



Batten University Disability Services

Disability Services Student Handbook

The Law

The policy and intent of Batten University is to fully and completely comply with the Americans with Disabilities Act of 1990 (ADA), Rehabilitation Act of 1973, and the Virginians with Disabilities Act (VA Code Sec. 51.5.5-41), to the extent that they apply to the University.

As a result, Batten University will not discriminate against qualified students with a disability in any academic activity, including examinations or any other student-oriented services. These regulations also require the University to make reasonable accommodations to allow disabled members of the Batten community to continue their academic pursuits, unless making such accommodations would fundamentally alter an academic program or present an undue hardship to the University. Disability Services strives to see that these policies and regulations are held to.

In ensuring compliance with federal and state laws Disability Services will provide reasonable accommodation to the known physical and mental limitations of a qualified individual with a disability, unless, once again, to do so would impose an undue hardship on the operation of the University (42 USC 12102 et seq.) or would fundamentally alter an academic program. The purpose of making reasonable accommodations is to provide any necessary change or adjustment to an academic environment that permits a qualified student with a disability to participate in the academic process.

Reasonable accommodations do not include making any fundamental change to the purpose or nature of the work assigned. These services will be provided within the basic guidelines to follow, with the understanding that students with disabilities may require unique accommodations and must have their needs assessed on a case-by-case basis. The provision of accommodations for students with documented disabilities need not guarantee students equal results or achievement; accommodations must only afford them an equal opportunity for achievement.

Confidentiality

The office of Disability Services is responsible for maintaining the confidentiality of student records and will not release any medical or psychological records, including psychological/educational evaluations and other related information outside of educational records, without the student's informed and written consent. Forms that are generated from the Disability Services Office for the purpose of providing accommodations to the student will be considered part of the student's educational record, and therefore, will be subjected to the guidelines of the Family Educational Rights and Privacy Act (FERPA) of 1974 as amended.



The office of Disability Services will not reveal the nature of a student's disability without the student's consent. Instructors and staff do not have the right to ask about the nature of a student's disability, and if questioned, the student has the right to withhold such information. However, the student is free to disclose the nature of his/her disability to anyone he/she wishes.

Accommodations

If a student is determined to have a disability and eligible for accommodations then it is the responsibility of Disability Services to see that such accommodations are provided in a reasonable fashion. An accommodation may be deemed to be reasonable if it involves a change or adjustment in the academic environment that permits a qualified student to participate in the academic process without creating a fundamental alteration of that process or placing an undue hardship on the University.

All accommodations are dependent on the needs and requests of the individual student and the capabilities of the University. Certain accommodations are unquestionably within the capabilities of the office and the University and are typical. Other accommodations may require a change in policy, procedure, or place a large financial burden on the University. Such cases must be supported by specific documentation of the student's disability and may require consultation with University officials. Accommodations cannot be applied retroactively to any grades already been given or any past absences.

Accommodation Process

Self-disclosure is the first step in the process of obtaining accommodations. It is the responsibility of the student to make contact with the Disability Services Office. The office will not seek out a particular student with a disability in order to provide him/her accommodations or see if any accommodations are needed. For the Disability Services Office to start an official file for a student, he/she must fill out the Disability Intake Form online. It is upon receipt of this form that the office will then begin to determine whether or not the student is a qualified individual with a disability, defined as a person who has a physical or mental impairment that substantially limits one or more life activities, and is otherwise qualified to be a student.

Students must provide documentation of their stated disability. Such documentation should be provided by a licensed professional in a field relevant to the condition under question and be no more than four years in age. However, exceptions of the age of the documentation may be made on a case-by-case basis with the approval of the Disability Services staff. Disability documentation should provide:

1. A diagnostic statement identifying the condition(s)
2. Testing results
3. Current functional impact of the condition(s)
4. Treatments, medications, assistive devices/services currently prescribed or in use
5. The expected progression or stability of the impacts described over time



6. Recommended accommodations and services

Such documentation is ideal but all elements are not mandatory. For instance, most physicians fail to recommend any specific accommodations for the student. However, all acceptable documentation must give a confirmation of a disability.

Usually, the next step in the accommodation process is to meet with the student in an interactive one-on-one meeting. During this meeting the student and Disability Services staff will discuss what accommodations should be put in place based upon the documentation and what has been helpful for students in the past.

Once these three steps are completed (intake form, documentation, meeting w/student) the office will then create an Authorized Accommodations Form to establish the approved accommodations for the student. In order to create such a plan the student must provide the title, number, section, and name of the instructor of the course(s) in which he or she is requesting accommodation(s).

The student will then present the Authorized Accommodations Form to their instructors and get their signature. The student must also sign the form and then return the signed copy to the Disability Services Office where it will be held on file. It is then the responsibility of the student to contact the instructor and discuss with him/her the manner in which the accommodations will be carried out. This process is repeated, at the request of the student, each semester. Accommodations can also be reviewed at any time during the semester and updated to better fit a student's needs.

It should be noted that Batten University reserves the right to choose among reasonable accommodations as long as the chosen accommodation is effective. If a student refuses a reasonable accommodation, the University will be deemed to have complied with its obligation under the ADA.

Updating Accommodations

When a student registers with the Disability Services Office and qualifies for accommodations they remain qualified as long as they are enrolled at Batten University. However, specific accommodations need to be renewed each semester. In order to renew accommodations each semester, a student must make an appointment with the Coordinator of Disability Services. During that appointment, they will review their accommodations and their upcoming class schedule, at which time a new set of Authorized Accommodations Forms will be made for the new classes with the agreed upon accommodations.

Short-Term or Non-Disability Assistance/Adjustments

In some circumstances not involving disabilities (e.g., broken leg, acute trauma over family death or sexual assault, short-term depressive episode), a student may contact the Coordinator of Disability Services to request short-term assistance. Disability Services staff and faculty may work with a student to craft appropriate short-term adjustments. Such short-term non-disability assistance/adjustments should not



be used in place of the formal disability accommodations process, but only in situations that do not suggest the presence of a qualifying disability, but which the Disability Services staff believes warrant assistance

Documentation

The Association on Higher Education and Disability (AHEAD) offers a series of best practices on the review of documentation and accommodation determination that serves as a good guide for processes discussed above. These are:

1. All documentation should be reviewed on an individual, case-by-case basis.
2. Determination of a disability doesn't require any specific language.
3. Presented documentation can be augmented through an interview.
4. Determination of accommodations is an interactive process.
5. Documentation of a specific disability does not translate directly into specific accommodations.
6. Disability documentation should be treated in a confidential manner and shared only on a need-to-know basis.
7. Information on the individual's disability is only one component of providing access.

Class Substitutions

Class substitutions for the foreign language and/or math requirements of the Batten University curriculum may be available for a student whose disability may require it. If a student would like to seek a substitution for either of these requirements, they should contact the Coordinator of Disability Services to make the request. The student's documentation should clearly indicate that his or her disability or condition impairs his/her ability to learn and demonstrate proficiency in math or a foreign language. Disabilities or conditions which support a petition for a substitution may include: auditory/language processing or deficits, a short-term memory impairment, auditory deficits, expressive language impairments, dyslexia (various types), and other neurological difficulties.

If the Coordinator of Disability Services finds the documentation sufficient for a math or foreign language substitution application, the student will select the classes used for the substitution from a list of approved courses. Then the formal application is submitted to the Office of Academic Affairs for final approval and the Coordinator of Disability Services on the outcome of the application will notify the student. If approved, it will be the responsibility of the student to complete the approved substitute course(s) before graduation in order to complete the requirements.



Testing Accommodations

Testing accommodations are often the most common used by students with disabilities. These could include extended time and testing in a separate space from the rest of the class. Batten's Learning Center provides a space for a student to take advantage of these accommodations. While the amount of testing space is limited, students with accommodations have priority.

The Use of Service Animals

Policy on Companion and Service Animals Goals: Batten University is committed to providing full access to its programs, services, and facilities for all people, regardless of physical or other disability and/or other special needs. Batten recognizes that the assistance of service or companion animals may be necessary for some individuals to gain access to programs, services, and facilities or to better manage their particular disability. Batten also is mindful of the health and safety concerns of the campus community.

The University seeks to balance the needs and rights of campus and community stakeholders in effectuating this policy on companion and service animal campus use. This Policy seeks to encourage information flow and dialogue as necessary to assure the best possible environment for animal users, animals, and other Batten community members. **General Rule Regarding Animals on Campus:** The University generally enforces a "no-pet" policy on campus, allowing only fish in aquariums that are 10 gallons or less. Exceptions are made for service animals and may be made for companion animals with

appropriate documentation as defined under Procedures, item #2. Additionally, at University sponsored events to which animals are invited, it is expected that the animal be secured on a leash at all times.

Definitions:

Service Animal: A service animal is an animal individually trained to assist an individual with a disability.

Companion Animal: A companion animal is a pet owned by an individual and used by that individual to manage a disability.

Procedures:

1. Individuals seeking to use a service or companion animal at the University should complete the steps of this Policy and the registration form included in this Policy. The registration form should be provided to the Director of Residence Life if a residential student will be the animal user; to the Director of the Learning Center if a nonresidential student will be the animal user; and to the Director of Human Resources if an employee will be the animal user. Any questions should also be directed to one of these HR 36 (02.11.15) individuals. Proof that the animal is current on all required vaccinations must be submitted at the time of request and annually thereafter.



2. The University will consider any request for use of a companion animal on a case-by-case basis. For companion animals, please provide the following:
 - a. The credentials and contact information of the health care provider(s);
 - b. A diagnostic statement identifying the disability;
 - c. A description of the diagnostic methodology used;
 - d. A description of the current functional limitations;
 - e. A description of the expected progression or stability of the disability;
 - f. A description of current and past accommodations, services and/or medications;
 - g. Statement on how the animal serves as an accommodation for the verified disability;
 - h. Statement on how the need for the animal relates to the ability of the resident/student or live-in family member to use and enjoy the living arrangements provided by the University.

The University reserves the right to ask follow-up questions and seek clarifying information, as necessary, upon review of the healthcare provider's statement. After receipt of the requesting party's registration form, the relevant Director will consider the request; seek additional information, if necessary; and establish guidelines for the companion animal's presence on campus. Such guidelines may vary from user to user, depending on the needs being addressed by the animal.

Typically, companion animals will only be permitted in the Residence Halls and certain outdoor spaces. Unlike service animals, companion animals typically will not be permitted in classrooms, labs, and other non-residential areas of the campus. The University will notify the requesting

party, in writing, of its decision regarding the companion animal and any guidelines attending the animal's use.

Should the requesting party wish to appeal or seek modification of the Director's written decision, he or she should provide a written explanation to the Disability Awareness Committee ("Committee") to assist it in considering the appeal. Should a requesting party appeal a Director's decision and that Director be a current member of the Committee that Director will not participate in the Committee's deliberations with respect to the appeal. The Committee will consider the appeal on its merits, and seek clarifying information from the appealing party as well as the relevant Director. The Committee may meet with the appealing party and/or the relevant Director as part of the appeal process, but such meeting is not required. The requesting party will be notified of the appeal decision in writing.

3. The user of the animal must be in full control and in the presence of the animal at all times when outside of the user's residential or office setting and be secured on a leash.
4. All animals must be housebroken. The user is responsible for any necessary clean-up and any property damage caused by the animal. (The University may designate areas adjacent to



residential settings where animals can excrete waste).

5. A service animal may be excluded from, or otherwise, limited in its access to a campus space if its presence creates an undue burden on the University, fundamentally alters the University's services, or poses a direct threat to the health and safety of others. Such exclusions might occur HR 36 (02.11.15) in commercial kitchen areas, laboratories, and/or other spaces. The University will discuss such potential exclusions with the animal's user. Where accommodations short of exclusion are reasonable, the University will consider alternate arrangements. Any decisions made under this section of this Policy will be made on a case-by-case, fact-specific basis.
6. Where a service or companion animal creates a conflict with another campus user, such as by triggering allergies, biting, excessive barking, etc., the relevant Director will collect information as to all concerns at hand and resolve the conflict consistent with the goals of this Policy and applicable law. A resolution may require the animal be removed from the campus. The University reserves the right to exclude, or restrict use of, an animal where circumstances indicate that the animal is not an appropriate member of the campus community.

To be clear, the University is committed to supporting users of service and companion animals, and any exclusion or restriction on the animal will be established after dialogue, gathering of information, and a decision by the Director that the animal's continued use is not a reasonable use under the guidance of this Policy and applicable law. In his or her decision-making, the Director will consider the use of the animal, the needs of non-users, the relative costs associated with the use or non-use of the animal, and any other relevant circumstances. If any person wishes to appeal a Director's decision under this section of this Policy, he or she should follow the appeal process in section 2 of this Policy.

Discussing Accommodations with Your Instructors

Each professor is an integral part of a student's accommodation plan. It is expected that students will initiate a conversation with their professor regarding their needs and accommodations for the class when they deliver their Authorized Accommodations Form. We realize that discussing academic concerns or disability related accommodations with professors can be a difficult experience, especially the first time. Here are some suggestions to help facilitate your student-faculty conversation.

- Schedule a meeting as early as possible in the semester. Find a time to speak with your professor privately during his/her scheduled office hours or by appointment.
- Start in your comfort zone. If you are feeling anxious about speaking with your professors, start with those who you feel most comfortable around.



- Let your accommodations guide you. Focus the discussion on your accommodations rather than on your disability. You are not required to disclose your diagnosed disability to faculty members in order to receive accommodations. It is your decision whether or not to discuss the specifics of your disability.
- Discuss testing accommodations. This is the perfect opportunity to talk about when and where you will be taking your exams. If your class schedule doesn't allow you to take your exams at the same time as the class (e.g. night classes or back-to-back classes), now is the time to ask permission to test at a different time.
- Stay connected with the Disability Services Office. If at any time you find that you are unable to schedule an appointment with your professor, or if you are experiencing barriers of any kind, please contact the Coordinator of Disability Services as soon as possible to discuss the situation. Ask your professor to contact the Coordinator of Disability Services with any questions you are not comfortable answering.

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Grievance Regarding Accessibility

On occasion a Batten University student with a documented disability may have a concern or dispute with regard to reasonable accommodations in courses, or else the presence of barriers in attitude, architecture, or communication. If such a concern arises, it is the student's responsibility to present his or her concern to the appropriate faculty or staff member who is involved and request a timely response.

The faculty or staff member should listen, give serious attention to the complaint's concern, and attempt to resolve it in a mutually satisfactory way or refer the student to an appropriate office on campus. If the concern cannot be resolved in this manner, it is the student's responsibility to report the unresolved situation to the Disability Services Coordinator.

If the concern still cannot be resolved, the Disability Services Coordinator will forward the concern to the chair of the Disability Awareness Committee, who will direct a grievance subcommittee to review the concern and determine appropriate action within a reasonable amount of time.



The Vice President of Academic Affairs will review matters involving the academic program, curriculum, and faculty members beforehand. If the concern involves the Disability Services Coordinator, the student should contact the Director of Human Resources directly. Any complaint and its outcomes are recorded in the student's Disability Services confidential file and will be held for a time of 7 years past the date the student leaves the University.

Definitions

Disability

A physical or mental impairment that substantially limits one or more major life activity. The definition of disability also includes having a record of such impairment or being regarded as having such an impairment.

Physical or mental impairment

Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting any of several body systems, including neurological, musculoskeletal, special sense organ, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, endocrine, and any mental or psychological disorder. It does not include non-chronic impairments of short duration with little or no long-term impact, such as broken limbs, sprained joints, concussions, appendicitis, and influenza. Physical characteristics such as left-handedness and personality traits such as being irresponsible or having poor judgment are not covered impairments.

Major life activity

A function such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, sitting, standing, lifting, reaching, and working. Exercising cognitive functions is also a major life activity. Multiple impairments that combine to substantially limit a major life activity may also be considered a form of disability.

Qualified individual with a disability

A person with a disability who is able to perform the essential functions of his or her job and/or academic activities, with or without reasonable accommodation.

Reasonable accommodation

Any change or adjustment to a job or academic environment that permits a qualified student, faculty or staff with a disability to participate in the academic process and job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by



employees without disabilities. Accommodations must be considered and made on a case-by-case basis. Some examples of accommodations that may be considered are job restructuring, reassignment, flexible leave, light duty, acquisition or modification of equipment and devices, and adjusting or modifying examinations, training materials, and policies.

Undue hardship

Determined on the basis of the size of the University, the nature and composition of the workforce, the nature and cost of the accommodation, whether the individual with the disability will pose a health and/or safety threat, and the possibility that other prospective students, faculty or staff members will be able to use the same accommodation. An accommodation would generally be determined to represent an undue hardship if it would be unduly costly, extensive, substantial, or disruptive, or would fundamentally alter the nature of the course or operation of the University.

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