integrity of a course.

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<sup>14</sup> In the ADA and Section 504, the word modification is synonymous with accommodation.

<sup>15</sup> Quoted from a summary of a case judgement provided by the Office of Civil Rights, Philadelphia, PA, August 30, 2016.

<sup>16</sup> Summary of a case judgement provided by the Office of Civil Rights, Philadelphia, PA, August 30, 2016.

Accommodations simply provide an alternative way to accomplish the course requirements by eliminating or reducing disability-related barriers. They provide a level playing field, not an unfair advantage.”<sup>17</sup>

### **Accommodations at Practicums and Internships (off- and on-campus)**

*Practicums (unpaid):*<sup>18</sup> In certain clinical or practicum situations, it may be an essential requirement that a student demonstrate the ability to apply theoretical knowledge in a practical setting that duplicates the experience of working as a teacher, nurse, speech therapist or other professional. Under those circumstances, persons with a disability should receive accommodations similar to those they would receive if they were employees in the same setting. Overall, aside from the previous situation, students on practicums should receive the same accommodations they received in classes, labs, etc. with any modifications needed for the specific practicum site.

*Internships(paid):* When an institution “assists any agency, organization, or person in providing employment opportunities to any of its students, that institution shall assure itself that such employment opportunities, as a whole, are made available in a manner that would not violate”<sup>19</sup> Subpart B, Employment Practices of Title 34, which provides for nondiscrimination on the basis of handicap. If an institution itself employs any of its students, it may not do so in a manner that violates” Subpart B, Employment Practices of Title 34.<sup>20</sup>

### **How are Accommodations Provided for Dual Credit Courses?**

Dual credit courses are college courses taken by students currently in high school. Courses offered for dual credit stem from agreements between high schools and community colleges/universities whereby a high school junior or senior enrolls in a college/university to take a course that simultaneously earns college credit (on a transcript held by the college/university) and high school

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<sup>17</sup> American Psychological Association, <http://www.apa.org/pi/disability/dart/toolkit-three.aspx>, accessed August 25, 2016.

<sup>18</sup> Quoted from a summary of a case judgement provided by the Office of Civil Rights, Philadelphia, PA, August 30, 2016.

<sup>19</sup> Title 34:Subpart B:104.46.2.b; US Department of Education: Title 34 Education; Subtitle B Regulations of the office of the Department of Education; <https://www2.ed.gov/policy/rights/reg/ocr/edlite-34cfr104.html#S34>; accessed September 19, 2016.

<sup>20</sup> Title 34:Subpart B 104.46.2.c; US Department of Education: Title 34 Education; Subtitle B Regulations of the Office of the Department of Education; <https://www2.ed.gov/policy/rights/reg/ocr/edlite-34cfr104.html#S34>; accessed September 19, 2016.

credit for the same course. If the student decides to attend a different college/university than the college/university that awarded her/him the dual credit and wants to use the credits, the student must have the college/university that awarded the dual credit hours send her/his grade transcript to the new college/university.

Pierpont’s ODS can provide a *Student Guidebook for Dual Credit Classes*,  
and it can be found on our website at  
[\\_www.pierpont.edu/current-students/disability-services/student-resources](http://www.pierpont.edu/current-students/disability-services/student-resources)

Different disability laws are in effect for K-12 and higher education. Both abide by Section 504, but K-12 also follows the Individuals with Disabilities Education Act (IDEA), while higher education follows the American with Disabilities Act (ADA). What this means is that there are major differences in the way accommodations are handled. (See *Providing a Safe & Supportive Environment, Differences Between K-12 and Higher Education*.) With this in mind, the following protocol is in place for providing accommodations for students taking dual credit courses at Pierpont.

- Accommodations can be given to a student in a dual credit course only with the approval of Pierpont’s ODS.<sup>21</sup> (Contact ODS for information.)
- Under the ADA, it is the responsibility of a student registered with the college to self-identify to the college as having a disability. Since students taking dual credit classes are registered with the college, to receive accommodations for dual credit classes, the students must contact Pierpont’s ODS to arrange for accommodations.<sup>22</sup>
  - This should be done as soon as the student is scheduled to take the class, but it can be done at any time. Accommodations are not retroactive; so to receive the accommodations, they must be in place before they are needed.
- The student must complete an intake with Pierpont’s ODS to receive accommodations.

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<sup>21</sup> *Making Accommodation Decisions on the College Campus under the ADA and Section 504 of the Rehabilitation Act*, Mid-Atlantic ADA Center, Accessed August 2, 2016.

<sup>22</sup> Under the Family Educational Rights and Privacy Act (FERPA), when a student is 18 years old or enters a postsecondary institution at any age, the rights under FERPA transfer from the student’s parents to the student. So a parent or high school administrator cannot complete the registration for the student. With the student’s permission, administration or parents can help the student with the process. The student will be required to sign a FERPA release form for ODS. <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>, accessed June 11, 2018.

- Documentation of the disability will be required. Obtaining the documentation and paying for an evaluation, if needed, is the student’s responsibility. High school Individual Education Programs (IEPs) usually do not contain enough information to be documentation. Guidelines for legitimate documentation are shown below.
  - Documentation must be a current<sup>23</sup> verification of the student’s disability, not her/his entire medical file, provided by an appropriate health care or rehabilitation professional<sup>24</sup> who is qualified in the appropriate specialty area and is not related to the student. The documentation should be on letterhead, dated, and signed by the provider. The documentation should include the following:
    - 1) a clear statement of the disability (DSM-5 or ICD-10 diagnosis, summary of the symptoms, and a prognosis);
    - 2) the functional limitations of the disability in relation to schooling (how the disability interferes with or impacts the student’s ability to participate in the educational process);
    - 3) medical information relating to the impact of medication and/or treatment on the student’s ability to participate in all aspects of the academic environment; and
    - 4) suggested accommodations supported by disability related rationale.

When legitimate documentation is received and an intake with ODS is completed, the student will be registered with Pierpont’s ODS.<sup>25</sup> An Accommodation Letter will be generated and given or

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<sup>23</sup> In describing the current functional limitations of a disability, AHEAD summarizes “Information on how the disabling condition(s) currently impacts the individual...” indicating that the documentation should be current. Generally, documentation which is less than three years old is adequate, although the age of the documentation is dependent upon the condition, the current status of the student, and the student’s request for accommodations was the previous recommendation from the Association on Higher Education and Disability (AHEAD), <https://www.google.com/search?q=what+is+legitimate+documentation+of+disability+in+higher+ed&oq=what+is+legitimate+documentation+of+disability+in+higher+ed&aqs=chrome..69i57.15183j1j8&sourceid=chrome&ie=UTF-8>, accessed June 11, 2008, accessed June 11, 2018.

<sup>24</sup> For example: physicians, psychiatrists, psychologists, nurses, physical therapists, occupation therapists, speech therapists, vocational rehabilitation specialists (ex., WV Department of Rehabilitation Services), licensed mental health professional.

<sup>25</sup> If the student eventually attends Pierpont, the student will have to complete a regular intake process to update their file to receive accommodations in their college classes, but should not need to provide more documentation unless there have been changes in the disability. Documentation more than three years old might need to be updated.

sent to the student listing the accommodations given. Acting as an advocate for the student, with the student's permission, ODS can send a copy of the Accommodation Letter to the instructor of the dual credit class. Else, it is the responsibility of the student to provide the instructor with a copy of the letter. It is the responsibility of the student to meet with the instructor to discuss how the accommodations will be implemented. Each Accommodation Letter can be used for all dual credit classes within the academic year specified on the letter. When taking additional dual credit classes in a subsequent semester in a new academic year, the student needs a letter for the new academic year, which the student can obtain by contacting Pierpont's ODS. No new interview is required, unless there have been changes in the disability.

Accommodations can be different from K-12 and higher education. Some things can stay the same, like having extra time or a reader for tests, note taking assistance, or textbooks in alternative format. Other things that were provided in high school will not be provided in college. For example, in high school, students are sometimes given a word bank for tests, have their tests modified by providing fewer options in multiple choice tests, or being able to retake a test that they failed. These will not be given as accommodations in college. Dual credit course location will determine responsibility for provision of academic accommodations authorized by Pierpont's ODS. Specific accommodations on the high school campus requiring classroom personnel or technology will be authorized by Pierpont's ODS and provided by the high school. Accommodations for courses offered on Pierpont campuses (e.g., MTEC, Caperton Center) will be provided by Pierpont.

When a student registers to take a dual credit class, s/he should be advised about how to obtain accommodations and be given contact information for Pierpont's ODS, so the student can begin the registration process as soon as possible. ODS does disability intakes throughout the year. If the student cannot come to the Fairmont Campus for the intake, arrangements can be made to meet with the ODS coordinator at another site or using telehealth.<sup>26</sup>

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<sup>26</sup> In this format, telehealth is the use of electronic information and telecommunications (e.g., phone) by Pierpont's ODS to facilitate long-distance support services. When using telehealth, ODS will require identification verification of the student by high school administrators.



Dual credit classes adhere to the same syllabus as is used when the class is taught at the College. The syllabus must contain the syllabus statement for Disability Services. This can be provided by Pierpont's Academic Affairs. When the instructor reviews the syllabus statement with the class, it should be made clear to the students that if a student is currently receiving accommodations in their high school classes, those accommodations will not automatically be given in the dual credit class. High school accommodations under an IEP or Section 405 will not be given automatically for the dual credit class. The student must contact Pierpont's ODS office to receive accommodations for the dual credit class. This is the student's responsibility.

It is recommended that instructors of dual credit classes utilize universal design for learning principles in their classes, as these accommodate many common disabilities in addition to helping other students in general. If you have questions about appropriate documentation or the registration process for dual credit classes, please contact our office.

### **What Types of Accommodations Are Available?**

Accommodations are as varied as are individuals. While there will be accommodations that are common to several disabilities (e.g., extra time for tests = ADHD, learning disorder, generalized anxiety disorder, traumatic brain injury, quadriplegia), other accommodations can be unique, based on the interaction of the individual, the individual's disability, and the class context. Since a specific accommodation can be for a variety of physical and mental disorders, having an accommodation does not necessarily provide information about a student's diagnosis. While IEPs can provide information about types of accommodations that worked in the past, not all accommodations that were given in high school by the IEP can be given in higher education. *Appendix 4 – Reasonable Accommodations* lists several accommodations with suggestions about how the accommodations can be implemented in a class.

### **Providing Accommodations Using Universal Design for Learning (UDL)<sup>27</sup>**

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<sup>27</sup> Online resources for information are: <http://udloncampus.cast.org/home> and [http://www.washington.edu/doit/sites/default/files/atoms/files/Universal%20Design%20in%20Higher%20Education\\_Promising%20Practices\\_0.pdf](http://www.washington.edu/doit/sites/default/files/atoms/files/Universal%20Design%20in%20Higher%20Education_Promising%20Practices_0.pdf), accessed June 11, 2018.

When it comes to learning, variability is the rule not the exception. Universal Design for Learning (UDL) is an educational framework that guides the design of learning goals, materials, methods, and assessments as well as the policies surrounding these curricular elements with the diversity of learners in mind. See Appendix 5 – Universal Design in Learning (UDL).

UDL is a set of principles for curriculum development that give all individuals equal opportunities to learn. It provides a blueprint for creating instructional goals, methods, materials, and assessments that work for everyone – not a single, one-size-fits-all solution, but rather flexible approaches that can be customized and adjusted for individual needs. Many times, while meeting the needs of most students, the UDL design also meets the requirements of disability accommodations. An example is regularly creating tests to be administered in a 50-minute class period that take 20 minutes to complete. This fulfills the accommodation of giving extra time (double time) for tests. This also helps students who have not self-identified as disabled, cannot provide documentation of their disability, or have a disability that does not impair a major life activity, so are not afforded accommodations. Everybody wins.

The UDL principles are based on the three-network model of learning that takes into account the variability of all learners—including learners who were formerly relegated to “the margins” of our educational systems, but now are recognized as part of the predictable spectrum of variation. These networks are the recognition (“What”), strategic (“How”), and affective (“Why”) networks.<sup>28</sup> These principles guide design of learning environments with a deep understanding and appreciation for individual variability. Contact ODS for more information.

## Guidelines for Essential Functions

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<sup>28</sup> National Center on Universal Design for Learning, accessed September 21, 2016.  
<http://www.udlcenter.org/aboutudl/whatisudl>, accessed June 11, 2018.



### **How are “Essential Functions” Defined?<sup>29</sup>**

*Disclaimer:* The Office of Civil Rights (OCR) is unable to respond to specific inquiries about essential functions without having a case opened for investigation of a particular discrimination claim. Each case is composed of the specific needs of an individual or group of individuals in relation to a class or program, which is also individual, and this prohibits giving general rules.<sup>30</sup> The information below was provided by OCR for use as a guideline.

Reasonable accommodations in relation to essential functions are about providing access to the information that is required to be learned and providing ways to demonstrate what has been learned. Essential functions themselves deal with what needs to be learned or experienced. Typically, there are two main types of essential requirements (functions). The first involves liberal arts curricula or requirements for what a “properly educated person should know”.<sup>31</sup> This would include language requirements. The second group of requirements is in relation to a course of study to prepare a person for a type of job or profession. According to the OCR, the second is the source of most of their cases involving essential functions.

Students enroll in community college programs for several reasons. One reason is to earn enough credits to transfer to a 4-year college. Other reasons are associated with vocational training. These reasons are to learn a trade and to learn *about* a trade or a field. These can be additive, meaning a student wants to learn and practice a trade. They also can be individual, in that a student can desire to learn, but not practice a trade (e.g., practice the skills as a hobby, but not as a trade, such as learning to weld to create art instead of working as an industrial welder).

When the purpose of an intended course of study is to prepare an individual for a type of job or profession, the essential requirements of the program are often related to a student mastering certain skills that are believed to be necessary to perform the duties of a specific job upon

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<sup>29</sup> The following information was summarized and quoted from a summation of a case judgement provided to Pierpont’s ODS by the Office of Civil Rights (OCR) when OCR was asked to define essential functions; Philadelphia, PA; August 30, 2016.

<sup>30</sup> Private conversation with Jerome Hand, Attorney, US Department of Education, Office for Civil Rights; August 30, 2016.

<sup>31</sup> From the summation of a case judgement provided to Pierpont’s ODS by the Office of Civil Rights (OCR) when OCR was asked to define essential functions; Philadelphia, PA; August 30, 2016; p. 8.

completion of the program (e.g., doctor, lawyer, truck driver, teacher, nurse, physical therapist). In this situation, the essential functions of the job<sup>32</sup> might reasonably be applied to the educational program.<sup>33</sup> According to the Office of Civil Rights:

“Requirements for programs leading to licensure in a profession may often be directly related to performing the duties of that profession” with the admonition of “[a]n institution should determine the appropriate or essential requirements for a course of study, not the licensing requirements for a specific jurisdiction, although these requirements may be similar or related.”<sup>34</sup>

Some programs prepare a student to perform the duties of different jobs or professions upon program completion. The different jobs or licensing requirements may have different essential functions related to them. In this case, the essential functions of only one or two of the jobs or licensing requirements might not be reasonably applied to the educational program, if other jobs or licensing requirements do not have those same essential functions. If this is the case, consideration of all of the jobs or careers that the college includes in the program as career opportunities should inform the guidelines for the creation of the essential functions of that program. (See *College’s Responsibility to Assess Student Understanding*.) Furthermore, accommodations (modifications) of the program’s essential functions might be done. (See *When Accommodations/Modifications are Requested for an Essential Requirement*.)

In relation to the second reason a student enrolls in a program, when a student is taking a program only for their own knowledge, the same guidelines may apply. The guidelines are associated with the purpose of the program, not the purpose of the student. A qualified student with a disability has the right to enroll in the program for whatever reason; but like all other students in the program, the student with the disability must be able to meet the essential requirements of the program with or without accommodations. (See Appendix 4 – *Reasonable Accommodations* for information about class and program accommodations/modifications.)

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<sup>32</sup> Essential functions of a job are the basic job duties that an employee must be able to perform, with or without reasonable accommodation. Employers should carefully examine each job to determine which functions or tasks are essential to performance. Essential functions of a job also are regulated by the OCR.

<sup>33</sup> The program includes the learning environment (e.g., lecture, lab, field trips).

<sup>34</sup> From the summation of a case judgement provided to Pierpont’s ODS by the Office of Civil Rights (OCR) when OCR was asked to define essential functions; Philadelphia, PA; August 30, 2016; p. 8.

### **Determining Essential Functions<sup>35</sup>**

Determining essential functions should be done at the creation of a class or program. (See *Determining Essential Functions*) “An institution is not required to consider disabled persons when making the original determination of what constitutes an essential requirement” due to the wide variety in the type and level of disabilities. When essential functions have been properly developed, the institution is not required to reconsider the functions each time a request for accommodations is made. However, when an institution considers changes to the curriculum (e.g., adding a mathematics or language requirement), they should consider the impact on students with disabilities. ODS can help in this process. As time passes, as advances or theoretical changes occur in a field, or new adaptive aids for disabilities appear, an institution should consider if the requirements need modification.

Based on court cases involving provision of academic accommodations, the process of determining a program’s essential functions should have three components:

- 1) The decision is made by a group of people who are trained, knowledgeable, and experienced in the area;
- 2) the decision makers should consider a series of alternatives as essential requirements; and
- 3) the decision should be a careful, thoughtful, and a rational review of the academic program and its requirements.

An example of this process in the context of a case involving a student teaching program would be that the Dean of Education and a group of experienced staff and professors meet over a period of time to consider a series of options or standards. After a careful, thoughtful review, they develop a group of essential requirements for graduation with a teaching degree that are rationally based on their knowledge of teaching and their experiences in the field.

It is highly recommended that the decision be documented, including an explanation for the purposes or objectives of the academic program and how the essential requirements are necessary to achieve those objectives. The OCR “recommends that institutions carefully consider what

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<sup>35</sup> Summarized and quoted from the summation of a case judgement provided to Pierpont’s ODS by the Office of Civil Rights (OCR) when OCR was asked to define essential functions; Philadelphia, PA; August 30, 2016.

elements constitute the core essential requirement for a program and consistently apply those requirements.”<sup>36</sup>

### **When Making Changes to an Existing Curriculum<sup>37</sup>**

An institution should consider if changes to a curriculum, such as the addition of a mathematics requirement or a language requirement, could adversely affect a group of disabled students. ODS can help in this process.

### **When Modifications are Requested for an Essential Requirement<sup>38</sup>**

When a student requests a modification/accommodation that affects an essential program/class requirement, the program, not just an individual instructor, should assess whether the essential requirement can be met in another way before denying the request. OCR cannot require an institution to waive or lessen essential requirements. OCR can require a modification of the requirement if the requested modification does not lower academic standards or require substantial alteration of the program and the modification meets the underlying reason for the requirement. A requirement may be essential, but the institution should consider if a disabled student could meet the essential aspects of the requirement with modifications or academic adjustments. In addition, requirements should be consistently applied across all students, with and without disabilities.

When considering the requested accommodation, the institution should focus on the underlying reason for the requirement, and whether an appropriate alternative is available that meets the underlying reason for the requirement. For example, an institution should consider whether, if the underlying reason for a foreign language requirement is to expose a student to different cultures, a disabled student could meet this requirement by taking a course such as Asian history, or European or African art and culture. The determination should not be based on inaccurate presumptions, prejudices, or stereotypes about disabilities or disabled persons. For example, an institution should not presume that persons who have received counseling cannot withstand the rigors of law school, or that a person with a certain type of disability automatically cannot complete

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<sup>36</sup> Summarized and quoted from the summation of a case judgement provided to Pierpont’s ODS by the Office of Civil Rights (OCR) when OCR was asked to define essential functions; Philadelphia, PA; August 30, 2016.

<sup>37</sup> Ibid, p. 7.

<sup>38</sup> Summarized and quoted from the summation of a case judgement provided to Pierpont’s ODS by the Office of Civil Rights (OCR) when OCR was asked to define essential functions; Philadelphia, PA; August 30, 2016, p. 6.

a certain program. It may be that a person with a disability cannot meet the requirements for completing a requirement or a program; but the individual should be judged on her/his ability to meet requirements, not on assumptions about the individual's limitations. In addition, whether or not a person with a disability, who can successfully complete a program, will ultimately be successful in the field should not influence a decision to make/not make an accommodation. All person, disabled or not, have the right to attempt a career path.

### **Academic vs. Non-Academic Decisions<sup>39</sup>**

The degree of deference accorded the institution on these types of decisions should correspond with the nature of the decision – academic vs. non-academic. Courts generally defer to academic determinations by colleges and universities based on the expertise of the institution and the right to academic freedom. To the extent that a decision or standard is an academic one, it is entitled to more deference. However, the courts may not defer to those institutions regarding non-academic determinations. In general, a determination of the requirements to graduate with a degree in mathematics, law, or art is an academic determination.

To the extent that a decision at issue is more about the accommodations or academic adjustments that a student needs to complete the requirements in a program, it is not an academic determination, and therefore is entitled to less deference. As an example, the elements and content of a history test typically are academic determinations. Generally, the academic adjustments that would be appropriate to provide to disabled persons, such as additional time to complete the same history test to compensate for a learning disabled person's reading deficiencies, are not academic determinations. Other examples of academic adjustments might include the amount of time to complete a course or program, unless time is of the essence, and the provision of other testing accommodations, such as a reader or extended time.

### **College's Responsibility to Assess Student Understanding<sup>40</sup>**

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<sup>39</sup> From the summation of a case judgement provided to Pierpont's ODS by the Office of Civil Rights (OCR) when OCR was asked to define essential functions; Philadelphia, PA; August 30, 2016.

<sup>40</sup> Based on a private conversation with Michael Wesley, Equal Opportunity Specialist, Office of Civil Rights, Philadelphia, PA; Fall, 2015.

It is the responsibility of Pierpont faculty and staff to ascertain that the student self-identifying with a disability understands that their disability *may*<sup>41</sup> interfere with their obtaining certification or being successful in a specific field.<sup>42</sup> It is recommended that the conversation be documented, and a copy is given to the student, so the student can take time after the meeting to process the information or talk it over with advisors. If the student fits the definition of a “qualified individual” (see *How is “Qualified Individual” Defined?* ) and continues to pursue the program after being informed, this is the student’s choice; and all appropriate accommodations for all documented disabilities should be given. Staff and faculty also should understand that the student may still choose to follow the line of study for reasons of personal development and growth.

### **Program Handbooks**

Program handbooks should list essential requirements of the program, so a student who is considering the program and advisors working with the student can make informed decisions in regard to the student’s disability. The handbooks also should provide information about disability services (e.g., ODS contact information, syllabus statement).<sup>43</sup>

### **Program/Class Websites**

Like program handbooks, program and class websites should list essential requirements (functions) of the program or class, so a student who is considering the program or class and advisors working with the student can make informed decisions in regard to the student’s disability. The websites also should provide information about disability services (e.g., ODS contact information, links to ODSs’ website).<sup>44</sup>

### **Program Application Processes**

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<sup>41</sup> It is noted that the student might be the exception to any statistical failure rate.

<sup>42</sup> Self-identifying includes the student registering with ODS and presenting an accommodation letter to the instructor.

<sup>43</sup> Contact the Provost’s office for an updated syllabus statement.

<sup>44</sup> Ibid



When a program uses an application process to choose candidates, information about the process, including how the decisions are determined, should be available and easily accessible on the websites and in the program handbooks.<sup>45</sup>

## Providing a Safe & Supportive Environment

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### Differences Between K-12 and Higher Education

Under the law, K-12 schools must identify a student with a disability and create a detailed plan for them, an Individualized Education Plan (IEP) under the Individuals with Disabilities Education Act (IDEA) or a 504 Plan. There are differences between the two, the IEP and 504 Plan that will not be addressed here, since the IEP (IDEA) is not used in higher education. Students in higher education fall under the ADA and Section 504.

In higher education, students are expected to be more self-sufficient than students in K-12. The difference begins with the students needing to self-identify.<sup>46</sup> The students also are required to self-advocate by going to their instructors to present their accommodation letters and discuss their accommodations. In K-12, the schools had to identify the student, create a plan, and monitor their progress. The differences between the K-12 and higher education environments can be confusing for students, who have never needed to self-identify, self-advocate, or monitor their own progress. This can lead to misunderstandings and frustration. There are many reasons that a student might need accommodations, and not be receiving them. Some students are embarrassed to be labeled as disabled, or think that they will be perceived as abnormal, so choose not to self-identify. Others think that they want to try to achieve without the accommodations. Some do not have appropriate documentation and have no clue how to get it. Still others have no idea that accommodations are available in higher education. Still other student do not realized that they issues fit the label of a disability. Awareness of these issues and sensitivity on the part of faculty and staff can make a positive difference in student retention.

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<sup>45</sup> An example of a program handbook that uses and explains a point system for admission (p.6) can be found at the following link or ODS can provide you with a copy. <https://www.uaptc.edu/nursing/practical-nursing-admissions-point-system>, accessed June 11, 2018.

<sup>46</sup> Self-identifying can be done by coming to ODS or by telling a faculty or staff member about a history of an IEP in high school, who then informs the student about ODS and shares ODS's contact information.

Pierpont is committed to providing a safe and supportive environment for all of its students, including students with disabilities. To help provide this, it can be helpful to understand the use of language and etiquette in relation to persons with disabilities.

### **The Language of Disabilities<sup>47</sup>**

#### *Think Ability First*

The first step in reaching students with disabilities is to treat them as you would every student. Students with disabilities come to college for the same reasons as students without disabilities; and they bring with them, as does any student, a range of backgrounds, intelligences, and academic skills.

*Avoid using the article “the” with an adjective to describe people with disabilities.*

The preferred usage is “people with disabilities” which stresses the essential humanity of individuals and avoids objectification. This not only helps a person with disabilities see the entirety of themselves, it helps the person using the language see the entire person. Persons with disabilities are more than their disability. The term “disabled people” is also acceptable, but note that this term still defines people as disabled first, and people second.

<u>NOT</u> the deaf	<u>BUT</u> people who are deaf (or hearing impaired)
the blind	people who are visually impaired
the disabled	people with disabilities

People with disabilities usually prefer that you focus on their individuality. The term “handicapped” is falling into disuse and should be avoided. The terms “able-bodied”, “physically challenged” and “differently-abled” are also discouraged.

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<sup>47</sup> Excerpted and adapted from the Chattahoochee Technical College Disability Services faculty Handbook, <http://www.chattahoocheetech.edu/wp-content/uploads/2013/03/Disability-Services-Faculty-Handbook-Update.pdf>, accessed August 24, 2016.

*If it is appropriate to refer to a person’s disability, choose the correct terminology for the specific disability.*

People who are....blind, visually impaired, deaf, hearing impaired, non-disabled, physically disabled.

People who have....cerebral palsy, Down’s syndrome, mental illness, paraplegia, quadriplegia, seizure disorder, specific learning disability, speech impairment.

*Be careful not to imply people with disabilities are to be pitied, feared or ignored, or they are somehow more heroic, courageous, patient, or “special” than others. Never use the term “normal” in contrast.*

NOT

Trina held her own while  
swimming with normal children

BUT

Trina qualified for her  
“Swimmer” certificate last week.

*A person in a wheelchair is a “wheelchair user” or “uses a wheelchair.”*

Avoid terms that define the disability as a limitation, such as “confined to a wheelchair” or “wheelchair bound”. A wheelchair liberates; it doesn’t confine.

*Avoid using the terms “victim” or “suffered” to refer to a person who has or has had a disease or disability. This term dehumanizes the person and emphasizes powerlessness.*

NOT

victim of AIDS or AIDS sufferer  
Polio victim

BUT

person with AIDS  
a person who had Polio

### **Disability Etiquette<sup>48</sup>**

It is sometimes difficult to determine whether you should offer assistance to a person with a disability. Below are some suggestions.

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<sup>48</sup> Excerpted and adapted from the Chattahoochee Technical College Disability Services faculty Handbook, <http://www.chattahoocheetech.edu/wp-content/uploads/2013/03/Disability-Services-Faculty-Handbook-Update.pdf>, accessed August 24, 2016.

1. Offer assistance (e.g., to push a wheelchair, to guide a person who is blind) as you would to anyone else. The person will indicate whether or not the help is needed, and “no, thank you” must be respected. Most people who are disabled will not hesitate to ask for needed help and will be specific as to how it should be given; a person who is blind may prefer to take your proffered arm. If they accept your offer of help, you may ask them how they prefer you help them.
2. Noticing an obvious disability is not rude; however, asking personal questions about the disability (e.g., how it occurred, possible limitations) is inappropriate.
3. Always talk directly to a person who is disabled rather than to the person who may be accompanying him or her. Never talk about a person who is disabled to the person he or she is with as if the person does not exist. This includes an interpreter for a person who is deaf.
4. Do not be concerned if you use the words “walking” or “running” when talking to a person who uses a wheelchair, or “do you see?” when talking to a person who is blind. People with disabilities use these words themselves periodically.
5. Do not avoid using words like blind or deaf when associating with people with these disabilities. People with disabilities are aware of their disabilities and do not need to be shielded from the facts.
6. When talking to a person who uses a wheelchair for any length of time, it is better to sit down in order to be at the same eye level. It is very tiring for a person to look up for a long time. It also puts you both on the same “level” psychologically.
7. Be sensitive to architectural barriers in your facility. Be aware of federal and state laws that may apply to eliminating architectural barriers in your establishment. Everyone must be concerned and alert to this very real problem. When you see something that needs to be repaired or corrected, please report it.<sup>49</sup>

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<sup>49</sup> To report access issues on campus, you can contact our office.

8. Remember that if a person does not turn around in response to a call, it may be that he or she is deaf or hard of hearing. Use a light tap on the shoulder to get a person's attention or move to be in the person's line of vision.

9. Never gesture about a person who is blind to someone else who may be present. This will inevitably be picked up by the person who is blind and make the person feel that you are "talking behind his or her back."

10. Lip reading by persons who are deaf can be aided by: being sure that the light is on your face and not behind you; taking all obstructions such as pipes, cigarettes, or gum out of your mouth; keeping the lips flexible; and speaking slowly. Additional communication could include body language, pantomime, and gestures of all kinds, in addition to written communication or text messages if necessary.

## Rights & Responsibilities

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All parties involved in the provision of accommodations have rights and responsibilities.

### *Faculty Rights*

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#### Documentation

-To receive verification of a student's eligibility for any requested accommodations. (Such verification will be in the form of a letter written by ODS and delivered [in person or by email] by the student or ODS.)

#### Accommodations

- To expect the student to initiate accommodation requests. (For example, if the student is planning to take their examinations with ODS, it is the student's responsibility to arrange this through ODS.)
- To receive support from ODS in facilitating a student's accommodations.

Please Note: For those students with documented disabilities, by law, faculty or staff do NOT have the right to ask the nature of the disability. Faculty only have the right to know about what

accommodations will be given. However, if students choose to disclose their disability, this is their right; and this information should be treated confidentially.

## *Faculty Responsibilities*

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### Accommodations

- To identify and establish essential functions, abilities, skills, and knowledge for their courses and evaluate students on their actual ability to meet those essential functions using the accommodations.
- To provide accommodations only to students who are registered with ODS.
- To use an approved syllabus statement and class announcements to invite students to disclose their needs to ODS.
- To act immediately upon getting a student's request for accommodations.

### Confidentiality

- To treat and protect all disability-related information like confidential medical information.

### Communication

- To meet with the student privately in an accessible location to discuss the required accommodations and how the accommodations will be facilitated in your class.
- To clearly communicate your testing procedures with the student and with ODS when submitting a test to ODS for proctoring.
- To promptly respond to communications from ODS to facilitate the provision of appropriate reasonable accommodations.

## *Student Rights*

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### Confidentiality

- To have all disability-related information treated confidentially by ODS, faculty, and staff.

### Accommodations

- To receive appropriate accommodations in a timely manner from faculty and ODS when ODS intake is completed.
- To meet privately with faculty to discuss needed accommodations and any other concerns.

- To receive assistance and cooperation from ODS, faculty, and staff in facilitating the appropriate accommodations that were received.

## *Student Responsibilities*

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### Acquire Knowledge & Skills

- To research the program of interest to learn what is involved (ex., classes, internships, etc.) for graduation from the program.
- To learn about how your disability might affect your success in the program, and how the disability can be accommodated.
- To work with ODS coordinators to develop self-advocacy skills in relation to sharing your accommodation needs with others.

### Accommodations

- To provide ODS with appropriate documentation of your disability.
- To provide each of your instructors with copies of your accommodation letters as soon as possible and meet with them to discuss each accommodation as it applies to that class.
- To understand and follow guidelines associated with your accommodations.
- To notify faculty/ODS immediately when an accommodation is not being provided completely or correctly.
- To notify faculty/ODS immediately when a decision has been made to not use an accommodation or the accommodation is no longer needed.

### Confidentiality

- To go to the instructor's office hours or make an appointment with the instructor to facilitate privacy when requesting accommodations.

### Communication

- To act as own advocate within the limits of your disability.

## *Pierpont's ODS Rights*

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### Documentation

- To receive the appropriate documentation from the student prior to the accommodations being initiated.

### Accommodations

- To expect students and faculty to work cooperatively with ODS to facilitate academic accommodations, including acting in line with any guidelines.
- To deny academic accommodations/services if appropriate documentation has not been provided.
- To deny a request for an accommodation that is deemed unreasonable based on recognized interpretations of the Americans with Disabilities Act or Section 504 or that would impose undue hardship to, or fundamentally alter, a program or activity of the College.

## *Pierpont's ODS Responsibilities*

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### Documentation

- To collect, evaluate, and securely store disability documentation.

### Confidentiality

- To treat and protect all disability-related information as confidential medical information.
- To meet with the student privately in an accessible location to discuss disability-related needs.

### Accommodations

- To provide appropriate accommodations in collaboration with faculty and individual student.
- To determine eligibility for services in a timely manner
- To administer examinations in a secure and monitored environment as directed by faculty when testing is an accommodation and is requested by the student.

### Communication

- To communicate procedures clearly to the student and faculty.

### Advocacy

- To assist students with disabilities in understanding their strengths and functional limitations.
- To provide students with self-advocacy training when requested by the student.

### Provide faculty support

- To be available to consult with faculty to help them facilitate student accommodations.
- To facilitate faculty access to any available assistive technology, etc. (e.g., accessible location for faculty/student meeting, communication devices for meetings).
- To provide training to faculty as needed.



When possible, ODS will contact instructors before the beginning of a semester to advise them that a student with a significant handicap (e.g., a student who is deaf, a student with quadriplegia) will be in their class in an upcoming semester, so the instructor has time to prepare their presentations, handouts, classroom, etc., for the needed accommodations.

## **APPENDICES**

### **Appendix 1**

#### **Available Services for Students from the Office of Disability Services**

Include, but are not limited to:

- 1) Accommodations (classroom, housing, parking, events)

- 2) Adaptive equipment (e.g., test proctoring using high contrast large font keyboards, wireless mouse and tilted desks; large print materials; handouts in Braille)
- 3) Auxiliary aids<sup>50</sup> (e.g., on-site interpreters, online interpreters,<sup>51</sup> wireless amplifiers, text-based communications aids – UbiDuo, digital recorders, readers for tests, scribes for tests, alternate textbooks [when available from publishers], acquisition or modification of equipment or devices)
- 4) Advocacy with faculty and staff
- 5) Time management and organizational help
- 6) Consultations with faculty to create the most appropriate accommodations
- 7) Provision of Accommodation Letters addressed to faculty that confirms that the student is disabled based on documentation, is registered with ODS, and is entitled to the specific accommodations listed in the letter
- 8) Referrals to community agencies that might be beneficial to the student

Persons with disabilities are seen as individuals.  
As such, the services provided can be shaped to their needs.

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Under the Americans with Disabilities Act, if provision of a particular auxiliary aid or service by an institutional accommodation would result in a fundamental alteration in the nature of the goods, services, facilities, privileges, or advantages, or in an undue burden (i.e., significant difficulty or expense to the college, not to an individual program), the institution shall provide an alternative auxiliary aid or service, if one exists, that would not result in an alteration or such burden; but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the goods, services, facilities, privileges, advantages, or accommodations offered by the institution.

## Appendix 2

### Disability Services – Intake Protocol

Pierpont has an extensive intake process for students with disabilities who self-identity. The intake takes 1 ½ hours to complete, and it follows a protocol that is utilized for every student.

The intake involves a face-to-face meeting, and it can be done in parts if needed. For example, a student comes in with an appointment during open house without documentation and documentation is needed to determine appropriate accommodations. A partial intake is done, and

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<sup>50</sup> <https://www.ada.gov/reachingout/t3regl2.html> accessed September 22, 2016.

<sup>51</sup> ODS provides interpreters for staff and visitors in addition to students. This requires a minimum of 5-business days advance notice and can be requested using the online form found at <https://pierpont.edu/current-students/student-services/disability-services/interpreter-transcriber-request>.

the intake is completed later, when the documentation is available. Telehealth meetings can be arranged for the follow-up meeting using a video platform (e.g., Google Hangouts), if the student consents after being apprised that the nature of the contact is insecure.<sup>52</sup>

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- I. Informed consent
  - A. Provide copy of online consent form student signed
    - 1. Offer to answer any questions
- II. Discussion of Desired Program
  - A. Look at the PC&TC program website with the student
    - 1. Program requirements
      - a. Program handbook
    - 2. Required classes
      - a. Review of model schedule
    - 3. Job/career for which the program prepares student
    - 4. Assess student's understanding of the program requirements, etc.
      - a. If student feels that program is not what they want, they can be referred back to academic advising and/or their admissions counselor
  - B. How to manage future registration for classes (priority registration)
- III. Assessment of student's current abilities and needs – accommodations determined
  - A. Review/discussion of the student's disabilities
  - B. Review/discussion of student's documentation of disabilities
  - C. Review/discussion of past accommodations
  - D. Discussion of disabilities in relation to desired program needs
    - 1. Possible consultation with dean/faculty about essential functions
  - E. Determination of accommodations by ODS coordinator
- IV. Explanation and provision of Accommodation Letter
  - A. Review and explain all sections of the Accommodation Letter
  - B. Review of each accommodation and any suggestions listed in the letter
- V. Self-advocacy training
  - A. Training in how to contact and discuss accommodations with instructors
  - B. Information about how to handle problems
    - 1. Discuss with instructor or ODS
    - 2. How to file a grievance
- VI. Website training and Hint/links
  - A. Training in ODS' website, online forms, etc.
  - B. Provision of general information on study sites, etc., including Pierpont's Learning Strategies Connection
  - C. Reminder to come in to ODS to just check in or if any problems (e.g., need time

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<sup>52</sup> Video meetings are not recorded and are not part of the student's record.

management, study skills training, test anxiety)

VII. Secure records created (Banner, ODS' electronic record keeping system)

### **Appendix 3**

#### **Sample Accommodation Letter Form**

(Letters are subject to modification)

The purpose of the Accommodation Letter is to apprise faculty of a student's accommodations and to act as a vehicle to facilitate the discussion between the instructor and the student as to the student's needs in the instructor's class. The Accommodation Letter acts as a record of the conversation between the instructor and student, and it details how the student's accommodations

will be implemented in that particular class. It acts as an informal “contract” between the instructor and the student, verifying that agreement was reached, and it provides documentation of this.

**Changes in Accommodations:** If a student needs to make changes to her/his accommodations, the student must contact ODS. All changes in accommodations go through ODS, they are not negotiated by individual instructors. An individual instructor can decline to provide an accommodation IF the accommodation conflicts with meeting the essential functions of a class.<sup>53</sup> (ODS must be notified and provided with documentation of the reason for refusal, including the way the accommodation conflicts with the essential function). If the student needs to change the way an accommodation is being provided in a class, this can be negotiated with the instructor. Depending upon the type of accommodation and the student’s diagnosis, additional documentation may be required. Contact ODS for more information.

Each letter is for a specific academic year, as shown on the header. The beginning of the letter highlights for the faculty and student the nature of accommodations in general and how any information related to accommodations are to be handled. This is followed by instructions as to how to complete the Accommodation Letter form. It is recommended that the instructor keep a copy of the completed and signed Accommodation Letter form for their own records. The original is to be returned to the student. The student should take their completed and signed Accommodation Letter forms to ODS, so ODS can scan them and attach them to the student’s record as documentation of the interaction concerning the accommodations between the instructor and the student.

The letters include all accommodations for the student, so it is possible that an accommodation might not apply to a specific class (e.g., recording lectures in an online class). Since disabilities are varied and classes have different essential functions behind their requirements, the option of “other” is included to allow flexibility for the student and instructor to create their own ways to facilitate a specific accommodation. Some letters are accompanied by an informational sheet that the student would like to share with the instructor.

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<sup>53</sup> See *Guidelines for Essential Functions*.

Each accommodation is listed in a block. The first line of the block is the accommodation itself. If the student will be using this accommodation in the instructor’s class, the box in front of this line should be checked; and the student and instructor initial on the line after the accommodation. Following the accommodation, there may be notes about the accommodation (see extended testing/quiz time in the sample letter below). There also may be suggestions as to how the accommodation might be done (see the same letter below). These are suggestions only, and more than one of the suggestions can be checked. The instructor and the student sign and date the form. ODS will be happy to help with any questions about accommodations.

As noted on the letter, the student is free to choose to use all, some, or none of the accommodations. They also can change their mind mid-term. For example, the student may begin the semester taking their tests in ODS’ offices, then decide to take their tests with the class. If accommodations need to be changed, the student and the ODS coordinator will collaborate on the changes, and the coordinator will write a revised Accommodation Letter. It is the responsibility of the student to provide the revised letter to the instructor



Support Services  
Office of Disability Services  
500 Galliher Drive  
Fairmont, WV 26554  
Phone: (304) 534-7878  
E-mail: [access@pierpont.edu](mailto:access@pierpont.edu)

## **Academic Accommodations ~ 2023-2024 Academic Year**

To: Faculty

Re:

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This document contains **confidential** information and should be handled in a secure manner. The content should only be discussed with our Office or with program coordinators.

The above-named student meets the definition of having a disability according to Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act (ADA). Pierpont's Support Services, Office of Disability Services (ODS), has verified this student's disability(ies). *By law, the nature of the student's disability is confidential, and the student only needs to share it with ODS.*

Under the ADA, students with disabilities are due "reasonable accommodations" in their academic pursuits, so that the effect of their disability does not unfairly interfere with either their learning process or their grading and evaluation. ODS has determined that the accommodations below are reasonable and must be provided to this student if requested by the student or ODS representing the student.

It is understood that each accommodation will be provided **unless** the accommodation violates essential program/course requirements, **in which case the instructor and student must contact ODS as soon as possible.**

The student may **choose to use all, some, or none** of the accommodations in class. It is the student's responsibility to provide this letter to his/her instructors before accommodations are needed.

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- **STUDENT AND FACULTY MEMBER:** You should meet privately to discuss each individual accommodation as it applies to the class.
  - **FACULTY:** Please complete this form with the student, sign it, and keep a copy.
  - **STUDENT:** Please promptly return a signed copy of this letter to Support Services, Office of Disability Services.
- 

**Instructions to Complete this Form:** The instructor and the student should meet in person (unless the student prefers to connect by phone, video, or email) to discuss each accommodation and any accompanying "ODS Notes" and handouts. The instructor will circle the following in the accommodation tables:

- Yes - when the accommodation will be provided;
  - N/A - when the accommodation is not applicable to the class (an explanation is required in the "If No or N/A explain" section); or
  - No - when providing the accommodation violates an essential function of the class (an explanation is required in the "If No or N/A explain" section and ODS must be contacted as soon as possible).
-

Both the student and instructor initial each accommodation indicating agreement with the accommodation. ODS is available to answer questions.

~ All students registered with Disability Services receive priority registration. ~  
 ~ Tutoring is available for free for all students. (Contact your instructor for information.) ~

<b>Accommodation:</b>		<b>Yes</b>	<b>No</b>	<b>N/A</b>
ODS Notes				
If No or N/A explain				(Student Initials)
Instructor's Notes				(Instructor Initials)

Class: \_\_\_\_\_

Instructor Name: \_\_\_\_\_

Instructor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*Please make a copy for your records and return the original to the student.*

Student Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**For more information about accommodations, please consult**  
 the *Disability Services' Faculty Handbook*  
 (www.pierpont.edu > Current Students > Disability Services > Faculty Resources > Disability Services  
 Faculty Handbook)  
 and the *Disability Services' Student Guidebook*  
 (www.pierpont.edu > Current Students > Disability Services > Disability Services Student Guidebook).  
 If you have any questions or need help providing these accommodations, please contact us at  
 access@pierpont.edu or 304-534-7878. We are here to help you help our students.

Thank you for your cooperation.

If a student has a disability, such as a broken leg, is pregnant, etc., that does not fit the definition of disability under the ADA (e.g., duration less than 6 months), ODS can act as the entity that receives documentation and determines suggested temporary accommodations. When this happens, ODS will provide a different Accommodation Letter form to the student to take to her/his instructors. This student will not be covered by the ADA or Section 504 for this disability, and the student is not registered with disability services, unless the student has another disability that fits the definition of disability under the ADA and has self-identified and completed an intake. It



is up to the instructor to give or not give the accommodations for the temporary disability. Below is a sample of the Temporary Accommodation Letter.



Support Services  
Office of Disability Services  
500 Galliher Drive  
Fairmont, WV 26554  
Phone: (304) 534-7878  
E-mail: access@pierpont.edu

**Temporary Academic Accommodations ~ 2022-2023 Academic Year**  
**Expires:**

To: Faculty

RE: **Students Name**

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This document contains **confidential** information and should be handled in a secure manner.

The student provided documentation of an event to the Office of Disability Services. This event was not deemed a disability because it does not meet the definition of a disability in the Rehabilitation Act of 1973, Section 504, as amended, or the Americans with Disabilities Act.

Our office is reaching out to you and is suggesting that you provide her/him accommodations so that the situation does not unfairly interfere with either their learning process or their grading and evaluation.

If you have any questions or if our office can help you provide accommodations, such as proctoring tests that the student might miss, please contact us.

- 
- ***STUDENT AND FACULTY MEMBER:*** YOU SHOULD MEET PRIVATELY TO DISCUSS EACH INDIVIDUAL ACCOMMODATION AS IT APPLIES TO THE CLASS.
  
  - ***FACULTY:*** PLEASE COMPLETE THIS FORM WITH THE STUDENT, SIGN, AND KEEP A COPY.
-

**Instructions to Complete this Form:** The instructor and the student should meet in person (unless the student prefers to connect by phone, video, or email) to discuss each accommodation and any accompanying “ODS Notes” and handouts. The instructor will circle the following in the accommodation tables:

- Yes - when the accommodation will be provided;
- N/A - when the accommodation is not applicable to the class (an explanation is required in the “If No or N/A explain” section); or
- No - when providing the accommodation violates an essential function of the class (an explanation is required in the “If No or N/A explain” section and ODS must be contacted as soon as possible).

Both the student and instructor initial each accommodation indicating agreement with the accommodation. ODS is available to answer questions.

This accommodation letter is for the student and the instructor. The student does not need to return signed copies to ODS.

<b>Accommodation:</b>		<b>Yes</b>	<b>No</b>	<b>N/A</b>
ODS Notes & Attachments				
If No or N/A explain				(Student Initials)
Instructor’s Notes				(Instructor Initials)

Class: \_\_\_\_\_

Instructor Name: \_\_\_\_\_

Instructor Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
*Please make a copy for your records and return the original to the student.*

Student Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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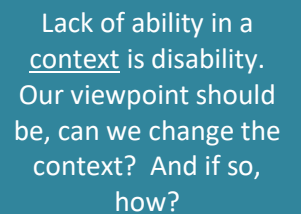
**For more information about accommodations, please consult**  
 the *Disability Services’ Faculty Handbook*  
 (www.pierpont.edu > Current Students > Disability Services > Faculty Resources > Disability Services  
 Faculty Handbook)  
 and the *Disability Services’ Student Guidebook*  
 (www.pierpont.edu > Current Students > Disability Services > Disability Services Student Guidebook).

If you have any questions or need help providing these accommodations, please contact us at  
 access@pierpont.edu or 304-534-7878. We are here to help you help our students.

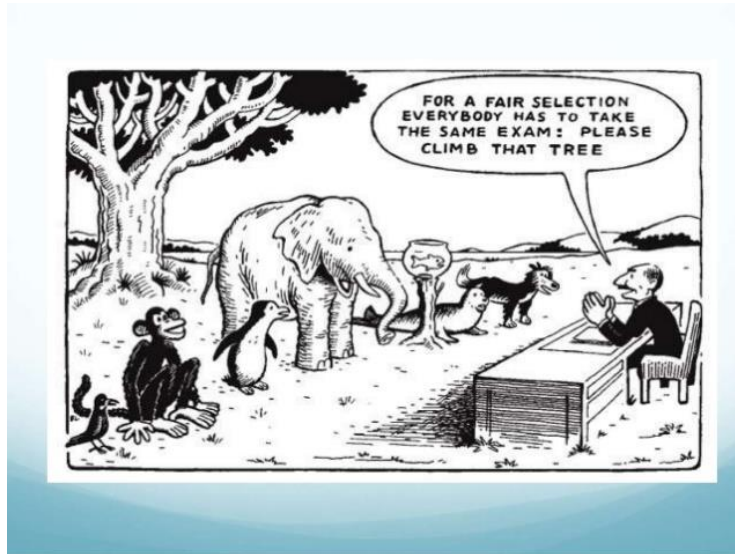
Thank you for your cooperation.

Students who are taking dual credit courses must have their accommodations approved by Pierpont’s ODS, and they are regarded as all other students enrolled in Pierpont classes. They will be provided with a Dual Credit Accommodation Letter, and it is their responsibility to present the letter to the instructor of the dual credit course and discuss how the accommodations will be given in that class. (See *How are Accommodations Provided for Dual Credit Courses*) For more information about the Dual Credit Accommodation Protocol, contact our Office.

**Appendix 4**  
**Reasonable Accommodations**



Lack of ability in a context is disability. Our viewpoint should be, can we change the context? And if so, how?



Like their name, essential functions are essential. An institution *cannot* be asked to waive or lessen essential requirements. The institution *can* be required to provide a modification (accommodation) of an essential requirement, if the requested modification does not lower academic standards, fundamentally alter the nature of the program, pose a threat to the health and safety of the student or of others, or impose an undue burden on the College or University, and the modification meets the underlying reason for the requirement (see *Guidelines for Essential Functions* in this Faculty Handbook).<sup>54</sup> Providing modifications (accommodations) means thinking out of the box; and this means asking questions. “Is there more than one way to meet the essential function [e.g., sharing knowledge mastery], other ways that provide a different context?”

As disabilities widely vary and classes/programs have different underlying reasons for their essential requirements, accommodations may or may not be given or may be given in different ways. (See *When Modifications are Requested for an Essential Requirement and Academic vs. Non-Academic Decisions*.) As discussed in *Appendix 3 – Sample Accommodation Letter Form*, while ODS determines the accommodations, the instructor and the student working together facilitate the accommodation. The student should receive the same benefits as other students, and their accommodations should not provide them advantages that other students do not receive. (See

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<sup>54</sup> Quoted from a summary of a case judgement provided by the Office of Civil Rights, Philadelphia, PA, August 30, 2016. See *Guidelines for Essential Functions* in this Faculty Handbook.

*What is a “Reasonable Accommodation”*.) ODS also can help with the imagining and facilitation of accommodations, even in relation to essential functions, if needed.

The accommodations/services available to students are based on the individual student’s disability-related needs. The student may choose to use all, some, or none of the accommodations in class. The student also may change their mind mid-term, and decide to discontinue or initiate the use of an accommodation.

If the student needs to make changes to the accommodations, the student must contact ODS. If the instructor is not providing the accommodation, the instructor must contact ODS as soon as possible. It is recommended that the instructors keep a copy of the Accommodation Letter form in their own files for reference.

Students registered with ODS will receive a copy of a Student Guidebook for Policies and Procedures. This guidebook gives more information about accommodations in relation to what a student would need to know.

**NOTE: A public reference should never be made to a student’s accommodations.**

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Common accommodations/services include, but are not limited to, the following:<sup>55</sup>

#### **Absences/Attendance Accommodations**

- *Student may need to miss class occasionally due to disability (Please allow student to make up work when possible and discuss attendance policy early in the semester) (See attached handout.)*
  - Thinking outside of the box: Is attendance an essential function of the class or can a person receive information in another way?
  - All the essential components of the class must be met regardless of the accommodation.
  - This accommodation is only applicable if class is missed due to a disability-related problem.
  - If students miss class, they are responsible for contacting their faculty member immediately and making up any missed work as soon as possible. It is understood that class attendance is extremely important and while a student may have consideration for absences, too many missed classes will make it difficult to complete course requirements.

#### **Assignments (in-class) Accommodations**

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<sup>55</sup> For more information, go to Pierpont’s *Student Guidebook of Policies & Procedures* from Disability Services.

These accommodations could work better when booked to occur at ODS' offices, like tests are proctored, unless discussion and feedback occur during the class while students are completing their assignments. Using a reader in class can make a student feel stigmatized.

- *A reader is needed for in-class assignments*
  - ODS can provide a reader for in-class assignments depending upon staff availability. This must be requested by the student 5 business days in advance of the assignments.
- *A scribe is needed for in-class assignments*
  - ODS can provide a reader for in-class assignments depending upon staff availability. This must be requested by the student 5 business days in advance of the assignments.

### Extended Time Accommodations

- *Extended time for in-class assignments/labs*
  - Extended time on in-class assignments and examinations, in most cases, will be equal to time-and-a-half of the usual time allotted for the assignment or examination. Students are required to work out arrangements for extended time on in-class assignments and examinations with their instructors in advance.
- *Extended time for out-of-class assignments/labs*
  - Extended time on out-of-class assignments will be assessed on a case-by-case basis and is determined for each particular assignment by the instructor. Students are required to work out arrangements for extended time on out-of-class assignments and examinations with their instructors in advance.

### Hearing Impairment Accommodations

- *Student will use an assistive listening device in the classroom*
  - ODS can provide a student with a hearing impairment a Bluetooth amplifying device. The student will ask the instructor to attach the microphone to their shirt or collar, and the student will use headphones or earbuds attached to the amplifier, which can be in the student's pocket or on their desk.
- *Use of Closed Captioning for videos when possible*
  - ODS can help with this.
- *The student will use an interpreter (in-person or online)*
  - The student is responsible for arranging interpreting services through ODS. This must be done 5 business days in advance of the event. They can do this by calling (TTY 304-367-4906) or dropping by ODS' offices or filling out the online form: <https://pierpont.edu/current-students/student-services/disability-services/interpreter-transcriber-request>
  - If the instructor needs to meet with the student, ODS can provide assistive technology to help them communicate during their meeting.
  - ODS might contact the instructor for information about student absences. Interpreters need to have 24-hour notice of absence, or they receive payment. So, if a student begins to be absent without notifying the interpreter, the student might lose their accommodation of being provided with an interpreter.

### Miscellaneous Accommodations

- *Please allow time for the student to process the information*
  - This is asking the instructor to move slowly during the lecture and through the delivery of information.
- *Student may need to move around &/or take breaks during class due to disability*
- *Please allow student the opportunity to clarify information*
  - This is asking the instructor to make time in class or immediately after class to answer questions.
- *Provide clear directions and written instructions for all assignments, including the steps of the task, and allow the student to clarify if needed.*
  - Contact ODS for more information.
- *Due to disability, student cannot pick up non-verbal cues. Please do not evaluate on “soft” skills (e.g., communication, organization, etc.) unless essential and student has been given clear directions.*
  - Contact ODS for more information.
- *Due to disability, student may not work well in groups. Please do not evaluate on group work or use peer evaluations.*

### Mobility Accommodations

- *Due to disability, student may need to stand and move around or leave class.*

### Note Taking Accommodations

- *Note taking assistance*
  - Note taking assistance can vary based on availability of resources. If ODS has staff who can accompany the student to class, then we can provide this service.
  - The student can check out an audio recorder, provided by ODS, from the library. There is no charge to them if they return the recorder to the library before the semester ends.
  - The instructor can locate a student in the class who can provide his/her notes.
    - Faculty is asked to approach a potential student note-taker during the first part of the second week of class. By this time, faculty is aware of what students seem to be taking good notes and are participating in class. It is important to choose a student who can be counted on to attend class and take good notes for the disabled student. Some students with disabilities wish to remain anonymous to the note taker, whereas other students will be responsible for getting the notes from the student. ODS will supply the note-takers with non-carbon notebooks whereby notes can be immediately shared with the student with the disability or given to the instructor after class to be given to the student. The instructor can contact ODS to get the non-carbon notebooks. **NOTE: If the students have computer access during class, all students can cooperatively use Google docs to share then print class notes**<sup>56</sup>.

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<sup>56</sup> <http://www.shakeuplearning.com/blog/collaborative-note-taking-with-google-docs/>,  
<http://alicekeeler.com/2014/12/29/note-taking-in-a-google-doc-time-saving-tips/>. Accessed November 21, 2016.

- The instructor can provide copies of her/his lectures notes to the student and/or provide copies of PowerPoints (in advance of the class if possible).
- *Record lectures or use of a laptop to take notes during class*
  - The student is responsible for providing a recording device of their own
  - Small audio recorders can be checked out from the library with no charge to the student if the student returns the device to the library by the end of the semester

### Other Accommodations

- *Other*

“Other” is an option under each listed accommodation. This gives the instructor and the student leeway in fulfilling the accommodation. It also is a separate accommodation on the form. This allows the instructor and the student to create accommodations that they think fulfill the student’s documented accommodation needs, but were not included in the form. The instructor should contact ODS to see if the student’s disability warrants the created accommodation before enacting a created accommodation.

### Presentation Accommodations

- *Please substitute one-on-one presentation with faculty for in-class presentation.*

### Parking Accommodations

- *Parking Permit for disabled spaces*
  - Student will obtain a Campus Disabled Parking Permit from Pierpont Student Services. (Student must present their: 1. WV registration for a Disabled Parking Permit issued in their name, and 2. Her/his campus identification card.)

### Priority Registration Accommodations

- *This is given to all students registered with ODS, and is not listed on the Accommodation Letter*

Students with disabilities, registered with ODS, are eligible for priority registration. The purpose of this accommodation is to allow students to select their classes with consideration for medication schedules, other health concerns, or learning styles. *It is the student’s responsibility to utilize this option.*

### Spelling, Reading and Math Accommodations

- *Please do not take spelling errors in consideration when grading*
  - All essential components of the course must be met regardless of the accommodation. A spell checker may be used in the place of consideration for spelling, understanding that a spell checker does not catch certain types of spelling errors. Students also can use Brainfuse (found on Blackboard) to proof their papers or go to the Tutoring Center in the library.
- *Please allow use of a calculator*

### Testing Accommodations

ODS and the Tutoring Center in the library can help provide test proctoring for students. Both will provide a reader and/or a scribe if needed. The students must arrange for this service for themselves with 5 business days’ advance notice. To have a test proctored by ODS, the student can call or drop by ODS’ offices or fill out the online form:



<https://pierpont.edu/current-students/student-services/disability-services/request-test-proctoring-form>

When a student arranges for ODS to proctor a test for them, ODS will contact the instructor to inform the instructor, to get the test, and to obtain instructions about administering the test. ODS tries to proctor the test at the same time as the rest of the instructor's class is taking the test, but this is determined by availability of rooms and staff. So times might need to be negotiated with the student and instructor.

-If a student needs to take the test at a different time than the rest of the class, the instructor can give a different test, as long as the test is comparable with the original test.

**IMPORTANT:** When the instructor provides the test to ODS, the instructor must provide information about how the test should be administered and how and when ODS should return the test to the instructor. This can be done using the online proctoring form or email to [access@pierpont.edu](mailto:access@pierpont.edu).

- If the instructor is available to answer questions from students about the test during the test, the instructor also must be available to provide that service for the student who is taking their test in an alternate location. Arrangements can be made with ODS for this. The instructor can keep their cell phone with them during the test, and provide the cell phone number to be student or to our office.

- If the instructor answers a question about the test and shares this information with the testing group or provides verbal instructions for the group, this information also should be provided to the student taking the test in an alternate location.

### **Pop Quizzes:**

While it is the student's responsibility to schedule a test with ODS; due to the secrecy associated with pop quizzes, they are exceptions. **If** taking tests at ODS is the agreement that the instructor and student made when they discussed the student's accommodation letter, then the instructor should contact ODS 5 businesses days in advance of a pop quiz and make an appointment for the student to take the test in our office. *The instructor should instruct ODS that this is a pop quiz, and that ODS should **not** contact the student about the appointment.* It is the instructor's responsibility to get the test to ODS before the appointment day. It is the instructor's responsibility to privately notify the student of the quiz and that arrangements were made for the student to take to quiz at ODS. It is up to the student to take the quiz with the class or at ODS.

*If ODS or the tutoring center cannot proctor a test, the student still receives the accommodations, so other means of providing the accommodations must be found.*

- *Extended testing/quiz time*

-Currently, the instructor determines the amount of extra time for the test, unless documentation provided by the student specifically determines a specified time, in which case that time will be listed in the Accommodation Letter. Note the amount of extra time on the Accommodation Letter.

- *Testing in a separate, quiet space*
  - ODS can help provide this accommodation.
  
- *Testing in a Private Room*
  - Use of a private room provides a testing environment in which the student is the only person in the room except for an exam proctor. Specific documentation is needed to determine private room eligibility.
  
- *Reader for tests*
  - ODS will read the questions on a test, and answers on multiple choice tests, for a student, but will not answer questions (e.g., content, definitions).
  - IMPORTANT:** If the test requires specialized pronunciation knowledge (e.g., medical terms), the instructor must work with ODS to facilitate this or use another test administration method. This should be addressed with the student when the instructor discusses the accommodation letter with the student.
  - ODS will NOT read a test with specialized vocabulary to a student, because we do not want a mispronunciation to result in the student answering a question incorrectly. We CAN administer a test with specialized vocabulary IF the instructor provides our office with a MP3 audio file or a PowerPoint with the test that is a recording of the questions being read by the instructor or someone familiar with the specialized vocabulary. If the instructor has someone who can read the test to the student, we can provide a room.
  
- *Scribe for tests*
  - ODS will provide a scribe who will fill in scantron forms or type answers to essay questions for the student.
  - ODS has a high contrast keyboard and a mouse to use for persons with visual impairments, so they can complete their own online tests or type answers to their essay questions.
  
- *Modified testing (e.g., large font, clear contrast in font/background colors)*
  - ODS is available to help with this.
  
- *Please do not use Scantrons*
  - This accommodation allows the student to write his/her answers directly on the exam.

### **Tutoring Accommodations**

- *This is free and given to all students, and is not listed on the Accommodation Letter*

### **Textbook Accommodations**

- *Textbooks in alternative (electronic) format*
  - These are ordered through ODS by the student. The student must request this in person or online from our office as soon as possible. The books must be rented or paid for and a receipt is required to order these books from the publisher. There is no guarantee that the publisher will provide the books or provide them in a timely fashion.

<https://pierpont.edu/current-students/student-services/disability-services/electronic-text-book-request-form>

### **Visual Impairment Accommodations**

- *Modified testing (e.g., large font, clear contrast in font/background colors)*  
-ODS is available to help with this.
- *Please use enlarged font in any handouts, etc. (alternative format)*  
- ODS will assist with enlarging material if needed.
- *Please use black markers or ink for handouts and whiteboards, etc. rather than green, red, or yellow whenever possible*

## **Appendix 5**

### **Attendance Modification Agreement Examples<sup>57</sup>**

Some students registered with ODS have random acute episodes associated with their diagnosis that may require them to miss class. ODS will approve that these students be granted a reasonable

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<sup>57</sup> Modified from Ohio State University. <http://www.ods.ohio-state.edu/faculty-staff/attendance-modification-agreement-examples/> Accessed November 3, 2016.

number of excused absences in their courses, as well as some flexibility with deadlines and participation points. Students approved for this accommodation will have the information in this Appendix attached to their Accommodation Letter. This information provides guidance to instructors on how to provide reasonable attendance modifications in their courses. The student and instructor put the modifications in writing on the student's accommodation letter. It is strongly suggested that the instructor keep a copy of the letter. The original letter goes to the student, who is to bring the letter to ODS to be included in the student's file.

While every course is unique and should be handled on a case-by-case basis, many instructors appreciate seeing examples of what has worked in the past. Below is a list of actual examples that instructors have used in their agreements. Feel free to use this language in your agreement, if it fits well with the nature and design of your course.

The role of attendance, due dates and participation varies from course to course, so it is important for you and the student to discuss and agree on attendance modifications. **ODS also invites you to consult with our Disability Coordinator while developing these agreements.**

### Reasonable Number of Excused Absences

Depending on the course design and how attendance is factored into the student's grade, the number of excused absences can be more or less flexible. If you would like more guidance on determining a reasonable number of excused absences, please contact ODS.

#### Internship/Performance-based Courses:

*Internship-based and performance-based courses often require more detail than a simple number when dealing with excused absences. Consider these examples:*

- Within the four week period leading up to a concert, student can miss up to two classes.
- Student can miss one additional studio practice during the semester. Any additional absences will result in student not participating in course recital.
- Student will be held to attendance policy in syllabus, except instead of losing one letter grade per class, two will be permitted.
- Internship period will be extended two additional weeks to allow for reduced number of internship hours per week.

### **Plan for Missed Exams:**

- Student will notify instructor ASAP and will make up the exam within three business days in instructor's office.
- Student will have 1 week to makeup exam at ODS.
- Student has until the end of semester to make up missed reading quizzes.
- Blackboard/Moodle exams are open for five days. Therefore, students should complete exams during this period. Makeup exams will not be permitted unless the exacerbation lasts the entire time that an exam is open.
- Student can take the course's makeup exam (as any student can), which is scheduled at the end of the semester.

### **Plan for Missed Assignments/Presentations/Projects:**

- Student has until the next class period to submit missed assignments.
- Student has until the end of the semester to turn in late assignments.
- Not more than two missed assignments will be accepted late. Student has two business days to submit the assignment(s).
- Final paper can be submitted up until the last day of finals.
- Class presentations occur over multiple days. If student misses on their assigned day, student should notify instructor and student will be allowed to present the following class period.
- In-class notes can be copied during office hours.
- Requirements for Blackboard group discussions need to be completed within the time frame allotted, as learning can only take place during the times when the conversations are active.
- Group projects can be modified to be an individual project, if needed.
- Student is responsible for coordinating with group members to schedule time to make up group work missed due to flare up.

### **Plan for Missed Labs:**

*Labs are experiential-based learning experiences that require more coordination to make up than an essay or presentation. Consider these different options when providing flexibility with lab work:*

- There are multiple labs throughout the week, so student can attend a different lab during the same week which covers the same material to earn points.
- Missed labs need to be made up within two weeks. We have agreed to Fridays between 2:00 pm and 5:00 pm. Student will contact instructor to schedule makeup.
- This course has two designated class periods in which student can make up work. If necessary, student can request one additional lab time for makeup work.
- There are no makeups for labs, though up to two labs can be exempt from grading.

### **Plan for Participation Points:**

- Student will take an active role in class discussions (when they are able to be in class) to gain participation points.
- Student can miss up to three class periods without loss of participation points.
- Student can submit notes taken from PowerPoint slides on Blackboard to receive participation points for days missed.
- Instructor will drop four lowest grades.
- Student can earn up to 45% of their missed participation points by submitting six contributions in at least four sections of the Blackboard discussion forum.
- When absent, student will email instructor with questions/comments on course material to gain participation points.
- Student can meet with instructor during office hours to make up participation points.
- Student can miss up to ten classes with no penalty to participation points. Beyond ten, student must contact instructor within 24 hours.

## **Appendix 6**

### **Universal Design in Learning (UDL)**

“Universal design for learning (UDL) is a framework to improve and optimize teaching and learning for all people based on scientific insights into how humans learn.”<sup>58</sup>

“The goal of education in the 21<sup>st</sup> century is not simply the mastery of knowledge.

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<sup>58</sup> CAST, Inc., <http://www.cast.org/our-work/about-udl.html>, accessed June 18, 2018.

It is the mastery of learning.”<sup>59</sup>

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“The purpose of UDL curricula is not simply to help students master a specific body of knowledge or a specific set of skills, but to help them master learning itself—in short, to become expert learners. Expert learners have developed three broad characteristics. They are: a) strategic, skillful and goal directed; b) knowledgeable, and c) purposeful and motivated to learn more. Designing curricula using UDL allows teachers to remove potential barriers that could prevent learners from meeting this important goal.”<sup>60</sup>

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When employing UDL designs when creating a curriculum, an instructor takes into consideration learning styles, expression styles, and common disability accommodations, incorporating these into their standard delivery methods. This means that the instructor does not have to struggle to make accommodations when presented with an accommodation letter, because many modifications are already accommodated in the instructor’s normal class structure. An example is extra time for tests. If the class receives 50 minutes to complete a test, and the instructor designs the test to be completed in 25 minutes, the instructor has fulfilled the extra time for tests requirement by providing all students with double-time. This also helps students who struggle with tests and need extra time; but, for whatever reason, do not qualify for disability services.<sup>61</sup>

According to The Ohio State University Universal Design Partnership Grant Web site:

Universal design is an approach to designing course instruction, materials, and content to benefit people of all learning styles without adaptation or retrofitting. Universal design provides equal access to learning, not simply equal access to information. Universal design allows the student to control the method of accessing information while the teacher monitors the learning process and initiates any beneficial methods.<sup>62</sup>

Courses designed with this point of view in mind offer a variety of methods in content presentation, flexible teaching strategies, and a variety of ways for students to demonstrate content mastery. According to the CAST Universal Design for Living<sup>63</sup> website, UDL reflects an awareness of the unique nature of each learner and the need to accommodate differences. It is the creation of learning experiences that suit the learner and maximize his/her ability to progress. Thinking out-of-the-box using UDL methods can help create ways for students to meet essential functions of programs or classes, if that is possible.

UDL is comprised of three components: engagement, representation, and action/expression. According to CAST,<sup>64</sup> engagement involves the affective networks of the brain, and it is the *why*

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<sup>59</sup> About Universal Design for Learning (UDL), University of Vermont, <https://www.uvm.edu/~cdci/universaldesign/?Page=about-udl/guidelines-principles.php&SM=about-udl/submenu.html>, accessed June 18, 2018.

<sup>60</sup> National Center on Universal Design for Learning, <http://www.udlcenter.org/aboutudl/udlcurriculum>, accessed June 18, 2018.

<sup>61</sup> Not all disabilities qualify for accommodations. See *Definition of a Disability* in this Faculty Handbook. In addition, due to the stigma associated with having a disability, many students choose not to report their disability.

<sup>62</sup> The Ohio State University Partnership Grant, [https://ada.osu.edu/resources/fastfacts/Universal\\_Design.htm](https://ada.osu.edu/resources/fastfacts/Universal_Design.htm), accessed June 18, 2018.

<sup>63</sup> CAST, Inc., <http://www.cast.org/our-work/about-udl.html>, accessed June 28, 2018.

<sup>64</sup> Ibid

of learning. It is “for purposeful, motivated learners, [it] stimulate[s] interest and motivation for learning.”<sup>65</sup> Representation engages the recognition networks of the brain, and it is the *what* of learning. It is “for resourceful, knowledgeable learning, [it] present[s] information and content in different ways.”<sup>66</sup> Action and expression involve the strategic networks of the brain, and they are the component of the *how* of learning. It is “for strategic, goal-directed learning, [it] differentiate[s] the ways that students can express what they know.

In terms of the implementation of UDL, this may include:

- Putting course content on-line using web content accessible to all learners to allow students to “fill-in” his/her classroom lecture notes.
- Using peer-mentoring, cooperative learning, and group discussions, while being sensitive to students who have trouble interacting socially, rather than strictly relying on lecturing to convey course content.
- Using guided notes, which allow students to listen for key terms and or essential concepts, rather than focusing on copying overhead or PowerPoint notes word for word.
- For students who have access to laptops or if a computer is available in the classroom, Google sheets can be used for cooperative notetaking.
- Allowing all interested students to record classroom lectures.
- Developing study guides with a reasonable amount of material for students to use when studying for a quiz or exam.
- Fluctuating instructional methods by providing illustrations, handouts, auditory and visual aids.
- Allowing an alternate means for the student to demonstrate subject knowledge (e.g., administering an oral exam instead of paper exam, completing a project instead of taking a multiple choice exam, doing a one-on-one presentation to the instructor instead of participating in a group presentation to a class).
- Permitting and encouraging the use of adaptive computer software (e.g., screen magnification, screen reading, text-to-speech, high contract keyboards).

**Below are websites that provide information about Universal Design in Learning.**

<http://www.cast.org/our-work/about-udl.html>

<http://www.udlcenter.org/>

<http://www.udeducation.org/>

<https://www.understood.org/en/school-learning/assistive-technology/assistive-technologies-basics/universal-design-for-learning-what-it-is-and-how-it-works>

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<sup>65</sup> Ibid

<sup>66</sup> Ibid



<https://www.uvm.edu/~cdci/universaldesign/?Page=about-udl/guidelines-principles.php&SM=about-udl/submenu.html>

<http://iris.peabody.vanderbilt.edu/module/udl/>

<http://www.asha.org/SLP/schools/Universal-Design-for-Learning/>

Tutorials explaining how to use UDL modifications to Microsoft products and multimedia.

<http://accessproject.colostate.edu/udl/>

### **Handouts**

<https://ada.osu.edu/resources/fastfacts/Coordinating-Internships-FF.pdf>

<https://ada.osu.edu/resources/fastfacts/Guided-Notes-Fact-Sheet.pdf>

[https://ada.osu.edu/resources/fastfacts/Creative\\_Web\\_Content.pdf](https://ada.osu.edu/resources/fastfacts/Creative_Web_Content.pdf)

### **Google Aps in Classrooms and Schools**

[https://docs.google.com/presentation/d/1\\_6fh7wXkugHQbbA2ILrjsFqysvclJCbul2I3Oc912D8/present?slide=id.i0](https://docs.google.com/presentation/d/1_6fh7wXkugHQbbA2ILrjsFqysvclJCbul2I3Oc912D8/present?slide=id.i0)

<http://idea.ap.buffalo.edu//home/index.asp>

<http://www.shakeuplearning.com/blog/google-apps-now-g-suite/>

### **Universal Design of Online Courses**

<https://ualr.edu/pace/tenstepsud/>

**Look on You Tube (key words - universal design in learning in higher education)**

## **Appendix 7**

### **Grievance Procedure<sup>67</sup>**

This dispute/grievance resolution procedure was designed to reflect Pierpont’s commitment to complying with requirements of the Rehabilitation Act of 1973 (Section 504) and the Americans with Disabilities Act of 1990 (ADA), which require that no qualified person, by reason of disability, should be denied access to, participation in, or benefits of any program which is operated by the College. Each qualified person shall receive reasonable accommodations to ensure equal access to educational opportunities, programs, and activities in the most integrated setting appropriate. The Americans with Disabilities Act (ADA) also prohibits discrimination against any individual on the basis of disability.

Individuals with disabilities who have followed published procedures<sup>68</sup> for requesting accommodations and have done so in a timely fashion, but who believe they have not been granted approved accommodations or access to a College program or activity, may file a grievance according to this policy. Students’ grievances will be heard in accordance with the process outlined below. College community standards and administrative policies prohibit any retaliatory actions toward students as a result of filing a grievance or for participating in any manner in the investigation.

This disabilities grievance procedure addresses only those grievances based on a documented disability as defined by the Americans with Disabilities Act as amended and does not supersede other College policies and procedures (ex., general grade appeals, honor code violations, etc.). Students are encouraged to consult with the Disabilities Services’ Coordinator regarding the most appropriate College policy or procedure for addressing a particular concern not covered by this grievance procedure.

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<sup>67</sup> This procedure was adopted and modified from Elon College’s Disability Services’ guidebook; <http://www.elon.edu/docs/e-web/academics/advising/ds/guidebook.pdf>. Accessed November 23, 2016.

<sup>68</sup> See Pierpont’s Student Guidebook of Policies & Procedures, which can be found at <https://pierpont.edu/current-students/student-services/disability-services>. ODS can provide a student with a copy of the Guidebook.

**Following the steps of this grievance procedure does not prevent the student from registering a complaint with the Office of Civil Rights, the Department of Justice, or filing a civil lawsuit.<sup>69</sup>**

**Step One: Procedure for the Informal &/or Formal Process of Resolving Complaints (Meet with the Person)**

*The student may begin the Step One process with either the informal or formal process.*

**Informal:** An informal process, while completely voluntary, is encouraged whenever possible. The informal review should be initiated as quickly as possible after the student experiences an incident. Students must report incidents as soon as possible to promote resolution at the earliest opportunity, but reports must be received within 180 calendar days (excluding College holidays) after the last incident.. This informal procedure is the recommended first step as it allows for greater flexibility, is less adversarial, and does not preclude utilizing the administrative review (Step Two) or the formal grievance procedure (Step Three) if that proves necessary. The student may choose to consult with the Disabilities Coordinator at any time in the grievance process.

The first step in the informal grievance procedure is for the student initiating the grievance (hereafter known as the Grievant) to meet directly with the person perceived to have not provided an accommodation or to have discriminated against him or her due to the student’s disability (hereafter known as the Respondent). They may be able to resolve the issue or agree on some corrective action in a cordial atmosphere.

If the Respondent is an instructor or other college personnel or entity: The Disability Services’ Coordinator may be asked to assist either or both parties in the informal process. If the grievance is resolved, the Coordinator will write a memorandum of understanding<sup>70</sup> to both the Grievant and the Respondent summarizing the resolution. A copy of this document will be signed by the Grievant, the Coordinator for Disabilities Services, and the Respondent.

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<sup>69</sup> See [https://www.ada.gov/filing\\_complaint.htm](https://www.ada.gov/filing_complaint.htm), accessed June 18, 2108.

<sup>70</sup> A memo of understanding is a document that expresses mutual accord on an issue between two or more parties. They are generally recognized as binding, even if no legal claim could be based on the rights and obligations laid down in them. To be legally operative, a memo of understanding must: 1) identify the contracting parties; 2) spell out the subject matter of the agreement and its objectives; and 3) summarize the essential terms of the agreement; and 4) must be signed by the contracting parties. Quoted from: <http://www.businessdictionary.com/definition/memorandum-of-understanding-MOU.html>. Accessed December 15, 2016.

If the grievance is against the Disabilities Services Coordinator for not providing a reasonable accommodation: The student should attempt to resolve the matter with the Coordinator directly. If the matter is not settled with the Coordinator, then the student should appeal directly to Pierpont’s Assistant Vice President of Enrollment Management (VP-SS) and the Provost<sup>71</sup>, who, working as a team, will assist the grievant through the procedure described in Step Two below. If the grievance is resolved, the VP-SS and the Provost will write and sign, along with the Grievant, the memo of understanding referenced above.

If the grievance is against another student: The matter may be referred to the Judicial Officer under Pierpont’s student code of conduct (See Pierpont’s Student Handbook, which can be found at [https://www.pierpont.edu/sites/default/files/2017-2018\\_Student\\_Handbook.pdf](https://www.pierpont.edu/sites/default/files/2017-2018_Student_Handbook.pdf)).

**Formal<sup>72</sup>:** If, for any reason, the Grievant chooses not to utilize the informal grievance procedure, the first step in the formal grievance procedure is for the Grievant to submit a written complaint. The form for this can be obtained by contacting ODS or by submitting the online form found at <https://pierpont.edu/current-students/student-services/disability-services/disability-accommodation-issues>. When the complaint is received, the Disability Services Coordinator will contact the student, conduct an investigation of the complaint, and issue a written decision on the grievance within 180 calendar days. If the grievance is against the Disabilities Services Coordinator for not providing a reasonable accommodation or is against another student, see the sections above under *Informal*.

**Step Two: Procedure for Administrative Review (Consult with Pierpont’s Vice President of Student Services and Enrollment Management [VP-SS] and/or the Provost)**

If the grievance is not resolved at Step One or the student wishes to move directly to an Administrative Review, bypassing Step One, the student should consult with the Pierpont’s VP-

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<sup>71</sup> The student can find contact information for both officials by asking the Disability Services’ coordinator for the information or by contacting Pierpont’s Student Services in person in Hardway Hall on the Fairmont Campus or by calling 304-333-3715.

<sup>72</sup> The formal process is based on an example of a Section 504 grievance procedure found at the U.S. Department of Health & Human Services, <https://www.hhs.gov/civil-rights/for-providers/clearance-medicare-providers/section-504-grievance-procedure/index.html> . Accessed January 13, 2017.

SS and the Provost. A request for an Administrative Review must be filed with the VP-SS and the Provost no more than 180 calendar days (excluding College holidays) after the last incident or within 14 calendar days (excluding College holidays) of the dispensation of an informal review in Step One. The VP-SS and the Provost will investigate, in consultation with the Disability Services Coordinator, and attempt to resolve the grievance in a more structured but informal manner through an Administrative Review. If the Respondent is the Disability Services Coordinator, this person will be replaced as a consultant in this Step by another consultant with comparable experience in Disability Services.<sup>73</sup> The investigation may include a meeting with the student, the Disabilities Coordinator, the faculty or staff respondent, in addition to the department head or academic dean and other parties who may have information or insight pertinent to the case. The Grievant should also sign and file with the complaint a "release of information" statement regarding information in the student's disability file, permitting review of such information by individuals involved in the grievance process. These forms may be obtained from the VP-SS and the Provost.

The VP-SS and the Provost will initiate the review and attempt to resolve the complaint within 14 calendar days of receiving the complaint (excluding College holidays). The time frame may be extended if the Grievant or the VP-SS and the Provost provide compelling reasons for a time extension. Once the Administrative Review has been concluded, the VP-SS and the Provost will issue a written notice of the outcome of the process to the Grievant, the Respondent, and the Disabilities Coordinator. If the Grievant is not satisfied with the disposition of the grievance after the Administrative Review or, if a decision has not been reached in 14 calendar days (excluding College holidays), the student may initiate Step Three, Formal Grievance Procedures.

### **Step Three: Procedure for Initiating a Formal Grievance Procedures (File a Grievance to be Heard by Pierpont's Disabilities Hearing Committee)**

To initiate Formal Grievance proceedings, the student must submit a formal grievance in writing to the President<sup>74</sup> no more than 180 calendar days (excluding College holidays) after the last

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<sup>73</sup> The replacing consultant can be someone from another organization, such as Fairmont State University. To maintain confidentiality under FERPA, the grievant will sign a release of information form for the non-Pierpont consultant or all information concerning the Grievant will be de-identified in reports, files, and communications.

<sup>74</sup> To initiate Step Three, the student must contact the Assistant to the President (304-367-4933). The student can find contact information for the Assistant to the President by contacting the Disability Services' coordinator, the VP-

incident or within 14 calendar days (excluding College holidays) of written notice of the results of the Informal Process in Step One or the Administrative Review in Step Two. The time frame may be extended if the Grievant or the College provides compelling reasons for a time extension. The grievance must include all of the following information and must be signed and dated by the Grievant. A grievance will not be considered to have been filed unless it includes all the required information, shown below, in the time frame indicated:

- The name and contact information of the Grievant;
- The name of the person allegedly responsible for not providing an accommodation or for committing a discriminatory act(s) based on the disability (Respondent), *with* a description of the nature of the person’s (Respondent’s) relationship to the College;
- A description of the accommodation not provided or type of discrimination alleged, based on the Grievant’s disability as described in this document;
- A description of the circumstances of the alleged discriminatory act(s), including, dates, location(s), witnesses, and supporting documents if available;
- The names and contact information of any individuals with knowledge of the incident(s) comprising the student’s complaint, who could serve as a witness(es) if needed; and
- The Grievant should also sign and include with the grievance a "release of information" statement regarding information in the student's disability file, permitting review of such information by individuals involved in the grievance process. The “release of information” forms may be obtained from the VP-SS and the Provost. (This form must be filled out, even if a “release of information” form was filled out in Step Two.)

Upon receiving the formal grievance, the President will, in writing, send a timely acknowledgement of receipt to the student that a formal review has been initiated. The President will convene a Disabilities Hearing Committee, composed of three (voting) members appointed by the President, within 30 calendar days (excluding College holidays) from receipt of the grievance to hear, read, and review all evidence presented in the disability grievance. At least one of the members of the Disabilities Hearing Committee will be a faculty member. The Disability Services Coordinator (non-voting member) will consult with the Disability Hearing Committee. If

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SS, or the Provost or by contacting Pierpont’s Student Services in Hardway Hall on the Fairmont Campus or by sending an email to [access@pierpont.edu](mailto:access@pierpont.edu).

the Respondent is the Disability Services Coordinator, this person will be replaced as a consultant in this Step by another consultant with comparable experience in Disability Services.<sup>75</sup> The President will appoint a chair for the Committee.

Hearing Guidelines:

- The Hearing Committee will read the formal grievance and then interview the Grievant and any relevant witnesses named by the Grievant.
- The Grievant may have a Grievance Advisor present throughout the formal hearing procedures to provide guidance and support. The Grievance Advisor must be a currently enrolled student or current faculty or staff member; attorneys are not allowed to participate in these proceedings. The Grievance Advisor may not address the Hearing Committee unless permitted to do so by the chair of the Hearing Committee. In extreme situations where the Grievant's disability prevents him or her from presenting their grievance to the committee, the student may request an accommodation to have the Grievant's Grievance Advisor to assist in the presentation of Grievant's complaint.
- The Hearing Committee will interview the Respondent and any relevant witnesses as requested.
- The Hearing Committee may request additional information, interview other witnesses, meet with a consultant, request a written response from witnesses, and choose to examine relevant written materials if any.
- Once the Hearing Committee has considered relevant statements and materials they will meet in closed session, deliberate, and render a finding.
- As expediently as possible and within 14 calendar days (excluding College holidays) of the conclusion of the hearing and upon conclusion of committee deliberations, the chair of the Hearing Committee will write a letter of determination to the VP-SS and the Provost, who will forward a copy of the letter to the Grievant, the Coordinator of Disability Services and the Respondent.

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<sup>75</sup> The replacing consultant can be someone from another organization, such as Fairmont State University. To maintain confidentiality under FERPA, the grievant will sign a release of information form for the non-Pierpont consultant or all information concerning the Grievant will be de-identified in reports, files, and communications shared with the consultant.

- The decision of the Hearing Committee is final and represents the final word of the College on this matter.
- All records regarding grievances based on disabilities will be kept for a period of at least five years in the Office of the Disabilities Services Coordinator and the VP-SS and the Provost. All standards with regard to disclosure or release of records will be in accordance with federal guidelines and regulations that govern student educational records.



## **Faculty Mentor Committee**

The Faculty Mentor Committee, an ad hoc committee, came into being during the fall semester of 2015. Our Office reached out to all faculty, and several faculty volunteered to join the group. The Mentors and our Office are partners in helping each other, other faculty and staff, and Pierpont students. The functions of the Mentors are in line with Pierpont’s strategic plan that focuses the college community on strengthening academic excellence and student success by: 1) engaging all faculty and staff in student success; 2) offering instruction through multiple delivery systems (e.g., universal design for learning); and 3) increasing retention activities.

We meet at least one time each semester. Several projects that the mentors have undertaken are surveying Pierpont students about what they need from faculty (completed in spring 2016), compiling a community resource list for students, providing feedback for and proofing this faculty handbook, creating a faculty guidebook and training for universal design for learning, and attending suicide prevention training (QPR – Question, Persuade, Refer). Each member participates at the level that they are able to.

Counseling & Disability Services Resource Mentors are in a unique situation of being able to educate colleagues and students about mental health concerns and disabilities. Mentors are often visible and active campus community members who have the power to influence what and how colleagues and students think about others. They have a broad view of the services and supports available within our campus community and provide colleagues, as well as students, with information, resources, and referral information when necessary. Mentors play a vital role in being the link among their own departments and the Office of Counseling & Disability Services on campus by developing connections between faculty and staff, and by providing colleagues and students with accurate information. Counseling & Disability Services Resource Mentors serve as role models by accepting, including, and accommodating students who have disabilities or mental health concerns.



Never doubt that a small group of thoughtful, committed citizens can change the world; indeed it's the only thing that ever has.

—Margaret Mead

## FAQs

### **1. As the instructor, do I have to comply with the accommodation plan detailed in the Accommodation Letter?**

Yes. An instructor does have to comply with the plan, unless the accommodation is a modification of an essential requirement. If providing the requested modification does not lower academic standards, fundamentally alter the nature of the program, pose a threat to the health and safety of the student or of others, or impose an undue burden on the College or University, and the modification meets the underlying reason for the requirement, then the instructor must comply.<sup>76</sup>

*If the instructor does not comply, s/he must contact ODS and document the reason for their refusal.*

ODS can help devise modifications.

### **2. What does noncompliance with Section 504 mean, and what sanctions can the Office of Civil Rights (OCR) impose on a school that is out of compliance with Section 504?<sup>77</sup>**

A school is out of compliance when it (e.g., its employee) is violating any provision of the Section 504 statute or regulations. OCR initially attempts to bring the school district into voluntary compliance through negotiation of a corrective action agreement. If OCR is unable to achieve voluntary compliance, OCR will initiate enforcement action. OCR may: (1) initiate administrative proceedings to terminate Department of Education financial assistance to the recipient; or (2) refer the case to the Department of Justice (DOJ) for judicial proceedings.

### **3. Who has ultimate authority to enforce Section 504?<sup>78</sup>**

In the educational context, OCR has been given administrative authority to enforce Section 504. Section 504 is a Federal statute that may be enforced through the Department's administrative process or through the Federal court system. In addition, a person may at any time file a private lawsuit against a [college]. The Section 504 regulations do not contain a requirement that a person file a complaint with OCR and exhaust his or her administrative remedies before filing a private lawsuit.

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<sup>76</sup> Quoted from a summary of a case judgement provided by the Office of Civil Rights, Philadelphia, PA, August 30, 2016. See *Guidelines for Essential Functions* in this Faculty Handbook.

<sup>77</sup> Quoted from *Protecting Students With Disabilities*;

<http://www2.ed.gov/print/about/offices/list/ocr/504faq.html>, accessed September 27, 2016.

<sup>78</sup> Ibid

**4. What happens if a college (e.g., its employee) is non-compliant with the ADA?<sup>79</sup>** [Many] organizations are not [compliant], as they feel there is not an imminent need or do not have the funding. The challenge for most organizations is that non-compliance can be an even costlier position considering the large lawsuits won over the past decade. Several class action lawsuits filed by private citizens and watchdog groups such as the National Association for the Deaf (NAD) set precedence for similar lawsuits throughout the United States. Such widespread investigation and pursuit of litigation by the DOJ and watchdog groups such as the NAD and EEOC provides an opportunity for viewing compliance with the ADA as a return on investment.

**5. What kinds of actions are discriminatory under these laws?**

Some examples of discriminatory conduct by a college or university prohibited by Section 504 include:

- Denying a qualified individual with a disability admission because of her/his disability;<sup>80</sup>
- Excluding a qualified student with a disability “from any course, course of study, or other part of its education program or activity” because of her/his disability;<sup>81</sup> and
- Counseling a qualified student with a disability toward more restrictive career objectives than other students.<sup>82</sup>

These actions would also be considered discriminatory under the ADA, which gives students with disabilities the right to the same goods, services, facilities, privileges, advantages as non-disabled students, in the most integrated setting appropriate to their needs.<sup>83</sup>

**6. What are some examples of modifications to a policy, practice or procedure?**

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<sup>79</sup> Quoted from *ADA Non-Compliance: Can You Afford It? A Whitepaper*; <http://www.docsoft.com/Resources/Studies/Whitepapers/ComplianceROI.pdf>, accessed September 27, 2016.

<sup>80</sup> 34 C.F.R. § 104.42(a).

<sup>81</sup> 34 C.F.R. § 104.43(c).

<sup>82</sup> 34 C.F.R. § 104.47(b).

<sup>83</sup> 42 U.S.C. § 12182(b)(1)(B).

Reasonable accommodations or modifications can take many forms, depending on the individual student's needs. Examples of modifications that colleges and universities might be required to make to their policies, practices, and procedures to accommodate students with disabilities include:

- Not assessing penalties for spelling errors on papers or exams;
- Allowing course substitutions for certain required or pre-requisite courses;
- Allowing extra time on exams;
- Allowing a reduced course load and extended time within which to complete degree requirements; or
- Providing housing accommodations, paid for by the student, for a student's personal care assistant

### **7. Can a college deny an accommodation, because it would create a substantial modification of their academic standards?**

It depends. Courts generally defer to a school's decision with regard to academic standards. The reason for this deference is that schools are generally better equipped than courts to determine whether a student meets that school's reasonable standards for academic achievement. However, courts carefully review the school's reasoning to ensure that the school is not hiding discriminatory intent behind academic standards. In order to demonstrate that its motives are not discriminatory, a school has an obligation to provide serious consideration to a student's request for an accommodation.

After a student has informed the school that she or he has a disability and needs a reasonable accommodation, the school has a duty to:

- A. Make itself aware of the nature of the student's disability;
- B. Explore alternatives of accommodating the student; and
- C. Exercise professional judgment in deciding whether appropriate accommodations would give the student the opportunity to complete the academic program without fundamentally or substantially modifying the school's academic standards.

The school must perform these duties in good faith. It is not enough for the school to merely speculate that a suggested accommodation is not possible, or that it would not be an effective accommodation. When deciding not to provide an accommodation, the school must prove that it

thoroughly considered whether the requested accommodation would substantially or fundamentally alter the school’s academic standards. If the school can demonstrate that it has given appropriate consideration to the request, a court will likely find that the denial of the request was legal. If the school cannot demonstrate this, a court will be far less likely to defer to the school’s judgment in deciding not to provide the accommodation.

### **8. May a college or university ever refuse to provide a student with an accommodation that the student needs?**

Yes, but only under limited circumstances. The ADA and Section 504 only require schools to provide accommodations that are reasonable. A school should not refuse to provide a student with an accommodation, unless it can show that:

- A. Providing the accommodation would create an undue financial or administrative burden for the school;
- B. Providing the accommodation would fundamentally alter the school’s academic program;
- C. The requested accommodation is of a personal nature (for example, assistance with eating or help with toileting).

In response to a request for a specific accommodation, a school may suggest an alternative accommodation or way to provide equal access. The student does not have to accept the school’s suggested accommodation, but the student should keep in mind that she/he is not entitled to “the best” accommodation – just an accommodation that is effective and reasonable.

### **9. What if a student is required to take certain classes in order to graduate. Because of the student’s disability, those classes will be difficult for her/him to complete. Can the student ask for a course substitution for the requirement?**

The school is *not required* to provide a student with a course substitution nor allow a student to skip a requirement, if it would result in a substantial change to an essential element of the school’s curriculum. Schools are allowed to set their academic standards, and are not required to lower their standards as a reasonable accommodation. However, the school must undertake a diligent assessment of the available academic options before denying a request for a course substitution. If

it determines that offering a student a course substitution would lower academic standards or fundamentally alter an essential part of the school's academic program, then the school may deny a student's request. Even so, the school must provide the student with any necessary reasonable accommodation(s) in order for the student to complete the required course.

**10. What happens if I decide not to allow a student a ODS approved accommodation?**

Students will be provided with all accommodations approved through ODS unless the instructor can prove an accommodation will fundamentally alter the nature of a course or program. However, this decision would need to be made in consultation with ODS, the faculty member, and the Department Chair. Additionally, the student would need to be given the opportunity to engage in an interactive process with the faculty member, Department Chair, and ODS to determine if there are other accommodations that might be effective. Students have the right to file a formal complaint with the Provost, and/or directly with the Office of Civil Rights and the Department of Justice if denied an accommodation, in addition to filing a lawsuit.

**11. How does the student receive disability services?** The student is asked to make an advance appointment with the disability coordinator in ODS. Information about this and an online form to make an appointment can be found at <https://pierpont.edu/current-students/student-services/disability-services>. The student also can come by the ODS office at 316 Turley Student Center. The student needs to bring in all official documentation pertaining to her/his disability and plan to discuss accommodations at the appointment. The appointment will take 1 ½ hours. (See *Appendix 2 – Disability Services – Intake Protocol* in this Faculty Handbook).

**12. If instructors cannot ask a student if they have a disability (they must self-identify), what can they do if they believe that a student has a disability?** If the student is doing well in the class, the instructor should do nothing. If the student is struggling, the instructor can give information about disability services to the entire class, which will not single the student out, even if the information has already been given. Our office is available to give a 15 minute presentation to the class about our resources. The instructor can see the student in a private meeting, like they would with other student, and share all resources (e.g., Tutoring Center, Counseling Office, ODS).

**13. What are the reasons that a student who is having trouble in class or had an Individualized Education Program (IEP) in high school would not qualify for disability services?** It is possible that the student’s difficulties do not fall under the definition of a disability. (See *Definition of a Disability*.) In relation to having an IEP, K-12 is under a different law (IDEA) than higher education (ADA), even though they both fall under Schedule 504. (See *Differences Between K-12 and Higher Education*.)

**14. Can the instructors be told of a student’s disability?** No. According to the law, the actual disability is considered confidential. The student may disclose the disability to the instructor, but is not mandated to do so.

**15. Can an instructor ask the student the nature of their disability (e.g., diagnosis)?** No. Under law, the student only needs to share the details of their disability with ODS. The only thing that the instructor needs to know is what the reasonable accommodations consist of. Due to the private nature of the disability information, ODS cannot share the disability information without permission from the student.

**16. Do all accommodations have to be on the accommodation plan?** The plan will include all accommodations to which the student is entitled. However, not all accommodations will be needed for all classes. For example, if the accommodations suggest preferential seating, and the class is online, it is not needed. We encourage the student to make an appointment with each of the instructors as soon as possible upon receipt of their Accommodation Letter and discuss her/his needs as they pertain to the class. The instructor will not be mandated to make additional accommodations requested by the student, nor will the instructor be mandated to give accommodations that compromise the integrity or standards of the course. Instructors, who have questions or concerns about a particular accommodation, should contact ODS.

**17. Will all accommodations be relevant to student’s needs?** ODS makes every attempt to link appropriate accommodations to a student’s needs based on the documentation provided. Some accommodations may be more relevant to some classes than others. We do not change the accommodation plan for each class the student takes; rather we incorporate all accommodations

the student is entitled to within the plan. It is between the instructor and the student, when they have their accommodation meeting, to determine which accommodations apply to each class. Many of the accommodations that are provided are determined by the professional who diagnoses the disability and not necessarily assigned by the ODS disability coordinators.

**18. Is there any kind of accountability for ODS for who gets accommodations and how modifications and accommodations determined?** Accommodations are based on current, official documentation of the disability. In most cases the physician, psychologist, or other professional knowledgeable to diagnose the disability, and who created the student's documentation, determines the accommodations.

**19. Whose responsibility is it to ensure the instructor knows about the accommodation plan?**

This is the student's responsibility.<sup>84</sup> An Accommodation Letter is given to the student when the student registers with ODS. Subsequently, Accommodations Letters are emailed right before the beginning of the fall semester, for the entire academic year, to all students registered with disability services. Students also can pick up copies of their letter from ODS anytime. It is the student's responsibility to ensure that the instructor has received the accommodation letter and to offer an opportunity to the instructor to understand the accommodations. It is also an opportunity to discuss the plan and decide which accommodations are truly relevant to the class.

**20. Do I have to give an accommodation not found on the list?** If a student requests an accommodation not on the plan, the instructor is encouraged to contact Disability Services to find out if the student is entitled to the requested accommodation based on the student's documentation. In some instances, the student may request an accommodation that is not mandated on a college level, such as the opportunity to use notes on an exam, take an open book test, or receive unlimited absences. Students are made aware of the differences between high school and college accommodation plans during their intake appointments.

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<sup>84</sup> In some cases, ODS will reach out to the instructor or connect the instructor with the student by email to facilitate the accommodation meeting.



**21. If a student does not approach me with their information concerning accommodations, do I approach them?** Due to shyness or embarrassment, some students are reluctant to contact their instructors to discuss their needs. Many instructors, sensitive to this issue, contact ODS to see if the student has an Accommodation Letter and discuss how to proceed.

**22. Does the instructor need to meet with the student when the student has been in their classes before and the instructor is familiar with the student's accommodations?**

It is recommended that the instructor and the student meet, even briefly if the accommodations are known, each semester to make sure that any questions the student has are answered and to complete the Accommodation Letter form together, documenting their meeting and their understanding.

**23. Do instructors get any information on how to assist in the needs of disabled students?**

Faculty members are encouraged to contact ODS to receive tips and strategies for working with students

**24. If a student decides they do not want the services on the accommodation plan, am I obligated to still provide them? Can the student, at a later time, decide that they do want the services?**

Students who choose not to use the accommodations recommended can indeed call upon them at a later date if they feel the need. We do encourage students to take advantage of the opportunities that disability services can provide, but we cannot force a student to utilize the services and accommodations. For example, some students who are eligible for extended testing in an isolated environment may choose to take the test with the class initially. If the student feels that approach does not prove conducive to academic success, the student can choose to use that accommodation at the next testing opportunity. However, the student cannot have the opportunity to re-take the same test citing an accommodation plan, *unless the option is offered to all students in the class*. If a student later discloses a disability and is offered accommodations, the approved accommodations begin only after the disclosure. Students cannot re-take tests, submit late assignments, or otherwise receive accommodations before the accommodations are given.

**25. What about English as a Second Language (ESL) students? They often request additional time to complete an in-class exam due to their unfamiliarity with the English language. You**

are not required to provide extended time for in-class exams to ESL students unless they have a documented disability which requires it.

**26. What accommodations are provided for students taking online classes?** Students are afforded some accommodations appropriate for an online class. For example, priority seating would not be needed for an online class, while extra time for tests can be needed. Accommodations are based on each student's individual needs in relation to the class structure. Testing accommodations may be provided by ODS for students taking online classes.

**27. What happens after I receive an ODS request for a test?** When ODS receives a request from a student to schedule a test, ODS contacts the instructor informing them of the scheduled test (e.g., day, time). The instructor then should provide ODS with the test (e.g., by email, dropping it off at the ODS office) and instructions about administering the test. This contact is usually done 2 days before the test. (See *Reasonable Accommodation, Testing Accommodations.*)

**28. What are the guidelines for testing students in ODS office space to ensure students will not cheat?** Students are not allowed to bring in any materials to a testing environment. They must leave their backpacks, phones, etc. in a secure space in the ODS office. Each test is proctored, so the student is not left alone. In addition, faculty must provide clear instructions on how he/she wishes the test to be administered and delivered (e.g., dropped at instructors office and left with whom, scanned and emailed). (See *Reasonable Accommodation, Testing Accommodations.*)

**29. If a student is legally blind and deaf, how do I accommodate or deliver information to this student?** In regard to severely disabled students with/without sensory impairments, ODS makes every effort to contact you before the term begins to discuss the accommodation needs of the student. The student should also be part of the discussions. A legally blind student may have some vision and can use assistive technology to enlarge any printed material and handouts, and they may rely heavily on reading software. Many deaf students use an interpreter (in-person or online) or captionist (online) to understand what is being said in the class room. ODS encourages faculty to use closed captioned videos in the class room as well. If you are not sure what to do for such a student, contact ODS and our staff will help with providing resources.

**30. What should I do if a student with a disability is excessively absent from my class?**

If their absences are unrelated to their disability, treat them the same way you would treat any other student in the same situation. However, Federal law requires post-secondary institutions to consider reasonable modifications to attendance policies for disabled students.<sup>85</sup> Two factors go into making a decision about modifying attendance policies.

- Does the disabled student have a documented disability that negatively impacts his or her ability to attend class?
- Is attendance a central, essential part of the class? In other words, would modification of the attendance policy for a disabled student result in a fundamental alteration of a core component of the class?

Although modification of attendance standards should be discussed with the faculty member, the student, and ODS, ultimately, the class instructor must determine if class attendance is an essential part of the class and if flexibility in the attendance policy may be allowed.

**31. I have a policy of giving no makeup exams. Must I allow a student with a disability to make up an exam missed due to their disability?**

Yes. If a student misses an exam for disability related reasons, they are legally entitled to a makeup exam.

**32. By allowing disabled students certain accommodations is this not putting them at a disadvantage in the work field?** Not necessarily. We know that many students do not require many accommodations once they enter the workforce unless the disability is severe as in the case of blindness, deafness, or visual impairment. If ongoing accommodations in the work setting are required, most employers will work with their employees to provide job modifications. Most disabilities are mild enough that once the student receives education and training in a certain field, their disabilities may not play a large role in their workforce success.

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<sup>85</sup> See *Attendance Modification Agreement Examples*. ODS can provide this accommodation.

**33. While participating in programs with accommodations through ODS, will a student receive enough training and preparedness for real world careers?** All students will receive the same training and the same exposure to programs as other students. There are no modifications to the actual program; only the way in which the material is presented or received. The only difference is the student may receive accommodations such as extra time or assistive technology to aid them in the learning process.

**34. Is there a guideline on how to address behavioral issues in the classroom?** A disability does not justify or excuse poor student conduct. Students who are disruptive and are violating the Student Code of Conduct should be reported to the Judicial Officer or to the CARE Team <https://pierpont.edu/current-students/student-services/counseling-center/CARE/report>. If the situation is currently dangerous, 911 or the Department of Public Safety (DPS: 304-367-4157) should be contacted.

**35. Does Disability Services help with the registration process?** Not directly. Students are asked to become familiar with the registration process, and they are referred to their faculty advisors, who are familiar with the programs, to help plan course enrollment and registration. Students are asked to be team players in the process and be knowledgeable about their program of study requirements, required test scores, length of program, and other factors in course planning and enrollment.

**36. What are some thoughts about trigger warnings? How might class material that could trigger extreme emotional upset in individuals with a history of trauma be handled?**

The use or non-use of trigger warnings is a sensitive subject.<sup>86</sup> Free speech and inquiry, including embracing our discomfort, is a fundamental aspect of education in colleges and universities. It fosters intellectual growth. In individuals with a history of trauma, especially if the student has

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<sup>86</sup> See Inside Higher Ed, Pushing Trigger Warnings: <https://www.insidehighered.com/news/2016/10/04/american-university-student-government-launches-campaign-mandatory-trigger-warnings>.  
<https://medium.com/@erikadprice/hey-university-of-chicago-i-am-an-academic-1beda06d692e#qg4hjuc5i>.  
Accessed October 4, 2016.

post-traumatic stress disorder (PTSD)<sup>87</sup> related to the traumatic event(s), any experience (e.g., watching a video, hearing a sound, reading an essay, smelling an odor, feeling a touch, experiencing a taste) that brings memories of the trauma can trigger an episode of re-experiencing the trauma. When this happens, a student can unconsciously respond in different ways (e.g., escaping by leaving the classroom, sitting quietly while shutting out the experiential input, becoming verbally aggressive). This also can lead to avoiding future experiences (e.g., not going to class). PTSD is not the only thing that can be triggered. Eating disorders, self-harm behavior, suicidal ideations are some other conditions that can be activated. In relation to education, regardless of the condition, when the trigger occurs the student is no longer learning, they are responding to the trigger; and this is out of the student's control. When a student is registered with ODS and their documentation supports that a class specific content can trigger a condition, then accommodations should be made.

Below are some suggestions for dealing with possible triggering content.

- Use complete course descriptions including warnings in your syllabus.
- Provide “warnings” of possible triggers in class.
- Pass out cards the first week of class informing students of any subjects that might warrant a trigger warning. Ask the students to anonymously circle all topics, if any, that would trigger a condition for them. Use this information to tailor the type of subject that is used to make the point of the teaching. (See *Guidelines for Essential Functions*.)
- Utilize universal design in learning when constructing your curriculum.<sup>88</sup>
- Look at the specific lesson that you are teaching, and come up with several ways to present it, coming from different points of view. That can give flexibility when a student needs to learn it using a different presentation than you usually use.

**37. Sometimes faculty get emails or calls from ODS about students who are not coming to class, who are not trying. Is ODS contacting faculty to pressure the faculty to make accommodations for those students, to bend the rules?**

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<sup>87</sup> National Institute of Mental Health, Post-Traumatic Stress Disorder. <https://www.nimh.nih.gov/health/topics/post-traumatic-stress-disorder-ptsd/index.shtml>. Accessed October 7, 2016.

<sup>88</sup> RelationsInternational; Trigger Warnings, Barriers, and the Purpose the Classroom. <http://relationsinternational.com/trigger-warnings-barriers-purpose-classroom/>. Accessed October 7, 2016.

Sometimes students come to ODS when they are in academic trouble. Some of the students are registered with ODS, others are exploring if registering with ODS can help them. ODS contacts their instructors to gather information about their actual standing in the class, as occasionally the students' perceptions are incorrect. The information usually needed is how far behind are they? Is it really possible for them to catch up? If so, how can they do this? All of the student's instructors are contacted to provide a bigger overall picture of what is reasonable and do-able. ODS then refers the students to other appropriate people to get more information (e.g., their faculty advisor, academic advising, financial aid). Then the ODS counselor will meet with the student again to put together a bigger picture to guide their decision-making. All of the information is used to guide a discussion with the student to determine what they need to be doing (e.g., take a "F" in a class, drop a class, ask for an incomplete, withdraw). This is why it is so important for faculty members to take the time to share the information with ODS. If the student is new to ODS and they have documentation of a disability, then ODS will follow the law and create an accommodation plan/letter for the student. Those accommodations would be made from that point into the future. Accommodations are not retroactive. The students still need to meet all of the class or program requirements.

### **38. How do instructors handle providing accommodations for students when the class includes field trips or study abroad?<sup>89</sup>**

Section 504<sup>90</sup> requires that programs offer equal access when arranging for the provision of nonacademic and extracurricular services. If an instructor conducts field trips or special programs, accommodations must be offered. There should be a protocol in place that is used by the program, approved by Title IX and the Office of Disability Services. This protocol should present housing information for field trips when the information for the field trip is first given to the students. The protocol should give information about what avenues the students have if they have disabilities that might prevent them from participating or being safe on the field trip (e.g., contact Title IX officer, contact Office of Disability Services).<sup>91</sup> Specific conduct guidelines should be created,

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<sup>89</sup> Planet, Disabled Students and Fieldwork: Towards Inclusivity?  
<http://www.tandfonline.com/doi/full/10.11120/plan.2002.00050009>.

<sup>90</sup> Section 504 §104.34.b <http://www.ecfr.gov/cgi-bin/text-idx?SID=028f78c7b7b48c5d5bec40402fb3e1ef&node=34:1.2.1.1.3.4.134.4&rgn=div8>. Accessed October 26, 2016.

<sup>91</sup> An example of such a protocol, the local and regional field trip policy for Otis College of Art and Design, can be

discussed with students in advance, and enforced during the trip.

**39. With the new rulings about online classes and class content,<sup>92</sup> what should instructors do to make their online class content accessible to meet the regulations?**

You have knowledge to share with your students. Many things can get in the way of the transfer of that knowledge including different learning styles, emotional dysregulation, exhaustion, inadequate study skills, hearing and vision loss, physical disabilities, lack of technological expertise, lack of computer or internet access, lack of transportation, child care or adult caregiving issues, illness, and more. What is being required by courts for ADA compliance for disabled students frequently can help **all** students as they navigate the hurdles of their life to be successful in college. Utilizing universal design in the construction of your teaching and assessments can give you the ability to meet ADA requirements and help all of your students. (See *Appendix 5 - Universal Design in Learning [UDL]*.) Thinking out of the box in creating ways for students to learn and share their learning is very important. (See *Guidelines for Essential Functions*.) The issues with the University of Berkeley and Miami University were about electronic accessibility (e.g., online classes, course content online, videos). To be compliant, **all** electronic content must be accessible. Ways to make online classes content accessible can be found at <https://ualr.edu/pace/tenstepsud/> and [http://edx.readthedocs.io/projects/open-edx-building-and-running-a-course/en/named-release-birch/getting\\_started/accessibility.html](http://edx.readthedocs.io/projects/open-edx-building-and-running-a-course/en/named-release-birch/getting_started/accessibility.html). Utilizing the support services of ODS can help.

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downloaded from the following link (click on [doc] Local and Regional Field Trip Policy):

<https://www.google.com/search?q=transgender+and+section+504&oq=transgender+and+section+504&aqs=chrome..69i57.7551j0j7&sourceid=chrome&ie=UTF-8#q=title+IX+overnight+trips+in+businesses>.

<sup>92</sup> Information about the findings about the University of California at Berkeley (August 2016) can be found at <https://www.ada.gov/>. Information about Miami University (October 2016) can be found at <https://www.ada.gov/>. Accessed October 31, 2016.

## ***Emergency Procedures***

Special considerations must be made for students with disabilities in emergency situations, such as fire or tornadoes. Ultimately, it is the student's responsibility to plan for his/her safety in an emergency situation by developing an emergency plan or strategy in advance and then discussing it with the appropriate faculty or staff member. Instructors should also develop a plan of action if a student with a mobility, visual, or hearing impairment is in his/her classroom. Forms for this are available from ODS.

### ***Students with Mobility Impairments***

During an emergency, such as a fire, elevators can become dangerous and often become inoperable. As a result, it is unlikely that a student with a mobility impairment will be able to evacuate without assistance. *The evacuation of a person who uses a wheelchair is best left to emergency personnel. In fact, asking untrained individuals to assist with evacuation could lead to personal injury or injury to the person using the wheelchair.*

1. Determine emergency exits and designated areas of rescue closest to the classroom. In the event of a fire, students with disabilities should be directed to an area of rescue. This may be a stairway<sup>93</sup>, or a room with fire rated doors and walls.
2. Note the location of evacuation chairs, if present.
3. Assist the student to the area of rescue.
4. Alert emergency personnel of the location of the student with the mobility impairment and the need for evacuation.

### ***Students with Vision Impairments or who are Blind***

Students with visual impairments will have had the opportunity to locate his/her classrooms, bathrooms, etc. with a counselor from ODS prior to the beginning of the semester; however, their awareness of emergency exits in a crisis situation may become impaired.

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<sup>93</sup> If a stairway is used as an area of rescue, the stairway must be large enough for the student to sit in his/her wheelchair without obstructing the flow of traffic.



1. Alert the student of the nature of the emergency.
2. Offer your assistance to guide the student to the nearest exit by using the sighted guide technique.
  - a. Offer the student an elbow or arm.
  - b. As you walk, inform the student of his/her whereabouts and verbally warn him/her of any obstacles, debris, doorways or narrow passages.
  - c. Once at a safe place, orient the student to his/her surroundings and determine if further assistance is needed.

### ***Students with Hearing Impairments or who are Deaf***

Students with hearing impairments or who are deaf are not likely to hear the audible warning of an emergency. As a result, it is the instructor's responsibility to inform the student that there is an emergency. Be sure to offer assistance to the student during the evacuation. There are several ways to get the student's attention.

1. Write a note for the student alerting him/her of the emergency and instructing him/her where to go.
2. Turn the light switch on and off to gain his/her attention.

### ***Students with Seizure Disorders***

Many people are able to control seizure activity through medicinal therapy; however, medical management of seizures may not be an option for some. As a result, it is important for the instructor to respond appropriately. Accommodation Letters for students with seizure disorders should have a seizure plan attached.

#### **In the event of a seizure:**

1. Remain calm.
2. Remove nearby objects especially objects that may be near the student's mouth.
3. Help to lower the student to the floor and turn him/her on his/her side.
4. Cushion his/her head.
5. Do not try to restrain bodily movement.
6. Do not put anything between the student's teeth.

7. Call or have a student call 911 or the Department of Public Safety (DPS: 304-367-4157)
  - a. OR- Send a student to the nearest administrative office to ask that DPS be contacted due to an emergency.
    1. Be sure that the student is aware of the location of the administrative office.

