

**Americans with Disabilities Act
(ADA)**

POLICIES AND PROCEDURES

2004-2005

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POSITION STATEMENT

Tougaloo College recognizes and supports the standards set forth in Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990, and similar state laws which are designed to eliminate discrimination against qualified individuals with disabilities. Disabilities may include physical or mental impairments which substantially limits one or more of a person's major life activities, and which necessitate modifications to the facilities, programs, or services of the College. Tougaloo College is committed to making reasonable accommodations for qualifying students, faculty, and employees with disabilities as required by applicable laws. The College cannot make accommodations that are unduly burdensome or that fundamentally alter the nature of the College's programs.

While responsibility for the accommodation of students with qualifying disabilities must be assumed and shared by all members of the College community, the College has established a process that is designed to facilitate the reasonable accommodation of students with disabilities. An ADA Compliance Coordinator, selected by the President, with the assistance of an ADA Team, as needed, certifies eligibility for accommodation(s) under the ADA for students presenting documented evidence of qualifying disabilities, reviews and acts upon all student requests for reasonable accommodations. Further, the ADA Team consisting of faculty and staff, in consultation with appropriate campus personnel, facilitates the implementation of accommodations that have been deemed reasonable and appropriate in light of the nature of a student's disability and in consideration of the individual's academic requirements. The ADA Team also serves as a resource to students and faculty on issues of accommodation and helps to coordinate the implementation of other approved accommodations within other sectors of the institution.

Faculty, staff, and other College employees who have ADA related concerns are currently assisted by Human Resources.

NATURE AND SCOPE OF POLICY

As noted in the Position Statement, Tougaloo College recognizes and supports the standards set forth in Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 and is committed to making reasonable accommodations for students with qualifying disabilities as required by these laws. Because the College's Position and Policy are intended to be co-existent with the requirements of applicable laws, nothing in this policy is intended to provide less substantive benefits or procedural protections than are required by these laws. Likewise, nothing in this policy is intended to provide greater substantive benefits or procedural protections than are required by these laws.

PROCEDURES

Certification and Accommodation

Tougaloo College has adopted the following process for making reasonable accommodations to promote the accessibility of its programs for students with qualifying disabilities:

Certification

Prior to matriculation, each admitted student receives a Special Needs Identification Form. Each student requesting accommodation must complete this form, which requires, among other things:

- A description of the disability, including the manner in which the disability limits major life activities relevant to a student's participation in Tougaloo's programs.

- A description of the specific accommodations requested. (Additional copies of this form are available from the ADA Compliance Coordinator.)

The form must be accompanied by documentation consisting of report(s) from objective professionals qualified to diagnose the disability at issue, verifying the nature and extent of the disability, and the manner in which the disability limits major life activities relevant to a student's participation in Tougaloo's programs (See Documentation).

The Special Needs Identification Form and documentation should be submitted to the ADA Compliance Coordinator immediately in order to facilitate the accommodation process being completed in as timely a manner as reasonably possible.

The ADA Compliance Coordinator reviews the request for accommodation, and the accompanying documentation, and pursues one of the following courses of action:

- certifies the student's eligibility for accommodation under the ADA; or
- finds that there is insufficient evidence to certify the student's eligibility, and
 - denies the student's request for accommodation and informs the student of the available channels of appeal; or

Accommodation

Once a student has been certified as eligible for accommodation, the ADA Compliance Coordinator

- Forwards copies of the requests to the Center for Student Advising and Retention Services (CSARS) Coordinator and to the appropriate Dean.
- Schedules a meeting with the ADA Team, the student, and other appropriate members of the College community, to formulate a proposed course of action that would constitute a reasonable accommodation of the student's disability, in view of the nature and extent of the disability, the student's compensatory skills, and course or program requirements.

Note: The ADA Team reserves the right to recommend accommodations that differ from the specific approaches suggested by the student, or by individuals documenting the student's disability, so long as the accommodations proposed by the ADA Team achieve the objective of program accessibility as required by law.

If accommodations acceptable to the student cannot be developed through cooperative dialogue, the student may appeal the decision of the ADA Committee through the Appeals Process described in Section H of this document.

Role of the ADA Team

The ADA Team is to serve in an advisory and consultative role assisting with Individualized Educational Plans (IEP's). Sectors of the College that may be called upon by the ADA Team to assist with the implementation of accommodations include, but are not limited to:

- Faculty
- Staff
- Counseling Services
- Career Services

- Health Services
- Writing Center
- Registrar's Office
- Admissions Office
- Facilities Management
- Residential Life
- Information Technology
- Academic Advisers

Role of Center for Student Advising and Retention Services (CSARS) Coordinator

The CSARS Coordinator will work with the appropriate Deans and faculty members to ensure that all professors are present at the scheduled meeting. The coordinator will also ensure that IEP's are supplied to the ADA Compliance Coordinator. The CSARS Coordinator serves as the point of contact for Academic Affairs.

Role of the ADA Compliance Coordinator

The ADA Compliance Coordinator works in the Division of Student Affairs. The ADA Compliance Coordinator provides staff support to the ADA Team by facilitating communication among its members and by maintaining records of its proceedings and decisions. The ADA Compliance Coordinator works with the CSARS Office to serve as a liaison between students, faculty, staff, Facilities Management, the Admissions Office, Residential Life, Counseling Services, Dean of Students, Information Technology, Health Services, and the ADA Team. The ADA Compliance Coordinator is the primary intake person for ADA-related issues and may also be able to provide information on ADA-related issues to members of the campus and local community.

The ADA Coordinator also educate members of the College community about their rights and responsibilities under the ADA by formulating and publicizing policies and procedures and by facilitating the organization of activities to increase awareness of disability issues.

Role of Student

Tougaloo College neither imposes accommodations on its students nor pre-empts their responsibilities, as legal and social adults, to identify their special needs and to ensure that these needs are being met.

It is the student's responsibility to initiate the certification process described above by:

- completing the Special Needs Identification Form in a timely manner;
- ensuring that the ADA Compliance Coordinator has received current, adequate and comprehensive medical and/or psychological documentation of a disability and the manner in which it limits a major function relevant to the student's participation in Tougaloo's programs.

A student who has received disability certification must work cooperatively with designated staff and faculty to determine and sustain reasonable and appropriate academic accommodations. Once a written accommodation plan has been agreed upon by the student, and the ADA Team, the student is responsible for taking reasonable steps to ensure that the plan is meeting his or her special needs. Students are therefore responsible for:

- communicating with faculty;

- keeping appointments with faculty and designated staff to avoid delays in implementation; and
- conferring with faculty and the ADA Compliance Coordinator regularly regarding the effectiveness of accommodations.

If the student perceives a need for additional accommodations or for the modification of existing accommodations, the student must request, in writing, a revision of the accommodation plan. Such requests should be addressed to the ADA Compliance Coordinator. Providing proper accommodations requires timely student input. Immediate accommodations may be impossible to facilitate.

Role of the Faculty

The ADA essentially requires that:

- all otherwise qualified students are provided with equal access to the essential course content, and
- the impact of the disability on the student's learning and/or academic performance is mitigated without compromising the course or program integrity.

Accommodations may involve modifications of the ways in which material is presented or learning is evaluated; however, accommodations which compromise the essential integrity of a course shall not be required of faculty of Tougaloo College.

Faculty are encouraged to communicate with the ADA Compliance Coordinator concerning any accommodation request. The ADA Coordinator shall communicate with CSARS, and faculty within the limitations of privacy laws. The fact, nature, and/or extent of a disability which has been certified by the ADA Compliance Coordinator is not subject to challenge by faculty, nor may faculty review the underlying documentation of a disability without written consent of the student. The Compliance Coordinator or CSARS Coordinator may provide faculty with information about the disability where necessary to implement the recommended accommodations.

Faculty also has the right to receive a status report of a student accommodation request and clarification of recommended accommodations. Also, they may suggest alternative accommodations they think are more appropriate in light of the nature of the course or program. Alternative accommodations must be as appropriate and as effective in mitigating the effects of a disability as those initially recommended by the ADA Committee. Faculty are, in turn, encouraged in appropriate situations to share with the ADA Compliance Coordinator and ADA Team information about the course and/or program, so that the ADA Team is better able to assist with appropriate accommodation requests. A cooperative effort should meet the needs of the student to the extent appropriate, maintaining the integrity of the academic course and/or program, and keeping Tougaloo College in compliance with the law.

Accommodations normally should be implemented as soon as reasonably possible after CSARS, the dean, and the faculty members have received the request in writing from the ADA Compliance Officer. If no further consultation occurs between a faculty member, the dean, the CSARS Coordinator, and the ADA Coordinator, the ADA Team assumes that accommodations will be provided as requested. The faculty member shall forward these accommodations in the written form of an IEP to the ADA Compliance Coordinator or CSARS. If the IEP is not received in the Compliance Coordinator's Office within ten (10) days of the initial notification, the CSARS Office and Vice President for Academic Affairs will be notified in writing. Undue delays in the implementation of accommodations may be construed as a form of discrimination.

Documentation

The College requires that current documentation of any or all disabilities for which accommodation is requested, provided at the expense of the student requesting accommodation, prior to determining what services and accommodations may be undertaken for students with qualifying disabilities. Documentation of disability furnished by the student will be kept confidential and will be shared only with the College personnel involved with the Coordination and facilitation of services and accommodations (including faculty to the extent noted in Section III.E.), except as is otherwise required by law or a health or safety issue. Since insufficient information may jeopardize the accommodations process, the College reserves the right to request additional documentation considered necessary to the formulation of a reasonable and appropriate accommodation plan. The cost of obtaining any such additional documentation shall be borne by the student. The College also reserves the right to request an independent evaluation by a professional of its choosing. The cost of obtaining any such independent evaluation shall be borne by the College. Students should note that documentation supplied voluntarily as part of the process of applying to Tougaloo College is not part of the student's permanent record and is not ordinarily made available to the ADA Compliance Coordinator.

Generally, documentation verifying the disability must:

- be prepared by an objective professional qualified in the diagnoses of such conditions;
- include information regarding the testing procedures followed, the instruments used to assess the disability, the test results, and a written interpretation of these results as they pertain to an educational environment and/or participation in the College's programs;
- reflect the individual's present level of functioning in the areas related to the particular accommodations being sought;
- be recent, e.g., prepared within the last several years before the first request for accommodation.

The ADA Compliance Coordinator ultimately determines whether the documentation submitted is adequate to support a requested accommodation and whether the individual preparing the documentation is qualified to make the diagnosis at issue. The ADA Compliance Coordinator may request the assistance of the Disabilities Team, when needed, to determine eligibility.

Where a student seeks accommodation for a Learning Disability (LD), the student must provide professional testing and evaluation results which reflect the student's present level of processing information and present achievement level.

The four criteria necessary to establish a student's eligibility for learning disability adjustments or accommodations are:

- average or above average intelligence as measured by a standardized intelligence test which includes assessment of verbal and nonverbal abilities;
- the presence of cognitive-achievement discrepancy or an inter-cognitive discrepancy indicated by a score on a standardized test of achievement which is 1.5 standard deviations or more below the level corresponding to a student's sub-scale or full-scale IQ;
- the presence of disorders in cognitive or sensory processing such as those related to memory, language, or attention;

- an absence of other primary factors leading to achievement below expectations such as visual or auditory disabilities, emotional or behavior disorders, a lack of opportunity to learn due to cultural or socioeconomic circumstances, or deficiencies in intellectual ability.

Documentation

Documentation verifying the learning disability must:

- be prepared by an objective professional qualified to diagnose a learning disability, including but not limited to a licensed physician, learning disability specialist, licensed professional counselor, or licensed psychologist;
- include the testing procedures followed, the instruments used to assess the disability, the test results, and a written interpretation of the test results by the professional;
- reflect the individual's present level of functioning in achievement areas of: reading comprehension, reading rate, written expression, writing mechanics and vocabulary, writing, grammar, and spelling; and
- reflect the individual's present level of functioning in the areas of intelligence and processing skills; and
- be appropriately recent, e.g., prepared within the last several years before the first request for accommodation.

The ADA Compliance Coordinator ultimately determines whether the documentation submitted is adequate to support a requested accommodation and whether the individual preparing the documentation is qualified to diagnose the learning disability at issue.

The assessment must provide data that supports the requests for any academic adjustment. In the event that a student requests an academic adjustment or accommodation that is not supported by the data in the assessment, or if the initial verification is incomplete or inadequate to determine the extent of the disability, then it is incumbent on the student to obtain supplemental testing or assessment at the student's expense.

If the College requires an additional assessment for purposes of obtaining a second professional opinion, then the College shall bear any cost not covered by any third party payer.

Health Condition, Mobility, Hearing, Speech, or Visual Impairment

A letter or report from treating physician, orthopedic specialist, audiologist, speech pathologist, or ophthalmologist (as appropriate), including:

- Clearly stated diagnosis
- Defined levels of functioning and any limitations
- Current treatment and medication
- Current letter/report (within 3 years) dated and signed

Psychological Disorder

A letter or report from a mental health professional (psychologist, neuropsychologist, licensed professional counselor) including:

- Clearly stated diagnosis (DSM-IV criteria)
- Defined levels of functioning and any limitations
- Supporting documentation (i.e. test data, history, observation, etc.)
- Current treatment and medication
- Current letter/report (within 3 years), dated and signed

Traumatic Brain Injury (TBI)

A comprehensive evaluation report by a rehabilitation counselor, speech-language pathologist, orthopedic specialist, and/or neuropsychologist (or other specialist as appropriate), including:

- Assessment of cognitive abilities, including processing speed and memory
- Analysis of educational achievement skills and limitations (reading comprehension, written language, spelling, and mathematical abilities)
- Defined levels of functioning and limitations in all affected areas (communication, vision, hearing, mobility, psychological, seizures, etc.)
- Current treatment and medication
- Current letter/report (post-rehabilitation and within 3 years), dated and signed

Attention Deficit Disorder (ADD) or Attention Deficit Hyperactivity Disorder

A comprehensive evaluation report from a physician, psychiatrist, clinical psychologist, neurologist, or neuropsychologist, including:

- Clear statement of presenting problem; diagnostic interview
- Evidence of early and current impairment in at least two different environments
- (comprehensive history)
- Alternative explanations and diagnoses are ruled out
- Relevant test data with standard scores are provided to support conclusions, including at least: WAIS-R; (b) Woodcock-Johnson Psychoeducational battery-Revised, including Written Language; (c) Behavioral Assessment Instruments for ADD/ADHD normed on adults
- Clearly stated diagnosis of ADD or ADHD based upon DSM-IV criteria
- Defined levels of functioning and any limitations, supported by evaluation data
- Current report (within 3 years of enrollment date), dated and signed

Note: High School IEP, 504 Plan, and/or letter from a physician or other professional will not be sufficient to document ADD or ADHD. Medication cannot be used to imply a diagnosis.

Appeals Process

A student may appeal any written decision of the ADA Compliance Coordinator and ADA Team. Appeals may be based upon newly discovered evidence; a challenge to an ADA decision not to certify a disability; a challenge to an ADA decision not to provide a particular accommodation; and issues regarding documentation of disabilities.

All appeals shall be submitted in writing to the ADA Coordinator within five days after the student receives written notification of the challenged ADA decision. The ADA Coordinator will forward the written appeal and relevant records to the Vice President of Student Affairs usually within three working days after receipt of any appeal. The ADA Coordinator shall provide any available additional documents or information that is requested by the Vice President. Students are encouraged to submit a complete statement outlining the reasons supporting reconsideration of the challenged decision.

All appeals shall be decided as soon as possible, but generally in a time period not to exceed three days from the receipt of all information from the ADA Coordinator and the student, and the completion of any hearing testimony or oral presentations.

The Vice President or Designee may:

- remand the decision to the ADA Compliance Coordinator and ADA Team for reevaluation with or without recommendations,
- grant the requested relief of the student, including ADA certification and/or accommodations or
- uphold the ADA Committee's original decision.

Complaints regarding Disability-related Harassment or Discrimination

In addition to the above-stated appeals process regarding accommodations decision, students who feel that they have been harassed or discriminated against on the basis of their disability, in violation of Section 504 of the Rehabilitation Act of 1973, the ADA, or other applicable law, may file a formal or informal complaint, as set forth in the College Handbook.

Student Records

Records pertaining to a student are disposed of five years after the student's graduation or five years from the student's last contact with the ADA Compliance Coordinator after leaving the College. Students may stipulate that information may not be discussed with their parents without the student's written release.

SERVICES

Academic Accommodations

The following are examples of accommodations which, in appropriate cases, would preserve essential academic program requirements while minimizing the effect of a certified disability upon a student's performance. These examples are not intended to be exhaustive, or appropriate in all cases; each student's needs are assessed on a case-by-case basis.

Classroom Access for students with Disabilities

Tougaloo College is responsible for ensuring that programs and activities are accessible to qualifying students with disabilities. Accommodations may include, for example, relocation of classes.

The College may be responsible for relocation of classes when the inaccessibility of the classroom prohibits class attendance for the disabled student. Examples of problems with access include:

- classes located in buildings without ramps or elevators;

- classes held in locations temporarily inaccessible due to construction;
- classes held in locations too distant for the student to reach in the time available;
- classes held in locations with inadequate acoustics or lighting, or where other aspects of the physical environment would deny substantial access to students with qualifying disability.

When class locations are found to be problematic, the ADA Compliance Officer will work with the class scheduling officer and the faculty involved in facilitating reasonable accommodations which may include rescheduling the class in another location. However, relocation or rescheduling would not be a required reasonable accommodation if such changes would fundamentally alter the nature of a class or program.

Assisted/Early Registration Services

The ADA Compliance Coordinator will work with the Enrollment Management Office to assist with registration when a student's disability necessitates such services. To receive assisted registration, students must first arrange to meet with Academic Affairs in a timely manner to review the courses the student wishes to enroll in. Assisted registration will not allow students to enroll in courses which they might not otherwise be eligible to enroll in.

Note-Taker

Note-takers from among the other students enrolled in a course will be sought to assist students with motor, hearing, emotional, processing, or other disabilities, when the provision of such service is determined a reasonable accommodation. The course instructor, and the ADA Coordinator will make the arrangements, and note-takers will be introduced confidentially to the student for whom the service is provided.

Tutoring Service

Tougaloo College does not provide individual tutorial assistance tailored to the special needs of students with learning disabilities or other disabilities. The College does provide peer tutors through the Office of Academic Affairs for the benefit of all students, without discrimination on the basis of disability.

Instructional Adaptations

In establishing appropriate and effective accommodations, the ADA Compliance Coordinator will work with faculty to ensure that modifications do not compromise academic standards or affect essential program requirements. Faculty may be asked to make modifications in their course materials, lecture or lab presentation, and examination format or location if such modification would not compromise academic standards or affect essential program requirements.

Time Extensions

Exams

Extended time on exams at Tougaloo College shall not exceed double time. Double time is defined as no more than twice the amount of time allocated for the original exam.

Assignments

The ADA Coordinator and/or Team will support requests for extensions for assignments on a case-by-case basis. The ADA Coordinator will only support requests made by students with ADA certified disabilities

for whom the ADA Coordinator determined that extended time for assignments a necessary and appropriate accommodation. Students are advised that the ADA is unable to waive penalties given by faculty for late assignments.

Residential Life Accommodations

The ADA Coordinator works in collaboration with Residential Life to arrange for reasonable accommodations for students with special needs living in the residence halls. Resident Assistants and Residential Life Coordinators are notified in advance of students who are physically disabled and for whom residential accommodations have been approved. Tougaloo College encourages regular communication between students with physical disabilities and the Residential Life staff. It is the responsibility of the student to consult with College staff if there is a need to revise or modify the measures taken to accommodate the student's needs. Students with learning disabilities who require quiet floor housing may request such accommodations through the ADA Coordinator. Assignments are made on a space available basis. In order to grant such requests, ample advance notification is required.

Diagnostic Evaluation Services

The Office of Counseling Services at Tougaloo College makes referrals for an assessment of a learning disability. A request for such an arrangement is the responsibility of the student.

Assessments for psychological conditions and for Attention Deficit/Hyperactivity Disorder can also be arranged with a private mental health professional within the community. The cost of treatment outside Counseling Services is the responsibility of the student.

Student Health Services

Students with disabilities are encouraged to make their needs known to a member of the Health Services staff. A variety of services can be tailored to individual needs. Services included evaluation and treatment of physical complaints and referral, as necessary, to specialists in the community.

Health records that students choose to share with Health Services are treated confidentially. No information is shared without the students' consent unless there is an imminent danger to life or property.

ASSISTANCE FOR STUDENTS WITH TEMPORARY IMPAIRMENTS

While not required by the ADA or this policy, the ADA Compliance Coordinator may be able to arrange limited assistance for temporarily impaired students at the discretion of the ADA Compliance Coordinator and other College offices or programs. It must be understood that the ADA Office voluntarily providing or arranging such help does not mean the temporarily injured or impaired students qualify as individuals with a disability under the ADA or this policy. If you have questions about what assistance the College may be able to provide in the event of a temporary impairment, contact the ADA Compliance Coordinator.

APPENDIX A

Admissions for Students with Disabilities

Tougaloo College is committed to providing meaningful access to students with disabilities and welcomes applications from students with disabilities. However, an applicant's self-identification of disabilities is at the option of the applicant and is not required.

Admitted matriculating students with disabilities who wish to request accommodations should fill out the Special Needs Identification Form and return the form to the ADA Compliance Coordinator as soon as possible.

APPENDIX B

Special Needs Identification

Tougaloo College recognizes and supports the standards set forth in Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) which are designed to eliminate discrimination against qualified individuals with disabilities. Tougaloo College is committed to making reasonable accommodations for qualified students with disabilities as required by law. We would like to take this opportunity to welcome you to the Tougaloo College community and to ask that you inform us of any disabilities for which you seek accommodation.