

# ADA Policy

Medisend College of Biomedical Engineering Technology (Medisend College) complies with the Americans with Disabilities Act (“ADA”) and Section 504 of the Rehabilitation Act of 1973 (“Section 504”). The ADA and Section 504 prohibit discrimination based on a student’s disability, require reasonable accommodations be made for qualified students with disabilities, and prohibit Medisend College from excluding such students from, or denying them the benefits of, its programs or activities. Students may always choose whether or not they want to identify themselves as having a disability, but students who want Medisend College to provide an accommodation must declare the disability.

It is the policy of Medisend College to provide qualified students who have disabilities with reasonable accommodations based upon applicable law, Medisend College educational standards, and sound ethical practice in student accessibility services. Decisions about whether a student is a qualified student with a disability and what constitutes reasonable accommodation typically are made by the Registrar, in compliance with applicable law and this Policy.

Reasonable accommodations are considered on a case-by-case, as well as on a class-by-class (or program or activity) basis. In addition to academic adjustments or accommodations, the Registrar may also make accommodation determinations for other college programs and activities related to a student's educational experience at the college.

The Registrar will be involved in accommodation determinations and can answer questions or help address any ADA-related concerns that students may have.

## Definitions under this Policy

Note: The following terms are applied by Medisend College in accordance with and by using the definitions supplied by federal law and regulations, which are summarized here.

- **“Accommodations”** are defined as any reasonable adjustment required for a student to have equal access to Medisend College programs and activities, inside or outside the classroom.
  - Examples of potential reasonable accommodations include, but are not limited to, the following:
    - Extended time for completion of exams or other assignments
    - Ability to use speech-to-text software or other note-taking accommodations
    - Provision of a distraction-free testing environment
  - Reasonable accommodations do not include the following (this list is not exhaustive):
    - Substantial modifications to academic standards
    - Modification or adjustment of requirements essential to any program of instruction, program or activity, or essential to any directly-related licensing requirement
    - Modifications or adjustments that result in undue hardship, considering the nature, cost, and impact of the accommodation, and other factors
    - Modifications or adjustments that result in a significant risk to the health, safety or well-being of individuals with disabilities or others when this risk cannot be eliminated by reasonable accommodation

- **“Disability”** is a physical or mental impairment that substantially limits one or more major life activity.
- A student is a **“qualified student”** if he or she “meets the academic and technical standards requisite for admission or participation in the educational program or activity, with or without reasonable modifications to rules, policies, or practices; the removal of architectural, communication, or transportation barriers; or the provision of auxiliary aids and services.”

### **Procedure for Requesting Accommodations**

In order to receive an accommodation, a student (or applicant) must first contact the Registrar and submit an accommodation request form, found in the forms section of this catalog and online. The request form may be completed by the individual or those assisting the individual. The request must explain the need for the accommodation and may include a list of specific accommodations sought by the student. In most cases and as discussed further below in this Policy, the student will need to provide evidence of his or her disability through documentation by a medical care provider.

The request must be submitted with adequate time for it to be considered and a determination made. When possible, students should submit information related to disability at least four (4) weeks prior to enrollment, so that reasonable accommodation can be arranged and provided to the student in a timely fashion. If an accommodation is granted, the Registrar will issue a letter to the professor and/or others who must be aware of the accommodation in order to implement it.

Medisend College does not grant accommodations retroactively. If a student chooses not to disclose a disability to the Registrar or if a student requests that a letter of accommodation not be sent to faculty members prior to engaging in the relevant course, exam, activity or program, retroactive accommodations cannot be granted. In these instances, a student’s belief that the work submitted or exam scores received do not accurately reflect academic capabilities will not form the basis for a grade change through the applicable grade appeal process of the college.

### **Documentation of Disability and Need for Accommodation**

If a student’s disability is not obvious, he or she is responsible for providing medical documentation to support the existence of the disability and the need for a reasonable accommodation. The student is responsible for providing all diagnostic information to sufficiently support the existence of disability and the need for reasonable accommodation. An accommodation is not needed if the student would still have meaningful access to the program, service, or activity without it. The Registrar is responsible for deciding whether a disability or need for accommodation(s) has been adequately documented.

Information regarding a student's disability provided by someone other than another college or university professional must be in writing and provided by a qualified professional, most often a physician, educational diagnostician, learning disability specialist, or mental health professional who is not related to the student by blood or marriage. Medisend College can offer outside referrals for diagnostic services not provided by the college. All costs associated with a diagnostic study incurred off campus are borne solely by the student. Further information about documentation and verification of a disability is available from the Registrar.

Professional documentation may be relevant for several aspects of the disability accommodation process. It is most relevant for determining whether a student has a medical condition; Medisend College will defer

to a medical diagnosis provided that documentation is adequate. Professional documentation is also used to determine whether a condition constitutes a disability; however, such a decision is based on the legal definition of a disability and not solely a medical diagnosis. Professional documentation is often relevant for determining whether an accommodation is needed, but depending on the nature of the disability, a physician or other professional may not be as well-equipped as Medisend College to determine what modifications to its own or internal programs, policies, or services are appropriate or the effect of such modifications.

Students must renew certain accommodation requests at the start of each new program or new semester. If the accommodation request has not changed, the renewal process typically is a brief confirmation of continued need and continued accommodations. In some instances, updated documentation or other information will be required.

### **Accommodation Determinations and Appeals**

The Registrar will consider the request and the information and documentation provided by the student, consult with faculty and/or other college officials or committees as needed, and determine whether and what reasonable accommodation(s) to approve. The Registrar also may seek advice or recommendations from a medical review committee or other sources in considering an accommodation request.

The Registrar will identify a list of approved accommodations, a copy of which will be shared with the student. For academic accommodations, the Registrar will prepare an accommodation letter that the student will be required to pick up from the Registrar. The student is expected to share the letter with each professor at or prior to the start of the program. Professors and faculty are not required to implement accommodations retroactively.

Students are responsible for directly communicating with faculty members regarding their desired accommodations; students who need assistance with such communication due to their disability should speak with the Registrar.

Faculty and other Medisend College officials are then required to provide reasonable accommodation(s) in accordance with the accommodation letter(s) issued to the student. If a student encounters any problems with the implementation of an accommodation, the student should immediately contact the Registrar.

Students may petition for a review of an accommodation determination under the Medisend College student grievance procedures. Under those procedures, students are encouraged to discuss their concern first with the Registrar, then to request an informal review by the Chief Academic Officer.

### **Confidential Handling of Disability Records**

All information submitted to or developed by the Medisend College related to the diagnosis, documentation, or accommodations of a student's disability is considered confidential and will not become part of any other student record at Medisend College. The Registrar and other authorized staff may have access to all disability records and may arrange access for other authorized college staff, for educational or other related purposes. Disability information may be released in confidence to faculty members or other members of the Medisend College community who have an educational need-to-know.

The confidential records will be protected in accordance with FERPA regulations with the purpose of providing appropriate academic accommodations or adaptation of curricula. Information about the student may be released with the student's informed written consent or in accordance with FERPA or other applicable laws and regulations.

#### **Service and Comfort/Therapy/Assistance Animals**

Laboratory environments for all programs at Medisend College require the exclusion of all service animals.

#### **Policy Approvals and Amendments**

This policy generally does not apply to student employees who are seeking reasonable accommodations relating to their jobs. The Registrar may coordinate with others at the college to process employee accommodation requests and to assist student employees.

This policy and procedure is approved by Medisend College and its Board of Trustees. The Registrar is authorized to make minor, technical revisions to this policy and its procedure. Questions concerning the application of this policy and the application of the ADA or Section 504 to students may be made to the Registrar.