UNIVERSITY COMMITMENT

The University of New Orleans (UNO) is committed to providing for the needs of enrolled or admitted students who have disabilities under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA).

In general, University policy calls for reasonable accommodations to be made for students with documented disabilities on an individualized and flexible basis. It is the responsibility of students, however, to seek available assistance at the University and to make their needs known.

The policies and procedures outlined in this publication are intended to comply with both the letter and the spirit of these federal guidelines. Their goal is to ensure that students with disabilities are given an opportunity to succeed at UNO equal to that granted to all other students at the University.

# GENERAL POLICY

The University of New Orleans Office of Disability Services (ODS) is recognized as the UNO authority on all aspects related to academic accommodations for students with disabilities. Even if someone chooses not to employ ODS's assistance in acquiring accommodations, the faculty can use ODS as a resource to verify the legitimacy of the request for accommodation, review and interpret documentation, and explain the student's legal rights to accommodation.

# ELIGIBILITY FOR SERVICES

Only those students who identify themselves to the University and present appropriate written documentation of a disability shall be eligible for academic accommodations.

Accessing accommodations through ODS requires several administrative steps. The first step, is for the student to submit appropriate documentation of disability and of the disability-related need for any specific accommodations being requested to the ODS staff. A student need not submit written documentation of a disability if its effects are visible to the ODS staff, and if the need for all accommodations being requested is readily evident on the basis of those visible effects.

## Documentation

The staff of Office of Disability Services requests disability-related documentation from an appropriate professional to verify a student as having a disability and to determine reasonable accommodations. The cost of the documentation is the responsibility of the student. If the initial documentation is incomplete or inadequate to determine the extent of the disability and reasonable accommodations, the Office of Disability Services has the discretion to require additional documentation.

It is not considered appropriate for professionals to evaluate members of their families.

Handwritten notes on prescription pads will not be accepted. All documentation must minimally include the following:

1. The documentation must be from a qualified professional. The name, title/credentials, address, phone number, state of license and license number of the evaluator (where appropriate).
2. The documentation must identify an actual diagnosis of an impairment;
3. The documentation must discuss functional limitations in an academic environment which are caused by the impairment;
4. The documentation should recommend accommodations to compensate for identified functional limitations.
5. the documentation should list current medication, dosages, and existing (not possible) side effects (where applicable).

ODS offers a documentation packet to facilitate the gathering of complete and appropriate documentation.

The student should set an appointment with ODS staff. During this appointment, accommodations will discussed and determined and all necessary forms and procedures will be reviewed with the student. The student will be provided with the following forms after this meeting:

Student Accommodation Agreement (SAA)

This form is used by most students receiving classroom accommodations and by all students receiving testing accommodations through ODS. One form is needed for each class in which accommodations will be needed. The form designates the student’s specific accommodations and requires both student and faculty agreement to the provision of the accommodations. The faculty can also authorize ODS to proctor the course exams with accommodations by signing the bottom section. The signed and completed Agreement must be submitted back to ODS; a copy will be provided to both the student and the faculty member for their records.

# Rights and Responsibilities

## Rights of Students with Disabilities

* Every student has the right to confidentiality regarding his/her disability and related information except where permitted or required by law.
* Every student has the right to be seen in a timely manner.
* Every student has the right to be reasonably accommodated.
* Every student has the right to provide feedback to ODS regarding its operations. Responsibilities of Students with Disabilities
* Every student has the responsibility to disclose any disability-related information to the appropriate ODS official if it may have a bearing on his/her academic progress.
* Every student has the responsibility to follow recommendations and established procedures for academic support.
* Every student has the responsibility to make appointments with ODS staff as the need arises, and to inform ODS if there is a need to cancel.
* Every student has the responsibility to provide feedback to ODS regarding its operations.

## Responsibilities of the University of New Orleans

* UNO has the right to request and receive through ODS, current documentation that support requests for accommodations, academic adjustments, and/or auxiliary aids and services.
* UNO has the right to deny requests for accommodations, academic adjustments, and/or auxiliary aids and services if the documentation demonstrates that the request is not reasonable, or if the individual fails to provide appropriate documentation.
* UNO has the right to select among equally effective accommodations, adjustments, and/or auxiliary aids and services.
* UNO has the right to refuse an unreasonable accommodation, adjustment, and/or auxiliary service that impose a fundamental alteration on a program or activity of the University.
* UNO has the responsibility to provide information to faculty, staff, students, and guests with disabilities in accessible formats upon request.
* UNO has the responsibility to ensure that courses, programs, services, jobs, activities, and facilities, when viewed in their entirety, are avail- able and usable in the most integrated and appropriate settings.
* UNO has the responsibility to evaluate faculty, staff, students, and applicants on their abilities and not their disabilities.
* UNO has the responsibility to provide or arrange reasonable accommodations, academic adjustments, and/or auxiliary aids and services for faculty, staff, students, and guests with disabilities in courses, programs, services, jobs, activities, and facilities.
* UNO has the responsibility to maintain appropriate confidentiality of records and communication, except where permitted or required by law.

# CONFIDENTIALITY AND INFORMATION RELEASE

The Office of Disability Services is committed to ensuring that all information regarding a student is maintained as confidential as required or permitted by any law. Any information collected is used for the benefit of the student. This information may include test data, grades, biographical history, disability information, and case notes..

1. No one has immediate access to student files at the Office of Disability Services except ODS staff. Any information regarding disability shall be considered confidential and shall be shared with others within the institution on a need-to-know basis only. University faculty and staff members do not have a right or a need to access diagnostic or other information regarding a student's disability; they need only to know what accommodations are necessary or appropriate to meet the student's disability-related needs.
2. Information in files will not be released except in the following circumstances:
   * The student states the intent to harm himself/herself or others.
   * A student's file may be released pursuant to a court order or subpoena.
   * A student may give written authorization for the release of information when (s) he wishes to share it with others. Before giving such authorization, the student should understand the information being released, the purpose of the release, and to whom the information is being released. Information will not be released without consent unless federal or state law requires it.
   * Office of Disability Services will retain a copy of all information provided for a minimum of 7 years. If a student wishes to have a record expunged, (s) he must make a written request to the director who will decide whether it is necessary for the office to retain the record.
   * A student has the right to review his or her own file.

# Accommodations

The Office of Disability Services (ODS) was established at UNO to provide a campus- wide standard for the provision of accommodations. The primary function of the office is the coordination of efforts by a variety of departments in providing accommodations.

## Physical Adaptations

Procedures for accessing physical adaptations vary widely. There are a few adaptations which are commonly offered through ODS, and procedures for accessing them are listed below. Students who need physical adaptations which are not often offered should discuss their needs with the ODS staff at the time of their initial appointment.

To have tables and chairs placed in your classrooms (for students who cannot sit comfortably in desks or cannot sit in desks for extended periods of time): submit a written request (can be submitted via email if sent from the student’s UNO email) listing the classrooms you will be taking classes in and the days and times you will be there, at least 2 weeks before you will need the tables and chairs.

Some students may need preferential seating in the front of the classroom (students with vision impairments or hearing impairments.) When you present your Student Accommodation Agreements (SAA) to your faculty, be sure to discuss the "selective seating" accommodation with your instructor, and make arrangements to be seated appropriately.

## Classroom Accommodations

For most classroom accommodations, you will need to request your completed SAAs and discuss your accommodation needs with your instructors, and finally return the completed SAAs to ODS. There are, however, also other procedures that should be followed in some cases.

* + To obtain volunteer note takers (for students who cannot hear well enough or cannot write well enough to take notes for themselves), submit the completed SAAs.
  + To arrange for interpreters or other methods by which spoken lecture can be translated submit a written request to a ODS, listing all those classes in which you will need interpreters by location, day and time, and subject matter.

## Testing Accommodations

Testing accommodations can be provided by ODS or by the faculty member. The ODS Accommodative Testing and Adaptive Technology (ATC) is uniquely set up to provide proctoring, as well as more specialized accommodations such:

* + Distraction reduced testing environment
  + Extended testing time
  + Test enlargement or other alternate test formats
  + Adaptive technology use for testing
  + Orally-proctored tests
  + Scribes

## Other Services

ODS has available, for loan, equipment such as assistive listening devices, tape recorders, and magnification devices, for purposes of meeting students accommodations needs. The loan of this type of equipment will be discussed when the student meets with an ODS staff member to discuss accommodations. If equipment is to be loaned, the student will then complete a Loan Form, to be kept on file.

To obtain texts and class materials in alternative formats (for those students who cannot read or cannot interpret written materials), meet with an ODS staff member Many course materials are available through agencies outside the University, such as Learning Ally and other entities. ODS staff will work to produce the materials in alternative formats as necessary. Every case is unique, and should be addressed individually in a one-on-one meeting with an ODS staff member when discussing recommended accommodations.

## Request for Course Substitutions/Academic Adjustments

### Background Information

Section 504 Regulation at 104 CYR, 104.44 (a) regarding academic adjustments, requires post-secondary institutions to make such modifications to academic requirements as are necessary to ensure that such requirements do not discriminate against qualified students with disabilities. The regulation also states that academic requirements that institutions can demonstrate are essential to programs of instruction being pursued by such students, or to any directly related licensing requirement, will not be regarded as discriminatory. Title II of the ADA at 28 C.F.R. 35.130(b)(7) requires reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disabilities, unless public entities can demonstrate that making modifications would fundamentally alter the nature of the services, programs, or activities.

### General Information

Students should understand that throughout this process ODS provides consultations to faculty based solely on students' needs and the impact disabilities may have on specific courses. Academic units determine whether a particular course or assignment is fundamental to a degree program. In addition, students should be aware that if they change a program of study, they must submit a new request for an academic modification. Modifications are approved only for specific programs of study and do not follow students when a program of study is changed.

A substitution for a course, does NOT automatically entitle students to register for classes for which the original course is listed as a prerequisite. Any student seeking to register for a course having prerequisites, for which that student was granted a waiver or substitution due to a disability, must first obtain the permission from both the program in which the student is seeking a degree and the department in which the course is offered.

### Student Responsibilities

It is a student's responsibility to initiate the process of requesting academic substitution for his or her program of study. In order to request an academic substitution based on a disability, a student must be registered with ODS.

The student should write a letter requesting the substitution sought and this letter should:

(a) state whether a waiver or substitution is being requested;

(b) state exactly which academic courses or requirements fall under this request; be certain to include advanced courses whose prerequisites include courses affected by the academic modification being requested;

(c) include the following sentence: "I grant the staff of ODS at UNO permission to release disability related information they judge necessary for understanding the academic impact of my disability to individuals in those academics units who will review my request, and to discuss my disability with those individuals in the context of reviewing my request."

A student may include evidence that he/she has made a "good faith effort" to satisfy an academic requirement. Such evidence includes, but is not limited to, documentation of any or all of the following:

(a) Satisfactory attendance and punctuality in class

(b) Active participation in class, including a letter of support from a course instructor

(c) Estimation of time spent outside of class working on course material

(d) Visits to an instructor during office hours

(e) Use of services available through UNO's Learning Resource Center or on-campus tutoring

(f) Use of services available through ODS

(h) Meetings with private tutors, including letters of support, if applicable

(i) Satisfactory completion of course assignments, both graded and non-graded

ODS Responsibilities

When a student's request for an academic modification is supported by their documentation, ODS will compose a letter that (a) details the academic impact of the student's disability, and (b) explains the documentation of the student's disability and (c) request consideration for course substitution for this student. This letter will be sent to the appropriate program director, department chair, or dean.

### Academic Unit Responsibilities

Reviews of requests should be completed within 60 working days from the receipt date of a student's letter and supporting documentation unless the head of the academic unit responsible determines that there is good cause for an extension.

Generally speaking, the consideration process should include the following elements:

A group of people who are trained, knowledgeable, and experienced in the area must make the decision;

The decision makers must include a consideration of alternatives as essential requirements, and;

The decision should be a thoughtful, careful, and rational review of the academic program and its requirements.

In reviewing the student's request for a substitution, consider what skills, assignments, courses, deadlines, etc., are essential to the degree in question and whether or not the requested adjustments would fundamentally alter the nature of the program. At issue is the balance between providing academic adjustments to students with disabilities to ensure that the requirements of classes/programs do not discriminate, and the University's obligation to ensure that all students meet essential requirements needed to successfully complete programs of study. Modifications can be required if the requested substitution or waiver does not lower academic standards, fundamentally alter the nature of the program, or impose an undue burden and if the modification meets the underlying reason for the requirements for which a substitution or waiver is being sought.

A letter to the student making the should

(a) describe the process used to review the student's request, including the names and positions of those who participated in the review;

(b) in cases where a request is denied, explain the reasoning supporting the view that granting the student's request would fundamentally alter the program in which the modification was requested;

(c) in cases where a request is approved, state exactly which program course(s) and requirement(s) are covered by this substitution or waiver;

(d) in cases where a request is approved, explain the scope of the approval-for example, does it apply only to one specialization within a major or to an entire major;

(e) in cases where a substitution is approved, identify exactly (including course number and title) the course or courses that are acceptable substitutes; and

(f) in cases where a request is approved, indicate whether or not the student may enroll in more advanced courses in the program that list the original course as a prerequisite.

Note: Because this letter will become a part of the student's academic record at UNO, this letter should refrain from discussing any details concerning this student's disability. A copy of the letter should be submitted to both the student and to ODS, which will serve as the office of record for these materials.

# Conflict Resolution/Complaints

Students with disabilities are responsible for contacting the Office of Disability Services if reasonable accommodations are not implemented in an effective and timely manner. The Office of Disability Services will work with University personnel and the students to resolve disagreements regarding recommended accommodations.

Conflict resolution should be attempted at the lowest level possible. Faculty members and students with disabilities should first consult with the Director of ODS when accommodation-related concerns arise. If the dispute cannot be resolved, the Vice President for Student Affairs would be advised and a meeting scheduled. Faculty members who question the legitimacy of an accommodation recommended by ODS should continue to afford the accommodation to the student while the appeals procedures are implemented. At this meeting, the documentation would be reviewed and the reasoning for and against the requested accommodations reviewed. If upon this review, the accommodations are determined to be reasonable and not pose a fundamental alteration to the nature of the course, the faculty member will be required to accommodate the student.

How to File an ADA Complaint with the U.S. Department of Justice

You can file an Americans with Disabilities Act complaint alleging disability discrimination against a State or local government or a public accommodation (including, for example, a restaurant, doctor's office, retail store, hotel, etc.) by mail or email.

<https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>