

WESTMINSTER COLLEGE – ADA/EQUAL ACCESS POLICY

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WESTMINSTER COLLEGE – ADA/EQUAL ACCESS POLICY

I. ADA/EQUAL ACCESS POLICY STATEMENT

The Americans with Disabilities Act (ADA) prohibits discrimination against qualified individuals with disabilities in all college programs, services, activities and benefits, including employment. This guide provides summary information about the ADA related to access to employment and access to instructional programs for students, and gives information about College, supervisor, student, and employee rights and responsibilities under the ADA and Westminster College policy. It also includes the process to use when seeking an accommodation or when presented with an applicant's, employee's, or student's accommodation request.

Westminster College is committed to the full and total inclusion of all individuals and to the principle of individual rights and responsibilities. It is the policy of Westminster College to comply with the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, and other applicable federal and state laws and regulations that prohibit discrimination on the basis of disability. Section 504 and the ADA require that no qualified person shall, solely by reason of disability, be denied access to, participation in, or the benefits of, any program or activity operated by the College.

Each qualified person with a disability shall receive reasonable accommodation(s) necessary to ensure equal access to employment, educational opportunities, programs, services, and activities in the most integrated setting appropriate. Further, discrimination is prohibited against persons because they have a record of disability, they are perceived as having a disability, or they are associated with an individual or individuals with a disability.

I.A. Who Does the ADA Cover and What Does it Require?

The ADA prohibits discrimination against:

- A person with a disability;
- A person who has a record of having a disability;
- A person who is regarded as having a disability; or
- A person who is associated with an individual or individuals with a disability.

Examples of characteristics, conditions or behaviors that are **NOT** covered by the ADA include:

- Normal Pregnancy;
- Psychoactive substance use disorders resulting from current illegal drug use;
- Compulsive gambling, kleptomania, pyromania;
- Transvestitism, trans-sexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders, other sexual disorders;
- Physical characteristics (eye color, hair color, most variations in height/weight, left-handedness);
- Common personality traits, unless symptoms of mental or psychological disorders; .
- Homosexuality or bisexuality; or
- Environmental, cultural, or economic characteristics (poverty, lack of education, prison record).

The ADA requires the provision of a reasonable accommodation(s) for qualified individuals with a disability when such is needed to allow the person to perform the essential functions of the job or to participate in the benefits of employment.

The application of the ADA policy is done on a case-by-case basis. The following definitions are key to that individual assessment process.

I.B. Key Definitions for Understanding the ADA:

What is a "disability"?

For purposes of reasonable accommodation, a "person with a disability" is someone who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment

What are "impairments"?

Types of impairments that may in some individuals result in a disability include, but are not limited to: orthopedic, visual, speech, hearing impairments, tuberculosis, HIV and AIDS, muscular dystrophy, learning disabilities, diabetes, emotional and mental illness, multiple sclerosis, cancer, developmental disability, heart disease, cerebral palsy, and epilepsy.

What are "major life activities"?

Includes activities such as: reading, speaking, breathing, standing, hearing, lifting, learning, sitting, performing manual tasks, walking, and caring for oneself. Additionally, working is considered a major life activity in the particular circumstances when the individual is unable to perform a broad range of jobs or a class of jobs because of his/her disability.

What does "substantially limits" mean?

"Substantially limits" means the individual either is unable to perform a major life activity that the average person in the general population can perform; or is restricted significantly as to the condition, manner or duration under which he/she can perform the activity as compared to the condition, manner or duration under which the average person in the general population can perform the activity.

Who is considered a "qualified individual with a disability"?

A "qualified individual with a disability" is an individual with a disability who meets the skill, experience, education, and other job-related requirements of a position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of such job. Persons who cannot perform the essential functions of the job, with or without reasonable accommodation, or who do not meet the prerequisite qualifications for the job, or who pose a direct threat of a significant risk to health or safety that cannot be eliminated by reasonable accommodation, are not otherwise qualified and may be terminated/not hired, consistent with how persons without a disability are treated in similar circumstances.

What are "essential functions"?

Essential functions are the fundamental duties of a job that an employee must be able to perform (to the prevailing standard), with or without accommodation. Functions may be essential if:

- they are the reason the position exists;
- they require the possession of specific expertise/skills;
- they cannot be distributed or assigned to others;
- all other employees similarly classified are required to perform them;
- a significant amount of time is spent performing them;
- the consequences of not performing them are considerable.

What is "a reasonable accommodation"?

An "accommodation" is a modification or adjustment to the hiring process, work environment, or manner in which work is performed customarily that enables a qualified individual with a disability to be considered to perform the essential functions of a position to the prevailing standards. The College is required to make reasonable accommodation for a qualified individual with a disability. Reasonable accommodations are determined on a case-by-case basis with the participation of the employee. An accommodation is reasonable when undertaking it would not cause the employer to incur an undue hardship, when it is not requested for marginal job functions, or when the request is not for a personal item or service.

NOTE: *Many employees with a disability require no accommodation to do their job.*

What are "marginal job functions"?

Marginal job functions are non-essential job functions. Although these may be reassigned to other persons as a job accommodation, the employer need not do so.

The College is not required to make an accommodation if it would impose an **undue hardship** on the operation of its programs. The concept of undue hardship includes any action that is unduly costly, extensive or disruptive. That is, the action requires significant difficulty or expense when considered in light of one or more of the following factors:

- Nature and net cost of accommodations;
- Number of employees and/or students;
- Effect on expenses and resources;
- Overall financial resources;
- Impact upon operation of the institution or unit;
- Impact upon academic requirements;
- Number, type and location of facilities; and
- Type operations of the employer, including the composition, structure, and functions of the workforce, and the geographic separateness and administrative or fiscal relations of the facility/facilities in question to the College.

The provision of **personal items and services** are not considered part of the employer's reasonable accommodation duty but are the responsibility of the employee. Which items are personal often depends on the individual's specific disability and the nature of the specific job.

II. ACCESS TO EMPLOYMENT: RIGHTS AND RESPONSIBILITIES

II.A. Rights and Responsibilities of the College

Westminster College recognizes that its basic responsibility is to identify and maintain the technical standards and essential functions that are fundamental to providing quality academic programs and services while ensuring the rights of individuals with disabilities. To meet this obligation, Westminster College:

- has the right to identify and establish the abilities, skills, and knowledge necessary for successful performance and to evaluate applicants and employees on this basis;
- has the responsibility to ensure that its recruitment, application, and training information and activities are available in accessible formats and facilities;
- has the responsibility to select and administer the methods used to evaluate applicants and employees so as to best ensure that the results accurately reflect skills, aptitude, performance or competencies and do not discriminate against an individual with a disability. Methods designed to measure specific skills related to fundamental standards/essential job functions are allowable even when those skills are impacted by the disability;
- has the responsibility to ensure that all of its programs, viewed in their entirety, including but not limited to, employee privileges and benefits, are accessible and usable;
- has the responsibility to adjust, substitute or waive any duties or requirements that unfairly discriminate against an employee with a disability and that are not essential functions of the employee's position;
- has the responsibility to make reasonable modifications for an employee with a disability in the setting, equipment, and procedures associated with the position;
- has the right to request and receive documentation that supports requests for modifications. The College has a right to deny a request if the documentation demonstrates that no modification is necessary or if the individual fails to provide such documentation;
- has the right to select among equally effective modifications;
- has the right to refuse an unreasonable modification or one that imposes an undue hardship on the College;
- has the responsibility to maintain the confidentiality of all requests for accommodation and any oral or written communications associated with the request;
- has the responsibility to inform its applicants and employees about the availability of auxiliary aids and the range of possible modifications as well as the procedures for requesting them (see section III, page 9 for applicants, and section IV, page 10 for employees). If a request for a modification is denied, Westminster College has the responsibility to inform the individual of his or her right to appeal the decision and the procedures for initiating an appeal.

II.B. Rights and Responsibilities of Individuals with Disabilities

An individual with a disability has a right to an equal opportunity to participate in and benefit from employment, employee benefits, and employee privileges offered by Westminster College. To ensure this right, individuals with disabilities at Westminster College:

- have the same obligation as any other employee to meet and maintain the institution's employment, technical, and performance standards;
- have the right to an equal opportunity to work. They have a right to reasonable modifications in aspects of their employment such as location, equipment or procedures that limit access, participation or ability to benefit;
- have the right to an equal opportunity to participate in and benefit from the Westminster College community. This includes access to services and benefits, when viewed in their entirety, that are comparable to those provided to any employee;
- have the responsibility to advocate for their own individual needs and to seek information, counsel, and assistance as necessary to be effective self-advocates (see section II.D, page 7, for how to request an accommodation);
- have the right to confidentiality of all information and have the right to choose to whom information about their disabilities will be disclosed. Supervisors, typically, will have a “need-to-know” in order to help the individual choose/develop an accommodation;
- have the responsibility to demonstrate or document how their disabilities limit their ability to perform a particular job function when they make a request for a modification. If the disability is not obvious, the individual must provide documentation from an appropriate professional;
- have the right to information regarding the availability of auxiliary aids and possible modifications as well as procedures for making requests for either;
- have the responsibility to follow published procedures for making such requests and to do so in a timely fashion (see section III, page 9, for applicants, and section IV, page 10, for employees);
- have the right to be informed of procedures for initiating an appeal of a decision by the institution regarding auxiliary aids or modifications (see section XII, page 25, for the grievance procedure);
- have the responsibility to follow published procedures for filing an appeal;
- have the right to be informed of procedures for initiating further appeal of an institutional decision through external channels. This typically would be done through filing a complaint with the EEOC or filing a case through the civil court system.

II.C. Reasonable Accommodation Examples and Key Points

Reasonable accommodations are determined on a case-by-case basis considering the essential functions of the job and the specific disability. In appropriate cases, examples of a reasonable accommodation could be:

- acquiring assistive equipment or modifying existing equipment or devices;
- reassigning marginal job functions;
- providing a part-time or modified work schedule;
- providing a qualified interpreter;
- adjusting or modifying examinations, training materials, or policies;
- providing a reader;
- providing enlarged print questions for the job interview;
- making the workplace physically accessible to and usable by the employee.

A qualified person with a disability must request a reasonable accommodation, if he/she wants an accommodation. Each person with a disability is unique, just like persons without disabilities are unique. Many persons with a disability do not want or need an accommodation.

The reasonable accommodation obligation is prospective, not retroactive. In other words, there is no obligation to provide reasonable accommodation(s) until a request is made. Reasonable accommodations are intended to assist the person in performing his or her job to the employer's quality standards. The request for accommodation does not excuse past poor performance.

Reasonable accommodations must be determined on a case-by-case basis. That is, a reasonable accommodation is individualized.

The reasonable accommodation obligation applies only to accommodations that reduce barriers to employment or participation in programs, services, and activities that are linked to the limitations caused by or related to the person's disability.

An employer must consider the accommodation requested by a person with a disability. A reasonable accommodation must be an effective accommodation. An employer does not have to provide the specific accommodation requested by the person with the disability if there is another equally effective, less expensive accommodation. The employer should work with the employee to consider the alternatives possible and to learn which accommodations would be effective for the person with a disability.

An employer or program provider is not required to provide an accommodation that is primarily for personal use. If an employer chooses in a particular instance to provide a personal device or service, it should be documented as an optional provision, rather than as a reasonable accommodation. Similarly, the ADA's requirements for certain types of adjustments or accommodations to meet its reasonable accommodation obligation do not prevent an employer or program provider from providing reasonable accommodations beyond those required by the ADA. An employer or program provider making such exceptional accommodations should fully document the exceptions.

The employer is not required to keep a person in a job if there is no reasonable accommodation possible to correct a direct threat to health and safety. In these instances, the supervisor shall consult with Human Resources and/or the ADA/504 Coordinator to assure that the rights of the employee are fully protected and that all alternatives are considered.

II.D. How to Request an Accommodation

To request a reasonable accommodation, an employee/applicant must make a request of his/her supervisor or of the hiring unit during the application process. Employees or applicants can also make accommodation requests by contacting Human Resources or the ADA/504 Coordinator at (573) 592-5226. The employee may be required to provide reasonable medical documentation. All such documentation shall be kept separate from employee personnel files and shall be treated confidentially, consistent with the ADA confidentiality requirements.

If the employee needs assistance with understanding his/her ADA rights, identifying possible accommodations, or clarifying the request and review process for accommodations, he or she should consult Human Resources or the ADA/504 Coordinator.

[NOTE: Employees with certified medical restrictions who are NOT qualified individuals with a disability and, therefore, are not entitled to a reasonable accommodation under the ADA, may still request adjustments that will allow them to do the essential functions of their job. An example of this would be an employee who requests an adjustment for work restrictions due to a temporary impairment. Such requests

are NOT subject to the process for reviewing reasonable accommodation requests under the ADA. Instead, the employee would make the request through his or her supervisor and consult with a Human Resources representative, as needed.]

III. ACCOMMODATION REQUEST PROCEDURES FOR JOB APPLICANT WITH DISABILITIES

III.A. Requests that Involve Accommodations for Access to the Application Process

Westminster College will provide accommodations for job applicants, upon request, during the application and interview process. Examples might include providing an interpreter during a job interview, or providing employment forms or tests in an alternative format (large print or Braille).

The procedure for handling accommodation requests for applicants is as follows:

1. An applicant requesting assistance with the employment application process completes a Request for Accommodation in the Application Process form (see Appendix B, page 29), available from the Office of Human Resources, Westminster Hall, room 106, 592-5226.
2. The Director of Human Resources and the ADA/504 Coordinator consult with the applicant and arrange for the accommodation to be provided.
3. The request is sent to the appropriate Vice President for final approval.
4. The Office of Human Resources notifies the applicant of the approved accommodation.

III.B. Requests for Accommodation Needed for the Applicant to Perform Essential Job Function

Job applicants may indicate during the application or interview process that an accommodation may be necessary for the applicant to perform the job functions if hired. When this occurs, the following procedure is followed:

1. The applicant completes Section I of the Request for Accommodation to Perform Essential Job Duties form (see Appendix C, page 31), describing his/her disability, the accommodation being requested, and how the accommodation would aid the individual in performing essential job functions. The applicant then forwards the form to the Office of Human Resources.
2. The Office of Human Resources forwards the request form to the Chair of the search committee. The search committee then determines whether the applicant is otherwise qualified for the position, assuming that the reasonable accommodation would enable the applicant to perform the essential functions of the job.
3. The Chair forwards the reasonable accommodation request to the Office of Human Resources, along with the following:
 - a) An explanation of whether the individual is otherwise qualified, and

- b) When two or more applicants have applied for a position, whether this is the applicant that the search committee would select.

4. The Director of Human Resources consults with the Chair and search committee and determines whether the applicant with a disability should be extended a job offer, conditioned upon completion of the reasonable accommodation process and the determination that there is an accommodation that will enable the applicant to perform the essential functions of the position.

5. If the individual with a disability is selected, a conditional job offer is extended in writing.

IV. ACCOMMODATION REQUEST PROCEDURES FOR CURRENT EMPLOYEES

The College has instituted a procedure for handling requests for accommodations for current employees with disabilities. Under the Americans with Disabilities Act, the College must provide a reasonable accommodation requested by an employee to perform essential job duties, unless it would present an undue hardship to the College. The following procedure should be followed for handling accommodation requests:

1. The employee first obtains a Request for Accommodation Form (see Appendix C, page 31) from the ADA/504 Coordinator.

2. The employee completes Section I of the form, describing his/her disability, the accommodation being requested, and how the accommodation will assist the individual in performing the essential functions of the job. The employee then returns the form for review to the supervisor, and for faculty, the Dean in consultation with Department and Division Chairs. A diagnostic statement from an appropriate professional may be required to establish the presence or presumption of disability.

3. The supervisor reviews the request and determines what impact it will have in the following areas:

a) Operations - if providing the accommodation would be unduly disruptive to the department or the College's ability to conduct business, then the supervisor may indicate his/her opinion that the accommodation would be an undue hardship. For example, flexible scheduling may not be able to be accomplished without negatively affecting the operation of a particular department.

b) Staffing - if the accommodation will create a heavier workload for other employees in the department, the supervisor may indicate on the form that this may pose an undue hardship.

c) Budget -when determining whether the cost of the accommodation may be an undue hardship, the focus should be on the financial resources available to the College. If the supervisor feels that the cost of providing the accommodation would be an undue hardship, he/she can indicate this on the request form.

4. If the supervisor feels that the accommodation request is reasonable based on the established criteria, he/she will indicate approval of the accommodation and forward the form to the ADA/504 Coordinator. If the supervisor feels that the accommodation may present an undue hardship, he/she must provide a suggestion for an alternative accommodation. The supervisor then forwards the form to the ADA/504 Coordinator.

5. The ADA/504 Coordinator consults with the employee and the supervisor about the request. Based on these consultations, the ADA/504 Coordinator makes a recommendation on the effectiveness of the

accommodation for the employee to perform job duties and whether an undue hardship is created for the College. The ADA/504 Coordinator forwards this recommendation to the appropriate Vice President.

6. The Vice President reviews the form to determine if funds are available to provide the requested accommodation. The Vice President may need to coordinate the effort with other members of the Cabinet, especially the VP for Business and Finance. If the Vice President approves the accommodation, the form is returned to the ADA/504 Coordinator who notifies both the employee and supervisor of the approval. If the Vice President because of budgetary or other constraints rejects the request, the Vice President notifies the ADA/504 Coordinator who then works with the supervisor and employee to arrange an alternative accommodation.

7. Once the Vice President has approved the final accommodation, the ADA/504 Coordinator offers the employee the accommodation. If the employee accepts the accommodation, he/she signs the acknowledgment on the request form. The form is then filed in the Office of the ADA/504 Coordinator.

If the employee rejects an accommodation offered by the College, he/she has the option of filing a grievance through the College's internal grievance procedure (see section XII, page 25), through the appropriate federal/state agency, or through the civil court system.

8. The supervisor follows up with the employee to ensure that the accommodation is adequate for the employee to perform his/her essential job duties.

IV.A. Documentation

Documentation may be required to establish the employee's claim of disability. It serves two primary purposes in the process:

1. Documentation at the first level establishes that an employee has, or has been considered to have, a disability and therefore is protected from discrimination. At this level documentation is a simple matter. A diagnostic statement from an appropriate professional, an IEP (Individual Evaluation Plan), even self-identification would be acceptable because the goal is to establish the presence or presumption of a disability to ensure equal or identical treatment.

2. Documentation at the second level describes the functional impact of the disability so that potential accommodations can be identified. This documentation needs to provide enough detail to anticipate how the current impact of the disability and the essential functions of the position will interact. The level of detail allows for the identification of areas where accommodations eliminate barriers. With this information, the College and employee, with assistance from the service provider, can design appropriate accommodations, identify necessary auxiliary aids, and seek appropriate support services. The goal at this level is to establish the needed modifications to ensure equitable treatment (see section IX, page 20, for additional guidelines on documentation).

IV.B. Medical Tests and Examinations

Job-related medical examinations, tests and inquiries may be required at the College's expense to determine:

1. Whether an individual can perform the essential functions of a position with or without reasonable accommodations,
2. Whether the individual poses a direct threat to the health and safety of themselves or others, or
3. Whether the individual is fit for duty irrespective of a disability or impairment.

All information acquired as part of a medical examination will be maintained separate and confidential and only disclosed as allowed by state and federal law.

IV.C. Record Keeping

Any employee records containing medical information which may be identified as relating to a disability must be maintained as "medical confidential" and kept separate from the employee's personnel file. This information will remain confidential and only made accessible as allowed by state and federal law.

Information obtained from an employee's medical examination or inquiry may not be used to unlawfully discriminate against the employee in any employment practice.

All Requests for Accommodation forms and related documentation is filed in the Office of the ADA/504 Coordinator for a period of five (5) years, or that required by law.

IV.D. Requests for Transfer as a Reasonable Accommodation.

Employees with disabilities who are unable to perform their existing jobs even with accommodation may request a transfer to another position within the College. When such a request is made, the Office of Human Resources, with Cabinet members or other area supervisors, will identify positions that are vacant or soon to be vacant that the individual is qualified to perform.

The College will make every effort to reassign the employee to a position of the same grade, salary level, and job status. If there are no equivalent positions vacant for which the employee is qualified, the College will offer reassignment to a lower graded position as an accommodation, assuming a position is available for which the individual is qualified.

V. ACCOMMODATION REQUEST PROCEDURES FOR STUDENT EMPLOYEES

The College has instituted a procedure for handling accommodation requests for student employees with disabilities. Student employees include:

- Students who have been placed in hourly or part-time positions in different departments for a wage;
- Residence hall advisors who receive a salary or room and board in exchange for performing their duties.

Under the Americans with Disabilities Act, the College must provide a reasonable accommodation requested by a student employee to perform essential job duties, unless it would present an undue hardship to the College. The following procedure has been developed for handling accommodation requests:

1. The student employee obtains a Request for Accommodation Form (see Appendix D, page 37) from the ADA/504 Coordinator.
2. The student completes Section I of the form, describing his/her disability, the accommodation being requested, and how the accommodation will assist the individual in performing the essential duties of the position. The student then forwards the form to his/her supervisor for approval.

3. The supervisor reviews the request and determines what impact it will have on operations, staffing, and the budget.

4. If the supervisor feels that the accommodation request is reasonable based on the established criteria, he/she will indicate approval of the accommodation and forward the form to the ADA/504 Coordinator. If the supervisor feels that the accommodation may present an undue hardship, he/she must provide a suggestion for an alternative accommodation. The supervisor then forwards the form to the ADA/504 Coordinator.

5. The ADA/504 Coordinator reviews the request and recommends an appropriate accommodation. The ADA/504 Coordinator indicates his/her recommendation on the form and forwards the form to the appropriate Vice President for approval.

6. The Vice President reviews the form to determine if funds are available to provide the requested accommodation. The Vice President may need to coordinate the effort with other members of the Cabinet, especially the VP for Business and Finance. If the Vice President approves the accommodation, the form is returned to the ADA/504 Coordinator who notifies both the student and supervisor of the approval. If the Vice President because of budgetary or other constraints rejects the request, the Vice President notifies the ADA/504 Coordinator who then works with the supervisor and student to arrange an alternative accommodation.

7. Once the Vice President has approved the final accommodation, the ADA/504 Coordinator offers the student the accommodation. If the student accepts the accommodation, he/she signs the acknowledgment on the request form. The form is then filed in the Office of the ADA/504 Coordinator.

If a student rejects an accommodation offered by the College, he/she has the option of filing a grievance through the College's internal grievance procedure (see section XII, page 25), through the appropriate federal/state agency, or through the civil court system.

8. The supervisor follows up with the student to ensure that the accommodation is adequate for the student to perform his/her essential job duties.

VI. ACCOMMODATION REQUEST PROCEDURES FOR COLLEGE EVENTS AND PROGRAMS

Westminster College has established a procedure for handling accommodation requests so that employees, students and visitors with disabilities may participate in College-sponsored events and programs. This includes, but is not limited to, participation in theatrical and other artistic performances, lectures, seminars, athletic events, convocation and commencement ceremonies.

In compliance with the ADA, the College will provide reasonable accommodations for persons with disabilities, unless the accommodation imposes an undue burden or fundamentally alters the nature of the program or activity. The College will work with all requests whenever received, but to ensure smooth access, the College must be contacted at least two weeks prior to the event whenever possible. The following procedure will be followed for handling accommodation requests for events:

1. An individual may contact the Events and Public Relations Coordinator to request accommodations by calling (573) 592-5125. The College will print this information on any event announcement published;

2. When an accommodation request is received, the Events and Public Relations Coordinator consults with the ADA/504 Coordinator, the Director of Plant Operations, and/or the manager of the building where the event is being held to arrange an appropriate accommodation;
3. The Events and Public Relations Coordinator may also consult with the sponsor of the event to determine what accommodations will be required for the specific event or program;
4. After arranging an accommodation, the Events and Public Relations Coordinator then contacts the requestor to offer the accommodation. The Events and Public Relations Coordinator makes a record of the offer and the requestor's response, and notifies the ADA/504 Coordinator of the same.

If the requestor rejects the accommodation, he/she is notified of the right to file a grievance following the College's internal grievance procedure (see section XII, page 25).

VII. ACCESS TO INSTRUCTIONAL PROGRAMS FOR STUDENTS: RIGHTS AND RESPONSIBILITIES

Two important areas of rights and responsibilities are considered in this policy: (a) the right of the student with a disability to be included on the basis of criteria that do not unfairly discriminate because of the disability and (b) the right of the College to set and maintain standards for admitting and evaluating the progress of students.

To assure full consideration of both areas, this section outlines the rights and responsibilities of Westminster College and the rights and responsibilities of students who have disabilities. The policy provides the necessary mechanisms for notice, requests for accommodations, and dispute resolution within the existing decision making channels, when possible, or through new mechanisms, when necessary to address the unique nature of access issues.

VII.A. Rights and Responsibilities of the College

Westminster College recognizes that its basic responsibility is to identify and maintain the academic and technical standards that are fundamental to providing quality academic programs while ensuring the rights of individuals with disabilities to full participation. To meet this obligation, Westminster College:

- has the right to identify and establish the abilities, skills, and knowledge necessary for success in its programs and to evaluate applicants and students on this basis;
- has the right to identify and establish the abilities, skills, and knowledge that are fundamental to academic programs/courses and to evaluate each student's performance against these standards. Fundamental program and course standards are not subject to modifications;
- has the right to select among equally effective modifications for individuals with a disability;
- has the right to refuse an unreasonable modification or one that imposes an undue hardship on the College;
- has the responsibility to ensure that its recruitment information, recruitment activities, and communications are available in accessible formats and facilities;
- has the responsibility to evaluate applicants based solely on their abilities. If an evaluation method or criterion unfairly discriminates against an applicant with a disability, Westminster

College will seek reasonable alternatives;

- has the responsibility to select and administer tests used to evaluate students so as to best ensure that test results accurately reflect aptitudes or competencies and do not discriminate against an individual with a disability. Tests designed to measure specific skills related to fundamental/essential course goals are allowable even when those skills are impacted by the disability;
- has the responsibility to ensure that all of its programs including but not limited to academic offerings, housing, transportation, student organizations, counseling, and placement, are accessible and usable when viewed in their entirety;
- has the responsibility to adjust, substitute or waive any academic requirements that unfairly discriminate against a student with a disability and that are not essential to the integrity of the student's academic program;
- has the responsibility to make reasonable modifications for a student with a disability in the delivery, instructional method, and evaluation system of a course;
- has the right to request and review documentation that supports requests for modifications. Westminster College has a right to deny a request if the documentation demonstrates that no modification is necessary, or if the individual fails to provide such documentation;
- has the responsibility to maintain the confidentiality of all requests for accommodation and any oral or written communications associated with the request;
- has the responsibility to inform its applicants and students about the availability of auxiliary aids and the range of possible modifications as well as the procedures for requesting them (see section VIII, page 18). If a request for a modification is denied, Westminster College has the responsibility to inform the individual of his or her right to appeal the decision and the procedures for initiating an appeal (see section XII, page 25).

VII.B. Rights and Responsibilities of Students with Disabilities

An individual with a disability has a right to an equal opportunity to participate in and benefit from programs offered at Westminster College. To ensure this right, individuals with disabilities at Westminster College:

- have the right to an equal opportunity to learn. They have a right to reasonable modifications in aspects of their educational experiences such as location, delivery system, or instructional methodologies that limit access, participation, or ability to benefit due to the impact of their disability;
- have the right to an equal opportunity to participate in and benefit from the academic community. This includes access to services, benefits, honors, co-curricular activities, housing, and transportation, when viewed in their entirety, that are comparable to those provided to any student;
- have the responsibility to advocate for their own individual needs and to seek information, counsel, and assistance as necessary to be effective self-advocates;
- have the right to confidentiality of all information and have the right to choose to whom information about their disabilities will be disclosed;

- have the right to be informed of procedures for initiating an appeal of a decision by the College regarding auxiliary aids or modifications;
- have the right to be informed of procedures for initiating further appeal of a College decision through external channels. This typically would be done through filing a complaint with Federal agencies, State agencies, or through the civil court system;
- have the responsibility to demonstrate or document how their disabilities limit their ability to benefit from a particular delivery system, instructional method, or evaluation criteria when they make a request for a modification. If the disability is not obvious, the individual must provide documentation from an appropriate professional;
- have the right to information regarding the availability of auxiliary aids and possible modifications as well as procedures for making requests for either;
- have the responsibility to follow published procedures for making such requests and to do so in a timely fashion;
- have the same obligation as any other student to meet and maintain the College's academic and technical standards;
- have the responsibility to follow published procedures for filing an appeal.

VII.C. Accommodation Decision Making Process: Guidelines

In reading the following guidelines, keep in mind that the purpose of providing accommodations is to allow students to meet established standards (not waive them) and/or to have an equal opportunity to benefit from services and programs.

- Students must be informed of how to make a request for accommodation (see section VIII, page 19).
- Students should both initiate the request and participate in the search for potentially reasonable accommodations.
- Students may be required to provide appropriate documentation (medical evaluations, psycho-educational evaluations, etc.) to support their request and assist in the process of identifying potential accommodation.
- Accommodation decisions must be made on a case-by-case basis. While procedural guidelines should exist, there should be no formulas (Disability X = Accommodation Y) or statements that requests will not be considered for a particular requirement, program or service.
- The College may establish standards that are fundamental or essential to a course, degree, program or service. Such standards must be defined in meaningful ways that relate to the purpose of course, degree, program, or service in question. These standards are not subject to accommodation. Methods of evaluation and delivery are subject to accommodation.
- The search for alternative methods of evaluation and delivery to accommodate a student should be conscientiously carried out by the student and College alike, include an exploration of new approaches or devices beyond traditional academic practice, and be documented. It is expected that the search will include input from appropriate professionals and from state and federal resources determining possible methods of accommodation.

- In choosing possible accommodations, particularly when physical access is involved, programmatic access (not the removal of all barriers) is required. Rescheduling the location of services or a course is acceptable if it does not segregate students with disabilities. When more than one equally effective method of accommodation exists, the College may choose among them. Considerations in determining if accommodations are equally effective include the level of integration vs. segregation and the level of potentially negative attention the method may attract to the student.

Denial of a request must be based on one of the following reasons:

- there is no disability to accommodate;
- the student is not otherwise qualified (with or without accommodations) to meet the academic and technical standards required for admission or participation in an education program, course, service and/or activity;
- the effects of the disability cannot be overcome even with reasonable accommodations;
- the individual would not be able to complete a program, course, service and/or activity; even with reasonable accommodations;
- the disability does not disproportionately impact the requirement, delivery system or evaluation method in question;
- the unique characteristics of the delivery system or evaluation method in question are integrally bound to a fundamental requirement and cannot be altered without a substantial modification of an essential standard;
- the accommodation in question would pose an undue burden on the College when its full financial resources are taken into account;
- due to the impact of the disability the student poses a real danger to self or others even in the presence of accommodations.

VII.D. Outline of Accommodation Decision Making Process

1. Identify the academic and technical standards.
 - a. For admission.
 - b. For course completion.
2. Determine eligibility for accommodation.
 - a. Can the student verify the disability (based on ADA and 504 definition) by observation or documentation?
 - 1). Not verified; the student is not entitled to accommodation but may pursue appeal.
 - 2). Verified; go on to step 3.
3. Is the student otherwise qualified?
 - a. Can the student meet academic and technical standard with accommodations or auxiliary aids?
 - 1). If no
 - a). Does the requirement or course represent an essential aspect of the student's program?
 - b). If yes; the student is not otherwise qualified and not entitled to accommodation but may appeal.
 - c). If no; the course or requirement must be waived or substituted.
 - 2). If yes; student is otherwise qualified and must be accommodated; go on to step 4.

4. Identify the accommodation options.
 - a. Is there more than one possible accommodation?
 - 1). If yes; select an option based on the criteria below then go to step 5.
 - a). Provides an equal educational opportunity.
 - b). Allows the most integrated experience possible.
 - c). Can be implemented in a timely fashion.
 - d). Cost considerations.
 - 2). If no; then go to step 5 with the one accommodation.
5. Is the accommodation acceptable to the student?
 - a. If yes; implement accommodation.
 - b. If no; the student may pursue an appeal.

VII.E. Establishing Reasonable Accommodations: Fundamental Goals and Functional Impact

Establishing reasonable accommodations for students with a documented disability must be done on a case-by-case basis. Not only will the strengths and needs of each student vary, but also the specific demands of the discipline, class format, and evaluation methods will vary from course to course. For the College, a case-by-case process means that a precedent is almost never set since each case has its unique context. In reviewing a student's documentation for reasonable course accommodations, there are two primary considerations: 1) the fundamental goals of the course, program or service; 2) the functional impact of the disability.

Fundamental Goals:

Faculty input is critical in selecting academic accommodation strategies that provide the student with the maximum opportunity for both learning and demonstrating mastery without violating the integrity of the course's fundamental goals. Faculty may choose between equally effective strategies if one is less intrusive to the course goals. If in a particular context an otherwise reasonable accommodation infringes on a course's fundamental goals, then the student is not entitled to the accommodation in that context. For example, a student with muscular dystrophy (affecting fine motor control) or a student with a learning disability (affecting speed of information processing) might be entitled to a fifty percent extension of testing time in most contexts (e.g., a survey history or psychology course where it is the knowledge and not the speed that is critical). If either of these students were in an emergency triage course, where the critical time in determining who should be given medical care first is fundamental to the course goals, extending the test time would be unreasonable, and one would not be entitled to the accommodation in this context. The same process and logic would be applied in reviewing non-academic services and programs such as Career Services or Housing.

Functional Impact:

The accommodations review process should focus on the functional impact of a student's disability, not his/her diagnostic label. Having a particular disability does not automatically entitle a student to a specific accommodation. For an accommodation to be warranted, the disability must have a disproportionately adverse impact on the student's evaluation or ability to participate in the course, program, or services. For example, a student who is blind or has severe dyslexia would not need accommodations for oral presentations, but since both are effectively "print blind," they might reasonably have note-takers, adaptive testing, and books on tape. To continue the example, a student with fine motor control difficulties as a result of MS or sensory motor integration deficits as a result of a learning disability might need no accommodations in the classroom or for multiple choice testing, but would need access to a word processor or an oral response format for essay tests.

VIII. ACCOMMODATION REQUEST PROCEDURES FOR STUDENTS FOR ACCESS TO INSTRUCTIONAL PROGRAMS

The College has instituted a procedure for handling accommodation requests for students with disabilities for access to instructional programs. Under the Americans with Disabilities Act, the College must provide a reasonable accommodation requested by a student to insure access to instructional programs, unless it would present an undue hardship to the College. The following procedure has been developed for handling accommodation requests:

1. The student obtains a Request for Accommodation Form from the ADA/504 Coordinator (see Appendix E, page 40).
 2. The student completes Section I of the form, describing his/her disability, the accommodation being requested, and how the accommodation will assist the individual in participating in the course of instruction. The student then forwards the form to his/her faculty instructor for approval.
 3. The faculty member, with the appropriate Department Chair, reviews the request and determines what impact it will have on the standards that are fundamental to the course, degree, program, or service in question (see sections VII.C and VII.D for guidelines and an outline of the accommodation decision making process, pages, 16 and 17). Documentation of the student's disability may be required (see section IX, page 20).
 4. If the faculty member and Department Chair feel that the accommodation request is reasonable based on the established criteria, they will indicate approval of the accommodation and forward the form to the ADA/504 Coordinator. If the faculty member and Department Chair feel that the accommodation may present an undue hardship the requirement or course represent an essential aspect of the student's program, they must provide a suggestion for an alternative accommodation. The faculty member and Department Chair then forward the form to the ADA/504 Coordinator.
 5. The ADA/504 Coordinator reviews the request and recommends an appropriate accommodation. The ADA/504 Coordinator indicates his/her recommendation on the form and forwards the form to the Dean of Faculty and VP of the College for approval.
 6. The Dean of Faculty and VP of the College reviews the form to determine if funds are available to provide the requested accommodation and to insure that guidelines are followed and that the fundamental goals and functional impact are taken into consideration (see sections VII.C and VII.E, pages 15-17). The Dean of Faculty and VP of the College may need to coordinate the effort with other members of the Cabinet, especially the VP for Business and Finance, and the appropriate Department Chairs. If the Dean of Faculty and VP of the College approves the accommodation, the form is returned to the ADA/504 Coordinator who notifies both the student and faculty member of the approval. If the Dean of Faculty and VP of the College because of budgetary or other constraints rejects the request, the Vice President notifies the ADA/504 Coordinator who then works with the faculty member, Department Chair, and student to arrange an alternative accommodation.
 7. Once the Dean of Faculty and VP of the College has approved the final accommodation, the ADA/504 Coordinator offers the student the accommodation. If the student accepts the accommodation, he/she signs the acknowledgment on the request form. The form is then filed in the Office of the ADA/504 Coordinator.
- If a student rejects an accommodation offered by the College, he/she has the option of filing a grievance through the College's internal grievance procedure (see section XII, page 25), through the appropriate federal/state agency, or through the civil court system.
8. The faculty member follows up with the student to ensure that the accommodation is adequate for the student to have access to the instructional program.

IX. DOCUMENTATION OF A DISABILITY AND REQUESTS FOR ACCOMMODATION FOR STUDENTS

The Need for Documentation

Under Federal and State law, individuals with disabilities are defined as having "a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment." Individuals with disabilities are protected from discrimination and are entitled to reasonable accommodations for the impact of their disability. Therefore, documentation serves two primary purposes in post-secondary education.

The first level of documentation establishes that a student has, or has been considered to have, a disability and therefore is protected from discrimination. At this level documentation is a simple matter. A diagnostic statement from an appropriate professional, an IEP (Individual Evaluation Plan), even self-identification would be acceptable because the goal is to establish the presence or presumption of disability to ensure equal or identical treatment.

The second level of documentation describes the functional impact of the disability so that potential accommodations can be identified. This documentation needs to provide enough detail to anticipate how the current impact of the disability and the structure of courses, testing methods, program requirements, etc., will interact. The level of detail allows for the identification of areas where accommodations eliminate barriers. With this information, the service provider and student can design appropriate accommodations, identify necessary auxiliary aids, and seek appropriate support services. The goal at this level is to establish the needed modifications to ensure equitable treatment.

Flexibility in Documentation

One of the guiding principles under Section 504 and the ADA is that accommodation decisions are made on a case-by-case basis. This calls for an individualized inquiry, examining the impact of a disability on the individual and within a specific context. There is no list of covered disabilities or accepted diagnostic criteria. Westminster College's guidelines are flexible, allowing for the consideration of alternative methods and sources of documentation, as long as the essential goal of adequately describing the current impact is met.

Another key principle is self-determination. In the context of documentation and accommodation planning, we understand that self-determination means respecting that the student is a rich, reliable and valid source of information on the impact of the disability and the effectiveness of accommodations. While objective confirmation is legitimate, so are the experiences of students.

Since Section 504 and the ADA have a broad non-categorical definition of disability, it is a nearly impossible task to write individual guidelines for every disability. The following guidelines provide the general elements required for documenting disabilities and requests for accommodation.

Guidelines For All Documentation

In order to anticipate and evaluate a student's need for accommodations or auxiliary aids, the College will need documentation of the disability that consists of an evaluation by an appropriate professional and describes the current impact of the disability as it relates to the accommodation request. As appropriate to the disability the documentation should include the following elements:

1. A diagnostic statement identifying the disability, date of the current diagnostic evaluation, and

the date of the original diagnosis.

The diagnostic systems used by the Department of Education, The State Department of Rehabilitative Services or other State agencies and/or the current editions of either the Diagnostic Statistical Manual of the American Psychiatric Association (DSM) or the International Statistical Classification of Diseases and Related Health Problems of the World Health Organization (ICD) are the recommended diagnostic taxonomies.

2. A description of the diagnostic criteria and or diagnostic test used.

This description should include the specific results of diagnostic procedures, diagnostic tests utilized, and when administered. When available both summary and specific test scores should be reported as standard scores and the norming population identified. When standard scores are not available: the mean, standard deviation, and the standard error of measurement are requested as appropriate to the construction of the test.

Diagnostic methods used should be congruent with the disability and current professional practices within the field. Informal or non-standardized evaluations should be described in enough detail that a professional colleague could understand their role and significance in the diagnostic process.

3. A description of the current functional impact of the disability.

The current functional impact on physical, perceptual, cognitive, and behavioral abilities should be described either explicitly or through the provision of specific results from the diagnostic procedures. Currency will be evaluated based on the typical progression of the disability, its interaction with development across the life span, the presence or absence of significant events (since the date of the evaluation) that would impact functioning, and the applicability of the information to the current context of the request for accommodations.

4. Treatments, medications, assistive devices/services currently prescribed or in use.

A description of treatments, medications, assistive devices, accommodations and/or assistive services in current use and their estimated effectiveness in ameliorating the impact of the disability. Significant side effects that may impact physical, perceptual, behavioral or cognitive performance should also be noted.

5. A description of the expected progression or stability of the impact of the disability over time should be included.

This description should provide an estimate of the change in the functional limitations of the disability over time and/or recommendations concerning the predictable needs for reevaluation.

6. A history of previous accommodations and auxiliary aids and their impact.

This information may come from multiple sources and contexts. While information from previous schools or employers may be useful, the individual's narrative is likely to be the primary source for this information.

7. The credentials of the diagnosing professional(s).

Individuals conducting the evaluation should provide information describing their certification, licensure, and/or the professional training.

Beyond the seven elements expected to be included in documentation, recommendations for accommodations, adaptive devices, assistive services, compensatory strategies, and/or collateral support

services will be considered by the diagnosing professional.

Based on the context of the diagnostic evaluation, recommendations for specific accommodations, adaptive devices, and/or assistive services that may ameliorate the functional impact of the disability and provide fuller access should be described by the diagnosing professional. As appropriate, recommendations for collateral medical, psychological, and/or educational support services or training that would be beneficial may also be included (see section XI, page 24, for a sample general access plan).

Recommendations from professionals with a history of working with the individual provide valuable information for the review process. They will be included in the evaluation of requests for accommodation and/or auxiliary aids. Where such recommendations are congruent with the programs, services, and benefits offered by the College, they will be given deference. When recommendations go beyond services and benefits that can be provided by the College, they may be used to suggest potential referrals to area service providers beyond the College

To assist students in applying these guidelines to their specific circumstances, students and their service provider are referred to the following representative guidelines for specific disabilities. These guidelines reflect available national guidelines, licensing board practices, and current practices in the field. Students are encouraged to ask that their physician, psychologist, psychiatrist, or other professional take these into consideration and provide information that will be of maximum use for them in the widest possible number of settings and potential future documentation needs.

Educational Testing Service's Disability Documentation Guidelines: <http://www.ets.org/disability.html>

University of Colorado at Boulder's Documentation Guidelines:
<http://www.Colorado.EDU/sacs/disabilityservices/doc.html>

Association of Higher Education And Disability's Learning Disability Documentation Guidelines: <http://www.ahead.org/ldguide.html>

National Board of Medical Examiners Disability Documentation Guidelines: <http://www.nbme.org/new/Version/ota3.html>

X. SAMPLE GENERAL ACCESS PLAN

Ms. Jane Doe has been evaluated by the College and the office of the ADA/504 Coordinator for a condition requiring reasonable accommodation in accord with Section 504 of the Rehabilitation Act and the Americans With Disabilities Act. The information contained in this review is considered confidential and cannot be discussed or released without Ms. Doe's written permission.

FUNCTIONAL IMPACT OF THE CONDITION:

Ms. Doe has a documented disability impacting selective and sustained attention, processing speed, sequencing, and cognitive load. The disability expresses itself as difficulties with keeping information in order across copy task such as multi-step problem solving, difficulty with multiple track tasks such as note taking, reduced rates of reading and writing and difficulty suppressing background sounds and visuals.

Based on a review of the functional impact of the student's condition, adaptations have been identified that must be granted when the condition interacts in a disproportionately adverse way with the instructional delivery, evaluation formats, or program services and benefits. The following adaptations must be provided unless they fundamentally alter the nature of the course, program, or service.

POTENTIAL ADAPTATIONS & SERVICES

Evaluation Formats:

Extended time (50% -75% depending on format).

Non-distractive individual test environment.

Instructional Delivery:

Use of a tape recorder or shared notes.

Preferential seating.

Campus Environment and Services:

Priority scheduling for tutors.

Compensatory strategy instruction

All of the above adaptations may not be needed in any one context and some necessary adaptations may not have been foreseen. Because specific course, program requirements, delivery system and context may interact with the student's condition differentially, these adaptations should be reviewed regularly. Students, faculty, or staff may request a review of the application of these adaptations to a context at any time.

Access Plan developed by Signature: _____ Date: _____

Assistance in clarifying and carrying out the above Access plan

can be obtained through the Office of the ADA/504 Coordinator.

XI. GUIDELINES FOR SYLLABUS STATEMENTS ABOUT THE ACCOMMODATION PROCESS

Establishing reasonable accommodations must be done on a case-by-case basis. Not only will the strengths and needs of each individual vary, but also the specific demands of the context, discipline, class format, evaluation methods, and curricular goals will vary from course to course. The accommodation process should be one of collaboration between student and instructor with support from the office of the ADA/504 Coordinator. Providing clear notice of a collaborative and individualized process are hallmarks of the legal requirement to provide reasonable accommodations.

Syllabus statements should include the following points:

1. An invitation to students who have disabilities to meet, in a confidential environment, review course requirements and discuss their need for accommodations with the faculty member. Ideally this discussion will allow students to anticipate needs and faculty to discuss the course's central goals so that they can develop a plan for reasonable accommodations.

2. Faculty members can require students to make accommodation requests in a timely manner. What time frame is reasonable will depend on the specifics of the situation. If a deadline is established, say the first two weeks, faculty members will want to be flexible in reviewing late requests. The key is considering any request, including a late request individually to determine if the request itself including the available time frame is reasonable.

3. A statement indicating that the college relies on the office of the ADA/504 Coordinator to verify a disability and need for a particular accommodation. Faculty members might want to include contact information for the office in the statement.

Here are some notice statements that may be used as models:

SYLLABUS

Anyone who feels he or she may need an accommodation based on the impact of a disability should contact me to arrange an appointment as soon as possible. At the appointment we can discuss the course format, anticipate your needs and explore potential accommodations. I rely on the office of the ADA/504 Coordinator for assistance in verifying the need for accommodations and developing accommodation strategies. If you have not previously contacted the office of the ADA/504 Coordinator, I encourage you to do so.

WEB PAGE

If you have difficulty accessing any portions of this page due to incompatibility with adaptive technology please contact me at {e-mail, phone}.

If you need any of the materials on this page in an adaptive format please contact me at {e-mail, phone}.

FOR EVENT OR PROGRAM SCHEDULES

Example 1. If you have questions concerning access or wish to request accommodations for a disability, please contact (name, address, phone, TDD – Telecommunications Device for the Deaf, and e-mail). Please make request two weeks in advance, when possible, so that we can ensure seamless access. Due to the age of our campus, not every facility is fully accessible. Locations that are not fully accessible are indicated with an asterisk *.

Example 2. Due to the age of our campus, not every facility is fully accessible. We are happy to work with patrons to ensure access through the use of temporary measures or rescheduling. Locations that are not fully accessible are indicated with an asterisk *. If you have questions concerning access or accommodations, please contact us prior to the event at 592-5125, the Events and Public Relations Coordinator. We will work with all requests whenever received but to ensure smooth access, contact us at least 2 weeks prior to the event whenever possible.

FOR APPLICATIONS, VIEW BOOKS, ETC.

If you have a disability and wish to inquire about access and available accommodations, please contact (name, e-mail, phone, TDD, address). All inquiries will be considered confidential and will not leave (contact office) without prior consent.

XII. GRIEVANCE PROCEDURE

Westminster College has established an internal grievance procedure to ensure prompt and equitable resolution of complaints alleging violation of the Americans with Disabilities Act. Title III states, in part, that "no qualified individual with a disability shall, by reason of such disability, be excluded from the participation in or be denied the benefits of the services, programs or activities of a public entity, or be subjected to discrimination by any such entity."

Any student, employee or visitor of Westminster College alleging a violation of the Americans with Disabilities Act may implement this grievance procedure.

Complaints may be registered by contacting the College's ADA/504 Coordinator, room 106, Westminster Hall, (573) 592-5226. To be considered for handling by Westminster College, a complaint must be filed within 120 days of reasonable knowledge of the alleged violation.

Although individuals are encouraged to utilize the college grievance procedure first, any person(s) with a complaint of an ADA violation has a right to register the complaint with the appropriate state or federal agency within 180 days of the alleged violation.

Registering Complaints with the ADA/504 Coordinator

- A student, employee or visitor of the College may contact the ADA/504 Coordinator by telephone (voice or TDD) to discuss an alleged violation of the ADA.
- The ADA/504 Coordinator will arrange a meeting with the Complainant. At this time, the ADA/504 Coordinator will provide the Complainant with a copy of College procedures for handling ADA grievances and discuss these procedures to be sure that the Complainant understands the process.
- The ADA/504 Coordinator will discuss the grievance with the Complainant to gain an understanding of the concern being registered.
- The ADA/504 Coordinator may request that the Complainant describe the alleged violation in writing, or the ADA/504 Coordinator may develop a written statement of the complaint for review and validation by the Complainant.

Notification of President

- The ADA/504 Coordinator will immediately inform the appropriate Cabinet member and the President of the College of any ADA grievance filed

Attempt at Resolution by the ADA/504 Coordinator

- The ADA/504 Coordinator will attempt to resolve allegations of ADA violations independently as a first step in the resolution process. The ADA/504 Coordinator will act as a mediator and assist the Complainant in seeking resolution through the appropriate faculty and/or administrative channels. This should not take more than 30 working days, except in unusual and unavoidable circumstances.

Reporting by the ADA/504 Coordinator of Attempt at Resolution

- The ADA/504 Coordinator will inform the appropriate Cabinet member, the President of the College, and the ADA Committee of whether or not the initial attempt at resolution was successful.

Request for ADA Committee Hearing, If Resolution Is Unsuccessful

If the ADA/504 Coordinator is unable to achieve a satisfactory resolution of the grievance, the Complainant may then request a hearing of the complaint by the ADA Committee. The ADA Committee is chartered by the President of the College and will consist of the ADA/504 Coordinator and a cross-section of staff, faculty, and students appointed by the President. The request must be made in writing within 10 days after the ADA/504 Coordinator completes the attempt at resolution.

The following procedure will be implemented when a hearing request is received:

- The ADA/504 Coordinator will immediately notify the President of the College of the hearing request;
- The ADA/504 Coordinator will notify members of the hearing panel of the request and provide relevant written documentation to the group. The hearing panel will consist of the ADA Committee members who will select one of its members to be Chair. The ADA/504 Coordinator may be solicited for background information, etc., but will not sit on the hearing panel. No member of the committee who is involved in the case shall participate in the deliberations of the committee or, later, sit on the hearing panel. The Chair of the ADA Committee will oversee all hearing proceedings;
- The Chair of the ADA Committee, in consultation with Committee members, will establish a hearing date and time. Except in extraordinary circumstances, the date of the hearing will be within 15 days of the filing of the request;
- The Chair of the ADA Committee will notify the Complainant of the date, time and place of the hearing in writing at least 10 working days prior to the hearing date. The Complainant will also be notified of his/her right to produce witnesses and present documentation supporting the grievance at the hearing;
- The Complainant will be asked to submit the names of any witnesses to appear at the hearing at least 7 working days prior to the hearing date.
- The Chair of the ADA Committee may call members of the staff or faculty (respondents) to the hearing who have been involved in the accommodation process in order to hear their testimony or to ask questions in regards to the complaint. The Chair will notify these members of the date, time, and place of the hearing at least 10 working days prior to the hearing date.
-
- The hearing panel may select a secretary from the list of former members of the committee or from a list of members from the college's executive or administrative assistants. The secretary is bound by the committee's policy of confidentiality.

Hearing Policies

- **Due Process.** In all proceedings, academic due process should provide safeguards generally similar to those afforded by due process in legal proceedings. However, the hearing panel is not bound to follow rules of judicial procedure.
- **Confidentiality.** Committee members, complainants, respondents, and advisers must observe strict confidentiality throughout the proceedings and any subsequent grievance process, and the committee will so inform the parties and any advisers.
- **Advisers.** Each party will be permitted to have an adviser of his or her choice from within the Westminster campus community. Neither party may be represented by legal counsel in proceedings before the ADA Committee or any of its hearing panels. Advisers will address the panel only at the request of the chair.
- **Closed Hearing.** Witnesses are present only when presenting testimony. The hearing is open to the parties (this includes staff and faculty involved in the accommodation process) and their advisers, except when an individual is dismissed for cause or the committee is meeting in executive session.
- **Records.** A detailed record of the hearing will be maintained. The hearing panel will determine the method of recording the proceedings.

Hearing Proceedings

- **The Hearing Process.** The Chair of the hearing panel will call the hearing to order. He or she may remark as to the purpose and nature of the hearing and may make any requests the panel wishes to make of the parties and their advisers. The Chair will note any restrictions as to the amount of time available and as to any rules of relevancy.

All requests to address the panel will be addressed to the Chair. The Chair will rule on all requests, points of order, and all questions of admissibility. Judicial rules of evidence will not necessarily be followed. If a panel member or either party objects to a ruling by the chair, a majority vote of the panel shall be necessary to overrule the Chair. The panel has the right to dismiss any person from the hearing who interferes with or obstructs the hearing or who fails to abide by the rulings of the chair or of the panel. Procedural questions which arise during the hearing not covered by these general rules shall be resolved by the panel.

- **Postponements.** At any time during the hearing, the proceedings may be temporarily suspended at the discretion of the panel.
- During the hearing, the Complainant will first present his/her grievance either orally or in writing to the Committee. Any witnesses appearing on behalf of the Complainant may then present supporting statements
- Members of the staff and faculty who have been involved in the accommodation process will be given an opportunity to provide their input in regards to the complaint and their efforts to accommodate the Complainant during the process.

- At the conclusion of these presentations, the Committee will have an opportunity to discuss the grievance with the Complainant in detail.

Report and Recommendations

- Following the hearing, the Committee will discuss the information presented by the Complainant and prepare a report of the Committee findings and recommendations. The report will be submitted to all members of the hearing panel for review and consensus. The report will then be finalized by the Chair and forwarded to the Complainant within 5 working days of the end of the hearing.

Notification of the President

- The Chair will forward a copy of the ADA Committee's final report and recommendations to the President of the College.

Further Options for Resolution

The report of the ADA Committee is sent to the Complainant. The report will include a notice of other available options if the Complainant is not satisfied with the Committee's recommendations. At this point, the Complainant may file a grievance with the appropriate federal or state agency, or pursue other options through the civil court system.

Appendix A

GENERAL INFORMATION

FORMS AND TOOLS

- Applicant Request Form for Accommodation in the Application Process (Appendix B)
- Request for Accommodation to Perform Essential Job Functions (Appendix C)
- Student Application Employee Accommodation Request Form (Appendix D)
- Student Accommodation Request Form for Access to Instructional Programs (Appendix E)

KEY INFORMATION CONTACTS

ADA/504 Coordinator (592-5226)

- ADA rights
- Process to review reasonable accommodation requests

Human Resources Office (592-5226)

- ADA rights
- Process for discrimination complaints because of a disability
- Process for making and responding to reasonable accommodation requests
- Requests for medical documentation
- Essential functions for a job/role
- Requests for temporary light duty

Director, Learning Disabilities Program (592-5304)

- Ensures that the College offers appropriate levels of programs and services for students enrolled in the Program and for those who require accommodation for learning disabilities services under the provisions of Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.
- Ensures academic progress of students enrolled in the LD Program;
- Ensures adequate progress in study skills and English composition;
- Ensures that applicants to the LDP are qualified;
- Maintains knowledge of current developments in field of Learning Disabilities.

Plant Operations: Director of Plant Operations (592-5282)

- Requests for work orders to accommodate employees or students with disabilities
- Costs associated with making facilities accessible
- Information regarding the requirements of the ADA under Title III (Providing Architectural Access - all College events must be physically accessible to persons with disabilities) and Title V (the establishment of standards for new construction and renovation projects)

Appendix B

**WESTMINSTER COLLEGE
OFFICE OF HUMAN RESOURCES**

**APPLICANT REQUEST FORM FOR ACCOMMODATION IN THE
APPLICATION PROCESS**

DIRECTIONS:

An individual requesting accommodation in the employment application process at Westminster College provides all of the information requested in Section I. Responses may be continued on additional sheets of paper. The form is then forwarded to the Office of Human Resources, room 106, Westminster Hall, (573) 592-5226.

SECTION I: (TO BE COMPLETED BY THE APPLICANT)

APPLICANT NAME

Last	First	Middle
------	-------	--------

SS# _____ PHONE _____

ADDRESS _____

POSITION BEING APPLIED FOR _____

APPLICATION DEADLINE _____

1) IDENTIFY THE APPLICATION PROCESS FOR WHICH YOU SEEK ACCOMMODATION
(COMPLETION OF APPLICATION, TESTING, INTERVIEWING, ETC.)

2) DESCRIBE THE ACCOMMODATION YOU REQUEST.

3) DESCRIBE HOW THE ACCOMMODATION WILL ASSIST YOU IN THE APPLICATION PROCESS.

4) IF APPLICABLE, PLEASE IDENTIFY ANY PREFERRED BRAND OR TYPE OF EQUIPMENT THAT YOU WOULD LIKE TO RECOMMEND TO ACCOMMODATE YOUR REQUEST.

APPLICANT SIGNATURE _____ DATE _____

SECTION II:

THIS SECTION IS TO BE COMPLETED BY THE HR DIRECTOR OR ADA/504 COORDINATOR, WHO WILL REACH ACCOMMODATION THROUGH NEGOTIATION AND/OR CONSULTATION WITH INTERESTED PARTIES AND RESOURCES.

REVIEWER NAME _____

DEPARTMENT _____ PHONE _____

1) DESCRIBE ACCOMMODATION PROVIDED.

2) ACCOMMODATION PROVIDED BY _____

3) COST OF ACCOMMODATION _____

4) DATE(S) ACCOMMODATION TO BE PROVIDED _____

VICE PRESIDENT, PRESIDENT, OR DESIGNEE APPROVAL:

SIGNATURE _____ DATE _____

WESTMINSTER COLLEGE
OFFICE OF HUMAN RESOURCES

REQUEST FOR ACCOMMODATION TO PERFORM

ESSENTIAL JOB FUNCTIONS

DIRECTIONS:

SECTION I: The employee provides all information requested. Answers may be continued on additional sheets of paper, as necessary. The employee forwards the original of the completed form and all attachments to his/her immediate supervisor.

SECTION II: The supervisor reviews and makes a recommendation under Section II. The supervisor forwards the request and any supporting documents to the ADA/504 Coordinator.

SECTION III: The ADA/504 Coordinator reviews and completes Section III after consultation with the interested parties.

SECTION IV: The appropriate Vice President approves the final accommodation and the expenditure of funds. The Vice President returns the form with the final decision to the ADA/504 Coordinator to be filed. The ADA/504 Coordinator notifies the employee and the supervisor of the approved accommodation.

SECTION I: (TO BE COMPLETED BY EMPLOYEE)

EMPLOYEE NAME _____

SS# _____ PART-TIME _____ FULL-TIME _____

JOB TITLE _____

DEPARTMENT _____

DEPARTMENT PHONE _____

JOB SITE LOCATION _____

1) IDENTIFY THE ESSENTIAL JOB DUTIES FOR WHICH YOU SEEK ACCOMMODATION. PLEASE ATTACH A COPY OF YOUR JOB DESCRIPTION.

2) DESCRIBE THE NATURE OF THE LIMITATIONS IMPOSED BY YOUR DISABILITY. MEDICAL CERTIFICATION SIGNED BY YOUR PHYSICIAN MAY BE REQUESTED, BUT WILL BE KEPT CONFIDENTIAL.

3) DESCRIBE THE ACCOMMODATION YOU REQUEST, AND HOW THE ACCOMMODATION WILL ASSIST YOU IN PERFORMING YOUR JOB RESPONSIBILITIES.

4) PLEASE IDENTIFY ANY PREFERRED BRAND OR TYPE OF EQUIPMENT THAT YOU WOULD LIKE TO RECOMMEND TO ACCOMMODATE YOUR REQUEST.

EMPLOYEE SIGNATURE _____ **DATE** _____

SECTION II: (TO BE COMPLETED BY EMPLOYEE'S SUPERVISOR)

SUPERVISOR NAME _____

JOB TITLE _____

PHONE _____

1) IMPACT OF REQUESTED ACCOMMODATION ON UNIT, DEPARTMENT, DIVISION, OR COLLEGE:

A) OPERATIONS

B) STAFFING

C) BUDGET

2) RECOMMENDATION FOR APPROVAL OF EMPLOYEE'S REQUEST FOR ACCOMMODATION: YES ____ NO ____

3) IF YOU DO NOT RECOMMEND THE ACCOMMODATION, PLEASE PROVIDE AN ALTERNATIVE SUGGESTION:

SUPERVISOR SIGNATURE _____ DATE _____

SECTION III: (TO BE COMPLETED BY ADA/504 COORDINATOR)

ADA/504 COORDINATOR'S NAME _____

PHONE _____

1) INDIVIDUALS CONSULTED:

NAME AND TITLE _____

DATE _____

NAME AND TITLE _____

DATE _____

NAME AND TITLE _____

DATE _____

NAME AND TITLE _____

DATE _____

2) ADDITIONAL ALTERNATIVES CONSIDERED:

A) ALTERNATIVE/SOURCE/COST

B) ALTERNATIVE/SOURCE/COST

C) ALTERNATIVE/SOURCE/COST

3) RECOMMENDATION FOR ACCOMMODATION:

4) IMPACT OF RECOMMENDATION ON UNIT, DEPARTMENT, DIVISION, OR COLLEGE:

A) OPERATIONS

B) STAFFING

C) BUDGET

5) RATIONALE FOR RECOMMENDATION:

ADA/504 COORDINATOR SIGNATURE _____

DATE _____

SECTION IV: (TO BE COMPLETED BY APPROPRIATE VICE PRESIDENT)

VICE PRESIDENT NAME _____

DEPARTMENT _____

1) VICE PRESIDENT APPROVAL OF ACCOMMODATION: YES ____ NO ____

2) IF NO, RATIONALE FOR DECISION:

3) A) SOURCE OF FUNDS (ACCOUNT NUMBER): _____

B) AMOUNT OF FUNDS: _____

4) EFFECTIVE DATE: _____

VICE PRESIDENT SIGNATURE _____ DATE _____

EMPLOYEE ACKNOWLEDGMENT

I accept the accommodation(s) identified on this form and offered to me by the College and agree that they are reasonable accommodations of my disability.

Individual Requesting Accommodation _____ Date _____

WESTMINSTER COLLEGE
OFFICE OF HUMAN RESOURCES

STUDENT APPLICATION EMPLOYEE ACCOMMODATION REQUEST FORM

DIRECTIONS:

SECTION I: The student employee or applicant provides all information requested in this section. Answers may be continued on additional sheets of paper as necessary. The student forwards the original of the completed form and all attachments to his/her supervisor.

SECTION II: The supervisor reviews and makes a recommendation under Section II. The form is then forwarded to the ADA/504 Coordinator for review.

SECTION III: The ADA/504 Coordinator reviews and makes a recommendation under Section III. The form is then forwarded to the appropriate Vice President for final approval.

SECTION IV: The Vice President approves the final accommodation and the expenditure of funds. The Vice President then returns the form to the ADA/504 Coordinator, who notifies the student of the approved accommodation.

SECTION I: (TO BE COMPLETED BY STUDENT EMPLOYEE OR APPLICANT)

EMPLOYEE/APPLICANT NAME _____

SS# _____ APPLICANT _____ EMPLOYEE _____

POSITION TITLE _____

DEPARTMENT _____

1) IDENTIFY THE ESSENTIAL JOB DUTIES FOR WHICH YOU SEEK ACCOMMODATION. PLEASE ATTACH A COPY OF YOUR STUDENT JOB DESCRIPTION.

2) DESCRIBE THE NATURE OF THE LIMITATIONS IMPOSED BY YOUR DISABILITY. MEDICAL CERTIFICATION SIGNED BY YOUR PHYSICIAN MAY BE REQUESTED, BUT WILL BE KEPT CONFIDENTIAL.

3) PLEASE PROVIDE YOUR SUGGESTION FOR ACCOMMODATION, AND DESCRIBE HOW THE ACCOMMODATION WOULD ASSIST YOU IN PERFORMING YOUR JOB RESPONSIBILITIES.

SIGNATURE _____ DATE _____

SECTION II (TO BE COMPLETED BY SUPERVISOR)

NAME _____

JOB TITLE _____ PHONE _____

1) RECOMMENDATION FOR APPROVAL OF EMPLOYEE'S REQUEST FOR ACCOMMODATION:

YES ____ NO ____ .

2) IF YOU DO NOT RECOMMEND THE ACCOMMODATION, PLEASE PROVIDE AN ALTERNATIVE ACCOMMODATION:

SUPERVISOR SIGNATURE _____ DATE _____

SECTION III (TO BE COMPLETED BY ADA/504 COORDINATOR)

1) RECOMMENDATION FOR ACCOMMODATION:

2) RATIONALE FOR RECOMMENDATION:

SIGNATURE _____ DATE _____

SECTION IV: (TO BE COMPLETED BY APPROPRIATE VICE PRESIDENT)

VICE PRESIDENT NAME _____

DEPARTMENT _____

1) APPROVAL OF ACCOMMODATION: YES ____ NO ____

3) IF NO, RATIONALE FOR DECISION:

4) A) SOURCE OF FUNDS: _____

B) AMOUNT OF FUNDS: _____

VICE PRESIDENT SIGNATURE _____ DATE _____

STUDENT EMPLOYEE/APPLICANT ACKNOWLEDGMENT

I accept the accommodation(s) identified above and offered to me by the College and agree that they are reasonable accommodations of my disability.

Individual Requesting Accommodation _____ Date _____

Appendix E

**WESTMINSTER COLLEGE
OFFICE OF HUMAN RESOURCES**

STUDENT ACCOMMODATION REQUEST FORM FOR
ACCESS TO INSTRUCTIONAL PROGRAMS

DIRECTIONS:

SECTION I: The student provides all information requested. Answers may be continued on additional sheets of paper, as necessary. The student forwards the original of the completed form and all attachments to his/her faculty instructor.

SECTION II: The faculty member, with his or her Department Chair, reviews and makes a recommendation under Section II. The faculty member and Department Chair forward the request and any supporting documents to the ADA/504 Coordinator.

SECTION III: The ADA/504 Coordinator reviews and completes Section III after consultation with the interested parties.

SECTION IV: The Dean of Faculty and VP of the College approves the final accommodation and the expenditure of funds, if appropriate. The Dean of Faculty and VP of the College returns the form with the final decision to the ADA/504 Coordinator to be filed. The ADA/504 Coordinator notifies the faculty member, the Department Chair, and the student of the approved accommodation.

SECTION I: (TO BE COMPLETED BY STUDENT)

STUDENT NAME _____

SS# _____ EMAIL ADDRESS _____

COURSE OF INSTRUCTION _____

DEPARTMENT _____

DEPARTMENT LOCATION _____

1) IDENTIFY THE COURSE OF INSTRUCTION AND/OR LOCATION FOR WHICH YOU SEEK ACCOMMODATION. IF APPROPRIATE, PLEASE ATTACH A COPY OF THE COURSE DESCRIPTION.

2) DESCRIBE THE NATURE OF THE LIMITATIONS IMPOSED BY YOUR DISABILITY. MEDICAL CERTIFICATION SIGNED BY YOUR PHYSICIAN MAY BE REQUESTED, BUT WILL BE KEPT CONFIDENTIAL.

3) DESCRIBE THE ACCOMMODATION YOU REQUEST (E.G., LOCATION, DELIVERY SYSTEM, OR INSTRUCTIONAL METHODOLOGUES), AND HOW THE ACCOMMODATION WILL ALLOW YOU TO BETTER ACCESS INSTRUCTIONAL PROGRAMS.

4) PLEASE IDENTIFY ANY PREFERRED BRAND OR TYPE OF EQUIPMENT THAT YOU WOULD LIKE TO RECOMMEND TO ACCOMMODATE YOUR REQUEST.

STUDENT SIGNATURE _____ **DATE** _____

SECTION II: (TO BE COMPLETED BY STUDENT'S FACULTY INSTRUCTOR & DEPT. CHAIR)

FACULTY MEMBER NAME _____

JOB TITLE _____

PHONE _____

DEPARTMENT CHAIR NAME _____

JOB TITLE _____

PHONE _____

1) IMPACT OF REQUESTED ACCOMMODATION ON CLASSROOM, DEPARTMENT, DIVISION, OR COLLEGE:

B) OPERATIONS/LOCATION

B) STAFFING/DELIVERY SYSTEM/INSTRUCTIONAL METHODOLOGIES

D) BUDGET

2) RECOMMENDATION FOR APPROVAL OF STUDENT'S REQUEST FOR ACCOMMODATION: YES ___ NO ___

3) IF YOU DO NOT RECOMMEND THE ACCOMMODATION, PLEASE DESCRIBE WHY AND PROVIDE AN ALTERNATIVE SUGGESTION:

FACULTY SIGNATURE _____ DATE _____

DEPT CHAIR SIGNATURE _____ DATE _____

SECTION III: (TO BE COMPLETED BY ADA/504 COORDINATOR)

ADA/504 COORDINATOR'S NAME _____

PHONE _____

1) INDIVIDUALS CONSULTED:

NAME AND TITLE _____

DATE _____

NAME AND TITLE _____

DATE _____

NAME AND TITLE _____

DATE _____

NAME AND TITLE _____

DATE _____

2) ADDITIONAL ALTERNATIVES CONSIDERED:

A) ALTERNATIVE/SOURCE/COST

B) ALTERNATIVE/SOURCE/COST

C) ALTERNATIVE/SOURCE/COST

3) RECOMMENDATION FOR ACCOMMODATION:

4) IMPACT OF RECOMMENDATION ON CLASSROOM, DEPARTMENT, DIVISION, OR COLLEGE:

D) OPERATIONS/LOCATION

E) STAFFING/DELIVERY SYSTEM/INSTRUCTIONAL METHODOLOGIES

F) BUDGET

5) RATIONALE FOR RECOMMENDATION:

ADA/504 COORDINATOR SIGNATURE _____ DATE _____

SECTION IV: (TO BE COMPLETED BY DEAN OF FACULTY AND VP OF COLLEGE)

VICE PRESIDENT NAME _____

DEPARTMENT _____

1) VICE PRESIDENT APPROVAL OF ACCOMMODATION: YES ____ NO ____

2) IF NO, RATIONALE FOR DECISION:

3) A) SOURCE OF FUNDS (ACCOUNT NUMBER): _____

B) AMOUNT OF FUNDS: _____

4) EFFECTIVE DATE: _____

VICE PRESIDENT SIGNATURE _____ DATE _____

STUDENT ACKNOWLEDGMENT

I accept the accommodation(s) identified on this form and offered to me by the College and agree that they are reasonable accommodations of my disability.

Individual Requesting Accommodation _____ Date _____