The Rehabilitation Act of 1973 (Public Law 93-112) and the Americans with Disabilities Act (ADA) of 1990 (Public Law 101-336) protect the rights of individuals with disabilities over a broad range of areas. Students with disabilities are also protected from unlawful discrimination by State law. Specifically relating to higher education institutions, Section 504 of the Rehabilitation Act states that “no otherwise qualified individual with a disability shall be excluded from participation in any program solely by reason of the disability” (Sec. 504 Compliance Handbook, Tab 200, 31).

This section of the law helps to ensure that educational institutions receiving federal funding do not discriminate against otherwise qualified students with disabilities and provide reasonable accommodations to such students. The intent is to allow individuals with disabilities to take part in programs and activities that are not separate, when only modifications or adjustments may be needed. The ADA significantly expanded the reach of these civil rights protections to State and local governments and the private sector. In particular, Title III of the ADA extends many of the protections of Section 504 to the education of students with disabilities at private institutions.

A “qualified” student is defined as “a person who meets the academic and technical standards requisite to admission or participation in a college or university’s programs and activities, with or without modifications to rules, policies, or practices” (Section 504 Compliance Handbook, tab 200, 31). The ADA and Section 504 require the removal of architectural, communication or transportation barriers, and/or the provision of auxiliary aids and services to ensure appropriate equal educational opportunity for otherwise qualified students with disabilities.

A person is said to have “disability” under Section 504 of the Rehabilitation Act of 1973 if he/she:

1. has a physical or mental impairment, which substantially limits one or more major life activities. A “major life activity” includes such things as walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, and performing manual tasks.

2. has a record of such an impairment, or

3. is regarded as having such an impairment

(Section 504 Compliance Handbook, tab 200, 11, 13)

Section 504 requires that faculty, administration, and staff be apprised of the following:

1. No otherwise qualified student may be excluded from any course, major, or program solely on the basis of a disability.

2. Certain academic adjustments, commonly referred to as accommodations, may be necessary, especially in regard to test administration and other methods of measuring student mastery, except when such an alteration would result in modification of course objectives.

3. Modifications, substitutions, or waivers of a course, major, or degree requirements may be appropriate if not deemed essential to a program of study.
4. Changes in time limits to meet a degree may be appropriate.

5. The College may not counsel otherwise qualified students with disabilities into more restrictive career options.

*Blackburn College and its faculty offer students testing and classroom accommodations outside of the umbrella of accommodations provided for a legitimate and verified learning disability. The procedures, rights, responsibilities, and methods listed in this handbook refer only to those provided to qualified students with a learning disability.*

**Rights and Responsibilities**

*A. Student Rights and Responsibilities*

Every qualified student with a documented disability, as defined by state and federal laws, has the following *rights*:

1. Equal access to courses, programs, services, jobs, activities, and facilities available through the College.

2. Reasonable and appropriate accommodations, academic adjustments, and/or auxiliary aids determined on a case-by-case basis.

3. Confidentiality of records as provided for in State and Federal law.

4. To decline to accept reasonable accommodations. If the student decides to exercise this right, they then have the responsibility to notify all parties involved in the accommodations process. Blackburn College cannot be held responsible for the consequential results should a student be afforded the right of an accommodation service and choose not to use it.

5. Freedom from unlawful discrimination based on disability.

Every qualified student with a disability has the *responsibility* to:

1. Meet the College’s admissions criteria and essential technical, academic, and institutional standards.

2. Provide documentation from an appropriate professional source that verifies the nature of the disability, functional limitations, and the need for specific accommodations.

3. Contact Counseling Services / ARC prior to or early in each semester to enhance the ability of the College to provide appropriate accommodations in a timely manner. Students are strongly encouraged to make this contact within the first two weeks of each semester. This includes filling out the required academic accommodation form, which indicates the student’s needs (e.g., extended time to complete exams, note taker, classroom relocation, etc.)

4. Provide signed consent authorizing Counseling Services / ARC to discuss his/her need for reasonable accommodations, academic adjustments, and/or auxiliary aids with the professional source for his/her documentation.
5. Inform the faculty member or professor within a reasonable period of time of the need for reasonable accommodations. Although not required, the Counseling Services Office / ARC encourages students to discuss the nature of their learning style and needs with their professors/instructors to the extent they are comfortable.

6. Meet the timelines and procedural requirements established by Counseling Services / ARC for scheduling exams, requesting assistance, arranging with a faculty member, and/or Counseling Services / ARC for getting the exam to the location of testing. If the student fails to provide adequate notice of the need for space and/or assistance, he/she risks not receiving the accommodation in a timely manner, and in some instances, may forego such an accommodation.

NOTE: Abuse or misuse of accommodations, including but not limited to cheating, may result in a loss of accommodations as well as other academic consequences.

B. Institutional Rights and Responsibilities

Blackburn College has the right to:

1. Maintain the College’s academic and technical standards.

2. Request current documentation for a student completed by an appropriate professional source to verify (1) that the student is presently disabled by one or more conditions, (2) that s/he requires accommodation in order to ensure equal access to the college’s programs and activities, and (3) what reasonable accommodations, academic adjustments, and/or auxiliary aids the examiner believes the student as an adult learner may require in order to enjoy access to educational opportunities.

3. Discuss a student’s ADA/504 eligibility and need for reasonable accommodations, academic adjustments, and/or auxiliary aids with the professional source(s) of his/her documentation with the student’s signed consent authorizing such discussion.

4. Select among equally effective and appropriate accommodations, adjustments, and/or auxiliary aids in consultation with the student with a disability.

5. Disclose such information deemed appropriate with faculty and staff to facilitate the implementation of accommodations.

6. Deny a request for accommodation, academic adjustments, and/or auxiliary aids if the documentation does not identify a specific disability, the documentation fails to verify the need for the requested services, or the documentation is not provided in a timely manner.

7. Refuse to provide an accommodation, adjustment, and/or auxiliary aid that is inappropriate or unreasonable including any that: a. pose a direct threat to the health and safety to the student and/or other individuals, b. constitute a substantial change or alteration to an essential element of a course or program, or c. pose undue financial or administrative burden on the College.

Blackburn College has the responsibility to:

1. Ensure that College courses, programs, services, jobs, activities, and facilities, when viewed in their entirety, are offered in integrated and appropriate settings.
2. Provide information regarding policies and procedures to students with disabilities and assure its availability in accessible formats upon request.

3. Assist the College in ensuring that students with disabilities are evaluated based on their abilities and not their disabilities, to the extent required by Section 504 and the ADA.

4. Provide reasonable and appropriate accommodations, academic adjustments, and/or auxiliary aids for student with disabilities upon a timely request by a student. 5. Maintain appropriate confidentiality of records and communication concerning students with disabilities except where disclosure is permitted by law or authorized by the student.

C. Faculty Rights and Responsibilities:

Faculty have the right to:

1. Discuss with the Counseling Services Office / ARC any concerns related to the accommodations or arrangements that have been requested by the student during their initial contacts.

2. Determine the conditions under which the exam is to be administered (e.g., open book, use of notes, computer with word processing including spell check, formula sheet, calculator, scrap paper, dictionary), consistent with the ADA/Rehabilitation Act.

3. Establish course objectives consistent with the mission of the College and Department approval.

4. Bring concerns about particular accommodations to the Department or Division Chair in the event that there is a dispute between suggested accommodations and course objectives that cannot be resolved between the Counseling Services Office / ARC and the faculty member.

Faculty have the responsibility to:

1. Provide appropriate accommodations in collaboration with the ARC. In cases when providing the accommodation would cause the instructor undue difficulty, the ARC should be contacted for assistance.

2. Deliver an exam in a timely manner, along with all necessary instructions and materials for proper administration, if a student’s exam is to be administered outside of class, provided the student notifies the faculty member of the need for accommodation in a timely manner. The faculty member may also make arrangements with the ARC for the delivery and return of the exam. The ARC shall be contacted for necessary accommodations a minimum of 5 business days in advance of the need for a required accommodation.

Accessing Disability Accommodations Services at Blackburn College

In order to access accommodations services, a student with a disability must disclose his/her disability and submit appropriate records documenting the disability to the Counseling Services Office / ARC. In order to enhance the opportunity to receive timely accommodations, students should submit documentation at the time they are admitted to Blackburn College. Students are encouraged to begin the process of disclosure of information as early as possible.
In order to receive services through the Counseling Services Office / ARC, students must:

1. Provide documentation of the disability Documentation may include, but is not limited to neuropsychological, psycho-educational, medical, occupational, or psychiatric evaluations. Documentation should be recent (evaluations generally need to be performed within the past three years prior to enrollment at Blackburn College), from qualified evaluators, and indicate a current disability as defined by Section 504 of the Rehabilitation Act and the ADA. In some instances, particularly regarding requests for accommodation based on health or psychiatric reasons, documentation may need to be more recent than three years.

2. Disclose disability to the Counseling Services Office. During the intake process, staff will ask for specific information regarding the nature of the disability and its impact on learning and accessing Blackburn’s programs. The student will be informed of the policies and procedures for accommodations provided by the Counseling Services Office / ARC. At this time, the student will be asked to sign a release of information form authorizing Blackburn College to gather additional pertinent data necessary for making specific recommendations of the student’s academic accommodation needs. The student will need to meet with Counseling Services at the beginning of each semester that services are requested. Until the student provides sufficient documentation of his/her disability and requests accommodation from the Counseling Services office, s/he will not be eligible for accommodations. Moreover, Counseling Services / ARC requires sufficient time to review the documentation, gather additional information and make arrangements for the implementation of accommodations.

3. Request accommodations in a timely manner. Some accommodations require sufficient advance notice, such as acquiring assistive technology or obtaining proctors. Students who require testing accommodations need to notify the ARC at least one week in advance or as soon as a test is announced. The Counseling Services Office / ARC may deny accommodation if the request is not made in an appropriately timely manner.

Delivery of Services

Upon self-disclosure and after the intake interview, Counseling Services will:

1. Appropriately respond to a student’s request for services

2. Verify and determine the extent of a student’s disability and determine the appropriateness of accommodations.

3. Explain the services provided to the student, which includes signature of an Individual Rights and Responsibilities packet and receipt of the disabilities accommodations letter. (See appendix)

4. Facilitate individual meetings between the student and his/her faculty to discuss the accommodations needed and how they can be provided.

5. Create an open folder in the Disability Accommodations database which includes the accommodations letter, the student’s course syllabi, and their corresponding class and work schedules.

6. Provide and monitor the student’s use of accommodations throughout the semester and discuss the student’s progress while utilizing said accommodations.
**Guidelines for Appropriate Documentation**

In order to access accommodations through Counseling Services / ARC, students must provide appropriate documentation to the Counseling Services Office. This documentation allows Blackburn College to verify eligibility and provide appropriate accommodations. Testing must be comprehensive, recent (in most circumstances within the past three years), and administered by qualified professionals.

All evaluations should include:

1. A written summary of background information about the student’s educational, medical, and family histories as it pertains to the student’s disability.

2. A description of any accommodations and/or auxiliary aids that have been recommended or used at the secondary or postsecondary level. Please note that the Counseling Services office will determine which accommodations are appropriate for Blackburn College, and these may differ from those recommended in the evaluation, or used at prior schools.

**Testing and Classroom Accommodations**

Blackburn College Counseling Services and the ARC have approved the following accommodations based upon documentation verifying the existence of a disability and an evaluation of the students needs:

1. Tape recording of lectures
2. Access to teacher handouts, outlines, powerpoints to supplement student notes
3. Note taking assistance in class
4. Additional time on in-class writing assignments
5. Additional time on tests, exams and quizzes as outlined by the students IEP and/or 504 plan.
6. Distraction free test, quiz and exam taking
7. Tests, quizzes and exams read using a trained proctor
8. Use of a non-programmable calculator on tests and quizzes involving math calculation.
9. General and specialized tutoring
10. The use of a Reader and/or a Scribe

**Blackburn College Disability Accommodation Services Confidentiality Policy**

Disability Accommodation Services at Blackburn College is committed to providing students with appropriate confidentiality of all information pertaining to his/her disability. The Counseling Services Office will have primary responsibility for safeguarding the confidential nature of a student’s disability documentation. Confidential Disability Accommodations Services records at Blackburn College are maintained for a determined period following the student’s graduation. Upon graduation, or in transferring to another institution, students may request a copy of their documentation.

**Disability Accommodation Services Grievance Procedure**

Any person who believes that appropriate accommodations have not been provided to a student or that discrimination has occurred against a student based on disability, is permitted to file a grievance with the College as provided for by the following grievance procedure.

1. Blackburn College is committed to using its best efforts to resolve disputes pertaining to disability services in an informal manner whenever possible. To this end, a student, employee or member of the public who believes s/he has been aggrieved by either some action or inaction on the part of the College
as a whole or with a particular individual is strongly encouraged to raise his/her concern directly with
the individual or other appropriate official of the College.
2. Whenever an individual is dissatisfied with the informal resolution of a grievance or prefers to file a
formal complaint the following procedures shall apply.
3. Grievances concerning the delivery of disability support services or concerning discrimination based
on disability must be addressed to the Counseling Services office / ARC.
4. The grievance must be submitted in writing, contain the name and address of the complainant, and
describe allegations. The description must include specific facts to support the allegation(s).
5. The grievance must be filed within thirty (30) days of the alleged incident.
6. An investigation, as may be appropriate, shall be conducted by the Counseling Services office.
During this procedure, the complainant and the persons against whom the allegations have been made,
and their respective representatives, if any, will have the opportunity to submit information and
documentation regarding the complaint allegations.
7. The investigation will be completed with written results of the investigation issued and a copy
forwarded to the complainant within thirty (30) workdays of receipt of the complaint.
8. The complainant may appeal the findings of the investigation by submitting a written document to
the Vice President for Student Affairs. An appeal shall only be considered if the complainant sets forth
irregularities of the investigator’s determination, such as: inaccurate findings of fact or incorrect
conclusions of law, the correction of which would alter the outcome. The appeal must be received
within a reasonable amount of the date of determination.
9. Although the College will make reasonable efforts to comply with these timelines, circumstances such
as access to information, availability of personnel, and school breaks, may justify an extension of time.
10. Retaliation against any person who files a complaint of alleged discrimination, participates in an
investigation, or opposes discriminatory employment or education practice or policy is prohibited under
College policy, and by State and Federal law.