

Policy Title: **STUDENTS WITH DISABILITIES**

It is the intent of Fox Valley Technical College to comply with all applicable provisions of Section 504 of the Rehabilitation Act of 1973 and Americans with Disabilities Act of 1990 (including amendments) to insure that students with disabilities who are covered by such laws are not discriminated against due to their disabilities, and are able to access, participate, and benefit from any program or activity operated by the District.

**Section I. Definitions**

1. **Person with a disability:** Any person who has a mental or physical impairment that substantially limits one or more major life activities (such as performing manual tasks, seeing, hearing, speaking, breathing, learning, eating, sleeping, walking, standing, lifting, bending, communicating, etc.), or who has a record of such impairment(s), or who is regarded as having such an impairment. This also includes operation of major bodily functions, i.e. immune system, digestive, bladder, neurological, respiratory, circulatory, endocrine or reproductive. To be protected by the ADA and/or Section 504, the person must be a qualified individual with a disability.
2. **Qualified individual with a disability:** An individual who, with or without reasonable accommodations to rules, policies or practices, the removal of architectural barriers, or the provision of auxiliary aids and services, meets or exceeds the essential eligibility requirements (academic or other technical standards) for the receipt of services or participation in the program or activity.  
Note: Only one major life activity needs to be limited.
3. **Reasonable accommodation:** Reasonable or effective accommodations or adjustments will be provided for the known physical and mental limitations of qualified individuals with disabilities to ensure participation in FVTC's educational environment. Reasonable accommodations are modifications or adjustments to the tasks, environment or to the way things are usually done that enable individuals with disabilities to have an equal opportunity to participate in an academic program or job (U.S. Department of Education, 2007). Accommodations provided may include, but are not limited to, any of the following: equal access to college services, curricula, entrance requirements, programs or courses, removal of architectural barriers, opportunity to obtain access technology, and auxiliary services.

**Section II. Confidentiality**

Admission of a disability is voluntary and will be handled in a confidential manner as outlined in Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act of 1990, and the Family Educational Rights and Privacy Act of 1974, as amended.

**Section III. Accessing Accommodations for Individuals with Disabilities**

Individuals with disabilities have a right to request accommodations. Individuals will receive accommodations appropriate to their needs in order to fully participate in or benefit from the

college's programs, services and activities in a non-discriminatory, integrated manner. FVTC has developed procedures which recognize that responsibility for the implementation of reasonable accommodations is shared by FVTC staff, faculty and students. Coordination of services involves the student, staff and other pertinent individuals in a coordinated system.

1. Notification of FVTC's services and procedures for individuals seeking disability-related information is published and distributed in a comprehensive and timely manner.
2. FVTC has established an office for students with disabilities referred to as Educational Support Services. This office will assist individuals who seek disability-related information, services and/or accommodations.
3. Requests for accommodations should be submitted to FVTC in a timely manner. Anyone requesting accommodations may be required to provide specific documentation of his/her disability. The individual has the responsibility for disclosing and providing appropriate documentation.
4. Determining eligibility for services/or reasonable accommodations will be established by FVTC. Decisions will be made on a case-by-case basis through an interactive process with the applicant/student and Educational Support Services utilizing an intake process. In general, guests and visitors are accommodated by the program or activity in which they are participating.
5. Individuals seeking assistance from the Educational Support Services must self-identify and request services. Self-referral can occur before, during, or after enrollment, but FVTC reserves the right to deny services or accommodations pending the receipt of appropriate documentation.

#### **Section IV. Service Animals**

Students with disabilities who have service animals can participate in and benefit from district services, programs and activities, and are ensured that the College does not discriminate on the basis of disability as identified in Titles II and III of the Americans with Disabilities Act (ADA). The ADA authorizes places of public accommodation to impose restrictions if it is a safety requirement. Students utilizing service animals are encouraged to register with Educational Support Services.

Animals not meeting the below *Service Animal Definition* are not allowed in any FVTC campus property or facility.

##### **Section IV. a. Service Animal Definition**

- Beginning on March 15, 2011, only dogs (and in some cases, Miniature Horses) are recognized as service animals under Titles II and III of the ADA.
- A service animal is a dog that is individually trained to do work or perform tasks for a person with a disability.
- Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability.
- Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions:

1. Is the dog a service animal required because of a disability?
2. What work or task has the dog been trained to perform?

Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.

#### **Section IV. b. Types of Service Animals**

- **Dog in Training:** A dog being trained to perform as a service animal has the same rights as a fully-trained dog when accompanied by a trainer and identified as such.
- **Guide Dog:** Professionally trained to serve as a travel tool for persons who are blind or have severe visual impairments.
- **Hearing Dog:** Professionally trained to alert a person with significant hearing loss or who is deaf, when a particular sound occurs.
- **Miniature Horse:** Miniature horse service animals trained to do work or perform tasks for people with disabilities. The animals range in height from 24 to 34 inches measured to the shoulders, and generally weigh between 70 and 100 pounds. The miniature horse must be housebroken and under the owner's control. Other factors to consider:
  - The facility must be able to accommodate the horse's type, size and weight
  - The horse's presence must not compromise legitimate safety requirements necessary for safe operation of the facility
- **Service Dog:** Professionally trained to assist a person who has a mobility or health impairment.
- **SIG Dog:** Professionally trained to assist a person with autism. The dog alerts the partner to distracting repetitive movements and may provide support similar to that provided by a dog for a person who is vision- or hearing-impaired.
- **Seizure Response Dog:** Professionally trained to assist a person with a seizure disorder; how the dog serves the person depends on the person's needs. The dog may stand guard over the person during a seizure, or the dog may go for help. Some dogs have learned to predict a seizure and warn the person in advance.

#### **Section IV. c. Responsibilities of Individuals Using Service Animal**

- The owner must provide proof of current rabies vaccinations upon request.
- The service animal is in a harness or on a leash at all times.
- The service animal is under control and behaves properly at all times.
- The supervision of the service animal is the responsibility of its owner.
- Regular bathing of the service animal is expected to avoid odor and shedding.
- The service animal must be toilet trained; the owner is responsible for the cleanup of animal waste.
- The owner must use appropriate toilet areas for the service animal.

#### **Section IV.d. Removal of Service Animal from Campus**

If a service animal becomes aggressive and poses a direct threat to the health or safety of others, the student or campus visitor will be required to immediately remove the service animal from college property. This behavior includes excessive barking, running around without a leash, or growling/biting others. The student or campus visitor using the service animal is then expected to report such incidents to Educational Support Services within 24 hours of the occurrence.

An excessively unclean or unkempt service animal may be asked to leave campus until the problem is resolved.

#### **Section IV. e. Restrictions**

There are certain areas that may be considered unsafe for the service dog and its partner, or where the presence of an animal might interfere with the safety of others (machine rooms, kitchens and areas where protective clothing is necessary). Exceptions will be made on a case-by-case basis. If it is determined that an area is unsafe, reasonable accommodations will be provided to assure equal access to the student.

#### **Section IV. f. Best Practice**

Some individuals may have adverse reactions to a service dog due to allergies. If these circumstances arise, resolution of the complaint will take into consideration the needs of both parties and be as prompt as possible.

### **Section V. Grievance Procedure**

FVTC has adopted and publishes a grievance procedure that provides a prompt and equitable resolution of complaints alleging any action that would violate Title II of the ADA or Section 504. These procedures are applicable to any anticipated complaint, including appeal of a denied accommodation request.

#### **Student Disability Accommodation Requests Appeal Process**

1. If a student/prospective student with a disability disagrees with a decision regarding an accommodation request, an appeal can be filed. An appeal is defined as a written statement that contains the complainant's name, address, and describes FVTC's alleged discriminatory action in sufficient detail to inform FVTC of the nature and date(s) of the alleged violation. The appeal must be signed.
2. The appeal must be filed within thirty (30) working days of the alleged discriminatory action. The appeal must be submitted to Elizabeth Burns, ADA/504 Coordinator for Students, P.O. Box 2277, 1825 North Bluemound Drive, Appleton, WI 54912-2277, telephone 920-735-5795 or [burnse@fvtc.edu](mailto:burnse@fvtc.edu).
3. An investigation conducted by the ADA/504 Coordinator for Students shall follow the filing of an appeal. All interested parties and their representatives, if any, will be afforded the opportunity to submit evidence relevant to the appeal.
4. Pending the outcome of the appeal, disability-related accommodations already established by the College shall continue.

5. The complainant shall be given opportunity to provide additional information or statements. It is the complainant's responsibility to provide all necessary documentation in support of the complainant at his/her expense.
6. The complainant will be notified of the final decision in writing within thirty (30) working days after the appeal is filed.
7. The FVTC ADA/504 Coordinator for Students shall maintain the files and records relating to the appeals filed.
8. At any point in the process, or in lieu of the College's appeals process, an individual may also file an ADA or discrimination complaint with the appropriate external government agency.

The above stated procedures shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards, and to assure that Fox Valley Technical College complies with the ADA and Section 504 of the Rehabilitation Act and implementation of the regulations.

*Adopted: 05/21/01*  
*Reviewed: 02/21/18*  
*Revised: 03/09/18*