



## 8.1.098

# Student ADA Access and Reasonable Accommodations Policy

Date of last board of trustees review: March 13, 2024

The originator of this policy is the Accessibility & Disability Services director. Questions regarding this policy may be directed to the originator by calling 801-957-4736.

## 1. Policy

Salt Lake Community College is committed to building and maintaining a community that reflects diversity and improves opportunities for all individuals with disabilities. As part of this commitment, these policies and procedures will ensure that qualified students with disabilities are not subjected to discrimination or denied full and equal access to all programs offered by the college based on their disability. The college prohibits any discrimination against persons with disabilities.

## 2. References

- A. Americans with Disabilities Act (ADA) of 1990, 42 U.S.C. §12101 et seq. (1990).
- B. ADA Amendments Act (ADAAA) of 2008, Pub. L. 110-325
- C. Rehabilitation Act of 1973, 29 U.S.C. §701 et seq. (1973).
- D. Utah Code §34A-5-106(7)(c) (2016).
- E. Fair Housing Act 42 U.S.C. §3601 et seq.

## 8.1.098

# Student ADA Access and Reasonable Accommodations Procedure

Date of last executive cabinet review: January 23, 2024

The originator of this procedure is the Accessibility & Disability Services director. Questions regarding this procedure may be directed to the originator by calling 801-957-4736.

### 3. Definitions

- A. **Accessible:** the opportunity to acquire comparable information, engage in comparable interactions, access comparable educational opportunities, and enjoy comparable services as a person without a disability in an equally effective and equally integrated manner, with substantially equivalent ease of use. This principle aims for an equally effective and integrated experience, removing barriers and providing substantially equivalent ease of use across physical spaces, digital resources, programs, and services within the institution.
- B. **Disability:** a mental or physical impairment, which may be temporary, that substantially limits one or more major life activities of an individual, has a record of such impairment, or is regarded as having such an impairment.
- C. **Essential Requirements:** the learning outcomes or objectives, conduct standards, performance expectations, and assignments, activities, or assessments that are essential to a degree, program, or course.
- D. **Fundamental Alteration:** a significant change to a college program, service, or activity that substantially changes the essential nature of the program, service, or activity.
- E. **Interactive Process:** a collaborative exchange of information, requests, and potential accommodations through which a qualified individual with a disability and [Accessibility & Disability Services \(ADS\)](#) better understand the precise limitations created by the disability and which reasonable accommodations may enable a student to perform essential requirements and otherwise access the programs, activities, and facilities available to other qualified students. The interactive nature of this process emphasizes open communication, flexibility, and a case-by-case approach to finding reasonable and effective solutions tailored to the individual's needs while considering the constraints

and requirements of the situation.

- F. **Major Life Activity:** includes, but is not limited to, caring for oneself, performing manual tasks, walking, sitting, standing, lifting, reaching, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, bending, reading, concentrating, thinking and communicating, as well as the normal operations of major bodily systems including but not limited to the immune system, normal cell growth, digestive, bowel, bladder, complications from pregnancy, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. Understanding and acknowledging limitations in these activities and bodily systems are critical in evaluating the impact of disabilities and determining appropriate accommodations or support.
- G. **Miniature Horse:** a horse whose height generally ranges from 24 inches to 34 inches when measured to the shoulders. Its weight generally ranges from between 70 and 100 pounds.
- H. **Program:** any activity, course, benefit, or service provided by or substantially supported by the college.
- I. **Qualified Student with a Disability:** an individual with a mental or physical condition who meets the eligibility requirements for a college program, course, service, or activity participation with or without a reasonable accommodation.
- J. **Reasonable Accommodation:** a modification, adjustment, or change made in the policy, practice, environment, or procedure to provide individuals with disabilities equal access to opportunities and enable their participation in programs, courses, services, or activities. These accommodations are tailored to address barriers posed by the disability while ensuring that essential core elements of a program or service remain intact. These accommodations aim to mitigate the impact of the disability and do not cause a fundamental alteration or undue hardship.
- K. **Service animals:** dogs and miniature horses that are individually trained to do work or perform tasks for persons with disabilities.
- L. **Substantially Limits:** an impairment that significantly restricts the duration, manner, or condition under which an individual can perform a particular major life activity compared to the ability of the typical person in the general population to perform the same major life activity. This is a considerable limitation, rather than a minor or temporary restriction.
- M. **Undue hardship:** an accommodation that causes substantial difficulty or disruption when considering the nature and impact of the accommodation on the nature or operation of the program, course, service, or activity.

#### 4. Procedures

## A. General

This policy applies to students and persons who interact with the college, including:

1. All potential, past, current, and future college students, regardless of the educational delivery and practices, including [academic adjustments](#). This applies to students at all campuses and students engaged in distance learning.
2. Concurrent enrollment high school students attending classes at SLCC campuses, accommodations will be provided by the [Office of Accessibility & Disability Services \(ADS\)](#). For students attending classes at their high school, the school district is responsible for providing a plan to meet their educational needs in conjunction with ADS.
3. All students who engage with the college through student programs over which the college exercises substantial control, which may occur outside of the classroom or campus but are a vital part of the college experience, e.g., sponsored events and extension programs.
4. Students and people who participate in trainings or programs sponsored by the college that take place in their workplace or off campus. ADS, in conjunction with the individual workplace, are responsible for providing a plan to meet their educational needs.
5. All students and people with public access to college programs and other offerings for students. This includes but is not limited to athletic events, parking, conferences, and any other student event or service open to the public.
6. All students and people who use facilities and property owned, operated by, or rented by the college for student purposes.
7. All students who use the college's electronic and information technology services, including delivery platforms.

## B. Requesting Accommodations

1. All students with a disability may request an accommodation through ADS. The college evaluates all accommodation requests through an interactive process in accordance with state and federal law.

### 2. Public Campus Accommodations

Students and individuals seeking accommodations to attend public student functions and facilities of the College should contact the ADS Director at 801-957-4659 at least 7 days before the event

### 3. Student Employee Work Setting Accommodations

Student employees must make accommodation requests related to their work for the college by contacting the FML/ADA Coordinator by submitting an online [Employee Accommodation Request Form](#), or following another option as outlined in the Employee ADA Access and Reasonable Accommodations policy. The ADS Office cannot provide employment accommodations, and accommodations provided to students are not automatically transferred in the individual's role as an employee.

#### 4. Student Educational Setting Accommodations

- a. A student may make accommodation requests each semester through the ADS:
  - (1) by phone at 801-957-4659;
  - (2) by contacting their ADS Advisor;
  - (3) [online through the Student Accommodation Application](#), or
  - (4) by requesting services [in person](#).
- b. As part of the application, students must submit documentation of their disability and its current impact in an educational setting. Documentation should:
  - (1) be from a licensed professional who is not related to the student, such as a medical doctor, audiologist, or therapist/counselor;
  - (2) be written on letterhead, with the name and provider credentials;
  - (3) identify the correlation between the provider's credentials and their diagnosis;
  - (4) clearly state the disability; and
  - (5) describe how the disability substantially limits major life activities, focusing on activities in an educational setting.
- c. Students must communicate with ADS staff in writing, in person, or via other methods as part of the process.
- d. Once documentation has been submitted and reviewed, the ADS staff and student will determine timely reasonable accommodations and/or academic adjustments to provide access to college educational programs.
- e. ADS staff may approve documentation not compliant with section 4.B.4.b. if, in their sole professional judgment, the submitted documentation or information reliably establishes the nature and scope of the student's disability and need for services

## 5. Parking Accommodations

- a. Students with short-term accessible parking needs must contact ADS at 801-957-4659. A map of these locations can be found on the [Parking Services webpage](#).
- b. The college has designated parking stalls for individuals with disabilities on all [campuses](#).

## C. Review and Determination of Student Accommodation Requests

1. The ADS Advisor will review the accommodation request and all supporting documentation, including medical documentation, and then engage in the interactive process with the student and the faculty or staff member implementing the accommodation to identify functional limitations and reasonable accommodations.
2. When making determinations about eligibility and accommodations, ADS staff can use:
  - a. any relevant source of information; and
  - b. their best professional judgment in evaluating student documentation and accommodation requests.
3. Criteria for Evaluating Accommodation Requests

### a. Substantial Limitations

When evaluating how a disability substantially limits major life activities relating to the need for a reasonable accommodation, the following factors will be considered:

- (1) the nature and severity of the impairment;
- (2) the duration or expected duration of the impairment;
- (3) impact on function and use caused by the impairment; and
- (4) environmental barriers that may impact the impairment.

### b. Fundamental Alteration and Undue Hardship

When evaluating an accommodation request, the ADS Advisor shall evaluate whether the requested accommodation:

- (1) fundamentally alters the nature of the program, course, activity, or service;
- or

(2) constitutes an undue hardship on the college or the department providing the program, course, activity, or service.

**4. Reasonable Accommodation Determination**

a. The ADS Advisor may develop reasonable accommodations using the interactive process. Accommodations will be determined on a case-by-case basis.

b. Procedure

(1) The ADS Advisor's determination of a reasonable accommodation must be provided in writing and specify the reasonable accommodations being provided to the student;

(2) The written letter of accommodation must be provided to the student and the member of faculty and/or staff responsible for implementing the determination; and

(3) The faculty and/or staff member who receive the letter of accommodation are responsible for timely implementation of the determination.

**D. How to Appeal an ADS Reasonable Accommodation**

1. The student may request an appeal of the reasonable accommodation determination by submitting a written appeal to the Dean of Students within ten business days of the date that the accommodation determination is sent to the student and relevant faculty or staff member. The written appeal should include:

a. the grounds and explanation for the appeal; and

b. any new documentation supporting the appeal that was not available at the time of the ADS Advisor's Decision.

2. Upon receipt of the Appeal, the Dean of Students will provide a copy of the appeal to the ADS Advisor and non-appealing party.

3. If the appeal or supporting documentation contains personal medical information, the Dean of Students may, in the Dean's sole discretion, withhold the confidential information from one or all of the aforementioned parties.

4. The Dean of Students should consult with legal counsel regarding disclosing or withholding confidential information.

5. The Accommodation Review Committee will review the appeal. This Committee shall be comprised of

a. Dean of Students;

- b. FML/ADA Coordinator;
  - c. Director of Risk Management;
  - d. Office of General Counsel representative; and
  - e. Director of Diversity and Multicultural Affairs.
6. The Committee shall review the ADS Advisor's written decision and all supporting documentation reviewed by the ADS Advisor in making the accommodation decision. In reviewing the matter, the Committee, in its sole discretion, may consult with the ADS Director, supervisor, or employee.
  7. Within 20 calendar days of receiving the appeal, the Committee shall provide its decision in writing to the student, ADS Advisor, and related faculty or staff member.
  8. The Committee's written decision should avoid disclosing confidential medical information.
  9. The Committee's written decision shall be final and binding.

**E. Reporting Discrimination Against Individuals with Disabilities**

Any student, college community member, or user of college services who believes they have been discriminated against because of a disability may contact the director of ADS.

**F. Service Animals**

1. Students may bring [service animals](#), as defined by the ADA, on campus.
2. Only dogs, and in some cases miniature horses, are considered service animals under the ADA.
3. Students do not need to register with ADS to use a service animal on campus.
4. The student handler must determine when a situation is unsafe for their service animal and may necessitate an ADS accommodation request.
5. A student's service animal may be excluded from campuses and classrooms when the animal's behavior threatens the health and safety of others or if the handler does not maintain proper control of the animal. Each occurrence will be evaluated on an individual basis by ADS.
6. Dogs that do not perform an identifiable task or function directly related to a disability do not qualify as service animals under the ADA and are not allowed in college buildings.
7. Emotional Support Animals ("ESA") may be allowed in student housing under the



Fair Housing Act. ESA are not permitted in college facilities outside of student housing.

#### G. Student Confidentiality and Privacy

1. Information concerning a student's reasonable accommodation, medical condition, or medical history, shall be kept confidential, except that:
  - a. faculty and persons with a legitimate need to know, may be informed regarding the student-related accommodations for persons with disabilities;
  - b. medical and public safety officials may be informed where appropriate if the condition might require emergency treatment; and
  - c. employees with a duty to investigate compliance with the acts shall be provided disaggregated relevant information upon request.
2. Information concerning a student's medical condition or history shall be kept confidential.

#### H. Responsibilities

Duties of ADS Advisor, Student Requesting the Accommodation, and Faculty or Staff-member enforcing accommodation

1. ADS Advisor
  - a. Conduct accommodation reviews and issue written letters of accommodation;
  - b. Request necessary documentation, including medical documentation, in support of accommodation requests;
  - c. Direct the interactive process with the person implementing the accommodation;
  - d. Oversee and monitor the implementation of the accommodation;
  - e. Provide assistance and training to members of faculty, administration, and individuals responsible for implementing the accommodation;
  - f. Maintain strict confidentiality regarding student's accommodations and medical conditions; and
  - g. Take all additional necessary actions consistent with this policy's purposes.
2. Student Requesting Accommodation (Qualified Student with a Disability)
  - a. Initiate the accommodation process set forth in section 4.B.
  - b. Provide appropriate medical and other documentation or information that

confirms a disability, or that is requested by the ADS Advisor.

- c. Participate in the interactive process to identify appropriate reasonable accommodation.
3. Individuals that provide instruction or control a program must:
    - a. Refer student accommodation requests to ADS. Faculty and/or staff members are not permitted to develop ADA accommodations without ADS.
    - b. Engage in the interactive process with the ADS Advisor to develop appropriate and reasonable accommodations.
    - c. Comply with and implement reasonable accommodations under the direction of the ADS.
    - d. Maintain confidentiality of accommodation needs and medical information.
  4. College
    - a. Ensure that students with disabilities are provided with reasonable accommodation as outlined in this policy.
    - b. Ensure student access to all college programs while maintaining fundamental and essential program standards.
    - c. Inform college program participants about the availability of accommodations.
    - d. Identify and establish the abilities, skills, and knowledge necessary for entrance and ongoing participation in its programs and evaluate applicants and participants on this basis.
    - e. Make reasonable modifications to the environment, policy, or practice and/or provide auxiliary aids and services when a student's program is substantially impacted by their disability.
    - f. Inform students of the availability of internal and external [appeals processes](#) as applicable.
    - g. Determine necessary individuals to receive private information to establish and implement reasonable accommodations, reporting, and resolution as outlined in the policy.
    - h. Maintain confidentiality of personal medical information and educational records in compliance with federal student privacy laws and this policy.
  - I. Special Pregnancy-Related Accommodations
    1. Students who are seeking accommodation related to pregnancy, childbirth, false

pregnancy, termination of pregnancy, or recovery therefrom are not required to provide certification for more frequent restroom, food, or water breaks.

2. Student requests for consideration of pregnancy-related needs can be made with ADS using [this form](#).
3. Students can follow the appeals and grievances process for pregnancy-related accommodations on the [ADS website](#).