

POLICY FOR STUDENTS WITH DISABILITIES

University Policies and Procedures: Overview

The University of Mississippi is committed to providing for the needs of enrolled or admitted students who have disabilities under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA).

It is the policy of the University that each campus shall make services available for any student who, through a current assessment, can document a disability. The administration will provide appropriate services including, but not limited to 1) support, counseling, and information, and 2) academic assistance services.

In general, University policy calls for reasonable accommodations to be made for students with disabilities on an individualized and flexible basis. It is the responsibility of students with disabilities, however, to seek available assistance at the University and to make their needs known. The University offices that help to ensure equitable access for students with disabilities are the Office of Student Disability Services, the Office of Equal Opportunity and Regulatory Compliance (The Executive Director of Equal Opportunity and Regulatory Compliance is also the ADA Coordinator), and the Office of the University Attorney.

The University of Mississippi
Commitment Statement on Disability Access

In January of 2010, the Chancellor of The University of Mississippi reaffirmed the University's commitment to students, staff and visitors with disabilities. In accordance with the goals and creed of The University of Mississippi, and to further support a campus rich in diversity, the University will encourage excellence, inclusion and respect for the dignity of those with disabilities and will recognize and promote the value of individual differences. To support this commitment, the Chancellor has approved the following operating principles:

1. The University of Mississippi prohibits discrimination against people with disabilities and actively encourages a climate of inclusion and equal access. Toward this end, the University community will continue to develop training and resources to promote sensitivity and awareness of disability issues.
2. The University is committed to providing equal access and reasonable accommodations for students and others with disabilities. Toward this end, the University will continue to develop and coordinate policies and procedures, and provide services and access to employment, academic programs, co-curricular activities, and facilities.
3. The Chancellor and administrative officers will provide leadership in improving access for those with disabilities and will be responsible for implementing the principles of universal design at the University.
4. The University will organize its disability services in a way that promotes, to the greatest extent possible, self-determination, independence and self-advocacy for students and others with disabilities and that engages the entire campus community in access issues.
5. In order to respect the independence, rights, and dignity of those with disabilities, requesting an accommodation or identifying oneself as having a disability will be voluntary. However, the University has no obligation to make an accommodation or provide a modification unless there is prior timely disclosure of a disability and verification of this disability.
6. The University will treat data on students and others with disabilities with confidentiality in accordance with data privacy laws and established University regulations. No information will be collected for administrative purposes except information that is essential for program development, implementation, determination of reasonable accommodation, or that is required by law.
7. University administrators, faculty, and staff will encourage intra-institutional cooperation to collect, develop, and disseminate knowledge about creating accommodating environments for students, employees and visitors with disabilities.

The University of Mississippi
Rights and Responsibilities

Rights and Responsibilities of Students with Disabilities

Students with disabilities at the University have the *right* to

- equal access to courses, programs, services, jobs, activities, and facilities offered by the University;
- an equal opportunity to work and to learn, and to receive reasonable accommodations, and/or reasonable auxiliary aids and services;
- confidentiality of all information regarding their disability and to choose to whom, outside of the University, information about their disability will be disclosed, except as disclosures are required or permitted by law.

Students with disabilities at the University have the *responsibility* to

- meet qualifications and maintain essential institutional standards for courses, programs, services, jobs, activities, and facilities;
- identify themselves in a timely manner as having a disability when an accommodation is needed and to seek information, counsel, and assistance as necessary;
- demonstrate and/or provide documents from a licensed professional on how the disability limits their participation in courses, programs, services, jobs, activities, and facilities;
- follow published procedures for obtaining reasonable accommodations, and/or reasonable auxiliary aids and services.

Rights and Responsibilities of Faculty and Staff:

Faculty and staff have the *right* to:

- maintain the academic integrity and standards of all courses and programs;
- determine the essential elements and evaluations standards of their courses and programs;
- receive timely notice from the student of the need for accommodation so that appropriate arrangements can be made;

The University of Mississippi

- discuss with the assistant director in the Office of Student Disability Services (SDS) any approved accommodation if it is believed that the accommodation causes a fundamental alteration to the essential elements or evaluation standards of a course or program.

Faculty and staff have the *responsibility* to:

- provide reasonable accommodations to verified students upon timely request by the student;
- maintain the legally protected confidentiality of disability-related information, except as required by law;
- ensure that a disability statement is written into each syllabus and all other university publications;
- refer students who disclose a disability and request assistance to SDS;
- refrain from retaliation against students who request accommodations or individuals who advocate for accessibility;
- consult with SDS if there are any concerns or questions about a student with a disability or an accommodation request.

Rights and Responsibilities of the University of Mississippi

The University of Mississippi has the *right* to

- identify and establish essential functions, abilities, skills, knowledge, and standards for courses, programs, services, jobs, activities, and facilities and to evaluate faculty, staff, and students on this basis;
- request and receive, through Student Disability Services, current documentation that supports request for accommodations, and/or auxiliary aids and services;
- deny a request for accommodations, and/or auxiliary aids and services if the documentation is not submitted in a timely manner (i.e., retroactive requests will be denied), if the documentation fails to demonstrate that the request is warranted, or if the individual fails to provide appropriate supporting documentation;
- select among equally effective accommodations, and/or auxiliary aids and services;

The University of Mississippi

- refuse an accommodation, auxiliary aid or service that imposes a fundamental alteration to a program or activity of the University or that imposes an undue financial or administrative burden on the University.

The University of Mississippi has the *responsibility* to

- provide information to students with disabilities in accessible formats when reasonable and upon request;
- ensure the courses, programs, services, jobs, activities, and facilities, when viewed in their entirety, are available and usable in the most integrated and appropriate settings;
- evaluate students and applicants on their abilities and not their disabilities;
- provide, arrange or assist in securing reasonable accommodations, and/or auxiliary aids and services for students with disabilities in courses, programs, services, jobs activities, and facilities;
- maintain confidentiality of records and communication, except where permitted or required by law.

The University of Mississippi

The Office of Student Disability Services: Purposes and Procedures

To be eligible for disability-related accommodations, students must have a currently documented disability condition as defined by the American with Disabilities Act of 1990 (ADA) or Section 504 of the Rehabilitation act of 1973. In other words, the current impact of a diagnosed disorder should "significantly limit a major life activity."

At the University of Mississippi the Office of Student Disability Services (SDS) is the designated office that receives and files disability-related documents, verifies eligibility for services, assesses reasonable accommodations, and develops plans for the provision of such accommodations. Reasonable accommodations are provided to ensure access to all University courses, programs, services, jobs, activities, and facilities.

Mission Statement

The Office of Student Disability Services at The University of Mississippi is committed to ensuring equal access to a quality education for qualified students with disabilities through the provision of reasonable academic accommodations and auxiliary aids which support University standards and academic integrity.

Verifying Eligibility for Services

Students who believe they may benefit from academic accommodations because of a disabling condition must complete an intake application and must request that disability-related documents be sent from the appropriate licensed professional to SDS so that this office can a) verify that a student has a diagnosed disorder, b) determine if the diagnosed disorder rises to the level of a disability and, c) assess reasonable accommodations if the diagnosed disorder is determined to be disabling.

The cost of obtaining documentation is borne by the student. If the initial documentation is incomplete or inadequate to determine the extent of the disability and reasonable accommodations, SDS has the discretion to require additional documentation. Any cost of obtaining additional documentation is also borne by the student.

Requests for accommodation and documentation should be submitted in a timely fashion to allow processing and to insure the best service for the student. Retroactive requests will not be accommodated. For example, if an eligible student requests extended time or a separate testing area on the day of an exam, that student has failed to make a timely request and it cannot be guaranteed that the request will be implemented. Similarly, an eligible student who requests exam accommodations late in a semester will not be offered make-up opportunities for prior exams.

Verification Process

The Verification Process will be determined by the Office of Student Disability Services.

Verification Status

Depending upon the type of disorder a student has been diagnosed with and/or the completeness of the documentation submitted, SDS will assign the student one of the following verification status':

On-Going - Students who receive an on-going verification have submitted current, complete documentation which confirms the diagnosis of a stable disorder or condition, the impact of which is not expected to change over time, and which supports the need for accommodations. These students will not be expected to submit additional documentation unless they request an accommodation that has not already been approved and which is not supported by the documentation previously submitted.

Annual Renewal - An annual renewal verification is approved for those students who have a diagnosed disorder or condition, the impact of which may change over time. These students will be required to submit updated documentation on an annual basis so that SDS can adjust the verification status and approved accommodations if necessary.

Temporary - Temporary verification status may be approved for students who have submitted some documentation which may confirm a diagnosis but may not be complete or may be out-of-date. These students may be verified on a temporary, semester-long basis, allowing them time to gather the necessary documentation. A temporary verification status may also be given, as resources allow, to students who receive a temporary injury and may need accommodations until the injury is sufficiently healed. These students are verified for the length of time recommended by the treating physician.

Denied - Students may be denied verification for a number of reasons, including but not limited to, (1) submitted documentation which does not confirm the presence of a diagnosed disorder, (2) a diagnosed disorder that does not rise to the level of being disabling, (3) updated or additional documentation requested that is not submitted, (4) an applicant who is not admitted as a student at the University, or (5) required verification meetings that are not attended by the student and contact from the student has ceased.

Reasonable Accommodations

A reasonable accommodation is a modification or adjustment to a course, program, service, job, activity, or facility that enables a qualified student with a disability to have an equal opportunity. An equal opportunity means an opportunity to attain the same level of performance or to enjoy equal benefits and privileges as are available to a

similarly-situated student without a disability. The University is obligated to make a reasonable accommodation only to the known limitations of an otherwise qualified student with a disability. To verify reasonable accommodations, SDS may seek information from appropriate University personnel regarding essential standards for courses, programs, services, jobs, activities, and facilities. Final determination of reasonable accommodations is made by SDS.

Reasonable accommodations are determined by using the following analysis:

1. Does the student have a currently diagnosed disorder?
2. Do the current functional limitations of that diagnosed disorder significantly limit a major life activity, thereby rising to the level of a disability?
3. Is the student "otherwise qualified", with or without accommodations, to participate in the course, program, service, job, or activity?
4. Is the request reasonable? A requested accommodation is reasonable if the following standards are met:
 - a) The accommodation is directly related to the impact or functional limitations caused by the diagnosed disorder.
 - b) The accommodation does not lower academic or program standards.
 - c) The accommodation does not fundamentally alter the essential elements of the course, program or activity.*
 - d) The accommodation does not present an undue financial or administrative burden on the university.
 - e) The accommodation does not pose a threat to the health or safety of the student or others.

*Essential Elements

Instructors and other University staff will be expected to assist in the provision of accommodations when reasonable and necessary; however, they are not expected to compromise "essential elements" of a program, course or activity or the evaluation standards of a program, course or activity.

If it is believed that a particular approved accommodation will fundamentally alter the essential elements of a program, course or activity, the University staff member responsible for the program, course or activity (i.e. the instructor) should contact SDS to discuss the ways in which the accommodation causes a fundamental alteration. *The accommodation in question should continue to be provided to the student while the issue is resolved.* If SDS finds that the accommodation in question does fundamentally alter the essential elements of the program, course or activity, the student will be notified that the accommodation is unreasonable in this specific situation and the accommodation will be discontinued. SDS will work with the student and instructor to try and identify an alternate accommodation that does not cause a fundamental alteration of the essential elements of the program, course or activity.

Procedures for Requesting Accommodations Each Semester

It is the responsibility of verified students to request accommodations each semester if needed. SDS does not automatically implement accommodations each semester. Students desiring accommodations should meet with SDS staff after registering for classes. Students will be required to complete a Classroom Accommodations Request form each semester detailing their class schedule and which approved accommodations they are requesting in each class. After completing this form, students will receive copies of the Instructor Notification of Classroom Accommodations form for each instructor. **It is the responsibility of the student to request accommodations from each instructor by delivering to the instructor a copy of the Instructor Notification of Classroom Accommodations form.** Instructors are not required to provide classroom accommodations until a copy of this form is delivered to them by the student. In addition, as previously stated, the University is not required to provide accommodations retroactively. Because of this, it is in the best interest of the student to request accommodations as early in the semester as possible.

Procedures to Request a Change of Approved Accommodations

Students who have been verified as eligible for accommodations and have been approved for certain accommodations may request additions to or deletions from their previously approved accommodations if they believe a change may be a benefit in the classroom. Students requesting such a change should complete a Request for Change of Accommodations form detailing the requested change and the reasons for the requested change. SDS will review the request, in conjunction with the documentation on file, to see if there is support for the change. In some cases SDS may request additional documentation to support the request. SDS may also arrange to speak with the student in order to gather more information about the reasons for the request.

Confidentiality and Release of Information

SDS is committed to ensuring that all information regarding a student is kept confidential as required or permitted by law. Any information collected is used for the benefit of the student. This information may include test data, grades, biographical history, disability information, performance reviews, and case notes.

Guidelines for the treatment of such information have been adopted by SDS and are rigorously followed. These guidelines incorporate relevant state and federal regulations, and guidelines established by relevant professional associations.

Disability-related information is treated as medical information is treated. For example, University faculty and staff do not have a right or a need to access diagnostic or other information regarding a student's diagnosis; they only need to know what accommodations are necessary or appropriate to meet the student's disability-related needs. No one has access to student files at SDS except SDS staff. Information regarding a student's disability may be shared with a limited group of University officials on a "need to know" basis, such as when a student is appealing a disability-related decision or citing the disability as a mitigating circumstance in a course or program related issue.

In addition, information in files will not be released except in accordance with federal and state laws, which require release in the following circumstances if a student

- states he or she intends to harm him or herself or another person(s);
- reports or describes any physical abuse, neglect, or sexual abuse of children or vulnerable adults within the last three years (this includes the occurrence of abuse or neglect to the student if he or she was under age eighteen at the time of the abuse); A student's file may be released pursuant to a court order or subpoena.

A student may give written authorization for the released of information when she or he wishes to share it with others. Before giving such authorization, the student should understand the information is being released. Information will not be released without consent unless it is required by federal or state law.

SDS may charge a reasonable fee for photocopying information. SDS will retain a copy of all information provided. If a student wishes to have a record expunged, he or she must make a written request to the assistant director who will decide whether it is necessary for the office to retain the record.

A student has the right to review his or her own file.

Centralizing Disability-Related Documents

The University, in consultation with the office of the University Attorney and SDS, has

The University of Mississippi

established procedures for retaining any documentation or correspondence related to a student's disability. These procedures are the result of the University's responsibility to comply with the American with Disabilities Act of 1990. All disability-related documents are centralized in SDS. Departments or individuals should not keep copies of disability-related documents which they generate.

Any existing information related to a student's disability, including medical reports, should be forward to the Office of Student Disability Services, The University of Mississippi, 234 Martindale Student Center, University, MS 38677.

Destruction of Files

SDS will shred student files after they have been inactive for a period of five (5) years. Examples of an inactive file include but are not limited to files for those students who have been denied verification and files of students who have graduated or left the University. Students are encouraged to request a copy of their documentation before the five year period of time passes.

Training and Technical Assistance

SDS and the Office of Equal Opportunity & Regulatory Compliance (EORC) can provide training and technical assistance as needed to students, parents, staff, faculty and community members. Whether consultations, presentations, workshops, or comprehensive training programs, provided to individuals or entire units, all training and technical assistance is designed to meet the needs of the University for promoting access.

Staff members of SDS and EORC are authorities in their respective fields. They are able to assess needs, propose programs to meet a unit's objective, and provide the knowledge required to accomplish goals.

Training

Training is available on a variety of disability-related topics, including:

- general disability information
- the Americans with Disabilities Act
- disability awareness
- transition issues
- universal design of instruction
- communication access
- reasonable accommodations
- the disability rights movement
- program and policy evaluation

Customized training and presentations for departments and units can be arranged by contacting SDS and/or EORC.

Technical Assistance

Staff members at EORC are available to review building and remodeling plans and conduct site surveys for University departments and programs to ensure physical access. EORC works closely with Physical Plant and the ADA Coordinator. Technical assistance is also provided by SDS staff members for those who have questions about how to implement accommodations or how to make their classroom instruction more accessible.

The University of Mississippi
Appeal and Complaint Procedures

It is important that those with disabilities be aware of the right to appeal academic and/or disability-related decisions that are believed to have been made in error. The University of Mississippi has procedures in place for the appeal of academic decisions (such as grade appeals), for the appeal of disability-related decisions and for complaints of discrimination.

To appeal an **academic decision**, contact the Registrar's Office at (662) 915-7792 for information. In addition, the academic appeal process is out-lined in the M-Book.

To appeal a **disability-related decision** or to file a complaint about **disability discrimination**, contact Bettie T. Puckett, in the Office of Equal Opportunity & Regulatory Compliance at (662) 915-7735. You can also visit that office in room 217 Martindale Student Services Center.

University policy prohibits retaliatory action being taken against any complainant or any person assisting in the investigation of a complainant who is acting in good faith. Persons who knowingly bringing false allegations may be subjected to immediate disciplinary action

The University of Mississippi
Equal Opportunity Statements

Long Form

Publications originating from the University which are designed to attract employees at any level or to recruit students shall contain the following statement

The University of Mississippi does not discriminate on the basis of race, sex, color, religion, national origin, age, disability or veteran status in provision of educational or employment opportunities and benefits. This policy extends to both employment by as well as admission to and matriculation at the University. The University does not discriminate on the basis of race, sex or disability in the education programs and activities which it operates, pursuant to the requirements of Title IX of the Education Amendments Act of 1972, Pub. L. 920318; and Section 504 of the Rehabilitation Act of 1973, Pub. L, 92- 318; respectively, or on the basis of Titles VI and VII of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, and the Age Discrimination in Employment Act with regard to employment, services and programs.

The required notice(s) is extended to catalogs, course timetables, seminars and program announcements, and other publications designed to apprise members of the University community, and the public generally, of the availability of University programs and activities in which they are invited to participate.

Short Form

The short form may be used for advertising positions, for poster, and in other instances where there is space limitation.

The University of Mississippi is an EEO/AA/Title VI/Title IX Section 504/ADA/ADEA employer.

Inquiries concerning compliance should be directed to the Office of Equal Opportunity and Regulatory Compliance, University of Mississippi, 38677. Inquires also may be made by calling (662) 915-7735.

The University of Mississippi
Disability Access Statements

When planning conferences, events, and activities, have someone in your office or department be responsible for handling request for accommodations. In registration brochures, invitations, or fliers, use the following access statement

If you require special assistance relating to a disability, please contact (enter name and telephone number of contact person).

Publications, such as course syllabi, college bulletins, program brochures, class schedules, newsletters, and instructional publications must be provided in alternative formats (braille, large print, tape, electronic) upon request; document conversion may be provided through SDS, (662) 915-7128. In these publications use one of the following statements

This publication material is available in alternative formats upon request. Please contact (name, department, address, phone number).

It is University policy to provide, on a flexible and individual basis, reasonable accommodations to students who have disabilities that may affect their ability to participate in course activities or meet course requirements. Students with disabilities are encouraged to contact their instructors to discuss their individual needs for accommodations.

POLICIES FOR INDIVIDUAL ACCOMMODATIONS/MODIFICATIONS

Reduced Course Load Policy and Procedures

Purpose

The purpose of this policy is to provide full-time status to students with significant disabilities who, because of the impact of their disability, may be unable to carry a full-time course load. This accommodation will allow these students the benefits and privileges provided to full-time students, allowing them full participation in and access to the services, programs, facilities, and activities of The University of Mississippi.

The Law

The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act mandate that no otherwise qualified individual with a disability shall, by reason of that disability, be excluded from participation in or be denied the benefits of the services, programs or activities of a public entity, or be subjected to discrimination by any such entity. Subpart E of Section 504 of the Rehabilitation Act allows for the possibility that among the reasonable academic adjustments that may be appropriate (subsection 104.44) is extended time for a course of study. Under certain circumstances, students with verified disabilities may be allowed to take a lower course load without penalty or loss of privileges if their disability precludes their being able to handle the traditional full-time course load.

Policy

The accommodation of a Reduced Course Load (RCL) is generally defined as being registered for fewer than twelve (12) hours, for undergraduate students, and fewer than nine (9) hours for graduate students, during a particular semester provided that such a reduction in course load does not fundamentally alter or affect the academic integrity of the program in which the student is enrolled. This accommodation is not considered to be a permanent accommodation and students are approved only on a semester basis. Students must resubmit a request for each semester the accommodation is wanted.

Students requesting this accommodation must be registered with the Office of Student Disability Services (SDS). Under extraordinary circumstances, SDS may approve a RCL as an accommodation for a student whose disability is having a significant impact on his/her ability to carry a full-time course load. Unlike part-time status, authorization of a RCL allows a student to register for a course load that is less than full-time while still being considered a full-time student. Students approved for this accommodation are entitled to all services enjoyed by full-time students, except in situations controlled by external entities not bound by this policy or when the accommodation would substantially alter the academic program.

Examples of university services that fall under this policy may include, but are not limited to, Student Health Services, athletic tickets, full use of facilities, participation in organizations, eligibility for academic honors (provided the required GPA is met), and residing in Residence Halls.

All requests for this accommodation must be made no later than the drop/add deadline during the semester in question. Requests received after the University's established deadline will be considered only under extreme circumstances.

Please note that monetary charges other than tuition, such as housing, are not affected by this accommodation.

Possible Impact of a RCL

It is the student's responsibility to be aware that there are academic and financial implications when a RCL is requested and approved.

Students are encouraged to discuss a RCL with their academic advisors. A RCL may cause delays in academic progress that are essential to the student's program of study. Students are responsible for collaborating with their academic School or College to ensure that all mandatory requirements of the program are successfully met.

It is also important to note that a RCL may not satisfy the definition of full-time status for federally regulated agencies such as financial aid, veteran's benefits, Vocational Rehabilitation, etc. Other outside organizations, such as the NCAA and insurance carriers, may also not recognize the University's definition for full-time status per their own guidelines and policies. Students are strongly encouraged to contact any such agencies to discuss the possible impact of this accommodation prior to submitting a request for this accommodation to SDS.

Procedure for Requesting a RCL

1. Students must be verified through SDS before requesting this accommodation.
2. All requests for this accommodation should be submitted to SDS in writing. The student should include the following information in the written request:
 - Name and contact information
 - University ID number
 - The semester in which the accommodation is being requested
 - Details, in the student's own words, regarding how the student's current functioning significantly impacts the student's participation in a full-time course load.
3. The student should submit current documentation or a letter of support from an appropriate professional who has met with the student. The documentation should support the student's request for a RCL and should include the following:
 - The documentation/letter of support should be written on letterhead and should include the professional's contact information.
 - It should include a detailed narrative indicating how the student's current functioning substantially impacts and limits his/her ability to take a full-time course

The University of Mississippi

load.

- The documentation/letter of support should be signed by the professional who wrote it.
4. Once the student's request and the supporting documentation are received, SDS staff will review the reasonableness of the request. During this review, SDS staff will look at the student's reasons for requesting the accommodation, the supporting information, and the student's history with the SDS office. The student and the professional who provided the supporting documentation may be contacted for additional information. The student's academic Dean and/or advisor may also be consulted for specific program information.
 5. When a decision is made, the student will be contacted and a meeting will be arranged.

If the accommodation request is **denied** the student will be provided with a written explanation for the denial and the reasons for the denial will be discussed with the student. In addition, the student will be given information about how to appeal the decision.

If the accommodation request is **approved** the policy for this accommodation will be given to and reviewed with the student. The student will then be required to sign an Approved Reduced Course Load form indicating that the student has received a copy of the policy and is aware of the possible academic and financial implications of the accommodation.

6. Copies of the signed Approved Reduced Course Load form will be forwarded to:
 - Office of the Registrar
 - Financial Aid Office
 - Department of Housing and Residence Life (if applicable)
 - The student's academic advisor
 - The dean of the College or School
 - Office of the Provost