

**DRAKE UNIVERSITY**  
**Reasonable Accommodation For Qualified Students With Disabilities Policy**  
Faculty Manual Section 5.17

**5.17 REASONABLE ACCOMMODATION FOR QUALIFIED STUDENTS WITH DISABILITIES POLICY**

**I. Policy Statement**

Drake University prohibits unlawful discrimination against qualified students with disabilities and encourages their full participation within the University community. All faculty, staff and administrators will actively support qualified students with disabilities in all the University's educational programs, services, and activities.

**1.0 Definitions**

*For the purpose of this policy and in accordance with Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act:*

- qualified student with a disability means any student or applicant to Drake (a) who has a physical or mental disability that substantially limits one or more major life activities, or has a record of such disability, or is regarded as having such a disability and (b) who meets the academic and technical standards requisite to admission to the University.  
\*Qualified students who pose a direct threat to the health or safety of others will not be allowed to participate in or benefit from services, benefits, privileges, advantages or accommodations of the University. Conditions such as kleptomania, pyromania and *current* users of illegal drugs and abusers of alcohol are excluded from the definition of an individual with a disability under the ADA.
- physical impairment means any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory, speech organs, cardiovascular, reproductive, digestive, genito-urinary. Conditions, such as visual or hearing impairments, paraplegia, quadriplegia, muscular dystrophy, multiple sclerosis, epilepsy, arthritis, would be considered physical impairments.
- mental impairment means any psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, brain damage attention deficit disorder and specific learning disabilities.
- major life activity means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
- readily achievable means easily accomplishable and able to be carried out without much difficulty or expense. In determining whether an accommodation is readily achievable, factors to be considered include:
  - (a) the nature and cost of the accommodation needed under the ADA;
  - (b) the overall financial resources of the University; the number of persons employed at the University; the effect on expenses and resources, or the impact otherwise of such accommodation on the operation of the University;
  - (c) the type of operation or operations of the University, including the composition, structure, and functions of the workforce, the geographic separateness,

administrative or fiscal relationship of the facility or facilities in question to the University.

- undue burden means an action requiring significant difficulty or expense, one that is unduly costly, extensive, substantial, disruptive, or that will fundamentally alter the nature of the service. While cost is a factor in determining if an accommodation may cause an undue burden it should be noted that such determinations are based on the overall financial resources of the institution rather than individual departments or offices.
- direct threat means that there is a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aides or services.

## **II. Physical Accessibility**

All campus buildings and facilities are to be accessible to the extent that barrier removal is readily achievable. In situations where a particular service, course, lab, program, event or activity may be scheduled in a location that is inaccessible to a qualified student with a disability, the event or service will be relocated to an accessible location so as not to deny access unless relocation is not practicable or causes an undue burden. The qualified student is responsible for making accessibility needs known to the University far enough in advance to allow reasonable time for the event or class to be relocated. A minimum of one week is generally considered reasonable time for class or event relocation. Requests for accessible space should be made to the Registrar's Office for classrooms, and the department head or event coordinator for other activities. Any questions or problems with accessible space may be directed to the Disability Resource Center. The Physical Plant may be contacted for general accessibility information. Copies of all requests for accessible space should be forwarded to the Disability Resource Center.

## **III. University Services and Activities**

Any service or activity available to the general student population will also be made available to qualified students with disabilities if practicable unless the availability of the service or activity causes an undue burden or will fundamentally alter the nature of the service or activity. Such availability includes, but is not limited to, the following kinds of services and activities: campus housing, health services, insurance, academic, career and personal counseling, testing services, financial aid, scholarships, student employment, placement services, orientation, registration, library access, tutoring, recreation, intramurals, intercollegiate athletics, food services, student activity programs, student organizations, campus parking, commencement, choral and drama groups, and other cultural and social programs and activities.

An accommodation will be provided so long as the request does not cause an undue burden, does not pose a direct threat and is made by the qualified student in sufficient time for the accommodation(s) to be arranged within the given time constraints. A request will ordinarily be considered timely if received a minimum of one week prior to the scheduled event or service. If necessary, the University personnel responsible for the event or service will make the determination whether a request is timely and does not cause an undue burden. If a request is found not to be readily achievable, the decision can be appealed to the Vice President of Business and Finance.

In the event that a student's disability is not foreseeable, the qualified student will not be required to provide 7 days notice for request of an accommodation. The qualified student is encouraged to contact the Disability Resource Center and appropriate University personnel to discuss their needs as soon as possible

### **1.0 Recruitment And Admission**

Qualified students with disabilities may not, unlawfully on the basis of a disability, be denied admission or be subjected to unlawful discrimination in admission or recruitment activities. Limitations may not be placed on the number or proportion of qualified students with disabilities who may be admitted to the University. Admission requirements that can be demonstrated as essential to the integrity of the University, program of instruction being pursued or to any directly related licensing requirement will not be considered as unlawfully discriminatory within the confines of this policy.

#### **1.1 Postadmission Inquiry**

After a student has received notification of admittance to the University, the University may inquire into the existence of a disability. Upon the student's voluntary disclosure of a disability, additional information will be requested as to the qualified student's need for specific accommodations. All information will be kept confidential on a need to know basis.

#### **1.2 Alternative Forms of Admission Criteria**

Alternative forms of admission criteria are an option the University may use to assure reasonable admission opportunity in individual cases where the disability has had a direct, disproportionately adverse effect on the applicant's ability to meet minimum entrance examination scores. This may include but is not limited to diagnosed learning disabilities, blindness and pre-lingual deafness. Staff of the Disability Resource Center who are familiar with the academic effects of disabilities will assist the admissions and student development services staff in establishing alternative information to be reviewed as predictors of success.

### **2.0 Academic Requirements**

Academic colleges, departments and faculty are responsible for making modifications to academic requirements when needed to ensure that such requirements do not unlawfully discriminate or have the effect of unlawfully discriminating on the basis of disability. Academic requirements that can be demonstrated as essential to the integrity of the program of instruction being pursued by such qualified students or to any directly related licensing requirement will not be considered as unlawfully discriminatory within the confines of this policy.

#### **2.1 Tests and Examinations.**

Examinations, tests, and other methods of evaluating qualified students with disabilities will be conducted in a manner to ensure that the results of the evaluation represent the qualified student's achievement in the course rather than reflecting the qualified student's disability. Appropriate methods of alternative testing for qualified students with disabilities will be determined on an individual basis, taking into consideration the type and extent of the qualified student's disability, the nature of the course material, and if it is

practicable unless the alternative testing format causes an undue burden or will fundamentally alter the nature of the service or activity. Testing formats that can be demonstrated as essential to the integrity of the program of instruction being pursued by such qualified student or to any directly related licensing requirement will not be considered as unlawfully discriminatory within the confines of this policy. Alternative methods of testing may include, but are not limited to: additional time; use of a reader and/or scribe; alternative forms of the test such as large print, Braille, taped or oral versions; use of special equipment such as a computer or closed circuit magnifier; alternative test location; or any necessary combination of these alternatives. While it is necessary at times to have differences in specific requirements and in methods of evaluation, the overall level of academic challenge for qualified students with disabilities shall be equivalent to that for other students.

## **2.2 Auxiliary Aids**

The University will provide qualified students with disabilities access to the appropriate auxiliary aids necessary to allow reasonable participation in the University's educational programs and activities unless it imposes an undue burden or fundamentally alters the nature of the service or activity in a way that interferes with the integrity of the program of instruction being pursued by such qualified student or to any directly related licensing requirement. Auxiliary aids include services, adaptive equipment or other educational assistance that enables a qualified student with a disability to participate in or benefit from the educational process. Auxiliary aids may include, but are not limited to: readers; sign language interpreters; note takers; tutors; and special equipment. Student Development Services will assist qualified undergraduate and graduate students in locating tutors and readers. The University does not provide personal attendant care. The Disability Resource Center will help identify service providers and special equipment on campus or in the community. Rules may not be imposed on a qualified student's use of auxiliary aids if the rule would have a limiting effect on the qualified student's participation in the educational process (e.g., prohibiting guide dogs, interpreters, tape recorders or other necessary special equipment in the classroom).

In unusually difficult cases, the University may have the option of providing alternative methods by which the qualified student with a disability may reasonably meet educational requirements if practicable unless availability of the service or activity causes an undue burden or will fundamentally alter the nature of the service or activity in a way that interferes with the integrity of the program of instruction being pursued by such qualified student or to any directly related licensing requirement. Such alternative methods may include, but are not limited to: course substitution, curricular modification and extended time to meet requirements. Such accommodations will be employed only when deemed necessary and so long as the alternative method is non-discriminatory in nature, is not unduly limiting to the educational process of the qualified student with a disability, and is reasonable for the individual circumstances.

Qualified students requesting auxiliary aids are expected to provide the Disability Resource Center access to medical, educational, psychological or other information as

necessary to assess the need for auxiliary aids. The University reserves the right to disallow the use of auxiliary aids that prove to be disruptive to the academic environment.

### **2.3 Library Holdings**

The holdings of campus libraries will be made accessible to all qualified students with disabilities. Library personnel will assist in using catalogs and indices; completion of library forms, photocopying and locating and retrieving materials housed in inaccessible areas of the library. The Student Development Office will assist in locating readers, note takers, and library aides for those qualified students requiring these services. Qualified students who will require a significant level of library assistance throughout the semester are encouraged to contact the Library Director to discuss their general needs.

## **IV. Responsibility for Identification and Request for Disability Services**

It is the responsibility of the qualified student with a disability voluntarily and confidentially to disclose information regarding the nature and extent of the disability to the Disability Resource Center when requesting accommodations. Resource Center staff will help the qualified student determine which University personnel, i.e., faculty advisor, teaching faculty, administrators the qualified student feels should be aware of the disability. The University will assist the qualified student in identifying potential accommodations based upon the qualified students needs, preferences and available resources. Although every effort will be made to provide qualified students with requested accommodations, the University does not guarantee that a qualified student will automatically receive his or her first choice of accommodations and reserves the right to make the final decision on which accommodations will be provided.

It is the responsibility of the qualified student with a disability to provide appropriate medical documentation of the nature and extent of the disability and the need for specific services or accommodations to the Disability Resource Center. It is the responsibility of the qualified student to cover any costs associated with acquiring the appropriate medical documentation. If the University has reason to doubt the validity of the medical documentation the University may require, at its own expense, the reexamination of the qualified student and/or his/her documentation by a service provider designated or approved by the University. All documentation related to a qualified student's disability will be maintained in separate locked files and treated as confidential medical records by the University. The University does not assume responsibility for providing special accommodations and services to qualified students with disabilities who have not identified themselves as having a disability and who have not made their needs known.

The process for identification should begin with the qualified student registering with the Disability Resource Center where he or she will receive procedural information and assistance in arranging needed services and accommodations. All information disclosed to Resource Center staff will be kept confidential and released only with the written permission of the qualified student.

Qualified students with disabilities are expected to follow standard office procedures for requesting and acquiring services relative to a disability. Standard office procedures will include:

1. A clearly written request to the professor/instructor of a course for a specific accommodation prior to or during the first week of class.\*
2. Unless otherwise stated, the professor/instructor will respond to a request in writing, within one week, (7 days).\*
3. Requests for additional accommodations will be made to the professor/instructor as soon as possible but at least one week prior to the actual need for the accommodation.
4. It is the responsibility of the qualified student requesting the accommodation to follow up with a professor/instructor or other University department(s) to insure the accommodation is provided in a timely manner.
5. Faculty members who are not familiar with specific disabilities or appropriate accommodations should contact the Disability Resource Center for assistance.
6. In the event a faculty member denies an accommodation, the qualified student may request a joint review of the decision by the Disability Resource Center and the Provost's office. Findings and recommendations will be forwarded to the Provost for a final decision and recommendation for action.

\*A copy of the request and response should be forwarded to the Disability Resource Center to be included in the qualified student's file.

In the event that a student's disability is not foreseeable, the qualified student will not be required to provide 7 days notice for request of an accommodation. The qualified student is encouraged to contact the Disability Resource Center and appropriate faculty to discuss their needs as soon as possible.

## **V. Complaint Process**

Qualified students with disabilities have the right to have access and accommodation complaints addressed through a formal appeals procedure. Relief may be sought from decisions, actions, or conditions that are believed to limit reasonable opportunity to benefit from or to participate in the educational process.

Any member of the student body, who believes he or she has not been reasonably accommodated as required by law or has been unlawfully discriminated against on the basis of a disability, may initiate informal or formal actions for complaint resolution as outlined in Drake's Community, Diversity, Freedom of Expression and Harassment Policy.

*Original: 12/93; Revised 3/94*

*(Approved by Faculty Senate March 16, 1994)*

*(Approved by Board of Governors April 8, 1994)*