



DISABILITY SUPPORT SERVICES POLICIES & PROCEDURES

DISABILITY LAWS IN POSTSECONDARY HIGHER EDUCATION

THE REHABILITATION ACT

Title V. of The Rehabilitation Act of 1973 is generally regarded as the first civil rights legislation on the national level for people with disabilities. Section 504 of The Rehabilitation Act is a program access statute. It prohibits discrimination on the basis of disability in any program or activity offered by an entity or institution receiving federal funds.

Section 504 states (as amended):

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

THE AMERICANS WITH DISABILITIES ACT (ADA)

The ADA is a federal civil rights statute that prohibits discrimination against people with disabilities. There are four sections of the law: employment, government, public accommodations, and telecommunications. The ADA provides additional protection for persons with disabilities in conjunction with the Rehabilitation Act of 1973. The ADA is designed to remove barriers, which prevent qualified individuals with disabilities from enjoying the same opportunities that are available to individuals without disabilities.

The ADA in Relation to Section 504 of the Rehabilitation Act

Institutions that receive federal funds are covered under Section 504. The ADA does not supplant Section 504, but in those situations where the ADA provides greater protection the ADA standards apply. Therefore, postsecondary institutions must adhere to both the Rehabilitation Act and The Americans with Disabilities Act.

PERSONNEL AND/OR DEPARTMENTS INVOLVED

President, Executive Director, Associate Executive Director, Student Services, Compliance, IDL/Academic Coordinator, Title IX / ADA/ 504 Coordinator, Administrative Staff and Faculty.

DISABILITY SERVICES POLICY STATEMENT

First Institute recognizes and accepts its obligations under The Americans with Disabilities Act of 1990 and The Rehabilitation Act of 1973 prohibiting discrimination on the basis of a disability and requiring that reasonable accommodations be provided to qualified disabled students in all programs and activities within the control of the institution, provided such accommodation would not impose an unreasonable burden on the school or other students.

A student is eligible for consideration for accommodations and/or auxiliary aids and services if the student has a disability and the Student Services has met with the student, consulted with the



Associate and Executive Directors, and determined that the functional limitations of the disability require such accommodation, auxiliary aids and/or services.

First Institute is committed to providing reasonable accommodations including auxiliary aids and/or services to qualified individuals with a disability, unless providing such accommodations would result in undue burden or fundamentally alter the nature of the relevant program, benefit or service provided by First Institute. To request auxiliary aids or services, please contact the Student Services. Students should submit requests with supporting documentation at least six weeks prior to the beginning of the first day of classes or as soon as practical.

The President and Executive Directors, manage determination of reasonable accommodations and compliance with the ADA and Rehabilitation Act for students jointly. No student shall be retaliated against for seeking accommodation under this policy or for participating in good faith and in a reasonable manner in any review procedures concerning First Institute for its alleged noncompliance with The Americans with Disabilities Act of 1990 or the Rehabilitation Act of 1973.

DEFINITION OF DISABILITY

Section 504 covers qualified students with disabilities who attend schools that meet the ADA's legal definition – those that place substantial limitations on an individual's major life activities. To be protected under Section 504, a student must be determined to:

- (a) have a physical or mental impairment that substantially limits one or more major life activities; or
- (b) have a record of such an impairment; or
- (c) being regarded as having such an impairment.

OTHERWISE QUALIFIED APPLICANT

A student who provides First Institute with sufficient evidence of a disability meeting the standards established by the ADA or Section 504 is eligible for appropriate accommodations and services, provided the student is an otherwise qualified applicant. In order to be considered an otherwise qualified applicant, a student with a disability must be capable, either with or without accommodations, of fulfilling the essential requirements of a program of instruction.

DETERMINING APPROPRIATE ACCOMMODATIONS

Students with disabilities who are seeking accommodations at First Institute should schedule an individual meeting with Student Services. Once appropriate documentation has been submitted, reasonable and appropriate accommodations will be implemented based on the student's specific disability and the functional impact of the disability on the student's daily activities and academic obligations.

DOCUMENTATION REQUIREMENTS

STUDENTS WITH PHYSICAL DISABILITIES

Documentation of physical disabilities must include a formal diagnosis, current symptoms, and expected duration, as well as present treatment. In addition, the current functional impact of the disability on the student's daily activities and academic performance must be documented so that necessary accommodations can be determined. Forms for appropriate documentation can be obtained from Student Services and should be completed by a qualified professional.

STUDENTS WITH PSYCHOLOGICAL DISABILITIES

Documentation of a psychological disability must include a specific, current psychiatric diagnosis as per the Diagnostic and Statistical Manual-IV (DSM- IV) of the American Psychiatric Association (1994), which indicates the nature, frequency and severity of the symptoms upon which the diagnosis was predicated. Prescribed medications, dosages and schedules that may influence the types of accommodations provided, including any possible side effects, must be documented. Further, documentation must indicate the substantial limitations to major life activities imposed by the psychiatric disability, describe the extent to which these limitations would impact the academic context for which accommodations are being requested, and suggest how the specific effects of the psychiatric disability may be accommodated. Forms for appropriate documentation can be obtained from Student Services and should be completed by a qualified professional.

STUDENTS WITH ATTENTION-DEFICIT /HYPERACTIVITY DISORDER

Documentation of Attention-Deficit/ Hyperactivity Disorder must be comprehensive. Appropriate forms of assessment may include, but are not limited to: Continuous Performance Tests, ADHD Rating Scales and Clinical Interviews. Present treatment and functional impact of the disability on the student's daily activities and academic performance must also be documented. Forms for appropriate documentation can be obtained from Student Services and should be completed by a qualified professional.

STUDENTS WITH LEARNING DISABILITIES

Appropriate documentation of learning disabilities must be in the form of a psycho-educational evaluation. This evaluation must have been conducted within the past three years. At the discretion of First Institute, an older evaluation may be accepted if the evaluation was conducted for a student's education. A student's high school Individual Education Plan (IEP) will be considered as acceptable documentation.

The psycho-educational evaluation must be conducted by a qualified professional and must address the following areas:

(a) Aptitude:

An intellectual assessment with all sub-tests and standard scores reported.

(b) Achievement:

An academic achievement battery with all sub-tests and standard scores reported. Current levels of academic achievement with regard to reading, mathematics, and oral and written language should be addressed.

(c) Information Processing:

An assessment of specific areas of information processing, including short and long term memory, auditory and visual processing, and processing speed.

DETERMINING APPROPRIATE ACCOMMODATIONS

Once all documentation has been received by First Institute, the student should schedule an individual meeting with Student Services to determine reasonable and appropriate accommodations based on the student's specific disability and the functional impact of the disability on the student's daily activities and academic obligations.

POSSIBLE ACCOMMODATIONS

- Note-taking Assistance*
- Testing Accommodations
- Sign Language Interpreters*
- Taped Textbooks*
- Adaptive Technology
- Use of a Tape Recorder in Class
- Accessible Parking
- Adapted Emergency Evacuation Procedures
- Letters of Support for Instructors

*Requests for note-takers, interpreters, and books on tape should be received as early as possible (preferably four weeks prior to the date they are needed) in order to avoid a delay in the accommodation.

REQUEST FOR INTERPRETERS AND/OR CART SERVICES

All requests for interpreting or captioning services should be submitted at least four (4) weeks prior to the date the service is needed. In the event that a student is not able to provide such advance notice, all efforts will be made to obtain the required service, but First Institute cannot guarantee that the service will be available. Interpreting services include translation to American Sign Language, and oral interpreters.

First Institute does not directly employ interpreters or captionists, but rather contracts with an outside agency to obtain these services. Therefore, in the event that a student will be absent from class or unable to attend a scheduled event for which interpreting or captioning services have been arranged, the student is asked to notify Student Services as soon as possible. If such services are not cancelled within 48 hours of the scheduled event, First Institute will be unnecessarily charged for the service by the agency contracted.

REQUEST FOR NOTE-TAKERS

Students with disabilities who believe they will need a note-taker in the classroom should present a verbal or written request at least four (4) weeks prior to the need for such services. If the accommodation is approved, First Institute will employ a student worker to take notes on behalf of the student with a disability in the classroom. The student note-taker will be compensated by First Institute for this service.

TESTING ACCOMMODATIONS

Students with certain disabilities may be eligible for extended time on exams or an alternative testing location. Students who believe they will require such an accommodation should submit their request to Student Services. If it is determined that such an accommodation is appropriate, First Institute will provide the student and the student's instructors with a letter of support. The letter of support will outline the student's testing needs for the program. Typically, accommodations concerning extended time on exams will allow the student time and a half to complete the examination. If it is determined that the student would benefit from an alternate,

quiet testing area, students with disabilities may make arrangements to complete their exams with Student Services.

AUDIO TEXTBOOKS

Students with disabilities may present a request for books on audio to Student Services. If the student's request is approved, First Institute will order the audio books that are needed through Recordings for the Blind and Dyslexic (RFB&D), Learning Ally or another source. All fees related to RFB&D's services or other sources will be paid by First Institute. In the event that the requested audio book is not available, First Institute will make every effort to locate the book. If an audio version cannot be located, other options will then be discussed with the student.

LETTER OF SUPPORT

Student Services will provide students who have requested disability accommodations with a letter of support. This letter will inform instructors that the student has documentation of a disability on file in the Student Services office and will provide instructors with accommodations to be provided. Student Services will provide this letter to the instructors for the student.

CONFIDENTIALITY

A student's right to privacy and confidentiality is a high priority at First Institute. The Family Education Rights and Privacy Act (FERPA) is a federal law that protects the privacy of a student's educational records. In accordance with FERPA, First Institute cannot discuss information regarding a student's disability or use of services with parties outside of First Institute (including the student's parents) without prior written consent. The following exceptions, however, do apply:

- Confidential information, such as the student's disability, may be shared in the course of consultation with or referral to other appropriate professionals within First Institute, when the person has a legitimate educational interest.
- For legally mandated audits and investigations.
- When required by court order or subpoena, the specific information requested will be released.
- In extreme situations where immediate harm to self or others may result, the law may require that essential information to be reported to necessary agencies or parties.

FILE MAINTENANCE

Documentation of a disability is maintained with the academic record for three (3) years from the last date of attendance. At the end of the three-year period, all records in the file will be destroyed. For this reason, students are advised to retain personal copies of all disability documentation submitted to First Institute.

RIGHTS & RESPONSIBILITIES

STUDENT RIGHTS

1. Students have the right to be evaluated based on the student's ability, not the student's disability. If the student's disability affects the outcome of an evaluation method, the student is entitled to evaluation by an alternate means.
2. Students are entitled to an equal opportunity to learn. If the location, delivery system, or instructional methodology limits access, participation in, or ability to benefit, the student has a right to reasonable alterations in those aspects of the course or program to accommodate their disability.
3. Students are entitled to an equal opportunity to participate in and benefit from the academic community.
4. Students have the right to appeal the institution's decisions concerning accommodations to the Executive Directors.

STUDENT RESPONSIBILITIES

1. Students must self-identify to the Student Services office as a student with a disability needing accommodations at the beginning of the program and provide professional verification of their disability.
2. Students have to demonstrate or document how their disability impacts a particular delivery system, instructional method, or evaluation criteria when requesting accommodations and provide a diagnosis of a learning disability with testing and evaluation results to Student Services. A verified disability is a condition:
 - (a) documented by a licensed physician, psychologist, audiologist, speech pathologist, registered nurse, social worker, rehabilitation counselor, physical therapist, corrective therapist, learning disability specialist, or other appropriate professional.
3. Students have the same obligation as any student to meet and maintain the institutions academic standards.
4. Students have the obligation to consult with Student Services to determine specific academic accommodations necessary while enrolled in courses at First Institute. Students and Student Services will meet with their individual instructors to discuss disability-related needs and accommodations.

FACULTY RIGHTS

1. Faculty members have the right to question a prescribed accommodation if it interferes with the fundamental abilities, skills and/or knowledge required for a course.
2. Faculty members have the right to suggest accommodation(s) that do not fundamentally alter the course requirements but do provide the access necessary for the student with a disability.



FACULTY RESPONSIBILITIES

1. Faculty members have the responsibility to make reasonable adjustments to the instructional and evaluation method(s) for a course when these have a negative impact on a disability and will cooperate with Student Services in providing the prescribed accommodations and/or support services for the student in a fair and timely manner.
2. Faculty members are not responsible for providing any accommodations until the Student Services office provides notification. If a student requests accommodations for a disability and the faculty member has had no notification, the student should be directed to Student Services.
3. Faculty members are responsible for providing the accommodations prescribed by First Institute and will consult with Student Services or Executive Directors if there is any question regarding how to implement the prescribed accommodations.
4. Faculty members will respect the confidential nature of a student's disability.

FIRST INSTITUTE RESPONSIBILITIES

1. The Executive Directors will determine whether or not a student is eligible to receive reasonable accommodations and/or support services.
2. First Institute will respect the confidential nature of a student's disability and maintain professional standards.
3. The Executive Directors will prescribe appropriate accommodations and support services on the campus and in the classroom.

DISABILITY GRIEVANCE PROCEDURE

First Institute does not discriminate or permit discrimination by any member of its community against any individual on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity, gender expression, parental status, marital status, age, disability, citizenship, or veteran status in matters of admissions, employment, services or in the educational programs or activities it operates. It is also the policy at First Institute to ensure that no qualified student with a disability (one who has provided documentation of disability and has a letter of support from Student Services) is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination in any First Institute program or activity.

If a student believes any First Institute employee has discriminated against him or her because of a disability, he or she has the right to seek a review of such concerns. Students have the option of pursuing a formal grievance. When filing a formal grievance, the student should first present his/her concern in writing to the Associate Executive Director.

All reports of discrimination, harassment, and/or retaliation shall be promptly made to the Associate Executive Director. The Director serves as the Title IX/ADA/504 Coordinator and oversees implementation of the institutions Policy on Disability, Discrimination, Harassment, and Sexual Misconduct.



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Upon receipt of this notice of grievance from the student, the President and Directors will undertake a review of the unresolved complaint during which time the Director may request additional documentation of the student's disability. Once all information has been received and reviewed, the Director will present the results of this review in writing to the student.

First Institute prohibits discrimination against any individual on the basis of physical or mental disability. This policy extends to all rights, privileges, programs and activities, including employment, admissions, financial assistance, and educational programs. It is also the policy of First Institute to provide reasonable accommodations to persons with disabilities unless such accommodations would impose an undue burden or fundamental alteration to the program in question. The purpose of these procedures is to ensure that all complaints of discrimination based on disability are thoroughly and fairly investigated by the school. First Institute will conduct a fair and impartial investigation of all allegations of discrimination, with due regard for the rights of all parties. Retaliation against any individual who has filed a complaint of discrimination or who has cooperated in the investigation of such a complaint is unlawful and is in violation of this policy.

When a student believes that he or she has been discriminated against on the basis of disability, he or she may file, in writing a formal grievance with the Associate Executive Director, who is the institutions compliance officer for Section 504 of the Rehabilitation Act of 1973. The statement should be as specific as possible regarding the actions(s) or inaction(s) that precipitated the grievance: date, place, persons involved, efforts made to settle the matter informally, and the remedy sought.

Where the grievance arises out of a decision made by the Director regarding a student's eligibility for academic or other accommodations, the grievance will be forwarded for investigation to the President. Otherwise, the Director shall investigate the matters set forth in the written grievance. In conducting an investigation, the investigator may forward a copy of the grievance statement to the persons whose actions (or inactions) are the subject of the grievance, and may request a written response from appropriate individuals. The investigator may also choose to interview witnesses, to meet with concerned parties, to receive oral or written statements, and to make other appropriate inquiries.

After completing the investigation, the Director will forward a copy of the report and recommendations to the President. If the complaint arises out of an academic unit, the report will be forwarded to the IDL/Academic Coordinator, unless she/he is the subject of the grievance. If the complaint arises from a nonacademic department, the report will be forwarded to the director of the department, unless she/he is the subject of the grievance.

Within sixty (60) days of the filing of the grievance, the Director will render a decision on the merits of the student's complaint. If resolution is not possible within sixty (60) days, the Director shall inform the student of the status of the investigation.



Copies of the decision by the Director will be sent to the President and the student. A copy may also be sent to the department and/or the persons whose actions (or inactions) are the subject of the grievance, as appropriate.

In the event that the student is not satisfied with the resolution of the grievance, an appeal may be made. The appeal should be filed with the President, along with all appropriate records for review and disposition. The written appeal should include a brief description of the disputed decision and/or perceived discrimination, reasons why the student believes the decision was in error and a short description of a proposed resolution to the disputed decision. Once all information has been reviewed, the President will provide a written response regarding the determination to the student within 30 calendar days of the appeal. This response will state the final determination regarding the requested accommodation and/or discrimination and the specific reasons supporting the decision.

These procedures shall constitute the grievance procedure mandated by regulations implementing Section 504 of the Rehabilitation Act. Questions about First Institute's Grievance Procedures in cases of alleged disability discrimination should be addressed to the Associate Executive Director.

COMPLAINT PROCEDURES

If a student believes that First Institute is not in compliance, she or he may file a written or online complaint with the Office of Civil Rights at:

**U.S. Department of Education
Office for Civil Rights
Lyndon Baines Johnson Department of Education Building
400 Maryland Avenue, SW
Washington, DC 20202-1100
Telephone: 800-421-3481
Fax: 202-453-6012; TDD: 800-877-8339
Email: OCR@ed.gov**

To file a complaint online: <https://ocrcas.ed.gov>