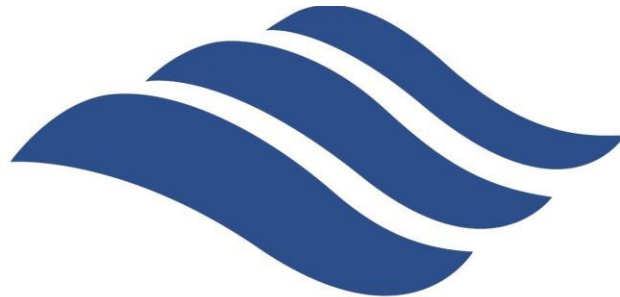


South Puget Sound Community College

Procedures and Appeals Process for Accommodating Students with Disabilities and Disability Discrimination Complaints



Effective October 6, 2017

South Puget Sound Community College

**Procedures and Appeals Process for
Accommodating Students with Disabilities and
Disability Discrimination Complaints**

TABLE OF CONTENTS:

Part I.	Purpose and Scope	
	A. Introduction	3
Part II.	Procedures for Accommodating Students with Disabilities	
	A. Overview	3
	B. Definitions	4
	C. Rights and Responsibilities of the College and Students	5
	D. Service Animals on Campus	6
	E. Requesting Accommodations	8
Part III.	Process for Appealing	
	A. Appealing the Denial of Accommodations	8
Part IV.	Disability Discrimination Complaints	
	A. Procedures for Lodging Discrimination Complaints	9
	B. College Contact Information	10
	C. Separate Contact with Federal and State Agencies	11

Part I. Purpose and Scope

A. Introduction

South Puget Sound Community College has an institutional commitment to provide equal educational opportunities for qualified students with disabilities in accordance with state and federal laws and regulations, including the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, the Washington Law Against Discrimination, the Students with Disabilities – Core Services law, and the Students with Disabilities – Accommodations law.

The purpose of this document is to outline the College’s procedures for accommodating students with disabilities, the process for appealing the denial of academic adjustments, auxiliary aids and services, and program modifications¹ and the procedures for lodging disability discrimination complaints. It also identifies the rights and responsibilities of qualified students with documented disabilities seeking accommodations.

Part II. Procedures for Accommodating Students with Disabilities

A. Overview

Academic adjustments, auxiliary aids and services, and program modifications will be provided to afford equal access for qualified students with documented disabilities in compliance with state and federal laws. For each student, these accommodations will address those functional limitations of the disability which adversely affect equal educational opportunity. South Puget Sound Community College has established the Access Services (AS), within Student Services, to assist qualified students with disabilities in securing appropriate academic adjustments, auxiliary aids and services, and modifications.

To receive academic adjustments, auxiliary aids and services, or modifications, students are responsible for (i) providing appropriate documentation regarding the nature and extent of their current disability, or the nature and extent of their functional limitations supporting their need for requested adjustments, aids/services, or modifications based on disability, and (ii) requesting academic adjustments, auxiliary aids and services, and/or modifications in a timely manner.

The College will make those modifications to its programs and services that (1) are necessary in the College’s determination to mitigate disability or the effect of discrimination against a qualified student with a disability; (2) do not impose an undue burden on the College as determined by the College; or (3) do not require a fundamental alteration of essential course, program or academic requirements as determined by the College.

¹“Academic adjustments, auxiliary aids and services, and program modifications” for purposes of this procedure may also be referred to as “accommodations”.

B. Definitions

1. “**Academic adjustments, auxiliary aids and services**” may include but are not limited to note-takers, readers, alternative text formats, interpreters, alternative testing, and audio recording. Devices or services of a personal nature such as personal attendants, individually prescribed devices, or readers for personal use or study are not provided.
2. “**Core Services**” are those services listed in the Core Services Act of 1994, RCW 28B.10.910-912 that may be reasonably necessary to accommodate qualified students with disabilities. Some of those services include, but are not limited to, early registration, scribes, facilitation of physical access, access to adaptive equipment, early release of syllabi, access to tutoring services currently offered by the college, access to academic advising available on campus, notice of the College’s disability nondiscrimination policy and the process for redress of disability discrimination.
3. “**Disabled**” means having a physical or mental impairment which substantially limits one or more of a person's major life activities.
4. “**Functional limitation**” means the functions or acts a person cannot do, resulting from a physical or mental impairment which substantially limits a major life activity.
5. “**Fundamental alteration**” means a significant modification that alters the essential nature of the services, programs, activities, facilities, privileges, advantages or courses offered.
6. “**Major life activities**” means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
7. “**Modifications**” means modifications or changes to the course, program or educational requirements as are necessary and appropriate, so that such requirements do not discriminate or have the effect of discriminating on the basis of disability. Academic requirements that are essential to the course, or to the program of instruction being pursued by the student, or which relate directly to licensing requirements will not be regarded as discriminatory within the meaning of this section. Potential modifications that may be considered include, but are not limited to, changes in the length of time permitted for completion of a degree, substitutions of specific courses required for the completion of degree requirements, flexibility in test taking arrangements, and other appropriate accommodations which do not unduly burden or fundamentally alter the essential nature of a course or instructional program.
8. “**Qualified student with documented disability**” means a disabled person who meets the standards required for admission and participation in the educational program or activity.
9. “**Service Animal**” means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to

the handler's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition. A service animal is not a pet. Pets are allowed on campus but are prohibited from buildings unless they meet the definition as described in section D of this document

10. “**Undue burden**” means a significant difficulty, financial or administrative burden or expense.

C. Rights and Responsibilities of the College and Students

The College will:

- receive and review appropriate documentation supporting requested academic adjustments, auxiliary aids and services, or modifications, and notify the student² of any additional documentation needed by the College to respond to requests.
- accommodate reasonable and appropriate requests for academic adjustments, auxiliary aids and services, or modifications in compliance with law.
- deny requested academic adjustments, auxiliary aids and services, or modifications if documentation is inadequate or demonstrates the request is not warranted, or if the requested accommodations pose an undue hardship or burden on the College, or results in a fundamental alteration to College programs or services, or if granting the request would result in a disruption of the learning environment or compromises the health or safety of the student or others.
- prohibit discrimination against persons with disabilities, post notice of nondiscrimination, and have an appeal procedure, as provided herein.
- maintain appropriate confidentiality.

The Student will:

- provide appropriate documentation to verify the presence of a disability and allow ample time for the College to process the disability-related information. Self-disclose his or her disability or functional limitations to, and work collaboratively with the appropriate person(s) at the Access Services (AS) to request and receive academic adjustments, auxiliary aids and services,

²In and throughout this document, “student” means qualified student with documented disability.

and modifications. The Release of Information form can be found on the AS web page at <https://spscc.edu/sites/default/files/imce/student-services/access/ROI-Form.pdf>; or at the AS office.

- provide a signed Release of Information form to AS to allow for communication and exchange of information between staff and others on a “need to know” basis.
- follow published procedures and College regulations regarding requested academic adjustments, auxiliary aids and services, or modifications.
- have the opportunity to lodge complaints based on disability discrimination with the College, and have due process to appeal denial of requests for academic adjustments, auxiliary aids and services, and modifications.
- adhere to the College’s Student Code of Rights and Responsibilities. Additional information related to Student Rights and Responsibilities is available at the college website under *Current Students* or at the Olympia campus at the Office of Student Life, Building 27, upstairs, lobby desk; or at the Lacey campus at reception desk
- notify faculty and AS immediately when an academic adjustment, auxiliary aid or service, or modification is not being provided.
- act as his or her own advocate. All official accommodations must be approved by AS, in accordance with the requirements of the procedures contained herein.

D. Pets on Campus

It is the policy of the college to require that all pets be attended, leashed, or properly restrained while on the campus grounds and under the direct physical control of their owner or custodian. No animal shall be permitted to run at large or be disruptive.

With the exception of service animals, animals are not allowed inside college buildings. Any person who requires the use of a service animal should be aware that the service animal must meet the DOJ (U.S. Department of Justice) guidelines. A service animal must be under the direct control of its owner at all times. The animal is subject to the campus code of conduct when working in a campus building. The handler is solely responsible for the maintenance and behavior of their service animal.

If you require more information or have any questions about resources please contact Access Services or the Security Department.

The owner is responsible for the cleanup and proper disposal of their animal's waste.

Definitions:

Pet: A domestic animal kept for pleasure or companionship.

Guide Dog: A dog that is trained for the purpose of guiding blind persons or a dog trained for the purpose of assisting hearing impaired persons. RCW 70.84.020.

Service Animal: An animal that is trained for the purposes of assisting or accommodating a disabled person's sensory, mental, or physical disability. RCW 70.84.021

To Whom Does This Policy Apply:

All SPSCC students, employees, and visitors.

References:

Service Animals and the ADA (DOJ) [2] RCW

49.60.218 [3]

WAC 162-26-130 [4]

Removal of Service Animal from grounds/facilities

A service animal may be removed from College grounds or facilities when its behavior poses a direct threat to the health and safety of others and/or if the animal:

- is disruptive and the animal's owner does not take immediate effective action to control it (e.g., barking, whining, growling, running around, and displaying aggressive behavior);
- sniffs people, property or belongings of others;
- initiates contact with someone without the handlers direct permission;
- is sick and/or unclean and conducts personal grooming in public settings, such as excessive scratching or licking of its genital area;
- blocks an aisle or passageway after notice to and failure of its owner to immediately and effectively correct the blockage;
- does not remain in the owner's immediate vicinity and under the owner's constant and immediate control;
- presence would result in a fundamental alteration to the nature of the College's class, program, service, job, or activity as determined by the College administration.

If such behavior persists, the handler may be directed to not bring the animal to campus until the problem is remedied. The handler for any such animal may be required to remove it immediately. .

Geographical limitations

The College may prohibit the use of service animals in certain locations due to health or safety restrictions, where service animals may be in danger, or where their use may compromise the integrity of research. Such restricted locations may include, but are not limited to, the following areas: research laboratories, wood shops and metal/machine shops, classrooms with demonstration/research animals, kitchen and food preparation areas, medical and dental areas, mechanical rooms, and custodial closets. Exceptions to restricted areas may be granted on a case-by-case basis by contacting the AS office and the appropriate department and/or laboratory representative.

E. Requesting Accommodations

The general process for requesting accommodations is:

1. the student contacts AS staff to discuss the accommodations process, which may include requesting academic adjustments, auxiliary aids and services, or modifications, filling out necessary forms, and providing documentation of a disability or functional limitations as necessary.
2. AS staff determines whether the requested academic adjustments, auxiliary aids and services, or modifications are supported by the student's need and documentation.
3. AS staff collaborates with the student about appropriate and reasonable academic adjustment, auxiliary aid and services, or modifications.
4. AS notifies and consults as necessary with faculty regarding the academic adjustments, auxiliary aids and services, or modifications. Faculty acknowledges the receipt of the request for accommodations. An academic adjustment, auxiliary aid or service, or modification is unreasonable if it requires a change in the essential nature of, or fundamentally alters a course or instructional program; or creates an undue burden or hardship in implementation; or compromises the health or safety of the student or others.
5. the student may initiate discussion with faculty related to specific support or arrangements needed to receive Access Services approved academic adjustments, auxiliary aids and services, or modifications.
6. faculty and/or student implement AS approved academic adjustment, auxiliary aids or program modifications. All official accommodations must be approved by AS, in accordance with the accommodations process.

Part III. Process for Appealing

A. Appealing the Denial of Accommodations

A student may appeal the AS decision to provide, refuse to provide, or otherwise not approve requested academic adjustments, auxiliary aids and services, or modifications.

1. The student should first contact the Director of Access Services to try to resolve the situation.
2. If after consulting with the Director of Access Services a student believes that AS has not identified or provided, or has improperly identified or provided reasonable necessary documented academic adjustments, auxiliary aids and services, or modifications, the student may within thirty (30) working days file a written appeal with the Dean of Enrollment Services

3. The appeal should contain:

- factual statements concerning the nature of the student's disability or functional limitations with documentation supporting the student's position.
- what specific requested academic adjustments, auxiliary aids and services, or modifications were denied, and why, if the student knows.
- a statement that addresses why the student's request should be granted.
- a copy of any written decision by the Director of Access Services, along with any other supporting documentation the student thinks is important.

4. The Dean of Enrollment Services will review the appeal and attempt to resolve the situation. The Dean of Enrollment Services will respond in writing to the student filing the appeal within ten (10) working days of receipt of the appeal, or extended as mutually agreed upon by both the Director and the student appealing.

5. If after receiving the Dean's response a student disagrees with the decision, the student may within ten (10) working days of the Dean's decision appeal in writing to the Vice President of Student Services. The student should include any written decisions by the Director Access Services of and the Dean of Enrollment Services, along with any other supporting documentation the student thinks is important. The Vice President of Student Services will respond in writing to the student filing the appeal, with a copy to the Dean of Enrollment Services and a copy to the Director of Access Services within ten (10) working days of receipt of the appeal, or extended as mutually agreed upon by both the Vice President of Student Services and Retention and the student appealing. The decision of the Vice President of Student Services is final.

Part IV. Disability Discrimination Complaints

A. Procedures for Lodging Disability Discrimination Complaints

Students may lodge disability discrimination complaints under Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; the Washington Law Against Discrimination; the Students with Disabilities - Core Services act of 1994 and the Students with Disabilities – Accommodations act.

1. If at any time a student feels they have been discriminated against because of disability, the individual is encouraged to notify the Director of Access Services, through filing a written complaint within ninety (90) working days of the incident or condition comprising disability discrimination with AS located in Building 22, second floor. The AS telephone number is 360-596-5306.

2. The Director of Access Services will respond to the student within ten (10) working days of receipt of the notice of the complaint, or extended as mutually agreed upon by both The Director of Access Services and the student complaining, with a copy to the Dean of Enrollment Services and the Vice President of Student Services.
3. If the complaint is not resolved to the student's satisfaction, the student may within ten (10) working days of receipt of the written response from the Director of Access Services, file a written appeal to the ADA Compliance Officer, who is the Chief Human Resources Officer. The student should attach a copy of the Director of Access Services' decision with their appeal. The appeal should state (i) the student's assertion of the facts underlying the complaint, (ii) what parts of the decision he or she disputes, and (iii) why the student disagrees with the decision.
4. The ADA Compliance Officer will review the appeal and respond in writing to the student filing the appeal within ten (10) working days of receipt of the appeal or extended as mutually agreed upon by both the ADA Compliance Officer and the student appealing. The ADA Compliance Officer will provide copies of his or her decision to the Dean of Enrollment Services, the Director of Access Services, and the Vice President of Student Services. The decision of the ADA Compliance Officer is final. The ADA Compliance Officer is located in Building 25, second floor, Human Resources area. The ADA Compliance Officer Telephone number is: 360-596-5361.

B. College Contact Information

1. Website: <https://spscc.edu/students/disability-services>
2. Address: South Puget Sound Community College

Access Services
2011 Mottman Road SW
Olympia, Washington 98512-6292
3. Questions or Comments:

Director of Access Services
South Puget Sound Community College – Building 22
2011 Mottman Road SW
Olympia, Washington 98512-6292
Direct Line: (360) 596-5457
FAX: (360) 596-5713
4. ADA Compliance Officer, Chief Human Resources Officer South Puget Sound Community College—Building 25
2011 Mottman Road SW Olympia, WA 98512
Telephone: (360) 596-5361

C. Separate Contact with Federal and State Agencies

A student may also contact federal and state agencies regarding disability discrimination complaints. A student may pursue the filing of a complaint with the responsible state or federal agencies, either while going through College processes and appeals, or without going through College processes and appeals, and instead going directly to those agencies. Those agencies are:

Washington State Human Rights Commission

Melbourne Tower, #921
1511 Third Avenue
Seattle, Washington 98101-1626

Telephone: 206-464-6500

U.S. Department of Education

Office for Civil Rights
915 Second Avenue, Room 3310
Seattle, Washington 98174

Telephone: 206-220-7900

Department of Justice

Civil Rights Division
1424 New York Avenue, Room 5041
Washington, D.C. 20005

Telephone: 202-307-0818 (TTY) or Telephone: 800-514-0383 (voice)