

Oklahoma State University Policy and Procedures

ACADEMIC ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES	2-0824 ACADEMIC AFFAIRS September 2014
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PURPOSE

1.01 It is the policy of Oklahoma State University to offer educational opportunities and experiences to all students enrolled at the University on the basis of individual merit without interference from illegal, arbitrary, or capricious acts or omissions. Oklahoma State University will not tolerate discrimination against any student because of gender, race, age, sexual orientation, status as a veteran, national origin, religion, or disability. Oklahoma State University embraces and commits itself and its faculty and staff employees to follow provisions of state and federal law prohibiting discrimination against persons with disabilities, including, but not limited to, the Americans with Disabilities Act ("ADA") and the Rehabilitation Act of 1973.

1.02 In order to assist applicants to and students of Oklahoma State University regarding needed academic accommodations, Oklahoma State University has empowered its Office of Equal Opportunity with the authority to review complaints of potential disability discrimination and also has created the Office of Student Disability Services with the specific charge of working with students, staff and faculty to help ensure that appropriate steps are engaged in by the University in each case. The names of the current administrative officials overseeing those offices, and their addresses and telephone numbers, are identified in the OSU campus telephone directory, the Office of the Vice President for Student Affairs, the Office of the President, and several other locations on campus.

1.03 This policy statement is intended to formalize procedures already established for the provision of academic accommodations for students with disabilities and to outline mechanisms for resolving complaints concerning the provision of such academic accommodations, including complaints alleging discrimination, harassment and retaliation on the basis of disability. This policy statement is intended to supersede and control over any other policy of the University concerning whether the University is appropriately providing classroom or curricular accommodations to a student with a disability and to provide students with a prompt and fair process to grieve the University's decisions in the event that the student disagrees with determinations or provisions of any disability related services, including whether the student is a qualified individual with a disability, the adequacy of the student's documentation regarding the student's disability, and the decision regarding the student's academic adjustment or auxiliary aid, including denial of requested and/or approved services.

1.04 Oklahoma State University shall make such modifications to its academic requirements as are necessary to ensure that requirements relating to its academic programs do not discriminate or have the effect of discriminating on the basis of disability against an applicant

or student. Modifications, in appropriately documented instances, may include changes in the length of time permitted for the completion of degree requirements, substitutions of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted. Determinations regarding the appropriateness of accommodations for students with disabilities inherently must be made on an individualized, case-by-case basis.

1.05 Oklahoma State University will not impose upon students with disabilities other rules, such as the prohibition of tape recorders in classrooms or of dog guides in campus buildings, that have the effect of limiting the participation of students with disabilities in an educational program or activity.

1.06 In course examinations or other procedures for evaluating students' academic achievement in its programs, Oklahoma State University will provide such methods for evaluating the achievement of students with disabilities that impair sensory, manual, or speaking skills as will best ensure that results of evaluations represent the student's achievement, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where such skills are the factors that the test purports to measure).

1.07 Oklahoma State University will take steps as are necessary to ensure that no student with a disability is denied the benefits of, excluded from participation in, or otherwise subjected to, discrimination under the education programs or activities operated by the University because of the absence of educational auxiliary aids for students with impaired sensory, manual, or speaking skills. Auxiliary aids may include taped texts, interpreters, or other effective methods of making orally delivered materials available to students with hearing impairments, readers in libraries for students with visual impairments, classroom equipment adapted for use by students with manual impairments, and other similar services and action.

1.08 Academic requirements that are essential to the program of instruction being pursued by a student with a disability or to any directly related licensing requirement will not be regarded as discriminatory.

1.09 The term "Provost and Senior Vice President" is intended to refer to the chief academic officer of the University or his/her designee within the Office of Academic Affairs.

Definitions

- 2.01 A "student with a disability" is any student who:
- A. has a physical or mental impairment which substantially limits one or more of such person's major life activities,
 - B. has a record of such impairment, or
 - C. is regarded as having such impairment.

- 2.02 A "physical or mental impairment" includes, but is not necessarily limited to:
- A. any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or
 - B. any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- 2.03 The term "substantially limits" means:
- A. Unable to perform a major life activity that the average person in the general population can perform; or
 - B. Significantly restricted as to the condition, manner or duration under which an individual can perform a major life activity as compared to the condition, manner, or duration under which the average person in the general population can perform that same major life activity.
- 2.04 Objective criteria for diagnosis of a "specific learning disability" have yet to be succinctly defined by educational psychologists. Oklahoma State University embraces the general guidelines suggested by the Oklahoma State Regents for Higher Education in 1991, which acknowledge that while multiple approaches are used in this area, specific criteria for diagnosis of a learning disability include: average to above average intellectual ability; severe processing deficits; severe aptitude achievement discrepancies, despite adequate learning opportunities; and a condition of presumed neurological origin.
- 2.05 A "classroom accommodation" is one where an alteration in the manner in which a specific class is conducted is requested by a student. Such alterations may include, but are not necessarily limited to, alterations in testing time limits, providing special tutoring, providing textual materials in alternative formats (such as on audiotape), note taking, and the like.
- 2.06 A "curricular accommodation" is an alteration in degree program requirements. Such alterations may involve, but are not necessarily limited to, substitutions or waivers of classes normally required to successfully complete a degree program offered by the University, or alterations of time limits required for completion of degree programs.

Determination of Eligibility

3.01 Any student desiring to receive classroom or curricular accommodations, as a mandatory prerequisite to receiving any such accommodations, must register with the Office of Student Disability Services, provide competent medical documentation as requested evidencing the existence of a specific disability, and cooperate with the Office of Student Disability Services in determining the type(s) of accommodations that may be warranted in the case. It is the affirmative obligation of the student not only to provide competent medical documentation as requested by the Office of Student Disability Services, but also to renew any additional requests

for accommodations each new academic semester.

3.02

- A. Competent medical documentation is required for two purposes: (1) to document the existence, nature, and extent of the physical or mental disability; and (2) to identify reasonable accommodations. Because the provision of all reasonable accommodations and services is based on assessments of the current impact of the student's disabilities on his/her academic performance in a specific academic program, it is in the student's best interest to provide recent and appropriate documentation. In most cases, this means that the medical or psychological evaluation and report will have been conducted within the past three years. Learning assessments must be based upon adult-level learning. Assessments made at a pre-college level will qualify as acceptable documentation only if they reflect adult capabilities and the academic demands of higher education. Competent medical documentation, in order to be acceptable, must be rendered by a practitioner with credentials appropriate to the area in question.
- B. If a diagnostic report is incomplete or inadequate to determine the present extent of the disability or appropriate accommodations, the University may require supplemental assessment at the student's cost. If the diagnostic report is complete but the University requires a second opinion (which may include getting a second opinion regarding the diagnostic report or a reevaluation of the disability), the University may select the practitioner and shall bear the cost of the second assessment.
- C. The Office of Student Disability Services may require a student to provide additional competent medical documentation evidencing the need for continued academic accommodations at any time that it appears that the student's physical or mental disability has substantially changed in character or if a student who has been granted special academic accommodations requests additional accommodations.

3.03 Verification of the existence of a disability will be retained in the Office of Student Disability Services and will be shared with other University personnel only as necessary and in conformity with applicable state and federal laws.

3.04 The Office of Student Disability Services will assist students with disabilities who are seeking classroom or curricular accommodations and will make recommendations to appropriate University personnel regarding accommodations, if any, that are believed to be needed by such students. If recommended accommodations are not agreed upon between a student, the Office of Student Disability Services, faculty, or academic administrators, a request for further review may be filed by the student or the affected faculty member/academic administrator. Classroom accommodations as recommended by the Office of Student Disability Services will be implemented during such time as the matter is under review. Curricular accommodations will not be implemented during the pendency of the review process.

3.05 A student who believes that appropriate academic accommodations are not being afforded by the University may seek further review through informal or formal means. Such a student may either file for formal review of such determination by following the processes set forth below in this policy statement or, prior to doing so, may seek informal resolution of the dispute by discussing the matter with the Office of Equal Opportunity. During the time that the dispute is in informal review by the Office of Equal Opportunity, the time frames for filing a formal appeal as set forth below are tolled.

Request for Review of Classroom Accommodation

4.01

- A. A request for special classroom arrangements in order to assist a student with a disability is initiated by the student filing a request with the Office of Student Disability Services. The Coordinator of the Office of Student Disability Services initially reviews the request to assess whether the student has provided recent competent medical documentation evidencing the need for the accommodations being requested and to make a recommendation regarding classroom accommodation(s) to be provided to the student. The Coordinator will notify the student of his/her determination and, if an accommodation is recommended, will also notify the appropriate faculty member(s) of that recommendation.
- B. A student or faculty member disagreeing with a recommended classroom accommodation, or a recommendation from the Office of Student Disability Services that no accommodation is warranted, may request further review by the Provost and Senior Vice President (or his/her designee) of the matter. Forms for such requests may be obtained from either the Office of Academic Affairs or the Office of Student Disability Services. The completed form and any desired attachments must be filed with the Office of Academic Affairs, and a copy filed with the Office of Student Disability Services, within five (5) working days of the date that the person requesting review has received notice of the classroom accommodations, if any, recommended by the Office of Student Disability Services. The Office of Academic Affairs will forward copies of the filed documents to the affected student or faculty member(s), and to the appropriate unit administrator and Dean. The faculty member(s), unit administrator and Dean must maintain confidentiality regarding the request.
- C. A student claiming that an approved service was denied may request review by contacting the Office of Student Disability Services. The Office of Student Disability Services shall assist the student and attempt to resolve the grievance. In the event that resolution cannot be obtained, the student shall be notified in writing and the grievance shall proceed following the formal procedures for Student Discrimination Grievances (OSU Policy and Procedures 2-0823).

4.02 The student or faculty member(s) affected by the request for further review will be given the opportunity to present a written response to the Provost and Senior Vice President. Such responses must be received by the Provost and Senior Vice President within three (3)

business days after receipt of the requested documents from the Provost and Senior Vice President unless additional time is granted by the Provost and Senior Vice President. If no response is timely filed, the Office of Academic Affairs has the authority to make a determination without further delay.

4.03 The Provost and Senior Vice President may seek advice from the Office of Equal Opportunity, the Office of Student Disability Services, and/or other appropriate University officials regarding the matter.

4.04 The Provost and Senior Vice President, after consulting with the unit administrator and Dean, will make a final decision regarding the appeal. The Provost and Senior Vice President will normally make such final decision within five (5) working days. A copy will be forwarded to the Office of Student Disability Services for permanent retention with the student's file. There is no further appeal of such decision.

4.05 The student and faculty member/administrative official may mutually agree to some other form of accommodation at any time in the review process. If such an agreement is reached, such agreement should be memorialized in writing, signed by the student, and the review process automatically will be terminated.

Request for Review of Curricular Accommodation

5.01

- A. A request for a change in curricular or degree requirements in order to accommodate a student with a disability is initiated by filing a request with the Office of Student Disability Services. The Coordinator of the Office of Student Disability Services initially reviews the request to assess whether the student has the ability to complete curricular or degree requirements as ordinarily required by the Department and College. The Coordinator will notify the Director of Student Academic Services of the appropriate College of that assessment and of the accommodation(s) requested by the student. Such notification shall be made within ten (10) working days after the requested accommodation is received by the Coordinator of the Office of Student Disability Services.
- B. The College Director of Student Academic Services is responsible for coordinating with appropriate academic unit faculty and college academic officials for the purpose of making a preliminary decision regarding the appropriateness of the requested accommodation. These officials will consider the recommendation of the Coordinator of the Office of Student Disability Services and the academic requirements of the curricular or degree program at issue.
- C. The preliminary decision of the faculty/College academic officials is required to be in written form, explaining the reasons that such an accommodation should or should not be granted. While each case inherently must be judged on its own merits, consideration should be given to the actions taken in similar cases in the past to ensure fairness and comparable treatment.

- D. In making the preliminary decision, the academic unit faculty and College academic officials shall thoroughly consider the requested accommodation, its feasibility, cost, and effect on the academic program, and discuss other known alternatives that might be available. If the faculty/College academic officials preliminarily conclude that the requested accommodation should be denied, that recommendation must be supported by a rationally justifiable conclusion that available alternatives to the usual academic requirements would result either in lowering academic standards or requiring substantial program alteration and must set forth in detail the factors considered by the faculty/academic officials in arriving at that conclusion.
- E. A copy of the preliminary decision shall be transmitted to the student and to the Dean of the College at the same time. Such recommendation must be transmitted within ten (10) working days following the receipt of the documents from the Coordinator of the Office of Student Disability Services.
- F. If the student disagrees with the preliminary decision, the student may file a request for review by the Dean.

5.02 Forms to initiate such further review may be obtained from the Office of Academic Affairs or the Office of Student Disability Services. The completed form and any attachments must be filed with the Office of the Dean of the respective College within ten (10) working days of the student's receipt of the preliminary decision that an accommodation not be granted, with a copy filed with the Office of Student Disability Services and the Office of Academic Affairs.

5.03 Copies of the request for further review will be forwarded by the Dean to the affected unit administrator for the purpose of receiving any additional written response desired to be given by the faculty. Such response must be filed with the Dean within five (5) working days, with a copy transmitted to the student and to the Office of Student Disability Services.

5.04 The Dean, or his/her designated representative, should ordinarily render a decision regarding the matter within ten (10) working days after receipt of the unit administrator's response. The Dean may seek academic, legal, or technical advice from College-level faculty committees or from University officials. If more than ten (10) days is required in a particular case, the Dean should give notice to the student and unit administrator of such fact, along with an anticipated date of response. The Dean's decision must include written reasons in support thereof.

5.05 If the student disagrees with the decision of the Dean, the student may request further review by the Executive Vice President by filing such a request within five (5) working days after receipt of the decision of the Dean. The Provost and Senior Vice President may refer the appeal to the Academic Standards and Policy Committee for input and/or may seek additional input from the Office of Student Disability Services, the Office of Equal Opportunity, and/or other appropriate University officials. The Provost and Senior Vice President normally will make a final decision within fifteen (15) working days and will communicate such decision to the student, the Office of Student Disability Services, the unit administrator, and Dean. There

is no further appeal of such determination.

5.06 The student and faculty member/administrative officials may mutually agree to some other form of accommodation at any time in the review process. If such an agreement is reached, such agreement should be memorialized in writing, signed by the student, and the review process will automatically be terminated.

5.07 Students who are not satisfied with the response they receive from the University may file a complaint with any of the following agencies:

Office of Disability Concerns
2401 NW 23rd, Suite 90
Oklahoma City, OK 73107-3756
800/522-8224, 405-521-3756 (v)
405/522-6706 (tty)
Website: <http://www.odc.ok.gov>

U.S. Department of Education
One Petticoat Lane
1010 Walnut Street, Suite 320
Kansas City, Missouri 64106
Telephone: 816/268-0550
Facsimile: 816/823-1404
Email: OCR.KansasCity@ed.gov

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Disability Rights Section-NKAV
Washington, DC 20530
800/514-0301 (v)
800/514-0383 (tty)
Website: <http://www.usdoj.gov>

Approved:
Faculty Council, December 1996
Deans Council, February 1997
President Halligan, March 1997
Board of Regents, October 24, 2014

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