

NORTHEAST COMMUNITY COLLEGE

ADMINISTRATIVE PROCEDURE NUMBER: AP-5260.0

FOR POLICY NUMBER: BP – 5260

SERVICES FOR STUDENTS WITH DISABILITIES

1. PROCEDURE SUMMARY STATEMENT

These protocols are intended to formalize rights, responsibilities and processes established for the provision of accommodations for students with disabilities and to outline mechanisms for resolving complaints concerning the provision of such accommodations.

2. DEFINITIONS

N/A

3. PROCEDURE

3.1 Process to Request Accommodations

- 3.1.1 Northeast Community College (Northeast) shall not administer licensing or certification programs in a manner that subjects students with disabilities to discrimination, nor establish requirements for programs or activities for licensing or certification programs that would subject qualified individuals with disabilities to discrimination on the basis of his/her disability. However, Northeast reserves the right to set academic or other requirements that are essential to programs of instruction or directly related licensing requirements or programs without it being regarded as discriminatory against a student with a disability. It is not the intent of College staff and faculty to counsel students with disabilities out of an academic major due to a disability.
- 3.1.2 Students seeking reasonable accommodations must contact Northeast's Disability Services Office to request a reasonable accommodation. It is the responsibility of the individual seeking a reasonable accommodation to make his/her needs known and it may require him/her to provide documentation from a qualified physical or mental health care professional substantiating the need for an accommodation to Northeast's Disability Services Office. Northeast retains the right to determine the appropriateness of the submitted documentation and request(s) for accommodation on a case-by-case basis using the professional judgment of Northeast's Director of Disability Services.
- 3.1.3 If Northeast's Director of Disability Services preliminarily concludes in consultation, with faculty or the Division Deans/Associate Deans, that the requested accommodation should be denied, that conclusion must be supported by a rational justification that available alternatives to the usual academic requirements would result either in the lowering of academic standards or the

substantial alteration of the program. The prepared conclusion must set forth in detail the factors considered by Northeast's Director of Disability Services in arriving at that conclusion.

- 3.1.4 Northeast also retains the right to request additional information to determine eligibility and the appropriate accommodation necessary. Eligibility for accommodations shall be determined by verification that the individual does have a diagnosed disability; that he/she is entitled to protection under the law; and by the collection of documentation showing the need and justification for an appropriate accommodation to eliminate barriers to student learning caused by his/her disability. The Disability Services Office will communicate approved accommodations in an Academic Access Letter , which will be provided to faculty and staff.
- 3.1.5 Northeast has designated the Associate Vice President of Human Resources to be the ADA Compliance Officer. The ADA Compliance Officer and/or Director of Disability Services shall seek to ensure implementation of reasonable accommodation requests which have been approved and communicated to faculty and staff by the Director of Disability Services. If faculty or staff have questions about or dispute a request for a reasonable accommodation, they should notify the Director of Disability Services, who has the initial authority to review complaints of potential disability discrimination. The Director of Disability Services shall work with the ADA Compliance Officer to take appropriate steps to resolve the matter.

3.2 Disclosure and Confidentiality

- 3.2.1 Disclosure of a disability is voluntary. Northeast considers disability-related information, confidential information; the information shall not become a part of a student's academic record. Disability-related information will be released only under the following conditions:
 - 3.2.1.1 if required by law
 - 3.2.1.2 with the student's written consent
 - 3.2.1.3 on a need-to-know basis (within Northeast)

3.3 Appeal/Grievance Process

- 3.3.1 Should a student wish to appeal the decision on reasonable accommodations made by the Director of Disability Services or should a student wish to file a grievance against a faculty member for failing to provide an approved accommodation, the student shall comply with the following appeal/grievance procedure:
 - 3.3.1.1 The student may file his/her appeal or grievance with the ADA Compliance Officer within five (5) working days of the decision or failure

to provide the approved accommodation. Such appeals or grievances shall be in writing and shall be delivered to the ADA Compliance Officer or his/her designee. Said request shall include whether or not the student is going to be accompanied by an advisor at the meeting with the ADA Compliance Officer, and if so, the name of the advisor.

3.3.1.2 Upon the filing of the appeal or grievance, the ADA Compliance Officer shall meet with the student and his/her advisor, if applicable, as provided by subparagraph 3.3.1.4 below. The appeal/grievance meeting shall be limited to a review of the information and documents used or issued by the Director of Disability Services in reaching his/her decision regarding the requested accommodation; or, in the case of a grievance, the information and documents provided to the faculty member. If there is new information and/or relevant facts which were not known at the time of the original determination by the Director of Disability Services, the ADA Compliance Officer may allow new information and/or relevant facts to be conveyed if requested by the student, Director of Disability Services, or faculty member prior to the time of the appeal/grievance meeting with the ADA Compliance Officer.

3.3.1.3 The ADA Compliance Officer's responsibility is:

3.3.1.3.1 In the event of an appeal: (1) To determine whether the meeting with the Director of Disability Services was conducted fairly in light of the issues and information presented, and in conformity with prescribed procedures for giving the student a reasonable opportunity to prepare and to present information regarding the accommodation. Deviations from designated procedures shall not be a basis for sustaining an appeal unless significant prejudice to the student results. (2) To determine if the decision reached by the Director of Disability Services, regarding the student's accommodation, was based on sufficient facts and information presented to the Director of Disability Services by the student.

3.3.1.3.2 In the event of a grievance: (1) To determine whether the faculty member had received sufficient notification and information regarding the approved accommodation from the Disability Services Office for the faculty member to have provided the approved accommodation. (2) To determine whether the faculty member did or did not provide the approved accommodation.

3.3.1.4 If the student, after having received notice of the appeal/grievance meeting, does not appear for the appeal/grievance meeting, the student's appeal/grievance shall be dismissed by the ADA Compliance Officer.

- 3.3.1.5 The appeal/grievance meeting with the ADA Compliance Officer shall be conducted according to the following guidelines:
- 3.3.1.5.1 The appeal/grievance meeting shall be conducted in private. The appeal/grievance meeting shall be not less than five (5) nor more than fifteen (15) working days after the student has filed his/her appeal/grievance with the ADA Compliance Officer or his/her designee. Time limits for scheduling of the appeal/grievance meeting may be extended at the discretion of the ADA Compliance Officer or his/her designee.
 - 3.3.1.5.2 The student shall have the right to be accompanied by an advisor of his/her choice, at his/her own expense. The student is responsible for presenting his/her own information. Advisors shall only be permitted to speak at the appeal/grievance meeting if requested by the student prior to the appeal/grievance meeting and approved by the ADA Compliance Officer.
 - 3.3.1.5.3 Admission of any other person to the appeal/grievance meeting shall be at the discretion of the ADA Compliance Officer.
 - 3.3.1.5.4 In addition to the decision of the Director of Disability Services or the approved accommodation by the Director of Disability Services, pertinent records, exhibits, and written statements may be accepted as information for consideration by the ADA Compliance Officer.
 - 3.3.1.5.5 All procedural questions are subject to the final decision of the ADA Compliance Officer.
 - 3.3.1.5.6 After the appeal/grievance meeting is concluded and all pertinent information has been received, the ADA Compliance Officer shall, in the event of an appeal, determine whether the Director of Disability Services' decision should be affirmed or modified, or, in the event of a grievance, whether the faculty member failed to provide an approved accommodation. In either event, the ADA Compliance Officer shall render his/her decision within five (5) working days of the appeal/grievance meeting.
 - 3.3.1.5.7 The ADA Compliance Officer's decision shall be made in writing and be based on the information received at the appeal/grievance meeting. The ADA Compliance Officer shall send a copy of his/her decision to the student by certified mail, return receipt requested, within the five (5) working days of rendering his/her decision.

- 3.3.1.6 The determination of the ADA Compliance Officer shall be final, unless new information regarding the accommodation is brought forth within ten (10) college working days of the ADA Compliance Officer's decision.
- 3.3.1.7 If the student does not agree with the determination of the ADA Compliance Officer, he/she may file a written Notice of Appeal with the Vice President of Student Services. This Appeal must be requested, in writing, within ten (10) working days from the date of the ADA Compliance Officer's written decision was received by the student.
- 3.3.1.8 The Vice President of Student Services shall review the ADA Compliance Officer's decision and the information and documents presented at the appeal/grievance meeting and render a written decision within fifteen (15) working days after receipt of the student's written Notice of Appeal. The Vice President of Student Services shall send a copy of his/her decision to the student by certified mail, return receipt requested, within the five (5) working days of rendering his/her decision. The decision of the Vice President of Student Services shall be considered final unless the student decides to appeal the Vice President of Student Services' decision to the Nebraska or Federal Office of Civil Rights (OCR). Any such further appeal by the student shall comply with the applicable OCR's time limitation for filing an appeal and applicable rules of procedure.

4. APPLICABILITY

N/A

ISSUE DATE: 02/27/2019

EFFECTIVE DATE: 02/27/2019

REVISION DATE(S): 06/13/2013 (item #1126/8); 05/01/2014; 02/27/2019

PRIOR POLICY/PROCEDURE NUMBER: 5101.a

SCHEDULE FOR REVIEW: 2024

DIVISIONS/DEPARTMENT RESPONSIBLE FOR REVIEW & UPDATE: Student Services

SPONSORING DIVISION/DEPARTMENT: Student Services

RELATED PROCEDURES/ REFERENCE: none

PROCEDURE KEY WORDS: disability services; ADA