



## **Rochester University Students with Disability Services and Accommodations Policy**

Updated January 2022

**All requests for accommodations must be submitted via the [Accommodations Request Form](#) to the Accommodation Officer. Accommodations will not be established before a student speaks with and submits appropriate documentation to the Accommodation Officer.**

### **Contact Information:**

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In compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, Rochester University provides reasonable accommodation(s) to qualified students with disabilities.

A qualified student with a disability is a person who meets the academic and nonacademic admission criteria essential to participate in the program in question and who, with or without reasonable accommodation(s), can perform the essential functions of the program or course requirements.

The Accommodation Officer through Rochester University facilitates reasonable accommodation(s) and support services for qualified students with a properly documented disability. A disability is a physical or mental impairment substantially limiting one or more major life activities. Written documentation, current within three years, from an appropriate professional is required.

No qualified individual with a disability will, because of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of Rochester University, or be subjected to discrimination by Rochester University. Mental health conditions such as Major Depressive Disorder and Anxiety Disorder substantially limit major life activities like eating, sleeping, learning, concentrating, thinking, communicating, and interacting with others with disabilities within the ADA's meaning.

Rochester University will make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination based on disability unless Rochester University can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

## Admission Process

The Rochester University admissions process is necessarily a competitive and selective one. A student's high school record (course difficulty and performance) and test scores are essential in admissions decisions. Still, other accomplishments and personal qualities are also relevant since the University seeks a diverse student body.

Rochester University considers the admission applications of persons with disabilities under the same criteria as all other applications. Applicants are not required to disclose a disability during the application process; however, if an applicant's disability had a significant impact on his/her high school academic performance or experience, the applicant may provide appropriate documentation to the admissions office if he/she wants the effects of the disability to be taken into consideration.

The ADA's prohibition on discrimination requires that:

- Rochester University, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of disability, deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit or service.
- Rochester University, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of disability, afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others.
- Rochester University, in providing any aid, benefit, or service may not, directly or through contractual, licensing, or other arrangements, on the basis of disability, otherwise limit a qualified individual with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service.
- Rochester University will not impose or apply eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any service, program, or activity unless such criteria can be shown to be necessary for the provision of the service, program, or activity being offered.

## Receiving Accommodations

To receive accommodations, students must register with the Accommodation Officer. Follow these steps:

1. The student completes the **accommodation request form** for all academic, housing, dietary, and auxiliary requests and/or **Assistive Animal request form** depending on their needs
2. Provide written documentation (see Guidelines for Documentation) detailing the disability underlying the request, including the specific accommodation requests.
3. After reasonable accommodations are determined, the Accommodation Officer will prepare an email memo that lists accommodations approved by the Accommodation

Officer. The Accommodation Officer will email the memo to the appropriate faculty and staff, with the student copied on the communication.

4. Students are responsible for communicating with faculty and staff about how accommodations will be implemented in class. Students should schedule an appointment with their professors and discuss specific arrangements for reasonable accommodations. Revealing your diagnosis to faculty is not required but sharing information about how the disability impacts your learning can give the professor insight into teaching methods helpful to you.
5. A student must renew his/her accommodations every semester with the Accommodation Officer.

### **Guidelines for Documentation of a Specific Disability**

The student bears the responsibility to request accommodation(s) and provide documentation of his/her disability including **a specific diagnosis** with evidence to support and identify specific limitations. After acceptance to Rochester University or immediately following an injury or a diagnosis of a disorder, the student should contact the Accommodation Officer to report the disability as soon as possible. Reporting the disability to any other representative of the University will not initiate the official procedure needed to establish eligibility for support services.

Documentation must be current (within the last three years; however, exceptions are sometimes necessary depending upon the individual case) and in writing from a licensed/certified professional and must provide the following information:

- Date of evaluation.
- Diagnosis - specific with International Classification of Diseases (ICD) classification.
- Method of the evaluation/examination.
- The specific limitation with respect to the disability's current impact on the University and educational environment.
- Medication - expectation in results of functioning, or cognitive impairment.

Documentation must be based on an evaluation from an appropriately credentialed professional.

Examples:

- A physical condition diagnosed by a physician, ophthalmologist, audiologist, physical therapist, etc.
- A learning disability diagnosis from a professional who is trained and qualified to evaluate specific learning disabilities in adolescents and adults: psychologists, learning disabilities specialists, medical doctors, etc.
- An emotional illness diagnosed by a psychologist, psychiatrist, or other qualified licensed mental health provider.

Documentation should be current within three years; however, exceptions are sometimes necessary depending upon the individual case. In some situations, Rochester University requests verification every twelve months. Up-to-date information which outlines the student's present level of functioning is often essential in assessing the current need for specific accommodation(s).

Students seeking support services from Rochester University on the basis of a diagnosed specific learning disability are required to submit documentation to verify eligibility under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. Rochester University determines protection under these civil rights statutes on a case-by-case basis and accommodation(s) is based upon documentation of a learning disability that **currently substantially limits** some major life activities including learning.

The following guidelines are provided to assure documentation is appropriate to verify eligibility and to support requests for reasonable accommodation(s), academic adjustments, and/or auxiliary aids. This is not intended to be an exhaustive list or to restrict assessment in other pertinent and helpful areas such as vocational interests and aptitudes.

1. Testing must be comprehensive. It is not acceptable to administer only one test for the purpose of diagnosis or establishing that substantial limitation in a major life activity currently exists in individuals with a previous diagnosis of a learning disability. Minimally, domains to be addressed must include (but are not limited to):

<p><b>Aptitude</b></p>	<ul style="list-style-type: none"> <li>▪ Wechsler Adult Intelligence Scale-Revised (WAIS-R) or WAIS-III with subtest scores is the preferred instrument.</li> <li>▪ Woodcock-Johnson Psychoeducational Battery - Revised: Tests of Cognitive Ability or the Stanford-Binet Intelligence Scale: Fourth Edition are acceptable.</li> <li>▪ The Kaufman Brief Intelligence Test (KBIT) is not a comprehensive measure and therefore <u>is not suitable</u>.</li> </ul>
<p><b>Achievement:</b> Current levels of functioning in reading, mathematics, and written language are required.</p>	<p>Woodcock-Johnson Psychoeducational Battery - Revised: Tests of Achievement</p> <ul style="list-style-type: none"> <li>▪ Wechsler Individual Achievement Test (WIAT)</li> <li>▪ Stanford Test of Academic Skills (TASK)</li> <li>▪ Scholastic Abilities Test for Adults (SATA)</li> <li>▪ Specific achievement tests such as the Test of Written Language - 3 (TOWL-3), Woodcock Reading Mastery Tests - Revised, and the Stanford Diagnostic Mathematics Test. The Wide Range Achievement Test - 3 (WRAT-3) and the Mini-Battery of Achievement (MBA) are not comprehensive measures of achievement and therefore are not suitable.</li> </ul>
<p><b>Information Processing:</b> Specific areas of information processing must be assessed. For example short- and</p>	<p>Information from subtests on the WAIS-R (or WAIS-III), the Woodcock-Johnson Tests of Cognitive Ability, or the Detroit Tests of Learning Aptitude-Adult (DTLA-A), as well as other</p>

long-term memory, sequential memory, auditory and visual perception/processing, processing speed.	instruments relevant to the present learning problem(s) may be used to address these areas.
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2. Testing must be current. In most cases, this means testing has been conducted within the past three years, but the University may require more recent testing in certain circumstances. The provision of all reasonable accommodations and services is based upon an assessment of the current impact of the student's disabilities on his/her academic performance; therefore, it is in the student's best interest to provide recent and appropriate documentation.
3. There must be clear and specific evidence and identification of a learning disability. Individual "learning styles" and "learning differences" in and of themselves do not constitute a learning disability.
4. Actual test scores must be provided. Standard scores are required; percentiles and grade equivalents are not acceptable unless standard scores are also included. This is important since certain University policies and procedures (e.g., petitioning for permission to substitute courses) require actual data to substantiate eligibility. In addition to test scores, an interpretation of results is required. Test protocol sheets or scores alone are not sufficient.
5. Professionals conducting assessments and rendering diagnoses of learning disabilities must be qualified to do so. Trained, certified, and/or licensed school psychologists, neuropsychologists, clinical psychologists, learning disabilities specialists, and other professionals with training and experience relevant to adults and their evaluation are typically involved in the process of assessment.
6. Tests used to document eligibility must be technically sound (i.e., statistically reliable and valid) and standardized for use with an adult population.
7. Diagnostic reports must include the names, titles, and professional credentials (e.g., licensed psychologist) of the evaluator(s) as well as the date(s) of testing. All reports must be typed; handwritten scores or summary sheets are not acceptable.
8. A written summary of background information about the student's relevant educational, medical, and family histories that relate to the learning disability must be included.
9. Any recommendation for accommodation(s) should be based on objective evidence of a substantial limitation to learning supported by specific test results or clinical observations. Reports should establish the rationale for the recommended accommodation(s) using test data to document the need.
10. A description of any accommodation and/or auxiliary aid used at the secondary or post-secondary level should be discussed. Include information about the specific conditions under which the accommodation was used (e.g., standardized testing, final exams) and whether or not it benefited the student.

11. Individual Education Programs (IEPs) are useful but are not in and of themselves sufficient documentation to establish the rationale for accommodation(s).

### **Procedure for Academic Accommodations**

Rochester University is committed to treating all individuals within the University, including those with disabilities, in a fair and equitable manner. Furthermore, it is the policy and practice of the University to comply with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. Under these laws, no otherwise qualified individual with a disability will be denied access to or participation in services, programs, and activities of Rochester University.

Reasonable accommodations are developed on an individual basis, based on the documentation provided as well as collaboration with the student. Accommodations give access to programs but do not guarantee success in meeting program requirements. If an individual with a disability cannot meet the fundamental requirements of the academic program in which he or she is enrolled, even with reasonable accommodation(s), then he/she is not "otherwise qualified" to participate in the program. There is no charge for any accommodation. In instances where comparable access can be obtained from any one of several accommodations, the University reserves the right to select the accommodation method to be used.

Rochester University does not provide or pay for personal services. "Personal services" are services and/or equipment the individual with a disability would need even if he/she were not enrolled (hearing aids, personal/care attendants, etc.).

A student establishes eligibility for services by submitting the appropriate written documentation to the Accommodation Officer. Reasonable accommodations are determined by the diagnostic data and recommendations contained within the documentation. When a student with a disability enrolls in courses, the following sequence of events should occur:

1. If a student with a properly documented disability feels he/she may wish to request an accommodation(s), he/she must give written permission for the Accommodation Officer to inform instructors the individual is a student with a properly documented disability. The student must request an accommodation(s) **every semester** in which he/she is enrolled; this may be done via email to the Accommodation Officer. The instructor will receive written notification from the Accommodation Officer. Due to confidentiality concerns, specific information about the disability is not included. Instead, the letter notifies the instructor the student has a disability that needs to be accommodated. The letter of notification will delineate accommodation(s) that have been discussed and approved.
2. It is the student's responsibility to request accommodation(s) from individual professors. The student should schedule an appointment with each professor to discuss accommodation(s) he/she needs as well as to verify the professor has received the accommodation letter. Professors often report they receive a letter from the Accommodation Officer but the student does not follow up to request the accommodation(s). This sometimes happens because a student feels he/she will not require accommodation in a particular course due to the manner in which material is

presented, the means of evaluation, etc. It is always within the student's rights to refuse to request accommodation(s); however, a professor is not liable if the student fails to make timely arrangements for the accommodation and then performs poorly in the course.

3. The professor is only required to make available the accommodation(s) delineated within the letter of notification issued by the Accommodation Office. If, as the semester progresses, the student feels additional accommodation(s) is/are warranted, the student must initiate a discussion with the Accommodation Officer.
4. If a problem develops, immediately notify the Accommodation Officer. If the problem persists, please see Conflict Resolution Procedure. Unless otherwise notified, the assumption will be made that the semester is progressing properly.
5. If a student has questions or concerns, contact the Accommodation Officer.
6. Communication is done via the Rochester University email system. It is essential for the student to check his/her Rochester University email account on a daily basis.

### **Procedure for Housing & Dietary Accommodation**

Rochester University is committed to the full participation of students in all aspects of university life including housing and dining experiences. In certain situations, students may need to request special housing and/or dietary accommodations. Reasonable accommodations are developed on an individual basis, based on the documentation provided. Students seeking special housing and/or dietary accommodations should complete the following steps:

1. When requesting housing and/or dietary accommodations, students are expected to have already completed all Rochester University housing applications and payment deadlines.
2. Register as a student with a disability with the Accommodation Officer. The student must provide appropriate documentation, which must come from a licensed professional to establish that the student has a disability, and necessitates a special accommodation. (If the request is a special diet, a diet prescription must be included). Please note that the Accommodation Officer may ask for additional information from the student and/or the practitioner.
3. For students seeking dietary accommodations, students must complete the Accommodations Request Form.
4. For students requesting housing accommodations, please do not make a building-specific request, but, instead request the accommodation needed (i.e. first floor, etc.) A building-specific request is not considered a reasonable accommodation and cannot be evaluated by the Accommodation Officer in concert with the Student Life staff. The following priority deadline for students seeking disability housing accommodations are:
  - a. **New Students: July 1st**
  - b. **Current Students: Before Housing Selection Process**

5. For housing and dietary accommodations, the student must renew accommodation(s) **every academic year** in which he/she is enrolled; this may be done by completing the Accommodation Request Form.

### **Rights and Responsibilities**

#### **Rochester University through its Accommodation Officer has the *right* to:**

- Maintain the University's academic standards.
- Request current documentation from a student, completed by an appropriate professional source to verify the need for reasonable accommodation(s), academic adjustments, and/or auxiliary aids.
- Discuss a student's need for reasonable accommodation(s), academic adjustments, and/or auxiliary aids with the professional source of his/her documentation. The student's signed consent will authorize such discussion.
- Select among equally effective and appropriate accommodations, adjustments, and/or auxiliary aids in consultation with the student with a disability.
- Deny a request for accommodations, academic adjustments, and/or auxiliary aids if the documentation does not identify a specific disability, the documentation fails to verify the need for the requested services, or the documentation is not provided in a timely manner.
- Refuse to provide an accommodation, adjustment, and/or auxiliary aids that is inappropriate or unreasonable including any that:
  - Pose a direct threat to the health and safety of others.
  - Constitute a substantial change or alteration to an essential element of a course or program.
  - Pose undue financial or administrative burden on the University.

#### **Rochester University through its Accommodation Officer has the *responsibility* to:**

- Provide students with disabilities an equal opportunity to participate in and benefit from its services, programs, and activities.
- Provide information regarding policies and procedures to students with disabilities and assure its availability in accessible formats upon request.
- Evaluate students on their abilities, not their disabilities.
- Provide students with reasonable accommodations in a timely manner when such accommodations are necessary to afford services, programs, and activities to individuals with disabilities, unless providing the accommodation would fundamentally alter the nature of the service, program, or activity;
- Maintain appropriate confidentiality of records and communication concerning students with disabilities except where disclosure is required by law or authorized by the student.
- Use an interactive process of consulting with the student and conduct an individualized assessment of each student to determine on a case-by-case basis whether and what accommodations can be made to allow a student with a disability to participate in and benefit from the services, programs, and activities at Rochester University, and to continue to participate in and benefit from RU's services, programs, and activities while receiving treatment for a health condition.



**Students with disabilities at Rochester University have the *right* to:**

- Equal access to courses, programs, services, activities, and facilities available through the University.
- Request academic accommodations; housing and dining accommodations; modifications to University policies, rules, and regulations; environmental adjustments such as the removal of architectural, communication, or transportation barriers; and auxiliary aids and services;
- Appropriate confidentiality of all information pertaining to his/her disability as well as the choice of to whom their disability is disclosed, except as required by law.
- Information reasonably available in accessible formats.

**Students with disabilities at Rochester University have the *responsibility* to:**

- Submit all requests for reasonable accommodations to Rochester University's Accommodation Officer;
- Contact the Accommodation Officer well in advance of the beginning of each semester so the appropriate accommodation(s) can be made in a timely manner. Students are strongly encouraged to make this contact at least 30 days in advance of the beginning of the semester, but no later than 2 weeks before the semester begins.
- If necessary, provide the Accommodation Officer with appropriate medical, psychological, psychoeducational, or neuropsychological documentation indicating the student's disability and suggested accommodation(s). Prior establishment of documentation usually does not require additional documentation in subsequent semesters.
- Provide signed consent authorizing the Accommodation Officer to discuss his/her need for reasonable accommodations, academic adjustments, and/or auxiliary aids with the professional source of his/her documentation.
- Meet with the faculty member or professor at the beginning of each semester to discuss the accommodation letter from the Accommodation Officer.
- Follow appropriate procedures for utilizing the Academic Testing Center, if appropriate.
- If the student fails to comply, he/she will receive a written reminder of responsibilities in order to stress the importance of these requirements.

**Responsibilities of the faculty member include:**

- Discuss with the Accommodation Officer any concerns related to the accommodation(s) or arrangement(s) requested by the student during their initial contact.
- Determine the conditions under which the exam is to be administered (e.g., open book, use of notes, computer with word processing including spell check, formula sheet, calculator, scrap paper, dictionary).
- Provide appropriate accommodation(s), either personally or by making arrangements with the Accommodation Officer.
- Assure timely delivery of the exam along with all necessary instructions and materials for proper administration if a student's exam is to be administered outside of class. The faculty member may also make arrangements with the student for the delivery and return of the exam.
- Assure the confidentiality of information regarding students with disabilities.

## HIPPA and FERPA

HIPPA applies to Health Care Providers, private benefit plans, and health care clearinghouses. It does not apply to other types of organizations whose receipt or maintenance of health records is incidental to their normal course of business. FERPA does not limit what records a school may obtain, create, or maintain. It provides safeguards for education records.

The Accommodation Office of Rochester University normally obtains and maintains health records for each student who applies for accommodations, services, or waivers. The receipt and maintenance of health records by the Accommodations Office is well established. If a health record is used to make a decision in regard to a student's education program, (e.g., whether a student should receive extended time for testing; be exempt from an academic requirement such as SAP; have access to a test reader, etc.) the health record may be construed to be an education record. In that case, the normal FERPA provisions for safeguarding the record would apply.

Rochester University follows requirements for the Privacy of health records (HIPPA).

### **Health and Safety Exemption Requirement**

A health and safety exception permits the disclosure of personally identifiable information from a student's record in case of an immediate threat to the health or safety of students or other individuals.

Rochester University follows the provisions outlined in the regulations as follows:

Rochester University only discloses personally identifiable information from an education record to appropriate parties in connection with an emergency *if* knowledge of the information is necessary to protect the health or safety of the student or other individuals.

Patriot Act Changes to FERPA:

In response to the terrorist attacks on the United States that took place on September 11, 2001, Congress made changes to FERPA. Section 507 of the USA Patriot Act amended FERPA, which now contains 16 exceptions to the general rules. Public Law 107-56; DCL April 12, 2002.

Rochester University complies with the changes made to FERPA as a result of the USA Patriot Act as outlined in DCL April 12, 2002.

## **Conflict Resolution Procedure for Academic Accommodations**

If a specific accommodation request requires conflict resolution, the Accommodation Officer and the Rochester University Students with Disability Accommodation Policy are the official University agents in such matters. Students must provide relevant documentation of the disability from an appropriate professional source in order to verify eligibility for accommodation(s). This documentation is confidential and shared with University personnel on a need-to-know basis only.

Rochester University has established an Academic Appeals Committee ([academicappeals@rochesteru.edu](mailto:academicappeals@rochesteru.edu)) under the jurisdiction of the University's chief academic officer. The purpose of this Committee is to assist the chief academic officer in resolving disagreements that arise concerning specific requests for academic accommodations on a case-by-case basis. The Committee serves as a resource for all University entities including faculty, academic administrators, and students for a final review of disagreements concerning specific academic accommodation requests.

1. In instances where there is disagreement concerning the appropriateness of the requested accommodation, the student, instructor teaching the course for which the accommodation has been requested, and Accommodation Officer will make every effort to resolve the disagreement in a timely manner.
2. If agreement cannot be reached, the student, instructor, or University administrative staff may file a petition with the Academic Appeals Committee.
3. The Committee reviews the petition and any additional relevant information from University personnel in order to render a decision within ten (10) days from the date of the petition. The decision of this Committee is final.
4. The decision of the Committee will be communicated to student, faculty named in the appeal, and Accommodation Officer through the Academic Appeals Committee faculty chairperson.