

## STUDENT DISABILITY ACCOMMODATIONS POLICY

The College of Idaho is committed to providing an educational environment that is accessible to the needs of its students with disabilities. The College provides reasonable services to enrolled students who have a documented physical, psychiatric, medical, learning, intellectual, or sensory disability (whether permanent, temporary, progressive, episodic, or transitory) that qualifies under the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, and other pertinent federal, state, and local disability anti-discrimination laws. The College also affords formal grievance procedures that provide prompt and equitable resolution of any complaints arising out the College's responsibilities under the Americans with Disabilities Act or of Section 504 of the Rehabilitation Act of 1973 or other appropriate law.

### I. RESPONSIBLE DEPARTMENT

The Department of Accessibility & Learning Excellence (DALE) is responsible for providing students with disabilities services necessary to promote a rewarding and successful academic experience. It also aims to foster a campus culture of acceptance, inclusion, and positive attitudes.

It is the responsibility of the student to make their disability and needs known to DALE in a timely fashion, and if the student is requesting an accommodation, to do so in writing and provide the appropriate documentation to support the requested accommodation(s). Once the College has been notified and specific accommodations are appropriately documented and requested by the student, the College works with the student and relevant faculty and staff to set up the approved accommodation(s). Accommodations can be arranged only through this process and are not retroactively applied.

If a student has or thinks they have a disability that impacts their performance as a student, they are encouraged to arrange support services and/or accommodations through DALE. Even if the student does not think their disability will impact their academics, it is in the student's best interest to disclose any disability to DALE.

### II. DISABILITY SERVICES REGISTRATION

Ensuring equal access for all students is a collaborative effort between DALE, students, and faculty/staff. To access the wide range of services and support offered to students with disabilities, students must complete the steps below. It is recommended that students begin the process below as soon after admission as possible.

For students who experience a temporary illness or injury (referred to herein as a "temporary disability"), which may occur at any point during their academic year, and are seeking accommodations related to that temporary disability, see Section V below.

For students seeking accommodations related to pregnancy or parenting under Title IX of the Education Amendments of 1972, see Section VI below.

## **STEP ONE – COMPLETE APPLICATION TO INITIATE SERVICES**

Complete the [Application to Initiate Services](#) and submit to DALE.

## **STEP TWO – SUBMIT YOUR DOCUMENTATION**

Clinical documentation that is complete and current provides the basis for decisions on appropriate and reasonable accommodations for qualified students. Students requesting accommodations must upload their documentation as part of the [Application to Initiate Services](#) or submit it in-person or [via email](#) before their initial appointment noted in Step Three below. If the student does not have documentation, DALE can discuss this during their initial appointment.

A student's documentation must include information from a qualified professional<sup>1</sup> that:

1. Clearly states the diagnosed disability;
2. Describes the functional limitations resulting from the disability;
3. Describes the specific accommodation(s) recommended; and
4. Includes a list of all test instruments used in the evaluation report and relevant subject scores used to document the disability<sup>2</sup>.

As such, students and their qualified professional/treating physician must also complete one or more of the following Request for Accommodation forms and submit any additional documentation required to document the student's disability:

- [Academic Accommodations](#) (for examples of common academic accommodations and where and how they apply, see Section III below); or
- Residential Accommodations, which include:
  - [Housing](#)
  - [Dietary](#)
  - [Assistance Animals](#)

(for examples of common housing and dietary accommodations and requirements for assistance animals, see Section IV below)

In the event that flexibility in attendance and/or assignment deadlines is recommended, documentation must also describe the specific connection between the symptoms of the disability and the recommended flexibility.

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<sup>1</sup> "Qualified professionals are licensed or otherwise properly credentialed and possess expertise in the disability for which modifications or accommodations are sought." U.S. Dep't of Justice, Civil Rights, Division, Disability Rights Section, ADA Requirements: Testing Accommodations, at [https://www.ada.gov/regs2014/testing\\_accommodations.html](https://www.ada.gov/regs2014/testing_accommodations.html). Additionally, for purposes of requesting accommodations at the College, the definition of "qualified professional" does not include a College employee (e.g. a staff member of the Health & Wellness Center or DALE), but does include a TimelyCare employee or provider.

<sup>2</sup> Requirement does not apply to physical or sensory disabilities of a permanent or unchanging nature.

If testing accommodations are recommended, the documentation must also include complete educational, developmental, and medical history relevant to the disability for which testing accommodations are being requested.

Additionally, the student's documentation must comply with the Education Testing Service (ETS) documentation criteria<sup>3</sup>, which requires that the documentation must:

1. Be typed or printed on official letterhead and signed by an evaluator qualified to make the diagnosis (include information about license or certification and area of specialization); and
2. Be current<sup>4</sup>, which means within the:
  - a. Last 5 years for learning disabilities, attention-deficit/hyperactivity disorder, autism spectrum disorder, or intellectual disability.
  - b. Last 12 months for psychiatric disabilities and traumatic brain injury.

For purposes of progressive, episodic, or transitory disabilities, "current" means within the last 12 months.

For undergraduate students, incoming and transfer students can begin submitting documentation starting June 15<sup>th</sup> for the upcoming academic year. For graduate students, incoming and transfer students can begin submitting documentation two months prior to the start of their graduate program.

If an undergraduate student is seeking a residential accommodation, the College's Office of Residence Life encourages transfer and incoming students to begin the residential accommodation process with DALE by June 15<sup>th</sup>.

### **STEP THREE – MEET WITH DALE**

Students should [contact DALE](#) to arrange an in-person or virtual meeting *ideally before the start of the term/semester*, but no later than the first two weeks of the term/semester, to determine reasonable and appropriate accommodations.

When determining reasonable accommodations, DALE considers a variety of information, including DALE's interview/meeting with the student, the student's submitted documentation, recommendations from other professionals, etc.

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<sup>3</sup> The College has adopted ETS's standards for documentation of a disability and appropriate accommodations. This means the College will require that ETS standards for students with disabilities documentation be met by students seeking academic accommodations. In addition, the College will exercise the same discretion as ETS when reviewing documentation. The College adopts these standards in order to make the process of planning and preparing for college study easier for students who require academic accommodations. For more detailed information, including Educational Testing Service's policy statements and guidelines, see <https://www.ets.org/disabilities/documentation/>.

<sup>4</sup> Requirement does not apply to physical or sensory disabilities of a permanent or unchanging nature. Additionally, it is the responsibility of the student to provide appropriate documentation to DALE in order to review accommodation requests. A prior high school 504 plan or IEP should **not** be used, as more current and accurate information may need to be compiled.

DALE has the responsibility to determine reasonable and effective accommodations and services in collaboration with the student, and it must provide or arrange for accommodations and services, so the student has an equal opportunity to participate in courses, programs, activities, and services. It may, however, refuse a request for accommodations and services if the documentation fails to verify the need for the student's request, if the documentation is not valid or current, or if the documentation is not provided in advance of need. Additionally, it may refuse to provide an accommodation or service that is inappropriate or unreasonable in such a manner as to: (i) pose a direct threat to the health and safety of others; (ii) constitute an alteration to an essential element of a course or program; or (iii) pose an undue financial or administrative burden to The College of Idaho.

Upon DALE determining that the student is eligible for specific reasonable accommodations, the student will be asked to sign an Acceptance of Services form to confirm approved accommodations and the approval of the date.

### **III. ACADEMIC ACCOMMODATIONS**

Academic accommodations provide students with disabilities equal access to educational opportunities and allow them to demonstrate their learning. Academic accommodations do not compromise the essential elements of a course or curriculum, nor do they weaken the academic standards or integrity of a course. Rather, they simply provide an alternative way to meet the course requirements by eliminating or reducing disability-related barriers.

Reasonable academic accommodations may include, but are not limited to, exam accommodations,<sup>5</sup> notetakers, alternative textbook formats, use of assistive technology, and flexibility on assignment deadlines. Students may request specific accommodations, as can the professional health care providers who verify the disability. However, the College has the responsibility for making the final decision on accommodations. This decision will be made on the basis of the documentation provided and the requirements of the academic program. Academic accommodations are assessed on an individual basis through an interactive process between the faculty member, DALE, and the student, and are backed by appropriate documentation.

It is important to note that academic accommodations are associated with a student's access and opportunity within an academic course(s). An academic accommodation does not extend to other requirements or procedures on campus or off campus, including but not limited to policies, procedures and deadlines associated with the Office of Financial Aid, the Office of the Registrar, the DSO Office, and the Title IX Office, and a student's participation in an internship/field placement.

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<sup>5</sup> Common "exam accommodations" include, but are not limited to, extended time on exams, a reduced distraction environment, use of a testing facility, use of assistive technology during exams, and a scribe for exams.

Students are strongly encouraged to make accommodation requests as early in the term/semester as possible. This affords each faculty member the opportunity to plan for the implementation of appropriate accommodations. In particular, exam modification requests should be made to DALE at least one week in advance (two weeks in the case of final exams) to allow time to work out appropriate arrangements.

## A. HOW TO SET UP ACADEMIC ACCOMMODATIONS

**Beginning of Each Semester/Term:** Once a student has registered with DALE and set up academic accommodations as required in Section II above, the student must take the following steps to activate their accommodations each semester/term:

### STEP ONE – REQUEST FACULTY NOTIFICATION LETTERS

To notify faculty regarding a student's accommodation(s) and to access resources, the student must complete *each semester/term* the [Faculty Notification Request Form](#). Upon receipt of the completed form, DALE will send electronically-generated letters personalized and addressed to each of the student's faculty for each course for the specific semester/term (referred to as "Faculty Notification Letters").

It is recommended that students complete the [Faculty Notification Request Form](#) *ideally at least two weeks prior to the start of each semester/term*. It is important to note that accommodations may not be activated retroactively. Accommodations become *immediately effective* upon distribution of the Faculty Notification Letters to each relevant faculty member.

Students are welcome to schedule an appointment with DALE to discuss questions about activating their accommodations prior to completing the [Faculty Notification Request Form](#).

If testing accommodations are approved by DALE pursuant to Section II above and activated by the student pursuant to the [Faculty Notification Request Form](#), DALE will provide immediate notice to the Testing Center of the approved testing accommodation(s) for the student for each relevant course. DALE will not disclose the student's disability diagnosis or symptoms to the Testing Center. To utilize a testing accommodation(s) ***that cannot be accommodated by the faculty member or in class*** for a particular test/exam, students must follow the testing procedures outlined in Section III(C) below.

### STEP TWO – MEET WITH FACULTY MEMBERS

When DALE distributes the Faculty Notification Letters, it will electronically send each letter to the relevant faculty member and to the student. Each faculty member and the student must acknowledge receipt of the letter, and if relevant, complete and sign the Flexible Attendance/Deadlines Contract within five (5)

business days (for short terms, such as the winter term, it is recommended that faculty and students complete this process within two (2) business days).

Immediately upon circulation of the Faculty Notification Letters, and if necessary, prior to acknowledging the letter and/or executing the Flexible Attendance/Deadline Contract, the student should arrange to meet with each relevant faculty member in-person or virtually during their office hours or by special appointment to facilitate a private discussion regarding implementation of the accommodations (hereinafter referred to as the “Initial Implementation of Accommodations Meeting”). At the request of the student, representatives of DALE are available to attend the Initial Implementation of Accommodations Meeting with faculty members and/or act as a liaison for the student in the interactive process during the Initial Implementation of Accommodations Meeting described below.

Faculty Notification Letters list the accommodations the student is eligible to receive. As the accommodation process is an interactive, individualized process, it requires a conversation with each of the student’s faculty members to determine whether the requested accommodation(s) can be implemented within the particular course. Additionally, if a student is eligible for flexibility in attendance and/or deadlines, the student and the faculty member must complete and sign the Flexible Attendance/Deadlines Contract.

It is important to note that during the Initial Implementation of Accommodations Meeting the student is not required to disclose their disability diagnosis or symptoms to their faculty member, but instead are encouraged to communicate how the faculty member can facilitate their success in the course. This discussion gives the faculty member an opportunity to ensure the accommodations are met for their course requirements, as well as add their own ideas or suggestions.

If a faculty member has any questions regarding an accommodation, cannot reach mutual agreement with a student, or needs assistance, faculty members must immediately consult with DALE.

Federal law requires that colleges provide reasonable accommodations for students with disabilities (whether temporary or permanent) in a timely manner. However, faculty are also responsible for maintaining the integrity of their course. If a faculty member believes an accommodation should be modified or cannot be implemented in their course because of concerns regarding alteration of the academic program or standards, it is essential that the faculty member immediately meet with DALE. DALE will facilitate a dialogue with the faculty member and the student in an attempt to work out arrangements that best meet the needs of the faculty member, the student, and the College. Any such arrangements will be documented by DALE.

If agreement cannot be reached, the Director of Accessibility & Learning Excellence will engage in a dialogue with, as relevant, the Associate Dean of Faculty or Dean of Graduate Studies (or their designee), who will determine and document the course of action with respect to the requested accommodation(s) for the particular course or assignment. If the student believes the outcome of this process violates the Americans with Disabilities Act or Section 504 of the Rehabilitation Act of 1973 or other appropriate law, the student may file a formal grievance pursuant to Section VIII below.

**STEP THREE – RETURN FULLY EXECUTED LETTER TO DALE**

As noted above, upon receipt of the Faculty Notification Request Form, DALE will electronically distribute the Faculty Notification Letters to each relevant faculty member and to the student. Each faculty member and the student must acknowledge receipt of the letter, and if relevant, complete and sign the Flexible Attendance/Deadlines Contract within five (5) business days (for short terms, such as the winter term, it is recommended that faculty and students complete this process within two (2) business days).

**End of the Semester/Term Deadline:** DALE requires students to initiate all new accommodations (i.e. not previously approved through the original initiation/registration process as outlined in Section II above) by the last day to withdraw from classes for that particular semester/term. If a student has not met with DALE by this date, DALE will not be able to provide accommodations for the current semester. In case of emergency, this process may be abridged on a case-by-case basis in consultation with the Director of Accessibility & Learning Excellence.

**B. COMMON ACADEMIC ACCOMMODATIONS**

DALE provides a variety of accommodations to match the different needs of our students. The below chart provides some examples of academic accommodations granted by DALE to support students with disabilities.

<b>ACADEMIC ACCOMMODATIONS</b>	<b>LOGISTICS</b>	<b>WHO QUALIFIES?</b>
ACCESSIBLE MATERIAL & TEXT FORMAT	Print and digital materials provided in accessible formats, including, but not limited to, electronic formats (PDF/Word), large print, audio, Braille, and eBook.	Students with disabilities related to reading and vision.
NOTE TAKING	Note taking can include the following forms: facilitation of a peer note-taker, use of assistive technology (e.g. smart pen/laptop), or recording (agreement must be signed by all parties).	Students with disabilities related to auditory processing, graphomotor difficulties, memory, and concentration.
FOREGO SPELLING/GRAMMAR EVALUATION ON IN-CLASS WRITING	Impromptu in-class writing is graded for content, not grammar and spelling. May not be applicable in classes where the primary instructional goal is related to grammar and spelling (i.e., some foreign language classes).	Students with disabilities related to reading and spelling.

<b>ACADEMIC ACCOMMODATIONS</b>	<b>LOGISTICS</b>	<b>WHO QUALIFIES?</b>
EXTENDED TIME ON EXAMS	Student requests a testing accommodation at least one week prior to the exam date (and two weeks for final exams) pursuant to the Testing Accommodations Procedures (see Section III(C) below)	Students with disabilities related to processing speed, concentration, reading speed, writing speed, and memory.
REDUCED DISTRACTION ENVIRONMENT	A testing environment that limits interruption and other environmental influences including visual and auditory distractions.	Students with disabilities related to anxiety, concentration and students who use voice recognition software.
BREAKS	Requests for additional or longer breaks during class or during exams.	Students with disabilities related to concentration or disabilities that require students to take medication, test blood sugar, rest, stretch, or use the restroom.
USE OF COMPUTERS FOR EXAMS	Students complete the exam using a DALE-approved computer with no internet or wireless access. Only with specific guidelines and faculty approval, some students may use their own computer.	Students with disabilities related to hand mobility, graphomotor difficulties and writing speed.
SENSITIVE CONTENT MODIFICATIONS	Requests for sensitive content disclaimers and/or alternatives when such content may trigger or exacerbate disability.	Students with adjustment disorders and PTSD.
PARTICIPATION CONSIDERATION ( <b><u>WITHIN REASON</u></b> )	Requests for adjusted or reduced class participation, fading in participation in classroom dynamics or alternative forms of assessment.  “Within reason” usually means permitting, for example, a specific reduction in the number of required participation activities for a limited period of time.	Students with a disability that substantially limits their functioning during cold-calling sessions, in-class discussions, and/or oral presentations.
FLEXIBILITY ( <b><u>WITHIN REASON</u></b> ) ON ASSIGNMENT DEADLINES	Students confer with the faculty member before the due-date about the status of work completed on the assignment, the reasons for its lateness that directly relate to the nature of the disability, and a definite turn-in day and time.  “Within reason” usually means turning work in a day or two beyond the deadline. In no case should it mean that late assignments begin to “pile up”, a negative situation for both student and faculty member (see Appendix A).	Students with disabilities related to writing speed, processing speed, graphomotor difficulties, concentration, and anxiety.



ACADEMIC ACCOMMODATIONS	LOGISTICS	WHO QUALIFIES?
FLEXIBLE ATTENDANCE <b>(WITHIN REASON)</b>	<p>“Within reason” usually means permitting a specific number of additional absences a student is allowed in addition to each course’s established attendance policy (see Appendix A).</p> <p>Students should confer with the faculty member about their flexible attendance needs at the beginning of the academic semester. Flexible attendance is dependent upon the individual student, the nature of the course, and the degree to which class attendance is an essential requirement of the specific course.</p> <p>Absences for reasons not related to a documented disability are not excusable under Flexible Attendance. When possible, students should communicate with faculty members in advance of their absence. If notifying the faculty member before class is not possible, students should inform faculty members as soon as possible.</p>	Students with significant health-related disabilities who miss class when flare-ups occur or when issues related to their disability prevent them from attending class.

**C. TESTING ACCOMMODATIONS PROCEDURES**

If testing accommodations are approved by DALE pursuant to Section II above and activated by the student pursuant to Section III(A)(1) above, and if the testing accommodation(s) **cannot be accommodated by the faculty member or in class**, students may request to utilize their testing accommodation(s) for a particular test/exam at the Testing Center located in Cruzen-Murray Library.

The Cruzen-Murray Library Testing Center proctors tests/exams for students with approved testing accommodations that cannot be accommodated by the faculty member or in class. The Testing Center does not provide proctoring for tests/exams missed due to absence, illness, or travel (including travel for College-sponsored activities).

i. **HOW TO MAKE A REQUEST TO UTILIZE A TESTING ACCOMMODATION**

To make a request to utilize a testing accommodation(s) for a particular test/exam, students must complete the [Testing Accommodation Request Form](#) at least one week in advance of the test/exam (and two weeks in advance of final exams).

Upon receipt of a timely testing accommodation request, the Testing Center will confirm whether it has received notice from DALE regarding an approved testing accommodation(s) for the student. If so, the process to administer a testing accommodation will proceed as follows:

1. The Testing Center will email the student's faculty member the Exam Request Form to obtain information about as well as a copy of the relevant exam.
2. The faculty member will complete the Exam Request Form and submit a copy of the relevant exam (either via the form or email) at least 24 hours prior to the time of exam administration.
3. Upon receipt of the faculty member's Exam Request Form, the Testing Center will schedule the exam based on available dates/times in the Testing Center and inform the student of the testing date, time, and location. For scheduling requirements of the Testing Center, see Section III(C)(ii) below.
4. Prior to the examination date, the Testing Center will maintain the exam in a secure location until the administration of the exam.
5. Upon the student's completion of the exam, the Testing Center will inform the faculty member and maintain the completed exam in a secure location until the faculty member can pick it up. Exams will be available for faculty pickup in the library between 8am-9pm MT on Monday through Thursday, 8am-5pm MT on Friday, and 1pm-5pm MT on Sunday.

#### ii. SCHEDULING REQUIREMENTS

The Testing Center will be available **by appointment only** between 1pm-8pm MT on Sunday through Thursday, unless other times are arranged with the Testing Center.

Typically, exams must be taken on the same date and during the same time classes are scheduled. However, in light of the Testing Center's available hours, space limitations, and scheduling conflicts, this may not always be feasible. If an accommodated exam cannot be scheduled on the same date or at the same time classes are scheduled, the Testing Center will obtain prior approval to take the exam on a different date and/or at a different time from the faculty member.

If, for some reason, the student cannot take the exam at the scheduled time, they must contact the Testing Center. The student is responsible for notifying the faculty member(s) if an examination needs to be rescheduled.

If a student is late for a scheduled exam, that amount of time will be subtracted from the total allotted test-taking time. For example, if a student is 15 minutes late for a scheduled examination, then those 15 minutes will be subtracted from the total allotted test-taking time.

In the case of inclement weather, the student and faculty member will contact the Testing Center to reschedule the examination.

#### iii. ACADEMIC INTEGRITY

Students taking examinations pursuant to a testing accommodation request at the College's Testing Center must comply with [The College of Idaho Honor Code](#).

To ensure academic integrity, each student will be monitored during testing either in person by a test proctor or using video cameras that record both audio and video. It is important to note the following:

- If a student is caught cheating, the test will be taken away and the faculty member will be contacted immediately.
- Students may only have the materials the faculty member has given written permission to use during the examination.
- If an exam requires the use of blue books or loose-leaf paper, the test proctor will examine these items prior to testing.
- Students must return all scratch paper, exams, or other items used during testing to the test proctor.
- Students must leave all textbooks and materials (unless approved by the faculty member), bags, backpacks, purses, coats, and cell phones or other personal data devices with the test proctor. Items will be securely stored in a locker.
- Ordinarily, students are not permitted to use the restroom during the examination. If a student must use the restroom, the test proctor will escort the student.
- If a student is approved to take breaks during exams, all breaks outside of the testing room will be monitored by the test proctor.

#### **IV. RESIDENTIAL ACCOMMODATIONS**

The College of Idaho takes an individualized, interactive approach to facilitate residential accommodations, including housing, dietary, emergency evacuation, and animal assistance accommodations.

##### **A. HOUSING**

DALE approves reasonable housing accommodations to support College of Idaho students with disabilities that impact the daily tasks of living. Below are examples of housing accommodations provided by DALE:

- Ground Floor or Elevator Access to Dorm Room
- Single Room
- Access to Kitchen
- Wheelchair Accessibility

To request a housing accommodation, complete the steps outlined in Section II above.

During a student's initial appointment, DALE will engage with the student in an interactive process around the student's disability and discuss how the disability impacts the student in a residential setting.

It is important to note that DALE has no authority in room selection. The Office of Residence Life will assign rooms to meet documented and reasonable accommodation requests. Placement in housing pursuant to an accommodation cannot be guaranteed.

It is also important to note that DALE has no authority to modify or adjust the financial implications associated with housing granted pursuant to an accommodation. If students have financial concerns or questions, they must meet with the College's Business Office.

## **B. MODIFIED MEAL PLANS**

DALE approves reasonable dietary accommodations to support College of Idaho students with disabilities. Below are some common examples of DALE dietary accommodations:

- Modified Meal Plan
- Exemption from Meal Plan
- Collaboration with Meal Services to Ensure Access to Specific Ingredients to Meet Dietary Needs

To request a dietary accommodation, complete the steps outlined in Section II above.

It is important to note that DALE has no authority to modify or adjust the financial implications associated with an approved dietary accommodation. If students have financial concerns or questions, they must meet with the College's Business Office.

## **C. ASSISTANCE ANIMALS**

Assistance Animals are allowed only within the dwelling unit of their owner as a reasonable accommodation if:

- the person has a psychiatric disability;
- the animal is necessary to afford the person with a disability an equal opportunity to use and enjoy their dwelling; **and**
- there is an identifiable relationship or nexus between the disability and the assistance the animal provides.

Please review the "Animals On Campus" section of The College's [Student Handbook](#).

To begin the approval process for an assistance animal, students should complete the steps outlined in Section II above.

Once all steps are completed, DALE will notify the student whether or not the request for an assistance animal is approved. If approved, DALE will also notify the Office of Residence Life, which will then contact the student with information about housing community expectations.

## **V. TEMPORARY DISABILITY ACCOMMODATIONS**

A student experiencing a temporary illness or injury (referred to herein as a "temporary disability") may also qualify for services or accommodations similar to those with on-going disabilities in order to maintain their academic program requirements. Students

experiencing a temporary disability who wish to request academic accommodations must complete the below steps:

### **STEP ONE – COMPLETE APPLICATION TO INITIATE SERVICES**

Complete the [Application to Initiate Services](#) and submit to DALE. As a temporary disability may occur at any time during a semester/term, within the application, the student will be asked to identify the course(s) in which they would like to activate any approved accommodations for the present semester/term.

### **STEP TWO – SUBMIT YOUR DOCUMENTATION**

Clinical documentation that is complete and current provides the basis for decisions on appropriate and reasonable accommodations for qualified students with a temporary disability. Students requesting accommodations must upload their documentation as part of the [Application to Initiate Services](#) or submit it in-person or [via email](#) before their initial appointment noted in Step Three below.

The student must present documentation of the condition from a qualified professional.<sup>6</sup> As such, students and their qualified professional/treating physician must complete the [Request for Academic Accommodations](#) (for examples of common academic accommodations and where and how they apply, see Section III above) and submit any additional supporting documentation required to document the student's temporary disability. For temporary disabilities that are readily apparent (e.g. broken bone or arm/shoulder surgery), documentation that identifies the injury, functional impact and the healing timeline will facilitate the approval of accommodations.

In the event that flexibility in attendance and/or assignment deadlines is recommended, documentation must also describe the specific connection between the symptoms of the temporary disability and the recommended flexibility.

### **STEP THREE – MEET WITH DALE**

When an accommodation request is submitted for a temporary disability, DALE will meet with the student either in-person or virtually (or if the temporary disability prevents the ability for a face-to-face meeting, communicate via email with the student) to determine reasonable and appropriate accommodations referencing the documentation provided in Step Two above.

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<sup>6</sup> "Qualified professionals are licensed or otherwise properly credentialed and possess expertise in the disability for which modifications or accommodations are sought." U.S. Dep't of Justice, Civil Rights, Division, Disability Rights Section, ADA Requirements: Testing Accommodations, at [https://www.ada.gov/regs2014/testing\\_accommodations.html](https://www.ada.gov/regs2014/testing_accommodations.html). Additionally, for purposes of requesting accommodations at the College, the definition of "qualified professional" does not include a College employee (e.g. a staff member of the Health & Wellness Center or DALE), but does include a TimelyCare employee or provider.

The student will be asked to sign an Acceptance of Services form to confirm approved accommodations and the approval of the date.

Thereafter, DALE will send Faculty Notification Letters electronically to each relevant faculty member and to the student. Each faculty member and the student must acknowledge receipt of the letter, and if relevant, complete and sign the Flexible Attendance/Deadlines Contract within five (5) business days.

If testing accommodations are approved by DALE, DALE will provide immediate notice to the Testing Center of the approved testing accommodation(s) for the student for each relevant course. DALE will not disclose the student's disability diagnosis or symptoms to the Testing Center. To utilize a testing accommodation(s) **that cannot be accommodated by the faculty member or in class** for a particular test/exam, students must follow the testing procedures outlined in Section III(C) above.

#### **STEP FOUR – MEET WITH FACULTY**

As the accommodation process is an interactive, individualized process, it requires a conversation with each of the student's faculty members to determine whether the requested accommodation(s) can be implemented within the particular course.

As such, immediately upon circulation of the Faculty Notification Letters, and if necessary, prior to acknowledging the letter and/or executing the Flexible Attendance/Deadline Contract, the student should arrange to meet with each relevant faculty member in-person or virtually during their office hours or by special appointment to facilitate a private discussion regarding implementation of the accommodations (if the temporary disability prevents the ability for a face-to-face meeting, faculty and students may facilitate this discussion via email). For additional detail regarding the interactive process, see Section III(A) above.

#### **STEP FIVE – RETURN FULLY EXECUTED LETTER TO DALE**

As noted above, upon determining reasonable and appropriate accommodations for the temporary disability, DALE will electronically distribute the Faculty Notification Letters to each relevant faculty member and to the student. Each faculty member and the student must acknowledge receipt of the letter, and if relevant, complete and sign the Flexible Attendance/Deadlines Contract within five (5) business days.

#### **STEP SIX – ACTIVATE ACCOMMODATIONS FOR SUBSEQUENT TERMS/SEMESTERS &/OR EXTEND THE DURATION OF ACCOMMODATIONS**

Temporary accommodations will be approved for a limited period of time based on the information submitted by the treating physician. The student will be required to submit updated documentation, as necessary, if an extension is needed for the use of the accommodations.

Additionally, if a temporary disability spans more than one semester/term (i.e. the present term), in order to activate the approved accommodations for subsequent semesters/terms, the student must complete **each subsequent semester/term** the [Faculty Notification Request Form](#). It is recommended that students complete the [Faculty Notification Request Form](#) **ideally at least two weeks prior to the start of each semester/term**. It is important to note that accommodations may not be activated retroactively. Accommodations become *immediately effective* upon distribution of the Faculty Notification Letters to each relevant faculty member.

Upon receipt of the completed form, DALE will distribute Faculty Notification Letters electronically to each relevant faculty member and to the student. Each faculty member and the student must acknowledge receipt of the letter, and if relevant, complete and sign the Flexible Attendance/Deadlines Contract within five (5) business days (for short terms, such as the winter term, it is recommended that faculty and students complete this process within two (2) business days).

## **VI. ACCOMMODATIONS RELATED TO PREGNANCY OR PARENTING**

Title IX of the Education Amendments of 1972 requires all colleges and universities that receive federal funding to provide specific accommodations for students who are pregnant or parenting, including for pregnancy, childbirth, lactation, false pregnancy, termination of pregnancy or recovery. Therefore, the College will follow the protocols and procedures set forth in the policy below and the College's Pregnant & Parenting Policy for medically-related needs of the child or birthing parent that stem from childbirth or other medical care associated with pregnancy-related recovery. As noted within the Pregnant & Parenting Policy, students who wish to request academic accommodations must complete the below steps:

### **STEP ONE – COMPLETE APPLICATION TO INITIATE SERVICES**

Complete the [Application to Initiate Services](#) and submit to DALE. As a necessity for an accommodation related to pregnancy or parenting may occur at any time during a semester/term and as pregnancy and related conditions are treated as a temporary disability under Title IX, within the application, the student will be asked to identify the course(s) in which they would like to activate any approved accommodations for the present semester/term.

### **STEP TWO – SUBMIT YOUR DOCUMENTATION**

Clinical documentation that is complete and current provides the basis for decisions on appropriate and reasonable accommodations for qualified students, which pursuant to the Pregnant & Parenting Policy means "pregnant students or students who have giving birth within the past six (6) months." Students requesting accommodations must upload their documentation as part of the Application to Initiate Services or submit it in-person or [via email](#) before their initial appointment noted in Step Three below.

The student must present documentation of the condition from a qualified professional.<sup>7</sup> As such, students and their qualified professional/treating physician must complete the [Request for Academic Accommodations](#) (for examples of common academic accommodations and where and how they apply, see Section III above) and submit (i) any additional supporting documentation required to document the student's temporary disability; and (ii) medical certification for school participation.

In the event that flexibility in attendance and/or assignment deadlines is recommended, documentation must also describe the specific connection between the symptoms of the temporary disability and the recommended flexibility.

### **STEP THREE – MEET WITH DALE**

When an accommodation request is submitted for a temporary disability, DALE will meet with the student either in-person or virtually (or if the temporary disability prevents the ability for a face-to-face meeting, communicate via email with the student), and in collaboration with the Title IX Coordinator, determine reasonable and appropriate accommodations referencing the documentation provided in Step Two above.

The student will be asked to sign an Acceptance of Services form to confirm approved accommodations and the approval of the date.

Thereafter, DALE will send Faculty Notification Letters electronically to each relevant faculty member and to the student. Each faculty member and the student must acknowledge receipt of the letter, and if relevant, complete and sign the Flexible Attendance/Deadlines Contract within five (5) business days.

If testing accommodations are approved by DALE, DALE will provide immediate notice to the Testing Center of the approved testing accommodation(s) for the student for each relevant course. DALE will not disclose the student's disability diagnosis or symptoms to the Testing Center. To utilize a testing accommodation(s) **that cannot be accommodated by the faculty member or in class** for a particular test/exam, students must follow the testing procedures outlined in Section III(C) above.

### **STEP FOUR – MEET WITH FACULTY**

As the accommodation process is an interactive, individualized process, it requires a conversation with each of the student's faculty members to determine whether the requested accommodation(s) can be implemented within the particular course.

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<sup>7</sup> "Qualified professionals are licensed or otherwise properly credentialed and possess expertise in the disability for which modifications or accommodations are sought." U.S. Dep't of Justice, Civil Rights, Division, Disability Rights Section, ADA Requirements: Testing Accommodations, at [https://www.ada.gov/regs2014/testing\\_accommodations.html](https://www.ada.gov/regs2014/testing_accommodations.html). Additionally, for purposes of requesting accommodations at the College, the definition of "qualified professional" does not include a College employee (e.g. a staff member of the Health & Wellness Center or DALE), but does include a TimelyCare employee or provider.



As such, immediately upon circulation of the Faculty Notification Letters, and if necessary, prior to acknowledging the letter and/or executing the Flexible Attendance/Deadline Contract, the student should arrange to meet with each relevant faculty member in-person or virtually during their office hours or by special appointment to facilitate a private discussion regarding implementation of the accommodations (if the temporary disability prevents the ability for a face-to-face meeting, faculty and students may facilitate this discussion via email). For additional detail regarding the interactive process, see Section III(A) above.

#### **STEP FIVE – RETURN FULLY EXECUTED LETTER TO DALE**

As noted above, upon determining reasonable and appropriate accommodations for the temporary disability, DALE will electronically distribute the Faculty Notification Letters to each relevant faculty member and to the student. Each faculty member and the student must acknowledge receipt of the letter, and if relevant, complete and sign the Flexible Attendance/Deadlines Contract within five (5) business days.

#### **STEP SIX – ACTIVATE ACCOMMODATIONS FOR SUBSEQUENT TERMS/SEMESTERS &/OR EXTEND THE DURATION OF ACCOMMODATIONS**

Temporary accommodations will be approved for a limited period of time based on the information submitted by the treating physician. The student will be required to submit updated documentation, as necessary, if an extension is needed for the use of the accommodations.

Additionally, if a temporary disability spans more than one semester/term (i.e. the present term), in order to activate the approved accommodations for subsequent semesters/terms, the student must complete *each subsequent semester/term* the [Faculty Notification Request Form](#). It is recommended that students complete the [Faculty Notification Request Form](#) *ideally at least two weeks prior to the start of each semester/term*. It is important to note that accommodations may not be activated retroactively. Accommodations become *immediately effective* upon distribution of the Faculty Notification Letters to each relevant faculty member.

Upon receipt of the completed form, DALE will distribute Faculty Notification Letters electronically to each relevant faculty member and to the student. Each faculty member and the student must acknowledge receipt of the letter, and if relevant, complete and sign the Flexible Attendance/Deadlines Contract within five (5) business days (for short terms, such as the winter term, it is recommended that faculty and students complete this process within two (2) business days).

### **VII. CONFIDENTIALITY**

The College of Idaho respects the privacy of our students. The Family Educational Rights and Privacy Act (FERPA) governs all student record information. All information concerning student disabilities and accommodations is kept separately from student

academic files. This information is confidential and will not be released to third parties without the written permission of the student, except in circumstances involving matters of health, safety, and law.

When students request accommodations, particularly instructional accommodations, the issue arises as to what and how much information the faculty needs and/or has the right to know. By signing the [Application to Initiate Services](#) form, students acknowledge and understand that, in order for DALE to coordinate, advise, or administer requested accommodations, disclosure of disability information to faculty or appropriate administrators/staff may be necessary and/or required.

DALE keeps student files for five years after the student's the last activity at The College of Idaho (i.e., after graduation, after transferring, etc.). If a student needs access to their disability records, students should contact DALE. After five years of inactivity, a student's DALE file will be removed from DALE's archives and shredded to protect confidentiality.

## **VIII. GRIEVANCE PROCEDURES**

### **A. COMPLAINTS AGAINST FACULTY, STAFF, OR OTHER EMPLOYEES OF THE COLLEGE OF IDAHO**

In the event a student believes that the procedures described in this Student Disability Accommodations Policy have not been followed properly by a College faculty or staff member, the student may file a formal grievance by completing the following steps:

1. The student shall file a formal grievance within 180 calendar days after the complainant becomes aware of the alleged violation. The student shall file the complaint in writing to:
  - a. the Dean of the Undergraduate Faculty or the Dean of Graduate Studies, as relevant, or their designee, if the matter involves an academic accommodation as articulated in Section III above; or
  - b. the Vice President of Student Affairs, or their designee, if the matter involves a residential accommodation as articulated in Section IV above or a complaint against the Department of Accessibility & Learning Excellence.

The complaint shall contain the name and address of the person filing it and a brief description of the alleged violation of the Americans with Disabilities Act or of Section 504 of the Rehabilitation Act of 1973 or other appropriate law.

2. The official to whom the complaint is submitted shall convene a committee within two weeks of receiving the complaint unless prohibited by unusual circumstances. The committee shall be made up of:
  - the official to whom the complaint is submitted;
  - the Vice President of Institutional Equity & Compliance; and

- an independent, disinterested professional familiar with the type of disability involved.
3. The committee shall hear testimony or receive written testimony from the student; DALE staff; the relevant faculty or staff member(s); and other knowledgeable people. The student has the right to ask for testimony from any faculty or staff whom they deem relevant to the case.
  4. After hearing testimony and/or reviewing pertinent documents, the committee shall report its conclusions in writing to the complainant and all other relevant parties within ten (10) working days, barring exigent circumstances. The decision of the committee is final.

The College will not tolerate any retaliatory treatment or adverse consequences as a result of a student acting in good faith to report a complaint or participating in an investigation. Reports of retaliation will be promptly, thoroughly, and impartially investigated. The College will take all reasonable steps to prevent retaliation or to remedy the effects if it does occur. The exercise of rights protected under the First Amendment does not constitute retaliation.

If a student believes they or some other member of the student community has been the victim of bias, harassment or discrimination by any member of the Board of Trustees, administrator, member of the staff or faculty, employee, student, volunteer, non-College of Idaho employee, or any other person in connection with the College, a complaint should be made as outlined in the College's [Bias & Harassment Prevention Policy](#).

## **B. COMPLAINTS AGAINST STUDENTS**

If a student believes they or some other member of the student community has been the victim of harassment or discrimination by another student because of a disability, a complaint should be made as outlined in the "General Student Conduct Procedures" section in the College's [Student Handbook](#).

## **APPENDIX A GUIDELINES FOR FLEXIBLE ATTENDANCE & DEADLINES**

### **WHAT IS THE PURPOSE OF THE FLEXIBLE ATTENDANCE/DEADLINE CONTRACT?**

The Flexible Attendance/Deadline Contract is a DALE-approved agreement that is entered into between the student with an approved accommodation for flexibility in attendance and/or in deadlines for assignments and each of the student's faculty members for the relevant term/semester. The contract clarifies expectations regarding how flexibility in attendance and/or deadlines will be handled within a particular course if/when an unexpected flare-up of the student's chronic condition justifying the accommodation occurs during the relevant term/semester.

### **WHEN IS FLEXIBILITY IN ATTENDANCE &/OR ASSIGNMENT DEADLINES APPROPRIATE?**

Some disabilities are episodic or cyclical in nature, and as a result, the disability may **occasionally** impact the student's ability to attend class, complete an assignment, or take an exam at the scheduled time. In cases such as these, flexibility in attendance and/or deadlines may be considered an appropriate accommodation.

### **WHAT IS THE PROCESS FOR SECURING APPROVAL OF AN ACCOMMODATION FOR FLEXIBLE ATTENDANCE/DEADLINE?**

The process for requesting this accommodation is articulated in Section II of The College's Student Disability Accommodations Policy (hereinafter "the Policy"), and all requests are considered individually and must be supported by documentation submitted to The College from a qualified professional (as defined within the Policy).

### **WHAT CONSIDERATIONS SHOULD A FACULTY MEMBER TAKE INTO ACCOUNT WHEN ENTERING INTO A FLEXIBLE ATTENDANCE/DEADLINE CONTRACT?**

When a faculty member receives a Faculty Notification Letter informing them that a student has been approved for an accommodation for flexibility in attendance and/or deadlines, they will also receive a request to complete and sign the Flexible Attendance/Deadline Contract (see Section III of the Policy).

Prior to completing the contract, the faculty member should take into consideration the overall design of their course and its learning outcomes and review the requirements for attendance and/or deadlines for assignments/exams. Specifically, when evaluating how this accommodation can be implemented within their course, the faculty member should consider the following:

- What is identified as the course attendance policy within the syllabus?
- Is the attendance, late work, and missed exam policies for the course applied consistently?

- Are there exceptions to the attendance, late work, and missed exam policies for extenuating circumstances, such as athletic travel or religious observation?
- Do student contributions in class constitute a significant component of the learning process?
- How much interaction is there between the faculty member and students and/or among students and their peers within each class session?
- Does the design of the course rely on student participation (e.g. attendance and/or assignment/project contributions) as a significant method of learning?
- Is the content connected to student participation only offered in the class session?
- To what degree does a student’s failure to attend class or complete an assignment/exam on time compromise the education experience of other students in the class?
- What method is used to calculate the final grade (e.g. attendance, active student participation/engagement, assignments, discussion board posts, exams, etc.)?

### **WHAT ARE THE STUDENTS RESPONSIBILITIES UNDER A FLEXIBLE ATTENDANCE/DEADLINE CONTRACT?**

Students are expected to attend classes on a regular basis. The number of allowable absences depends on the interactive or participatory nature of a course or is based on department, college, or accrediting agency rules. **Therefore, attendance policies are set by faculty at the College or departmental/program level.**

Students are expected to meet all deadlines for assignments and exams. Faculty have the right to establish late work policies based on course design and learning outcomes.

An accommodation for flexibility in attendance and/or deadlines for assignments is **not** intended to be used every week or for every assignment or every exam. This accommodation does not mean the student can miss as many classes as they want. The student is still responsible for completing all coursework.

### **ONCE A STUDENT AND FACULTY MEMBER ENTER INTO A FLEXIBLE ATTENDANCE/DEADLINE CONTRACT, WHAT HAPPENS NEXT?**

The Flexible Attendance/Deadline Contract will specify, as relevant: (i) the relevant number of disability-related absences beyond what is permitted under the course’s syllabus; (ii) the plan for making up missed assignments; and (iii) the plan for making up missed quizzes/exams.

The student is responsible for communicating in advance with their faculty members. When needing to utilize their accommodation for flexible deadlines on an assignment or quiz/exam, students must confer with the faculty member:

- **before** the due-date for an assignment about the status of work completed on the assignment, the reasons for its lateness that directly relate to the nature of the disability, and a definite turn-in day and time; or

- **before** the date for a quiz/exam with reasons for missing the quiz/exam that directly relate to the nature of the disability and a definite retake day and time.

An accommodation for flexibility on deadlines must be “within reason.” “Within reason” usually means turning work in or re-sitting for the quiz/exam a day or two beyond the deadline or quiz/exam date. In no case should it mean that late assignments begin to “pile up”, a negative situation for both student and faculty member, or an indefinite or undefined period for re-sitting for the quiz/exam.

Similarly, when needing to utilize their accommodation for flexible attendance, students may only do so when the absence is directly related to their documented disability. Absences for reasons not related to a documented disability are not excusable under the flexible attendance accommodation. When possible, students should communicate with faculty members in advance of their absence. If notifying the faculty member before class is not possible, students should inform faculty members as soon as possible. Additionally, an accommodation for flexible attendance must be “within reason.” “Within reason” usually means permitting a specific number of additional absences a student is allowed in addition to each course’s established attendance policy.

### **WHAT OTHER INFORMATION IS CRITICAL FOR FACULTY & STUDENTS TO KNOW WHEN ENTERING INTO A FLEXIBLE ATTENDANCE/DEADLINE CONTRACT?**

When entering into a Flexible Attendance/Deadline Contract, it is helpful for students and faculty to keep the following in mind:

- An accommodation for flexibility in attendance and/or deadlines is immediately effective upon DALE sending the faculty member the Faculty Notification Letters. As articulated in Section III(A) of the Policy, it is therefore recommended that faculty complete and execute the Flexible Attendance/Deadline Contract as soon as possible but no later than five (5) business days after receipt of the Faculty Notification Letters. In other words, even if there is a delay in completing the contract, faculty members are still responsible for implementing this accommodation within their class for the relevant student.
- Some students register later in the term or wait to request/activate this accommodation until late in the term. In these cases, faculty are not expected to provide retroactive accommodations. Any such accommodation will not become effective until DALE sends the faculty member the Faculty Notification Letter.
- At no time is the student required to present the faculty member with medical documentation verifying their disability-related absence for this accommodation.
- This accommodation is not a blanket reason to miss class and/or turn in assignments late.

- If the absences meet or exceed 50 percent of those agreed upon in the Flexible Attendance/Deadline Contract, the faculty member should inform DALE via email. This will allow DALE to be of assistance in answering questions about the accommodation from both the student and the faculty member.
- Absences or missed assignments/exams that are not related to the effects of a disability are not included in this accommodation (e.g. absences or missed assignments/exams due to common illness, car trouble, childcare, etc.) and should be addressed according to the attendance/absence policy and/or missed assignment/exam policy stated in the syllabus.
- Faculty are not obligated to re-teach material missed due to not attending class.
- Not every course component can be provided an extension.
- Students are responsible for completing all class work and should be held to the same standard as all other students.