

## **ADMINISTRATIVE POLICY TYPE: STUDENTS**

### **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 but 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 insure participation in FVTC's educational environment. Accommodation provided may include, but is not limited to, any of the following: equal access to college services, curricula, entrance requirements, programs or courses; removal of architectural barriers, provision of academic modifications; 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.

Adopted: 05/21/01  
Reorganized: N/A  
Reviewed: 10/18/13  
Revised: 11/07/13

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### **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 the Special Needs Center. 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 the Special Needs Center 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. 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, a complaint can be filed. A complaint 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 complaint must be signed.
2. The written complaint must be filed within thirty (30) working days of the alleged discriminatory action. The complaint must be submitted to the ADA/504 Coordinator for Students or Dr. Patricia Jorgensen, Affirmative Action/EEO Officer, P.O. Box 2277, 1825

North Bluemound Drive, Appleton, WI 54912-2277. Telephone (920) 735-5649. Email jorgensep@fvtc.edu.

3. An investigation conducted by the ADA/504 Coordinator for Students or FVTC Affirmative Action Officer, as may be appropriate, shall follow the filing of a complaint. The ADA Committee will be notified and assist in the investigation. All interested parties and their representatives, if any, will be afforded the opportunity to submit evidence relevant to the complaint.
4. Pending the outcome of the complaint, 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 complaint is filed.
7. The FVTC ADA/504 Coordinator for Students shall maintain the files and records relating to the complaints filed.
8. The complainant can request a reconsideration of the case in instances of dissatisfaction with the resolution. The request for reconsideration must be made within ten (10) working days after receipt of the written decision. The request must be submitted to the FVTC ADA/504 Coordinator for Students, who will be responsible for convening a meeting with the ADA Committee, an instructional dean and/or Student Services associate dean, and Vice President for Student and Community Development, or Vice President for Instructional Services/Chief Academic Officer, or their designees. A written determination as to the validity of the complaint and a description of the resolution shall be issued by a vice president or designee and forwarded to the complainant within ten (10) working days after the request for reconsideration.
9. 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.