



## DRC ADMINISTRATIVE POLICY

# DRC 2: Disability Resource Center Overview of Policies and Procedures

## POLICY STATEMENT

This policy clarifies eligibility criteria for disability services at Nevada State College, as well as the respective rights and responsibilities of the DRC, students, and faculty.

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## DEFINITIONS

See DRC 1: Disability Resource Center Definitions for all relevant definitions as they apply to DRC policies.

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## PROCEDURES

### I. Disability Resource Center Mission Statement

The Nevada State College Disability Resource Center (DRC) ensures that all students with disabilities are afforded the opportunity to access the same educational opportunities, receive the same information, engage in the same interactions, and be empowered to enjoy the same college experience as students without disabilities by:

- Promoting self-advocacy, self-efficacy, and independence;
- Ensuring that students with disabilities are afforded reasonable and timely accommodations;
- Assisting the campus community in identifying barriers to accessibility and solutions for providing accessible facilities, courses, events, and activities;
- Utilizing and teaching Universal Design principles;
- Facilitating a campus culture of inclusion and awareness.

### II. Legal Requirements

It is the policy of Nevada State College to comply with the fundamental principles of nondiscrimination and accommodation in academic programs as set forth in the primary laws that affect higher education and disability. These include Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disability Act (ADA) and the ADAAA.

Section 504 Act states, “No otherwise qualified person with a disability in the United States...shall, solely by reason of disability, be denied the benefits of, be excluded from participation in, or subjected to discrimination under any program or activity receiving federal financial assistance.”

Section 504 defines a person with a disability as:

“Any person who:

1. Has a physical or mental impairment which substantially limits one or more major life activities;
2. Has a record of such an impairment;
3. Is regarded as having such impairment.”

At Nevada State College, a “qualified person with a disability” is defined as one who meets the above definition of a person with a disability and who meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by NSC.

Section 504 further states that an institution “shall make such modifications (reasonable accommodations) to its academic requirements as are necessary to ensure that such requirements do not discriminate or have the effect of discrimination on the basis of handicap, against a qualified handicapped applicant or student ... Modifications may include changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted.” Accommodations are reviewed on a case-by-case basis to ensure that each Accommodation is both effective and reasonable.

The ADA provides further clarification of who qualifies as an Individual with a Disability. It also provides information on Service Animals, personal mobility devices, and Documentation standards.

None of Section 504, the ADA, or the ADA provides requires colleges to lower academic standards or substantially alter the essential fundamental elements of courses or programs to accommodate students with disabilities. The requirement to provide reasonable Accommodations is designed to afford an equal opportunity for students with disabilities. Achieving reasonable Accommodations for a student with a disability involves shared responsibility among students, faculty, and staff.

### **III. Student Rights and Responsibilities**

A student with a disability has a right to an equal opportunity to participate in and benefit from programs offered at Nevada State College. To ensure an efficient working relationship with the College’s DRC, students are urged to take an active role in applying for reasonable Accommodations. To protect this right, a Nevada State College student with a disability:

- Has a responsibility to provide Documentation of disability to the DRC;
- Has a responsibility to identify as needing an Accommodation according to the timelines listed in DRC 4: Policy on Requesting Approved Accommodations;
- Has a responsibility to actively participate in the search for Accommodations, as applicable;
- Has a responsibility to notify faculty of approved Accommodations;
- Has the same obligation as any student to meet and maintain the College’s academic and technical standards and Student Code of Conduct;
- Has a right to be evaluated based on ability, not disability;
- Is entitled to an equal opportunity to learn;
- Is entitled to an equal opportunity to participate in and benefit from the academic community, including access to services, extracurricular activities, and transportation at a comparable level as that provided to any other student;
- Has a right to appeal the College’s decisions concerning Accommodations, first informally by working with the DRC Director; second, formally and internally, by pursuing the College’s unlawful discrimination grievance process; and third, externally, by filing a complaint with the federal Office of Civil Rights at the U.S. Department of Education or through the civil court system.

### **IV. Faculty Rights and Responsibilities**

For many faculty members, having a student with a disability in class poses new and unique opportunities, privileges, and challenges. Faculty have both rights and responsibilities when working

with student with disabilities. The information provided below is designed to assist faculty in facilitating the process of integrating students with disabilities into the college environment.

Faculty:

- Have a responsibility to comply with Nevada State College policies, policies of the Nevada System of Higher Education (NSHE), Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and the ADA Amendments Act, as these laws apply to higher education;
- Have a responsibility to refer students to the DRC if they self-identify as having a disability to the faculty member and are not already receiving DRC services;
- Have a responsibility to implement the reasonable Accommodations established by the DRC for each student with disability;
- Have a responsibility to provide the DRC all print material that needs to be converted to an alternate format (e.g. large print, electronic text, Braille, taped) a minimum of three (3) Working Days in advance of the beginning of class;
- Have a responsibility to protect and maintain confidentiality at all times when working with students with disabilities;
- Have a responsibility to treat every student with dignity and respect;
- Have a right to require all students, regardless of disability, to meet and maintain Nevada State College's academic and technical standards. Although students with disabilities may use Accommodations, they must meet the same academic and technical standards as other students;
- Have a right to consult with the DRC Director and student if the location, delivery system, or instructional methodology limits the access, participation, or ability to benefit of any student with a disability. Collaboration ensures that reasonable Accommodations in those aspects of the course or program are identified and implemented and do not cause a Fundamental Alteration in the nature of the course;
- Have a right to teach in an environment supportive of learning and free of disruption. All students, regardless of disability, are required to follow the NSC Student Code of Conduct.

## **V. NSC Disability Resource Center Rights and Responsibilities**

The DRC is responsible for maintaining confidential student disability records and coordinating reasonable Accommodations and Services for students with disabilities. For some students this may involve a combination of student support services (e.g., tutoring, advising) and Accommodations. For others, a single Accommodation is all that may be required. The DRC Director oversees the scope of support services needed by an individual student. As a part of this process, the DRC:

- Has a responsibility to comply with Nevada State College policies, policies of the Nevada System of Higher Education (NSHE), Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act and the ADA Amendments Act, as they apply to higher education;
- Has a responsibility to maintain confidential records for self-identified students with disabilities;
- Has a responsibility to identify and coordinate reasonable Accommodations as indicated by the student's Documentation of disability and the Interactive Discussion;
- Has a responsibility to obtain and/or convert standard print material to alternate formats, as needed, in a timely manner;
- Has a responsibility to identify barriers for students with disabilities within NSC and to make recommendations for eliminating those barriers;
- Has a responsibility to protect and maintain confidentiality when working with students with disabilities;

- Has a responsibility to treat every student with dignity and respect;
- Has a right to require Documentation of disability and need prior to making Accommodations;
- Has a right to require all students, regardless of disability, to meet and maintain Nevada State College’s academic and technical standards and the Student Code of Conduct;
- Has a right to work in an environment supportive of learning and free from disruption. All students, regardless of disability, are required to follow the NSC Student Code of Conduct.

## VI. Confidentiality

Records related to disabilities are considered to be highly confidential. The purpose of such confidentiality is to protect the student from discrimination on the basis of disability as well as to ensure that the student’s medical records are not released except as needed to provide educational services. The DRC is responsible for collecting and maintaining these records, and only DRC personnel have direct access to the files. Disability-related information should be shared only when there is a legitimate educational need to know, and then only limited information shall be shared and only with designated college administrators. The DRC Director determines when it is appropriate to share information about students’ disabilities and/or Accommodations and ensures that FERPA, HIPAA, and primary guidelines are followed. In addition, the DRC may not share the nature of a student’s disability with faculty.

### A. Confidentiality and Parents of Students with Disabilities

Within the postsecondary education environment, DRC staff and other College employees may communicate only with the student who is an adult. Parents are not authorized to contact the DRC or try to complete Accommodations processes on behalf of a student, and the DRC is not able to work with parents who attempt to do so. It is the student’s right and responsibility to self-identify. If the student wants parents involved, the student may invite them to attend appointments. In that case, the student must complete the DRC’s release form granting permission for a parent to have access to information about their Accommodations and College-related information.

Confidentiality also extends to faculty, who may not share information with parents.

### B. Limits to Confidentiality

Exceptions to the protection of confidentiality include the following:

- A court-ordered subpoena;
- The student expresses intent to harm self or others;
- Report of abuse of a child, an individual with a disability, or an elderly individual.

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## FORMS/INSTRUCTIONS

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## CONTACTS

OFFICE/UNIT	CONTACT	PHONE	EMAIL
Disability Resource Center	DRC Director	X2180	<a href="mailto:drc@nsc.edu">drc@nsc.edu</a>

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## RELATED INFORMATION

- DRC 1: Disability Resource Center Definitions
  - DRC 4: Policy on Requesting Approved Accommodations
  - Americans with Disabilities Act of 1990
  - ADA Amendments Act of 2008
  - Section 504 of the Rehabilitation Act of 1973
  - Health Insurance Portability and Accountability Act of 1996 (HIPAA)
  - Family Educational Rights and Privacy Act of 1974 (FERPA)
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## HISTORY

N/A

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## APPROVAL SIGNATURE PAGE

Sharnee' Walker  06/05/19

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DRC Director

Date