

**Cochise College
Administrative Policy**

**Category: Students
Policy Number: 4005
Title: Americans With Disabilities Act**

Cochise College fully recognizes all provisions of the Americans with Disabilities Act of 1991 and Section 504 of the Rehabilitation Act of 1973 which require colleges to make reasonable modifications to their policies, practices, and procedures so that people with disabilities can have access to all the goods, services, and opportunities provided to all students. The college has adopted internal grievance procedures which follow the policy, providing for prompt and equitable resolution of complaints. Title II states, in part, that “no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded for the participation in, be denied in the benefits of, or be subjected to discrimination in” programs sponsored by Cochise College.

**Procedure 4005.1
Definitions**

Under the Americans with Disabilities Act of 1991, an *individual with a disability* is a person who:

1. has a physical or mental impairment that substantially limits one or more major life activities;
2. has a record of such impairment; or
3. is regarded as having such impairment.

The first part of this definition has three major subparts that further define who is and who is not protected by the ADA.

A physical impairment is defined by the ADA as a physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculo-skeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin and endocrine.

A mental impairment is defined by the ADA as any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

To be a disability covered by the ADA, an impairment must *substantially limit* one or more major life activities. These life activities are ones that the average person can perform with little or no difficulty. These include, but are not limited to: walking, speaking, breathing, performing manual tasks, working, seeing, hearing, learning, and caring for oneself.

Procedure 4005.2 Compliance Guidelines

The ADA Coordinator's office is designated as the one responsible for the coordination of all student disability services and reasonable accommodation determinations. The ADA Coordinator has been designated by the College to ensure legal compliance with the ADA/504 as well as to investigate all grievances and handle inquiries.

1. A complaint relating to alleged violations of the Americans with Disabilities Act or Section 504 of the Rehabilitation Act of 1973 may be made in writing or orally to the ADA Coordinator. The Complaint must include the name and address of the person filing the complaint and must briefly describe the alleged violation of the regulation.
2. Complaints under this procedure must be filed within one hundred eighty (180) days after the complainant becomes aware of the alleged violation. The investigation shall be conducted by the ADA Coordinator. This procedure shall, through informal but thorough investigation, afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.
3. Written determination as to the validity of the complaint and its resolution shall be issued by the ADA Coordinator and a copy forwarded to the complainant no later than thirty (30) days after its filing.
4. The ADA Coordinator shall maintain the files and records of Cochise College relating to the complaints filed.
5. The complainant can request a reconsideration of the complaint in instances where he/she is dissatisfied with the resolution. The request for reconsideration should be made within seven (7) days to the Cochise College Associate Vice President for Human Resources.
6. The right of a person to prompt and equitable resolution of a complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible federal department or agency. Use of this grievance policy is not a prerequisite to the pursuit of other remedies.

7. Complaints regarding a decision of the ADA Coordinator shall be addressed to the Associate Vice President for Human Resources who will investigate the claim and make a decision in consultation with appropriate administrative personnel.

Procedure 4005.3
Eligibility Requirements

- A. An individual must satisfy all admissions requirements of Cochise College and make application to the Special Needs Office for accommodations. The individual must provide current written documentation from a certifying professional that provides a diagnosis of the limiting condition, the types of tests used to make the diagnosis and recommendations for effective accommodations. (See Application for Special Services). An Individual Education Plan (IEP) shall not in and of itself constitute documentation for special services.

Examples of kinds of documentation that may be required include:

1. Physical disability- Medical report stating type and extent of injury or disease provided by physician.
 2. Blind/Visual Impairment- Medical report stating restricted vision fields provided by physician.
 3. Deaf/ Hearing Impaired- Audiological evaluation indicating hearing loss provided by certified audiologist.
 4. Other/Hidden disabilities- Evaluation based on documentation from certified professionals based on individual need.
- B. Safety concerns may be a legitimate, non-discriminatory reason to deny admission to a program or activity. If accommodations or adjustments can be made to eliminate those safety concerns, then the student will be admitted to the program provided he/she meets the admission requirements. However, even if a genuine significant risk of substantial harm exists, the college must consider whether the risk can be eliminated or reduced below the level of a “direct threat” by reasonable accommodation. The criteria for determining “direct safety threat” are as follows:
 1. The specific risk must be identified;
 2. It must be a current risk, not one that is speculative or remote; and
 3. The assessment of the risk must be based on objective medical or other factual evidence regarding a particular individual.

Procedure 4005.4 Disability Disclosure

Cochise College does not require an individual to disclose his/her disability. An individual has the responsibility to identify his/her disability to the college if a reasonable accommodation is desired. Disclosure of a disability should be made only to those with a legitimate need to know. Cochise College will inform the student that disclosure may be made to certain campus personnel on a need-to-know basis. Disclosure to agencies or persons outside the college will not occur unless so directed by appropriate release documents. Releases for disclosure to outside agencies for individuals under the age of 18 will not be made without a parent's or guardian's signature. (See Authorization to Release Information).

Procedure 4005.5 Reasonable Accommodation

Reasonable accommodation is any change or adjustment in the college environment that permits an individual with a disability to participate fully in the educational process and enjoy benefits and privileges equal to those enjoyed by others without disabilities. Students with disabilities will not be required to bear the costs of accommodations that are necessary to participate in the college's educational programs or activities. However, the college is not required to pay for accommodations of a personal nature (e.g., personal attendants) or accommodations during a student's personal time. Individuals have the right to waive any suggested accommodation. Reasonable accommodation may include:

1. acquiring or modifying equipment or devices,
2. modified work or class schedules,
3. adjusting or modifying examinations, materials, text books, or other items,
4. providing readers or qualified interpreters, and
5. making all campuses and all sponsored activities readily accessible to and usable by people with disabilities.

Cochise College uses a reasonable accommodation method which requires a one-on-one conference between the ADA Coordinator and the individual who has requested that a reasonable accommodation be made. The ADA Coordinator will consider the preferences of the requestor. If a particular accommodation would place an undue hardship on the institution, other methods will be investigated to identify an accommodation that is equally effective. Upon completion of the Reasonable Accommodation intake, an accommodation authorization will be prepared and submitted to those persons listed. (See Reasonable Accommodation Worksheet).

The faculty and staff of the college are required to adhere to all reasonable accommodations as determined by the ADA Coordinator in accordance with Section 504

of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1991. Differences between faculty and students regarding the appropriateness of a given accommodation will be resolved in accordance with the procedure below.

Procedure 4005.6
Faculty/Student Accommodation Problem Resolution

Differences between the faculty and students regarding the appropriateness of an accommodation or service will be resolved by bringing together all parties for a semi-formal hearing with the ADA Coordinator, faculty and student. All aspects of the accommodation or service will be reviewed by all parties present as to the reasonableness and effectiveness of the accommodation or service provided. A consensus regarding the reasonableness of the accommodation or service will be reached at the conclusion of the hearing. When differences cannot be resolved by this procedure, the ADA Coordinator shall issue a final determination of resolution.

Procedure 4005.7
Verification of Learning Disability

A student with a learning disability must provide professional testing and evaluation results which reflect the individual's present level of processing information and of achievement. The cost of obtaining the professional verification shall be borne by the student. (See Documentation of Disability Form)

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

1. Average or above average intelligence as measured by a standardized intelligence test which includes assessment of verbal and non-verbal abilities.
2. The presence of cognitive achievement discrepancy and/or intra-cognitive discrepancy indicated by a score on a standardized test of achievement which is 1.5 standard deviations or more below the level corresponding to a student's sub-scale or full-scale IQ. Documentation must support the certifying professional's clinical judgment that the deviation in a particular case reflects the existence of a learning disability.
3. The presence of disorders in cognitive or sensory processing such as those related to memory, language, or attention.
4. An absence of other primary causal factors leading to achievement below expectations such as visual or auditory disabilities, emotional or behavioral disorders, a lack of opportunity to learn due to cultural or socioeconomic circumstances, or deficiencies in intellectual ability.

The following criteria are required to establish a student's eligibility for learning disability adjustments or accommodations.

1. Documentation must generally be within three years of student's application for assistance and sufficiently comprehensive.
2. A specific learning disability must be stated within the documentation submitted.
3. One of the following individually administered intelligence tests must have been used:
 - a. Wechsler Adult Intelligence Scale- Revised (WAIS-R)
 - b. Wechsler Intelligence Scale for Children Revised (WISC-R)
 - c. Wechsler Intelligence Scale for Children-III (WISC-III)
 - d. Stanford- Binet
 - e. Wide Range Achievement Test- Revised (WRAT)

Cognitive processing strengths, weaknesses and deficits should be discussed. Clear documentation of deficit areas is necessary for the college to provide appropriate modifications.

Social-emotional status should be assessed and discussed as indicated by type of accommodation requested. Formal assessment instruments and/or clinical review are appropriate.

Procedure 4005.8 Student Responsibility

1. A student with a disability who requests a reasonable accommodation must be capable of meeting the essential academic and technical standards requisite to admission to or participation in the educational program with or without accommodation. No accommodation shall have the effect of lowering academic standards in either course or graduation requirements.
2. Substitution of any course follows established College procedures. Students may request as an accommodation that certain classes be waived from a degree requirement if the student can produce specific documentation for this type of accommodation. This is not a guaranteed accommodation even if documentation is provided where the college can show that the course is essential to the degree program. The rule also applies to a request to waive certain elements of a class such as term papers or presentations.

The student has the responsibility to regularly attend classes where accommodations are being provided. Repeated absences and late cancellations without good cause may result in the college's being relieved of its duty to provide specific accommodation.