
UNIVERSITY CODES, POLICIES, AND GUIDELINES

DISABILITIES: SERVICES FOR STUDENTS

Introduction

Discrimination based on disability is prohibited by university policy and local and federal laws, including the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), the ADA Amendments Act of 2008 and the DC Human Rights Act (collectively "Disability Laws"). The university is committed to providing equal educational opportunities for qualified individuals with disabilities. This statement identifies university resources for students with disabilities, provides general information about the university's procedures for requesting accommodations, and describes informal and formal means of resolving complaints related to requested accommodations.

Definitions*

A person with a disability is one who (a) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (b) has a record of such impairment, or (c) is regarded as having such impairment.

"Physical or mental impairment" means (a) 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 (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin and endocrine, or (b) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

"Qualified person with a disability" as applied to students means a person who meets the academic and technical standards requisite to admission or participation in the university's educational program or activity, with or without reasonable accommodation.

"Reasonable accommodation" means the provision of certain necessary and effective adjustments to the known physical and mental limitations of an otherwise qualified individual with a disability, unless the accommodation would impose an undue burden or hardship on the university, or would produce a fundamental alteration of the university's programs or services.

Disability Compliance Project Team

The vice president of campus life, the vice president of finance and treasurer, and the provost have primary responsibility for the implementation of Section 504 and the Americans with Disabilities Act. The provost, in conjunction with the vice

president of Campus Life and the vice president of finance and treasurer, appoints the Disability Compliance Project Team to recommend priorities for compliance activities and to provide consultation on policy and programming.

504/ADA Compliance Coordinator

The director of Student Conduct and Conflict Resolution Services is the university's 504/ADA compliance coordinator. The 504/ADA Compliance Coordinator provides information about services and refers complainants to the appropriate office.

Support Services

The Academic Support Center (ASC) provides services for students with learning disabilities or Attention Deficit Hyperactivity Disorder (ADHD). Disability Support Services (DSS) provides services to students with all other disabilities. These services are provided to promote full participation in academic programs and other campus activities. DSS and the ASC have the specific responsibility for reviewing professionally prepared documentation of a disability, determining effective and reasonable modification for a disability, verifying a disability for faculty and other persons, and recommending course and learning accommodations on behalf of the university. DSS and the ASC also refer to other resources, both on and off campus.

Specific information about procedures for requesting accommodations may be obtained by contacting Disability Support Services at 202-885-3315. Students with learning disabilities or ADHD may contact the Academic Support Center at 202-885-3360.

Students enrolled in or seeking admission to the Washington College of Law should also consult the Handbook for Applicants and Students with Disabilities published by the Office of Student Services of the Washington College of Law (202-274-4030).

Auxiliary Aids

Students who need auxiliary aids will be permitted to use aids such as tape recorders, Braille or recorded texts, oral or manual interpreters, note takers, or other assistive or adaptive equipment. In many cases, the university's role will be to inform students of programs or organizations which assist with auxiliary aids. The university's responsibility for providing auxiliary aids will be determined on a case-by-case basis.

The university does not provide wheelchairs, hearing aids, personal attendants, and other kinds of personal devices or services.

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Proof of Disability

Students with disabilities are not required to notify the university or any of its offices or personnel of their disabling condition either prior to or subsequent to their admission to the university. However, if students with disabilities request support services or program modifications on the basis of being disabled, the university must receive reasonable advance notice of such needs. If needed, the university will require written verification that the student has a disability that substantially limits one or more major life activities. The verification or supporting documentation must be from a licensed physician, licensed clinical psychologist, or other appropriate professional. Students with disabilities who anticipate that they may at some time request accommodations must notify and submit verification materials as needed as early as possible in advance of when the accommodations will be needed. Students with learning disabilities or ADHD should submit these materials to the Academic Support Center, and students with all other disabilities should submit them to DSS. These offices will then verify to other offices, as necessary, that a student is entitled to accommodations. The university reserves the right to modify accommodations.

Confidentiality

Information and records about a student's disability and accommodations are treated as confidential information. All university employees are required to maintain the confidentiality of any disability-related information about a student. To that end, information is provided on a need-to-know basis solely to individuals who require such information as part of the accommodation process, or where permitted or required by law. To protect confidentiality, all disability-related and medical information must be filed with Disability Support Services (or, in the case of students with learning disabilities, with the Academic Support Center), and generally not with individual offices.

Grievance Procedures

The university's Discrimination and Discriminatory Harassment Policy protects the rights of individuals with disabilities to be free from harassment and discrimination, and to be reasonably accommodated by the university. Students who feel that their rights under that policy have been violated may use these grievance procedures to file a complaint. Students may file a complaint with the university's 504/ADA Compliance Coordinator who also serves as the Director of Student Conduct and Conflict Resolution Services. The 504/ADA Compliance Coordinator may be reached in person at Butler Pavilion 408, Washington, DC 20016-8148, by phone at 202-885-3328, or via e-mail at conduct@american.edu.

A. Purpose

The purpose of the grievance procedures is to provide corrective actions, as warranted. Actions may include reasonable accommodation or adjustments, measures to reverse the effects of discrimination, and/or measures to ensure proper ongoing accommodations. Discipline is generally not a remedy for a complaint but, where appropriate, it will be pursued against individuals who have violated university policy, including policies against discrimination. Because the purpose of this procedure is to provide corrective action, a complaint must be filed as soon as possible, but no later than one year, after the alleged discrimination, in order to give the university a meaningful opportunity to resolve the problem. A delay in filing a complaint may severely affect available remedies.

B. Filing a Complaint

1. A complaint must be submitted in writing and contain the name and address of the person filing the complaint ("complainant") and a description of the allegation(s) of discrimination. The complainant must set forth specific facts and circumstances and include any supporting documentation.

2. The 504/ADA Compliance Coordinator will accept the complaint, notify the subject of the complaint ("respondent"), and gather information and documentation from both parties. The respondent may submit a written statement which will become part of the record. The 504/ADA Compliance Coordinator is a neutral facilitator of this grievance process and will make no findings of fact. If appropriate, the 504/ADA Compliance Coordinator will facilitate a resolution. The 504/ADA Compliance Coordinator will advise both parties of the procedures under this process.

C. Resolution Procedures

1. Informal Mediation and Consultation

If appropriate and voluntarily entered into by all parties, a staff member of Mediation Services may conduct a meeting with the complainant and the respondent in an effort to reach a mutually acceptable agreement. The agreement or results from the meeting will be issued in writing and forwarded to the relevant parties.

2. Formal Grievance

If the complainant is not satisfied with the outcome of the informal resolution or prefers a formal procedure from the outset, the complainant may request the formal procedure. In such instances, the 504/ADA Compliance Coordinator will convene a Grievance Committee comprised of three professional staff or faculty members who will hear and decide upon

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the matter. Prior to the hearing, the 504/ADA Compliance Coordinator will collect relevant information and provide copies of these materials to the complainant and respondent. Parties to a grievance will have an opportunity to state their case at the hearing; the committee will have the right to ask questions and make further inquiries, as necessary. After the committee completes the proceeding and makes findings, it will render a written decision and forward it to the relevant parties for implementation.

3. Advisors

At their own discretion, complainants and respondents may be advised by an American University student, faculty, or staff member. The role of advisors is limited to consultation and support. While advisors may be present at a proceeding, they may not address the Grievance Committee or question witnesses. Because the purpose of this proceeding is to provide a fair review of complaints filed by students with disabilities rather than a formal legal proceeding, participation of persons acting as legal counsel is not permitted.

4. Request for Accommodations

The 504/ADA Compliance Coordinator will provide complainants and respondents with reasonable accommodations to participate in an informal or formal grievance. Accommodations may include, but are not limited to, sign language interpreting services or information in alternative formats. A party may contact the 504/ADA Compliance Coordinator to request an accommodation for a disability to participate in the grievance process. The 504/ADA Compliance Coordinator will interact with a party and the appropriate university disability offices to review the request. Generally, a five business day advance notice of an accommodation is required to review reasonable accommodation requests. However, a response to an immediate need for accommodation will be considered to the fullest extent possible.

D. Appeal Procedures

The decision of the committee may be appealed on the following limited bases: (1) new information that significantly alters the findings of fact; (2) improper procedures in handling the formal grievance which are significant and resulted in an adverse finding; or (3) inappropriate remedy. Both the complainant and the respondent may appeal the decision of the committee to the appropriate vice president(s) or provost of the university who will render a final decision.

- The appeal must be submitted in writing and specify the grounds for appeal. The appeal must be delivered to the 504/ADA Compliance Coordinator within seven (7) business days after the decision of the Grievance Committee.

- The 504/ADA Compliance Coordinator will forward the grievance file including, without limitation, the committee's report and the appellant's appeal to the reviewing vice president(s) or provost. The reviewing vice president(s) or provost may affirm or modify the decision of the committee or may remand the case to the committee for further consideration. The committee will forward its recommendations to the vice president(s) or provost for a decision. Decisions rendered by the vice president(s) or provost are final.

E. Records

The grievance file will be maintained by Student Conduct and Conflict Resolution Services. All records are confidential, accessible only to individuals with a legitimate need to know.

F. Retaliation

Filing an informal or formal complaint of discrimination is a protected activity under the law. Retaliation against anyone who files a complaint, who supports or assists an individual in pursuing a complaint, or who participates in the resolution of a complaint is prohibited. Any retaliatory action may be the basis of another complaint under this policy and may subject the individual engaged in retaliation to discipline under the appropriate student, staff, or faculty disciplinary policies.

G. False or Frivolous Charges

This policy may not be used to bring false or frivolous charges. Those bringing such charges may be subject to disciplinary action.

H. Confidentiality

All reports or complaints of discrimination are confidential. Individuals with a legitimate need to know will be informed of the complaint in order for the university to conduct a meaningful review and for the purpose of determining whether the complaint is isolated, frequent, part of a pattern of practice, or pervasive.

Notification Requirement

The university will issue periodic statements of the university's intent not to discriminate on the basis of disability. All university publications and advertisements will include the most current version of the Equal Opportunity Notice. Other forms of internal notification will be determined by the Disability Compliance Project Team or by the Section 504/ADA Compliance Coordinator.

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IMPORTANT TELEPHONE NUMBERS

Office of the Dean of Students
Butler 408
202-885-3300

Disability Support Services
Mary Graydon Center 206
202-885-3315

Academic Support Center
Mary Graydon Center 243
202-885-3360

Public Safety
Public Safety Building
202-885-2527

504/ADA Compliance Coordinator
Butler Pavilion 408D
202-885-3328

Office of Student Services
Washington College of Law
4801 Massachusetts Avenue, NW
Washington, DC 20016
202-274-4030

The university reserves the right to amend this policy with or without notice.

This document is available in alternative formats upon request

*Definitions are taken from the Americans with Disabilities Act of 1990 and its implementing regulation, and the ADA Amendments Act of 2008. These definitions are provided for informational purposes only and are not meant to alter existing local laws or regulations.