



## Pima County Community College District Administrative Procedure

<i>AP Title:</i>	<b>Nondiscrimination of Students on the Basis of Disability — Academic Adjustments and Other Accommodations</b>
<i>AP Number:</i>	AP 3.46.03
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<i>Policy Title(s) &amp; No(s).</i>	Disabled Student Resources, BP 3.46
<i>Legal Reference:</i>	Title II and III of the Americans with Disabilities Act, as amended, 42 U.S.C. §12131 et seq., and its implementing regulation at 28 C.F.R. Part 35; and §504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. §794, and its implementing regulation at 34 C.F.R. Part 104
<i>Cross Reference:</i>	

### **PURPOSE**

#### Discrimination Prohibited

In compliance with Section 504 of the Rehabilitation Act of 1973, as amended (“Section 504”), and Titles II and III of the Americans with Disabilities Act, as amended (“the ADA”), Pima College prohibits unlawful discrimination on the basis of disability in its programs, services, and activities.

Pima College has a duty to ensure that qualified students with disabilities have the same opportunity to acquire the same information, engage in the same interactions, and enjoy the same services and benefits as persons without disabilities and to do so in prompt manner with substantially equivalent ease of use in the most integrated setting with other students. The College is committed to identifying and removing physical and other barriers that may impede the equal access of students with disabilities. The College will provide students with disabilities with effective academic adjustments, including educational auxiliary aids and services, and other accommodations.

In this Administrative Procedure (“AP”), student includes any applicant to be a student, admitted or currently enrolled student. Additional definitions that apply to this Administrative Procedure are provided in Section 12 below.

## **SECTION 1: Responsibility for Program**

The College’s Access and Disability Resources program (“ADR”) is responsible for providing the services set out in this Administrative Procedure. The ADR Director is responsible for the operations of ADR.

Any questions regarding the rights and responsibilities of either a student or the College should be directed to the ADR Director or to the ADA/504 Coordinator at 520-206-6688. The ADR Director’s and the ADA/504 Coordinator’s offices are located at West Campus, 2202 West Anklam Road, C-130.

## **SECTION 2: Process for Requesting Academic Adjustments and Other Accommodations**

### **2.1 Student Requests**

A student must first request an academic accommodation for it to be considered. To make such a request, a student must first submit an application with ADR. ADR offices are located at each campus. As set out in AP 3.46.02 Disability Documentation Requirements: Establishment of Eligibility for Services under ADA/Section 504, as part of their ADR application and intake process, a student must provide ADR with information verifying the nature and extent of the student’s disability.

Although students may request an academic adjustment or other accommodation at any time, students are encouraged to notify ADR as early as possible to ensure that

ADR has enough time to review the student's request in order to determine and provide appropriate accommodations, preferably before a class or program the student is taking begins. Some educational auxiliary services, such as the provision of interpreters, or the provision of books and materials in Braille, may take time to arrange.

A student should not wait until after completing a course or activity or receiving a poor grade to request services and expect that either their grade will be changed or their transcript will be changed to not include the first grade as well as the second grade obtained in the class. Generally, the College will not implement academic adjustments and other accommodations retroactively. If existing academic adjustments are not meeting a student's needs, it is the student's responsibility to notify the student's ADR Program Specialist as soon as possible.

Instructors and staff should recognize that a student's request for an academic adjustment or other accommodation may come in many forms. If a student indicates to an instructor/staff member in some way that he or she has a disability and requests a change in some aspect of course requirements, the instructor/staff member should view the request as a request for an academic adjustment, and the student should be immediately referred to ADR. The instructor/staff member should not make a determination concerning the appropriateness of any aspect of the student's request. Instructors, however, may agree to a request made by a student with a disability, if the instructor would honor the same request made by any other student. Any agreement between a student and an instructor will not be considered an approved academic adjustment unless it is first approved through an interactive process with ADR.

Third-party requests or suggestions will not be considered unless the student presents the request and or suggestion as part of the student's own request to ADR.

## 2.2 The Interactive Process

Academic adjustments or accommodations are intended to be individualized, based on the nature of a student's disability, and the academic environment. Determining effective academic accommodations for a student with a disability involves an interactive process between the student and an ADR Program Specialist. The following factors should be considered in the interactive process:

- Input from Students—Students with disabilities possess unique knowledge about their individual disabilities and should be prepared to discuss the functional challenges they face and, if applicable, what academic adjustments have or have not worked for them in the past.

- Supporting Proof of Disability (POD) documentation from qualified health care professionals, K-12 school documentation including IEP, MET, MDC, ISP, SOP, or 504 plans, and/or other documentation from professionals that support the input from the Student, or as spelled out in Administrative Procedure (AP) 3.46.02.
- Input from ADR Program Specialists—Program Specialists should be prepared to discuss barriers students may face in individual classes and academic adjustments that may enable students to overcome those barriers. Program Specialists should also be prepared to discuss with a student what academic adjustments may be appropriate in light of the student’s individual needs and the nature of the College’s programs.
- Input from Instructors and Deans—Instructors may provide information regarding their classes and/or the nature of the College’s programs. In complex or sensitive cases, the ADR Program Specialist should seek input from the applicable academic dean and/or instructor(s) regarding the nature of the classes and/or programs that would be impacted by any provided academic adjustment.

All students receiving academic adjustments still must meet the same academic standards delineated in an instructor’s syllabus as students without disabilities. An academic adjustment, however, may change how a student demonstrates their ability to meet the required academic standards.

The College is not required to provide academic adjustments or other accommodations that would (1) fundamentally alter the nature of a program, service or activity; (2) result in undue financial or administrative burdens; or (3) pose a direct threat to the student with a disability or others. A denial of an academic adjustment or other accommodation based on any one of the above standards must be made by both the ADR Director and the Provost (or Provost’s designee who is also an administrator).

Any determination by the ADR Director and the Provost (or designee) that a student’s request is a fundamental alteration—that changing or waiving a requirement would lower academic standards or impact an essential element of a program—will take into consideration the professional academic judgment of the Dean, Faculty, and/or other persons trained and experienced in the relevant area. Any decision must be in writing and provide support for the following: (1) the fundamental nature of the disputed requirement and whether the requirement is essential to a course or program of instruction; (2) alternatives were considered and rejected; and, (3) an individual determination was made concerning the student.

This denial of the requested accommodation on this basis must be determined within 15 working days of the request.

### **SECTION 3: Academic Adjustments**

#### **3.1 Modification of Academic Requirements**

Section 504 requires the College to make modifications to its academic requirements that are necessary to ensure that such requirements do not discriminate against students with disabilities.

As appropriate, modifications may include changes in the length of time permitted for the completion of degree or program requirements, substitution or waiver of specific courses required for completion of degree requirements and adaption of the manner in which specific courses are conducted.

See Exhibit A to this AP for more information on Class Substitutions. The College is not required to modify an academic requirement that it can demonstrate is essential to a course or program of instruction, including an academic requirement that is directly related to a licensing requirement. In these cases, allowing a class substitution or waiver would be a fundamental alteration of a degree or certificate program.

#### **3.2 Educational Auxiliary Aids and Services**

For impairments related to sensory, manual or speaking skills, Section 504 requires the College to ensure that no student with a disability is subjected to discrimination in educational opportunities because of the absence of educational auxiliary aids and services.

The College will give primary consideration to the accommodation that a student requests for a particular auxiliary aid or service. The College may provide an alternative aid or service only if the alternative is equally effective. The College is not generally required to provide more than one method of communication in a particular situation, so long as the method chosen provides equally effective communication. The College is also not required to provide a student with an auxiliary aid or service that would be a fundamental alteration of a College program, service or activity.

Examples of auxiliary aids and services may include recorded texts, ASL Interpreters or other effective methods of making orally delivered materials

available to student who is Deaf/deaf or Hard of Hearing, readers in libraries for students with visual impairments, classroom equipment adapted for use by students with manual impairments, and other similar services and actions.

ADR recognizes that each student with a disability has unique needs and that new technologies are being developed continually. ADR encourages students with disabilities to suggest ideas for auxiliary aids and services that are not on the list. See Exhibit B to this AP for more information on auxiliary aids and services provided to the Deaf/deaf or Hard of Hearing. See Exhibit C to this AP for more information on note taking services. The College does not provide students with personal attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature.

### 3.3 Modifications to Testing

Section 504 requires the College to modify testing conditions for a student who has a disability that impairs sensory, manual, or speaking skills. The goal is to ensure that the results of the test represent the student's achievement in the course rather than the student's disability.

### 3.4 Prohibiting Rules that Limit Participation

Rules that have the effect of limiting the participation of students with disabilities may not be adopted. This includes rules that generally prohibit the use of recording devices or braille in classrooms, or the use of dog guides and service dogs in campus buildings.

The instructor will be informed of the student's accommodation to record class sessions. Students whose accommodations include recording of class sessions may be required to sign an agreement that the recording will be made for personal use only and they will not release recordings or transcriptions of lectures, or otherwise impair copyright.

## **SECTION 4: Program Accessibility**

Pursuant to Section 504, the College must not subject any qualified individual with a disability to discrimination under any of its programs, services, or activities because College facilities are inaccessible or, or unusable by individuals with disabilities. The College must also make its programs, services, and activities accessible to and usable by any qualified individual with a disability, unless doing

so would result in a fundamental alteration to the nature of it's programs, services, and activities or would result in undue.

ADR shall consult with the College's Assistant Vice Chancellor of Facilities regarding any accommodation request that involves the removal of a physical barrier.

### **SECTION 5: Notifying Students of Adverse Decisions**

An ADR Program Specialist will provide prompt written notice to a student if a determination is made that: (1) the student does not meet eligibility requirements under the ADA/Section 504; or (2) one or more of the student's requested academic adjustments or other accommodations have been denied or modified. If an academic adjustment request has been denied or modified, the student shall also be informed in the notice of their right to appeal.

### **SECTION 6: Student Complaint/Appeal Process**

A student may file a complaint regarding any determination that has been made by the College, or its employees or agents, concerning a student's disability, including the following: (1) whether a student is a disabled student; (2) whether the College has failed to provide an academic adjustment, educational auxiliary aid or service, and/ or other accommodation; (3) whether the College has timely provided an academic adjustment, auxiliary aid and service and/or other accommodation; (4) whether a student is being discriminated against in violation of the ADA and/or Section 504; or (5) whether a student is being subjected to unlawful retaliation in violation of the ADA and/or Section 504.

The process and requirements relating to student appeals and complaints are set out in Administrative Procedure 3.46.06: Complaint Procedure for Students with Disabilities; AP 3.46.06 is accessible on the College's website at [www.pima.edu/current-students/disabled-student-resources/rights-and-responsibilities.html](http://www.pima.edu/current-students/disabled-student-resources/rights-and-responsibilities.html).

### **SECTION 7: Letter of Accommodation(s)**

Once individualized accommodations have been determined for each class or activity, the ADR Specialist will prepare a Letter of Accommodation(s) for each class or activity and will provide the Letter of Accommodation(s) to the student and instructor before the class or activity begins or within 5 working days of the approval of the academic adjustment, whichever comes later. The Student Service

Plan will address each a individualized accommodations and when and where the academic adjustment will be provided.

## **SECTION 8: Instructors' Responsibilities**

### 8.1 The Interactive Process

A student's instructors may be asked or required to be involved in the interactive process. This may include a request or requirement that one or more of the student's instructors meet with an ADR Specialist to discuss essential course elements and possible academic adjustments and other accommodations. The ADR Specialist will decide whether to include the student in the meeting. When a student requests a class substitution, the applicable academic dean and instructor(s) will be consulted. See Exhibit A.

### 8.2 Concerns/Complaints

If an instructor has a concern regarding a student's academic adjustments, he or she should first attempt to resolve the concern by meeting with a student's ADR Program Specialist and/or the ADR Director. Instructors may file a formal written complaint with the Provost alleging that a student's academic adjustments (a) fundamentally alter the nature of the instructor's course, or (b) pose a direct threat. The Provost (or designee who is also a qualified administrator with authority over the parties) will promptly review the matter and make a decision regarding the instructor's objection(s). The Provost's decision shall be final. Unless otherwise indicated in writing by the Provost, instructors are required to provide ADR approved academic adjustments until a final decision is reached in the process.

### 8.3 Course Syllabus

Each instructor's course syllabus will include a statement describing the process for a student to request academic adjustments based on a disability. The following is suggested language:

"Pima Community College complies with the provisions of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. Students with disabilities who require academic adjustments accommodations, including educational auxiliary aids or services, or other accommodations should contact the Access and Disability Resources as soon as possible."



## **SECTION 9: Confidentiality**

All information and records obtained in the process of (a) determining whether a student is a qualified student under Section 504 or the ADA, and/or (b) determining and implementing effective academic adjustments for a student is considered confidential. ADR shall maintain all such information and records in a confidential manner, except to the extent reasonably required to implement the academic adjustments or otherwise facilitate legitimate College processes.

## **SECTION 10: Training**

ADR staff will provide training and/or education sessions regarding student accommodation issues for campus instructors, staff, supervisors, and administrators.

## **SECTION 11: Rights and Responsibilities Document**

The rights and responsibilities of students and the College in obtaining and providing academic adjustments pursuant to this Administrative Procedure are outlined in a separate document entitled “Rights and Responsibilities of Students with Disabilities” found on the College’s website at <https://www.pima.edu/student-resources/adr/rights-responsibilities.html>

## **SECTION 12: Definitions**

**An individual with a disability** is any person who: (1) has a physical, psychological, cognitive or mental condition that substantially limits one or more major life activities; (2) has a record of such an impairment (i.e., has a history of, or has been classified as having a mental or physical impairment that substantially limits one or more major life activities) which has not been resolved; and/or (3) is regarded as having such a condition that limits the ability to perform certain life activities. The determination of whether a condition substantially limits a major life activity will be made without regard to the ameliorative effects of mitigating measures.

An individual with a disability does not include someone whose impairment (1) is the result of current substance use/abuse, or (2) poses a direct threat to the student or others.

**Otherwise qualified** describes an individual with a disability who, with or without reasonable accommodation, meets the essential qualifications or criteria for

participation in the services, programs, activities, or other opportunities offered by the College. All students, with or without disabilities, will be held to the same academic and code of conduct standards of the College.

**Undue hardship** is defined by the ADA as an action that is "excessively costly, extensive, substantial, disruptive, or that would fundamentally alter the nature or operation of the class or program at issue."

**Direct threat** means a significant risk of substantial harm to the health or safety of the student or others that cannot be eliminated or adequately reduced by reasonable accommodations.

The information in Exhibit A has been updated, and is now covered by a simplified committee process with ADR.

## Exhibit A

### Deaf/deaf and Hard of Hearing Services

The College will give primary consideration to the requests of the Deaf/deaf and Hard of Hearing student including the specific sign language/signing system/ mode of communication requested by the student.

A qualified interpreter means an interpreter who, by video remote interpreting (“VRI”) service or an on-site appearance, is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

The College is responsible for funding interpreting services for both degree and non-degree students. These services are required not only for all academic courses but also for course-related activities such as internships, field trips, and other student activities.

All student interpreting services requests are processed through ADR’s Communication Services Coordinator. Requests are processed on a first-come, first-served basis with a priority given to currently enrolled students and academic classes.

Students with a hearing-related disability should contact their ADR Program Specialist within ten days of when the service will be needed to facilitate the College’s ability to provide accommodations from the first day of class or when needed. If a student fails to do so, ADR will attempt to provide the needed accommodations as close to the first day of class as possible, but will do so on a first-come, first-served basis.

## Exhibit B

### Note Taking Services

When a note taker is requested by a student with a disability and supported by the student's documentation, a note taker will be provided unless the College can demonstrate that providing the note taker would result in a fundamental alteration of the program or constitute an undue burden.

- When a student has been approved for a note taker, other aids such as audio recording, a smart pen, or class presentation materials, will be substituted for a note taker while a note taker is being obtained for the student, or when the student requests or agrees to such a substitution.
- The College will promptly initiate an interactive process when it proposes not to honor a student's request for a note taker.
- The College will not rely entirely on a student's instructor to find or obtain a note taker, or any other auxiliary aid.

The College will secure a note taker in a timely manner for every student for whom it has approved such services as an accommodation.

- If the College approves the service prior to the beginning of a semester, it will obtain a note taker for the student no more than one week from the first day of a class for which a student has been approved for services.
- If note taker services are approved after a semester begins, the note taker will be provided no more than one week after the approval.
- If prior to a class beginning, there is not enough information available during the interactive process about the format or the requirements of the class to determine whether or not a note taker will be necessary, a student will be asked to attend the first class and report back to ADR before a note taker is approved as an accommodation.

When a volunteer student from the class cannot be obtained within the time limits set out above, the College will take other steps to ensure that a note taker is obtained within one additional week. These steps may include providing additional incentives to student volunteers, paying a College staff member, or paying an outside provider.

If a note taker is provided to a student as an accommodation, and thereafter the student determines that he or she no longer requires the services of a note taker, the student may withdraw their request for a notetaker, and the accommodation will be canceled.