



# **DISABILITY SERVICES**

## **Handbook**

*Procedures Manual  
ADA & Section 504*

## We Open Doors to All

Haywood Community College is very diligent in its attempt to make sure every student will find an educational environment where he/she can be successful. We realize that it is important to look at each student as an individual. Student success is our top priority. It is important that students know we are here to help them reach their goals.

The Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 serve to ensure that all individuals are given equal opportunity by having access to information that will assist them in securing a degree, diploma, or certificate.

It is important that we understand what the law requires and what we are expected to do. The law does not require colleges to alter the nature of a course or program but it does require colleges to provide reasonable accommodations for students who provide appropriate documentation. The Student Wellness Department will provide instructors with the student's accommodation form as soon as the student completes the documentation with him/her. The purpose of this manual is to assist you in the process.

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# **Disability Services at Haywood Community College**

Haywood Community College is committed to providing access to facilities and programs in compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. Haywood Community College does not discriminate nor does it approve of discrimination against students or applicants on the basis of race, religion, ethnicity, national origin, gender, gender identity, sex, age, disability, genetic information and veteran status. This policy of non-discrimination covers participation in all programs, support services, and activities. Haywood Community College is committed to providing access to technology used on campus.

## **The Law**

### **Section 504 of the Rehabilitation Act:**

*Section 504 of the Rehabilitation Act of 1973 states that ... "No otherwise qualified individual with a disability in the United States...shall solely by reason of ...disability, be denied the benefits of, be excluded from the participation in, or be subject to discrimination under any program or activity receiving federal financial assistance."*

*A person with a disability includes ... "any person who (1) has a physical or mental impairment which substantially limits one or more major life activities [including 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."*

*A "qualified person with a disability" is defined as one..."who meets the academic and technical standards as requisite to admission or participation in the educational program or activity."*

Section 504 protects the rights of qualified individuals who have disabilities such as, but not limited to:

Blindness/visual impairment	Specific learning disabilities
Cerebral palsy	Speech and language disorder
Deafness/hearing impairment	Spinal cord injury
Epilepsy or seizure disorder	Tourette's syndrome
Orthopedic/mobility impairment	Traumatic brain injury

Section 504 also protects students with chronic illnesses and "treatable disabilities," such as, but not limited to:

AIDS	Diabetes
Arthritis	Multiple sclerosis
Cancer	Muscular dystrophy
Cardiac disease	Psychiatric disability

*Under the provisions of Section 504 of the Rehabilitation Act of 1973 ...colleges may not discriminate in the recruitment, educational process, or treatment of students. Students who have self-identified, provided documentation of disability, and requested reasonable accommodations are entitled to receive approved modifications of programs, appropriate academic adjustments, or auxiliary aids that enable them to participate in the benefit from all educational programs and activities.*

## **Americans with Disabilities Act (ADA)**

The Americans with Disabilities Act of 1990 gives civil rights protections to individuals with disabilities. Title II of the ADA prohibits discrimination against qualified individuals with disabilities in all programs, activities, and services of public entities. It applies to all state and local governments, their departments and agencies, and any other instrumentalities or special purpose districts of state or local governments.

- Requires that people with disabilities not be excluded from participation in, or be denied the benefits of, or be subjected to discrimination.
- Does not require the institution to receive federal financial assistance.
- Provides clear enforceable standards addressing discrimination against individuals with disabilities by ensuring the federal government plays a significant role.

## **ADA Amendments Act (ADAAA)**

On September 25, 2008, the ADA Amendments Act (ADAAA) was signed into law. It became effective on January 1, 2009. The U.S. Senate and the U.S. House of Representatives both unanimously passed the ADAAA.

The ADAAA focuses on the discrimination at issue instead of the individual's disability. It makes important changes to the definition of the term "disability" by rejecting the holdings in several Supreme Court decisions and portions of Equal Employment Opportunity Commission's (EEOC) ADA regulations. The Act retains the ADA's basic definition of "disability" as an impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment. However, it changes the way that the statutory terms should be interpreted. Most significantly, the ADAAA:

- Directs EEOC to revise the portion of its regulations that defines the term "substantially limits,"
- Expands the definition of "major life activities" by including two non-exhaustive lists:
  - The first list includes many activities that the EEOC has recognized (e.g., walking) as well as activities that EEOC has not specifically recognized (e.g., reading, bending, and communicating);
  - The second list includes major bodily functions (e.g., "functions of the immune system, normal cell growth, digestive, bowel, bladder, respiratory, neurological, brain, circulatory, endocrine, and reproductive functions");
- States that mitigating measures other than "ordinary eyeglasses or contact lenses" shall not be considered in assessing whether an individual has a disability;
- Clarifies that an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active;
- Provides that an individual subjected to an action prohibited by the ADA (e.g., failure to hire) because of an actual or perceived impairment will meet the "regarded as" definition of disability, unless the impairment is transitory and minor;
- Provides that individuals covered only under the "regarded as" prong are not entitled to reasonable accommodation; and
- Emphasizes that the definition of "disability" should be interpreted broadly.

# **College Rights & Responsibilities**

## **College Rights**

- Identify and establish essential functions, abilities, skills, knowledge, and standards for courses, programs, services, jobs, and activities, and to evaluate students on this basis;
- Request and receive current documentation from a qualified professional that supports requests for accommodations, academic adjustments, and/or auxiliary aids and services;
- Deny a request for accommodations, academic adjustments, and/or auxiliary aids and services if the documentation does not demonstrate that the request is warranted, or if the individual fails to provide appropriate documentation;
- Select among equally effective accommodations, adjustments, and/or auxiliary aids and services;
- Refuse to provide an accommodation, adjustment, and/or auxiliary aid and service that impose a fundamental alteration on a program or activity of the college.

## **College Responsibilities**

- Accommodate the known limitations of an otherwise qualified student with a disability;
- Ensure that courses, programs, services, and activities, when viewed in their entirety, are available and usable in the most integrated and appropriate settings;
- Provide or arrange accommodations, academic adjustments, and/or auxiliary aids and services for students with disabilities in courses, programs, services, and activities;
- To maintain appropriate confidentiality of records and communication, except where permitted or required by law;
- To maintain academic standards by providing accommodations without compromising the content, quality, or level of instruction.

# **Student Rights & Responsibilities**

## **Student Rights**

- Equal access to courses, programs, services, jobs, and activities offered by the college;
- Equal opportunity to work, learn, and receive accommodations, academic adjustments and/or auxiliary aids and services;
- Confidentiality of information regarding their disability as applicable laws allow;
- Information available in accessible formats.

## **Student Responsibilities**

- Meet qualifications and maintain essential institutional standards for the programs, courses, services, and activities;
- Self-identify disability status in a reasonable and timely manner;
- Provide disability documentation from a qualified professional that reflects the student's current disability status, and how their disability limits participation in courses, programs, services, and activities;
- Follow published procedures for obtaining academic adjustments, and/or auxiliary aids and services.

## Suggestions for students

- Some accommodations require extra time so it is imperative to self-identify and request accommodations as soon as possible;
- Attend classes and follow instructions provided in the class syllabus concerning absences, emergency needs, or other information specific to class;
- If possible, inform instructor ahead of time of any absences;
- Contact other outside agencies for possible eligibility in additional services;
- Arrange for personal attendants if needed, whether paid for by an agency or family (colleges are not required under ADA to provide personal attendants, tutors, or personal items such as hearing aids, prostheses, individually designed and fitted special extensions or wands for computer or other resource operation).
- Students with disabilities should process their own college business i.e., registration, drop/add, refunds, etc.

## Confidentiality

Haywood Community College will not release any information about a student's disability without written consent. This is the law and ethical counseling practice. Each student is asked to sign a release to allow Disability Services staff to exchange information regarding the disability on an as needed basis for appropriate educational purposes.

**Students have the right not to disclose specific information about their disability to instructors. However, students are encouraged to speak with instructors about their accommodations so that instructors can best meet the needs of the students.**

## Documentation Guidelines

In compliance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973, students must disclose disabilities to the appropriate professional in order for Haywood Community College to provide reasonable accommodations.

1. The student discloses the type of disability, the related limitations, and the current impact of the disability to the Director of Student Wellness and completes required forms. Accommodations should be requested at least two weeks in advance to allow time for implementation. For this same reason, accommodations for the current semester that are requested within two weeks of the last day of instruction will be denied.
2. The student provides proof of the disability from a physician, mental health professional or other appropriate specialist stating the nature of the disability and recommendations for needed accommodations. The documentation must reflect the current impact of the disability. *HCC's staff is not able to diagnose disabilities.* The documentation accepted at HCC may not suffice for universities or professional, certification, or licensure exams.
3. The student engages in an interview with the Director of Student Wellness.
4. The Director of Student Wellness documents the reasonable accommodations that will be provided as determined from the interview and appropriate documentation. All of the information is collected by the Director of Student Wellness and filed with a copy of the mutually agreed upon accommodations.
5. The Director of Student Wellness sends the accommodation form to the instructor. The instructor and student complete the accommodation agreement within two weeks of receiving the accommodation form.

6. The student reviews the accommodations with the Director of Student Wellness prior to or at the beginning of each semester during which the student wishes to receive accommodations.

## **Technical Standards**

Each program of study at Haywood Community College has its own set of technical standards. All students regardless of disability must meet the technical standards of a program with or without reasonable accommodations. Technical standards are available in the Enrollment Management Office and on course syllabi.

## **Student Absences from Class**

Regular class attendance is a student obligation. A student is responsible for all the work, including tests, homework, assignments for all class meetings. All students must adhere to the College's attendance policy located at [www.haywood.edu](http://www.haywood.edu) in the HCC Catalog. Absences from class for valid reasons (including disability-related medical situations) are approved only by the instructor.

## **Student Code of Conduct**

All students, regardless of disability, must adhere to the College's Student Code of Conduct. The Student Code of Conduct may be found in the HCC Catalog, which is available at [www.haywood.edu](http://www.haywood.edu).

## **Personal Aids and Services**

Haywood Community College does not provide services of a personal nature. Personal attendants and individually prescribed devices are the responsibility of the student who has a disability and not of the college. For example, *read aloud* may be provided for classroom use but the college does not provide readers for personal use or for help during individual study time.

## **Accessible Parking**

All students displaying an accessible parking placard will find parking in designated areas. State parking placards can be obtained from the Department of Motor Vehicles in Raleigh, NC. Students having state placards are permitted to park in designated accessible parking spaces. Temporary accessible parking permits are available for eligible students through the Director of Student Wellness.

## **Service Animals**

Students are not required to register Service Animals. However, students are encouraged to communicate with the Disability Services office in regard to their animal and disability-related needs. This will allow appropriate College officials to be aware of the animal's presence and to assist with the Service Animal's access to areas within the College's campus.

## **Emotional Support Animals**

An Emotional Support Animal can be considered as a reasonable accommodation. Disability Services will make this determination on a case-by-case basis and in accordance with Haywood Community College Policy 5.4.5.

**Please review Haywood Community College Policy 5.4.5 Service Animals and Other Animals on Campus for more information.**

## **Student Grievance Procedure**

Students may view the Grievance Procedure in the HCC Catalog and Handbook. The HCC Catalog is available at [www.haywood.edu](http://www.haywood.edu).

## **Commonly Provided Classroom Accommodations**

Reasonable accommodation is any modification or adjustment that will enable a qualified student with a disability to participate in school functions. Below are some examples of accommodations. To qualify for any of the following accommodations, a student must be registered with the Director of Student Wellness.

Appropriate documentation must be current and on file. *Accommodations are provided from the moment the student provides the accommodation form to the instructor. Accommodations are not retroactive.*

**Interpreter Services** – If a student needs an interpreter, he/she must register with the disability counselor, make a request, and provide appropriate documentation. It is very important that all class schedules are given to the disability counselor as soon as the classes have been scheduled. Any change in a class schedule should be reported immediately.

**Note-Taker Services** – If class notes are not available electronically and a note taker is needed, the instructor will attempt to find an individual who is willing to serve as the note taker for the student. This is a volunteer position. The student must make the request and provide appropriate documentation.

**Read Aloud** – Software that reads text is available to students who qualify. This software will read most scanned material and websites.

**Service Animal** - Service animal is defined as any dog individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

**Alternate Assignments** - With appropriate documentation, students may qualify for alternate assignments. Only those recommended accommodations that facilitate equal access to classroom assignments will be made. Students are required to make arrangements with their instructor(s) for these accommodations in advance.

**Tutorial Services** – Tutorial services are offered through the Learning Support Services (LSS) located in the 300 Building. Tutors are currently enrolled students and are paid by the college. Instructors can refer students to the LSS for assistance. Faculty members are also encouraged to assist students.

**Testing Accommodations** – With appropriate documentation, students may qualify for the following testing accommodations: extended test time, text to speech software, a quiet, separate room, use of adaptive equipment and/or alternative examination formats. Only those recommended accommodations that facilitate equal access to the testing process will be made. Students are encouraged to use the LSS for testing.

- The LSS provides materials to remove as many distractions as possible. Therefore, students have access to ear plugs and to MP3 players (with headphones) which play a variety of white noise like the sound of waves, rain, piano music, etc.
- The LSS encourages students to make appointments to test. While appointments are not required, the LSS cannot guarantee private testing space for students who come to test without appointments.