Providing Accommodations to Students with Disabilities

Presented by the Office of Legal Affairs
Hope Murphy Tyehimba, General Counsel
Benita N. Jones, Assistant University Legal Counsel
FEDERAL MANDATES

Section 504 of the Rehabilitation Act of 1973 (Section 504)

The Americans with Disabilities Act (ADA) of 1990

The Americans with Disabilities Act Amendment Act (ADAAA) of 2008
College and university students with disabilities may require academic adjustments and auxiliary aids and services (collectively “accommodations”) to have equal access to the benefits of educational programs and activities.

Students with disabilities must disclose their disability to the NCCU Office of Student Disability Services (“SDS”) to receive accommodations.

SDS will review documentation submitted by the student and will engage in an interactive process to determine appropriate accommodations on a case-by-case basis.
WHAT IS A DISABILITY?

➢ A person with a disability is anyone:

(1) With a **physical or mental impairment** that substantially limits one or more of his or her **major life activities** (included but not limited to caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, reading, writing, and thinking);

(2) Who has a **record of such impairment**; or

(3) Who is **regarded as** having such and impairment.

(See 34 CFR 104.4; 28 CFR 35.104)
WHAT IS A DISABILITY?

Section 504 and the ADA cover a range of disabilities from psychological disabilities to chronic health problem, such as:*

- orthopedic, visual, speech and hearing impairments
- cerebral palsy
- epilepsy
- muscular dystrophy
- multiple sclerosis
- cancer
- heart disease
- diabetes
- mental retardation
- emotional illness
- specific learning disabilities
- HIV (whether symptomatic or asymptomatic)
- tuberculosis
- drug addiction
- alcoholism

*List is not exhaustive.
WHAT IS AN ACCOMMODATION?

• Allows a student to complete the same assignment or activity as other students, but with a change in the timing, formatting, setting, scheduling, response and/or presentation.
  ➢ Accommodations cannot fundamentally alter the nature of the course or activity.
  ➢ Accommodations provide EQUAL ACCESS.
COMMON ACCOMMODATIONS*

- Note taker services with use of Smart Pen Technology
- Notetaker/Interpreter services
- Adaptive transportation
- Relocation of classes to accessible buildings
- Alternative testing methods
- Modifications to testing length, location
- Taped texts
- Adaptive computer software/assistive technology
- ZoomText Screen Magnification Software
- JAWS Screen reader Software
- Read & Write Gold
- Stationary CCTVs (for magnification)
- Portable CCTVs (Ruby and ZoomTwix)
- iPadLoaner Program for students with visual impairments
- Access to alternate forms of text/textbooks

*List is not exhaustive.
➢ Eligibility for accommodations is determined on a case-by-case basis.

➢ University IS NOT required to supply students with attendants, individually prescribed devices (hearing aids, wheelchairs), readers for personal use/study, or other devices of a personal nature.

➢ After engaging in an interactive process, the University will make the final decision regarding the appropriateness of accommodations.
REQUESTING ACCOMMODATIONS

Step 1
- Student registers with SDS using Eagles Accommodate.

Step 2
- Student should review the NCCU Documentation Guidelines and provide current information from a qualified professional about the disability/diagnosis, current impact and recommended accommodations.

Step 3
- SDS determines if the student is eligible to receive accommodations and discusses with the student what accommodations are appropriate to ensure accessibility.

Step 4
- Student and instructors will receive a letter documenting approved accommodations.
Statement of Inclusion/Non-Discrimination

North Carolina Central University is committed to the principles of affirmative action and non-discrimination. The University welcomes diversity in its student body, its staff, its faculty, and its administration. The University admits, hires, evaluates, promotes, and rewards on the basis of the needs and relevant performance criteria without regard to race, color, national origin, ethnicity, sex, sexual orientation, gender identity, gender expression, age, disability, genetic information, veteran's status, or religion. It actively promotes diversity and respectfulness of each individual.
Student Disability Services

Students with disabilities (physical, learning, psychological, chronic or temporary medical conditions, etc.) who would like to request reasonable accommodations and services under the Americans with Disabilities Act must register with the Office of Student Disability Services (SDS) in Suite 120 in the Student Services Building. Students who are new to SDS or who are requesting new accommodations should contact SDS at (919) 530-6325 or sds@nccu.edu to discuss the programs and services offered by SDS. Students who are already registered with SDS and who would like to maintain their accommodations must renew previously granted accommodations by visiting the SDS website at www.nccu.edu/sds and logging into Eagle Accommodate. Students are expected to renew previously granted accommodations at the beginning of each semester, preferably during the first two (2) weeks of class. Reasonable accommodations can be requested at any time throughout the semester; however, they will not be effective retroactively. Students are strongly encouraged to contact their professors to discuss the testing and academic accommodations that they anticipate needing for each class.
Confidentiality and Mandatory Reporting

All forms of discrimination based on sex, including sexual misconduct, sexual assault, dating violence, domestic violence, and stalking offenses, are prohibited under NCCU’s Sexual Misconduct Policy (POL 80.07.1). NCCU faculty and instructors are considered to be responsible employees and are required to report information regarding sexual misconduct to the University’s Title IX Coordinator. The Sexual Misconduct Policy can be accessed through NCCU’s Policies, Rules and Regulations website at www.nccu.edu/policies/retrieve.cfm?id=450. Any individual may report a violation of the Sexual Misconduct Policy (including a third-party or anonymous report) by contacting the Title IX Coordinator at (919) 530-6334 or TitleIX@nccu.edu, or submitting the online form through http://www.nccu.edu/administration/dhr/titleix/index.cfm.
Other Campus Programs, Services, Activities, and Resources

Other campus resources to support NCCU students include:

- **Student Advocacy Coordinator.** The Student Advocacy Coordinator is available to assist students in navigating unexpected life events (e.g. short-term illness/injury, loss of a loved one, personal crises) and guide them to the appropriate University or community resources. Students may also receive assistance with resolving some emergency financial concerns; understanding NCCU policies, rules and regulations; or general problem-solving strategies. Contact Information: Student Services Building, Suite 236, (919) 530-7492, studentadvocacy@nccu.edu.
- **Counseling Center.** The NCCU Counseling Center is staffed by licensed psychologists and mental health professionals who provide individual and group counseling, crisis intervention, substance abuse prevention and intervention, anger management, and other services. Contact Information: Student Health Building, 2nd Floor, (919) 530-7646, counseling@nccu.edu.

- **University Police Department.** The University Police Department ensures that students, faculty and staff have a safe and secure environment in which they can live, learn, and work. The Department provides a full range of police services, including investigating all crimes committed in and around its jurisdiction, making arrests, providing crime prevention/community programs, enforcing parking regulations and traffic laws, and maintaining crowd control for campus special events. Contact Information: 2010 Fayetteville Street, (919) 530-6106, nccupdinfo@nccu.edu.
Accessibility Policy for Course Design (NCCU POL 40.01.4, Effective June 29, 2016)

Course content should be accessible to all students.

The policy ensures accessibility of electronic resources and materials in all courses according to the following mandates:

- The Americans with Disabilities Act (ADA)
- ADA as it applies to electronic format
- Sections 504 and 508 of the Rehabilitation Act
- Sections 504 and 508 as they apply to electronic format
- Web Content Accessibility Guidelines (WCAG) 2.0
- NCCU Web Standards and Procedures
✓ Include the SDS Student Support Statement on each course syllabus.

✓ Provide accommodations as outlined by SDS.

✓ Contact SDS when there are questions about accommodations.

✓ Comply with NCCU Accessibility Policy for Course Design.
NCCU offers informal and formal grievance processes for students with disability-related complaints.

Any University student who believes that he or she has been subjected to discrimination on the basis of disability or has been denied access or accommodations required by law shall have the right to invoke the grievance process.

This process is designed to address the following types of concerns:

- Disagreements or denials regarding requested services, accommodations, or modifications to University practices or requirements;
- Alleged inaccessibility of a University program or activity;
- Alleged harassment or discrimination on the basis of a disability; and/or
- Any other alleged violations of the ADA and/or Section 504.
**Informal Grievance Procedures**

- *NEW* Informal Grievance Procedures and Checklist (review handout)

- Students are encouraged, but not required, to attempt to resolve complaints using the new SDS informal grievance procedures. Other faculty, staff, or visitors to the University should file complaints with the EEO Office, and SDS will work in conjunction with the EEO Office to address and resolve concerns.

- In addition to engaging SDS and EEO, students may also continue to communicate with the instructor, department head or dean to resolve issues to the extent they are comfortable. Students may also consult and seek the assistance of the University's Student Advocacy Coordinator for support and to connect with other resources.
FORMAL GRIEVANCE PROCEDURES

➢ If student does not reach a satisfactory solution through an informal process, or if the student chooses to bypass the informal process, student should submit a formal written complaint (via email or hard copy) within **45 business days** of the incident causing the complaint.

➢ If student attempted to resolve the matter informally and that attempt has failed, or the student decides to end the informal process for any other reason, the student will have an additional **10 business days** from the termination of the informal proceedings to file a formal complaint.

➢ A listing of all prior meetings and/or written attempts to resolve the issue should be included with the formal complaint.
If the complaint alleges the denial of an approved academic accommodation or auxiliary aid or service by a faculty member, the written complaint should be filed with SDS.

- SDS will assess the formal complaint and review all information necessary to render a written determination.
- If requested, the student shall submit any additional information and/or documentation as requested by SDS.
- SDS will investigate the allegations and issue a letter of determination to the student and faculty member/University staff within 10 business days.
- SDS or its designee will take any steps necessary to implement the decision.
Complaints should be filed directly with the Office of the Vice Chancellor of Student Affairs if:
- SDS has been previously involved in the unsuccessful resolution of an informal complaint; or
- The complaint is against SDS, e.g., regarding the denial of requested accommodations.

Complaints should be in writing and filed via email or in hard copy.

If the student disagrees with the SDS resolution of a formal complaint, the student may seek a review of the grievance by NCCU’s Office of Equal Opportunity (EEO) within 5 business days of receipt of the SDS decision.

All other complaints of disability discrimination (e.g., alleging inaccessibility of a University program or activity, harassment, or other discrimination based on disability) should be filed with the EEO Officer.
➢ EEO Officer will review any letter of determination from SDS and/or all information necessary to render a written determination. If needed, the student shall submit any additional information and/or documents as requested.

➢ EEO Officer will issue a letter of determination within **10 business days**.

➢ The EEO Officer will issue a letter of determination and take any steps necessary to implement his or her decision, including but not limited to, providing a copy of the letter of determination to the appropriate University officials.

➢ If the student disagrees with any determination made by the EEO Officer, the student may seek a review with the Provost or his/her designee within **10 business days** to follow the same process.
Specified time frames refer to business days when NCCU is open for business during the academic year.

If a student presents a grievance in June or if an incident allegedly occurred during the summer months, the time calculation may be suspended between the end of the academic year and the opening of the following academic year if such a suspension would not adversely impact the student’s ability to obtain a request or time sensitive accommodation, e.g. request for summer school.

In such a situation, the 45-day timeframe would begin the first day of the next academic year.
If a student experiences accessibility issues with electronic resources, student should first contact their instructor of record and SDS in writing pursuant to the Resolution provision in the Accessibility Policy.

Instructor will acknowledge receipt within **2 business days**.

The Office of Student Disability Services will contact the Office of Information Technology Services and the Office of e-Learning to assist in providing alternate means of accessibility.

Faculty member has **5 business days** to implement the resolution and inform the student and SDS.
RESOLUTIONS UNDER NCCU’S ACCESSIBILITY POLICY

Students should file a formal disability-related grievance within 5 business days if a resolution is not achieved.

Faculty will be notified that a grievance has been filed and will have 7 business days to provide alternative means of accessibility.

Electronic resources may be requested to be removed if alternative means of accessibility are not provided.
Although students are encouraged to use NCCU’s grievance and processes to resolve complaints, they have the right to file a complaint directly with the U.S. Department of Education, Office for Civil Rights (OCR).

U.S. Department of Education Office for Civil Rights
D.C. Enforcement Office
400 Maryland Avenue, SW
Washington, D.C. 20202-1475
Telephone: 202-453-6020  Fax: 202-453-6021
TDD: 800-877-8330  Email: OCR.DC@ed.gov

Students have 180 days from the last alleged act of discrimination to file with OCR, or within 60 days after the conclusion of NCCU’s grievance process.
The University prohibits retaliation against any student for filing a grievance or against any other individual participating in the investigation of a grievance.

Any such retaliation is against state and federal laws and NCCU policy. Retaliation may be subject to disciplinary action up to and including termination.

Students or any individuals who have participated in the grievance process in support of the student may file a grievance with the University's EEO Office if they feel they have been retaliated against.
➢ Confidentiality shall be maintained by each person involved in the informal or formal grievance process.

➢ Any disclosures shall be limited to the minimum necessary to accomplish the investigation or address the student's grievance.

➢ Grievance records will be held in the office where the formal grievance is first filed for a period of three calendar years.
QUESTIONS?
# IMPORTANT CONTACTS

## Office of Legal Affairs

309 Hoey Administration Building  
(919) 530-6105

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<thead>
<tr>
<th>Role</th>
<th>Name</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Counsel</td>
<td>Hope Murphy Tyehimba</td>
<td><a href="mailto:hope.tyehimba@nccu.edu">hope.tyehimba@nccu.edu</a></td>
</tr>
<tr>
<td>Asst. Univ. Legal Counsel</td>
<td>Benita N. Jones</td>
<td><a href="mailto:bnjones@nccu.edu">bnjones@nccu.edu</a></td>
</tr>
<tr>
<td>Paralegal</td>
<td>Mary Ann Colatuno</td>
<td><a href="mailto:mcolatuno@nccu.edu">mcolatuno@nccu.edu</a></td>
</tr>
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