

University of North Georgia

Proposed Policy for Student Disability Services

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SECTION I

ACCESS FOR STUDENTS WITH DISABILITIES

The University of North Georgia is committed to the full inclusion of individuals with disabilities and to the principle of individual rights and responsibilities. To that end, the policies and procedures of UNIVERSITY OF NORTH GEORGIA reasonably insure that a person with a disability is not, on the basis of that disability, denied full and equal access to, and the enjoyment of, academic programs and co-curricular activities, or otherwise subjected to discrimination in such programs and activities.

The policies for access by individuals with disabilities at UNIVERSITY OF NORTH GEORGIA are designed to insure full compliance with all pertinent federal and state legislation, specifically to include Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA) of 1990, and subsequent amendments.

DEPARTMENTAL MISSION:

Student Disability Services is committed to providing an accessible academic, social, and physical environment for students with disabilities. In compliance with Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, the Disability Services Office coordinates the provision of reasonable accommodations and promotes disability awareness for students. Disability Services is committed to fostering student self-advocacy at the University of North Georgia and throughout the community.

POLICY OF NONDISCRIMINATION

The Americans with Disabilities Act (ADA) gives individuals with disabilities civil rights protection that is similar to that provided to all individuals on the basis of race, sex, national origin, and religion. The act guarantees equal opportunity in employment, public accommodations, transportation, state and local government services, and telecommunications.

In addition, Section 504 of the Rehabilitation Act of 1973 states: "No otherwise qualified handicapped individual in the United States shall, solely on the basis of his/her handicap, be denied benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance".

Individuals with disabilities are "otherwise qualified" when they meet the same eligibility requirements and standards of behavior and performance demanded of other students, with or without:

- Reasonable modifications to rules, policies or practices;
- Auxiliary (communication) aids or services; or
- Removal of architectural, communication, or transportation barriers.

ADA GRIEVANCE PROCEDURE

Any UNG student who perceives that he or she has experienced discrimination on the basis of a disability, or has not been treated in a fair or professional manner with regard to accommodations is encouraged to report the concern. The first step is to attempt to resolve the conflict by contacting the Assistant Director of Disability Services on the appropriate campus.

If the results of this process are unsatisfactory, the student should contact the Director of Disability Services. The Director will investigate the complaint and make reasonable efforts to resolve the matter. The investigation shall be informal but thorough, affording all persons an opportunity to submit evidence or other relevant information.

If the student is not satisfied with the decision of the Director of Disability Services, he or she should submit a written complaint to the office of the appropriate vice president. The statement should explain the details of the situation, and indicate the steps taken to resolve it.

The appropriate vice president will investigate the complaint, seek a resolution, and inform the student of the outcome. The appeal of a decision made by a vice president (except grades) should be made in writing to the Student Grievance Committee through the Vice President of Student Affairs.

<http://ung.edu/dean-of-students/policies/student-grievance-policy.php>.

Use of this procedure does not limit a student's pursuit of other remedies, including the right to pursue a complaint with the U.S. Department of Education, Office of Civil Rights

<http://www2.ed.gov/about/offices/list/ocr/docs/howto.pdf>.

SECTION II

DEFINITIONS

Equal Access-

Equal opportunity of a qualified person with a disability to participate in or benefit from educational programs and services.

Reasonable accommodations-

Any reasonable change in the instructional setting or policies and practices that enables an individual with a disability to enjoy equal opportunities.

Major life activities-

Activities that an average person can perform with little or no difficulty. Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Auxiliary aids-

"Auxiliary aids" is defined by 3 CFR 102.103 as services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in, and enjoy the benefits of, programs or activities conducted by the agency. For example, auxiliary aids useful for persons with impaired vision include readers, Brailled materials, audio recordings, and other similar services and devices. Auxiliary aids useful for persons with impaired hearing include telephone handset amplifiers, telephones compatible with hearing aids, telecommunication devices for deaf persons (TDD's), interpreters, note takers, written materials, and other similar services and devices.

Otherwise Qualified-

No otherwise qualified person with a disability shall be denied a benefit or opportunity or be excluded from participation solely on the basis of that disability. Students must be able to meet the technical and academic qualifications for entry into the school, program or activity in order to be considered otherwise qualified.

Individuals with disabilities are qualified if they meet the same eligibility requirements and standards of behavior and performance demanded of other students, with or without:

- Reasonable modifications to rules, policies or practices;
- Auxiliary (communications) aids or services; or
- Removal of architectural, communications or transportation barriers.

SECTION III

RIGHTS AND RESPONSIBILITIES

The policies and procedures of the University of North Georgia are designed to insure full compliance with all pertinent federal and state legislation, specifically to include Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, and all subsequent amendments. They are designed to assure full consideration of both the right of the individual with a disability to be free of discriminatory action, and the right of the university to set and to maintain standards. Additionally, they form a mechanism for dispute resolution for those instances in which the usual channels have not resulted in a decision that is acceptable to both the individual and the administration of the university.

SECTION IV

RIGHTS AND RESPONSIBILITIES OF THE UNIVERSITY

Rights of the University

The university has the right to identify and to establish the abilities, skills, and knowledge that are fundamental to academic programs and courses.

- The university has the right to evaluate each student's performance against these technical standards.
- In providing an academic adjustment, the university is not required to lower or effect substantial modifications to essential requirements.
- The university is not required to make accommodations to policies that would "fundamentally alter" the nature of a service, program, or activity, or would result in undue financial or administrative burdens.

The university is not required to provide personal attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature, such as tutoring.

The university has the right to request and to receive documentation that supports requests for accommodations (see Board of Regents Criteria for Supporting Documentation).

- The university does not conduct these evaluations.
- The university has the right to deny a request if the documentation reveals that no accommodations are necessary or if the individual fails to provide adequate documentation.
- The university has the right to select among equally effective accommodations for individuals with a disability, while ensuring effective communication for students who are deaf or hard of hearing and blind or have low vision.

Responsibilities of the University

University of North Georgia recognizes that its basic responsibility is to identify and to maintain the academic and technical standards fundamental to providing quality academic programs while ensuring the rights of individuals with disabilities.

It is the responsibility of the university to insure that recruitment information and activities are available in accessible formats and facilities, both within and outside the confines of the institution.

It is the responsibility of the university to admit applicants based solely on their qualifications. The university is prohibited from inquiring about disabilities prior to official acceptance to the university.

It is the responsibility of the university to make reasonable accommodations to its policies, practices, and procedures so that people with disabilities can have access to all the goods, services, and other opportunities it provides.

It is the responsibility of the university to insure accessibility in all University of North Georgia programs and activities, to include but not limited to, academic offerings, housing, transportation, student organizations and counseling.

It is the responsibility of the university to adjust, substitute, or waive any academic requirements within the policies of the Board of Regents that unfairly discriminate against a student with a disability and that are not essential to the integrity of the student's academic program.

It is the responsibility of the university to inform its applicants and students about accommodations and the procedures for requesting such accommodations. This information is found in a variety of sources, such as course syllabi, university admissions acceptance letter and the student handbook.

SECTION V

RIGHTS AND RESPONSIBILITIES OF STUDENTS WITH DISABILITIES

Rights of Students with Disabilities

An individual with a disability has a right to an equal opportunity to participate in and to benefit from programs and activities offered by University of North Georgia.

A student with a disability has the right to confidentiality of all information and has the right to choose to whom information about his or her disability is disclosed.

A student with a disability has the right to information regarding the availability of auxiliary aids and reasonable accommodations, and procedures for requesting them.

A student with a disability has the right to be informed of procedures for initiating an appeal of a decision by the institution regarding auxiliary aids and services.

A student with a disability has the right to be informed of procedures for initiating further appeal of an institutional decision through external channels--e.g., filing a complaint with the Office of Civil Rights or filing a case through the court systems.

If the request for accommodations is denied, the student has the right to appeal the decision (see grievance procedures).

Responsibilities of Students with Disabilities

A student with a disability has the same responsibility as other students to:

- meet and to maintain the university's academic standards
- abide by college rules and regulations, the Student Code of Conduct and the Disability Services policies and procedures. These are not mitigated by medical condition or disability

A student with a disability has the responsibility to follow published procedures for accessing auxiliary aids and services, to include

- self-disclosing his or her disability and communicate with the Disability Services representative about the functional limitations resulting from the disability
- providing documentation of his or her disability by the appropriate healthcare professional that meets the Board of Regents criteria. The documentation must logically support the requested accommodations
- contacting the DS representative immediately when changes occur, when they experience problems, or when their accommodations are interrupted for any reason

Students with disabilities are expected to take personal responsibility for their education at the university, such as

- obtaining assistance from other student services, such as academic advising, the library and the counseling center
- communicating regularly with instructors and following each syllabus
- personally delivering accommodation letters to course instructors, and renewing accommodations each semester

SECTION VI

PROCEDURES FOR REQUESTING ACCOMMODATIONS

The University of North Georgia complies with Section 504 of the Rehabilitation Act of 1973 and with the Americans with Disabilities Act of 1990, which ensure that no student is denied benefits, excluded from participation, or otherwise subjected to discrimination because of a disability. Student Disability Services coordinates a variety of accommodations and services, which are determined on an individual basis, and must be supported by current documentation.

To receive services, students must inform Student Disability Services that they have, or suspect they have, a disability. A student has the legal responsibility to request necessary accommodations in a timely manner and to provide the institution with appropriate, current documentation of the disabling

condition. Sufficient advanced notice of a request for an accommodation is required in order to give Student Disability Services a reasonable period of time to evaluate the request and documentation. A student may submit a request and documentation any time during enrollment at University of North Georgia, but action based on the request and documentation is not retroactive.

Accommodations are based on the current nature and impact of the student's disability. To determine the most effective accommodations, psychological or medical evaluations, student input, and records of past accommodations and services are considered along with the specific requirements of the course, program, or activity.

Students should contact Student Disability Services with any questions or concerns regarding accommodations, required documentation, and/or available resources and support.

SECTION VIII

PERSONAL CARE ATTENDANT POLICY

Federal regulations associated with the Americans with Disabilities Act specifically state that post-secondary institutions are not required to "provide attendant, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature". Specifically and definitively, personal care needs are the responsibility of the student. A student who needs personal assistance, as indicated by his or her documentation, should procure the most appropriate services to ensure safety. University of North Georgia, however, does have the responsibility to aid the student in need of personal care by accommodating the personal care attendant in the educational and residential environment.

SECTION IX

REASONABLE ACCOMMODATIONS AND AUXILIARY AIDS

The University of North Georgia seeks to ensure that individuals with disabilities who can meet the academic and technical standards for admission are not excluded from full participation in the programs the university operates as a result of the absence of necessary auxiliary aids or reasonable accommodations.

The primary role of the university in this effort should be informative about and supportive of active self-advocacy on the part of the student. A student with a disability is expected to exercise initiative in identifying and obtaining auxiliary aids and assistance through every reasonable channel available.

The university has the responsibility to determine the appropriateness of auxiliary aids and accommodations to ensure that a student is not denied access to programs and services of the university. Furthermore, the university has the responsibility to provide auxiliary aids and accommodations or to find reasonable alternatives that will allow full participation unless requests are determined to be unreasonable or will impose an undue hardship on the university. Every attempt will be made to ensure availability of necessary auxiliary aids and accommodations, but the university must have sufficient time to evaluate the request, determine the aid to be provided, and to identify sources for obtaining it.

A student who believes that he or she will need auxiliary aids to participate fully in the programs and/or activities of University of North Georgia should make those needs known as early as possible, preferably as soon as he or she has been admitted or determined to have a barrier. These requests should be made through direct contact with the Student Disability Services. To expedite the process, requests should be accompanied by a written evaluation of the student's disability.

Any student who does not receive an accommodation for which he or she is eligible is strongly encouraged to inform the appropriate faculty or staff person promptly, and to let a Student Disability Services staff person know as soon as possible if it is not resolved.

Disability-Related Absences and Flexible Attendance Accommodation:

Some disabilities may require consideration of flexibility in attendance requirements with regard to excused absences. Excused absences are an administratively approved absence from class or required activities of a program, without penalty. The purpose is to provide access for a student with a disability.

A flexible attendance/excused absence accommodation may be requested for:

- Hospitalizations related to a disability
- Episodic illnesses, such as sickle cell anemia or a seizure disorder
- Systemic health conditions, such as lupus or cystic fibrosis
- Psychiatric conditions, such as severe depression
- Co-morbid conditions, such as irritable bowel syndrome & anxiety disorder
- Disability-related treatment processes, such as chemotherapy

Absenteeism is not expected to be excessive, but a reasonable amount of time, as needed. The professor defines a reasonable number of disability-related absences.

Attendance Policies

The Student Disability Services (SDS) does not excuse students with disabilities, nor does it establish attendance policies. This determination is made by faculty.

A flexible attendance accommodation is reasonable if it does not fundamentally alter the nature of a course. In many cases, faculty determines that a student can master course content despite absences that may exceed the course attendance policy.

In other situations, attendance is fundamental to course objectives. For example, students may be required to think and argue critically or to participate in group projects. Faculty is not required to lower or modify standards for accommodation purposes.

The flexible attendance accommodation balances the rights and responsibilities of the student, the faculty, and the institution. Faculty is ultimately responsible for determining the weight and importance of class attendance and participation. Similarly, faculty determines practices regarding make-up work and missed quizzes and exams.

Level of Accommodation

The level of accommodation for a disability-related absence is determined on a case-by-case (and course-by-course) basis.

A determination that a flexible attendance accommodation would *fundamentally alter the nature of a course* requires a documented deliberative process, to include consideration of the following:

- Is there classroom interaction between the instructor and students, and among students?
- Does the course rely upon student participation as an essential method for learning?
- To what degree does a student's failure to attend constitute a significant loss to the educational experience of other students in class?
- Is attendance factored in as part of the final course grade?
- What are the classroom practices and policies regarding attendance?
- Is the attendance policy consistently applied?
- Do different faculty teaching the same course make different "fundamental alteration" determinations, and why?

Medical Absences and Medical Withdrawals

A qualified individual is one who with or without reasonable modifications to rules, policies or practices, meets the essential eligibility requirements for participation in a program or activity.

If a student is not meeting these requirements, then the student may not be "otherwise qualified" to attend school at this point in time. The medical situation may require the student to focus on their health for the present, and it may be advisable for the student to medically withdraw.

Many students, however, will be able to access the benefits of classroom instruction with a flexible attendance (disability-related absence) accommodation.

Responsibilities of the student with Disability Related Absences accommodation

Submit Appropriate Documentation

Students are required to submit appropriate medical and/or psychological documentation to the Student Disability Services. The documentation must explain the impact of the disability on class attendance. When appropriate documentation has been received, SDS will provide the student with letters verifying that documentation supporting the need for excused absences has been submitted.

Discuss Attendance Policies with Each Professor

The student will give the letters to his/her professors to initiate discussions concerning attendance policies, anticipated absences, and procedures for making-up course work. (Naturally, the student must also listen closely to faculty announcements about attendance and make-up policies and procedures, and must refer to the syllabus frequently throughout the semester for information about these issues.)

Students are encouraged to discuss flexibility with absences prior to the start of the semester. The professor can then review specifics, such as how many additional absences can be allowed, and how make up work would be handled. This gives the student the information needed to determine if he/she should stay in that class or select another.

Notify the Professor of Disability-Related Absences

It is the responsibility of the student to notify professors promptly of disability-related absences, and particularly of any prolonged absences. If the student encounters an unexpected disability-related circumstance, such as an emergency hospitalization or illness, he/she should notify Student Disability Services and his/her professors. The student must also contact professors to arrange to make-up work or other assignments.

Be Prepared to Verify the Cause for Absence

Student must stay in contact with their treating professional when they have an accommodation for disability-related absences. Students who are absent from class due to their disability should be prepared to obtain a verification notice from a medical or psychological professional.

Verification of disability-related absences informs professors of legitimate absences due to a student's disability. The student will need to provide verification of the absence from their health care provider to the professor, or to Student Disability Services, per the arrangements made previously with the professor. (If a student is concerned about revealing the exact nature of the disability to the professor, the student may submit the verification to SDS, and SDS will inform the professor that the verification has been received.) The documentation should establish the reason for the absence and its relation to the disability.

Service Animal in Training Procedure:

Service Animal, Handler & Partner Definitions

Under federal law, a service animal is defined as:

Any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the handler's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals, who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

For the purpose of this policy the terms *Handler* and *Partner* will be defined as:

Handler: a person who uses a service animal to assist them with a disability as defined by federal law. Handlers are not required to register with Student Disability Services.

Partner: a person who accompanies a dog being trained to be a service animal for a Handler.

Georgia law (O.C.G.A.30-4-2), provides that for purposes of access to University of North Georgia facilities, programs, services or activities ("U.N.G. facilities"), persons ("Partners") accompanying dogs

being trained to be “service animals”, subject to certain identification and other requirements (“service animals in training”), are required to be given the same degree of access to which a disabled Handler assisted by a service animal is entitled under applicable federal law.

Restrictions on Service Animals in Training Access

University of North Georgia may prohibit or otherwise restrict the access of service animals in training into certain U.N.G. facilities due to health or safety restrictions and concerns, and where their presence may compromise the integrity of certain research or otherwise fundamentally alter a program or activity of the college. Any such prohibition or other restriction on access to college facility pursuant to this policy shall be determined in writing using the guidance provided by this policy and other relevant information by responsible officials of each affected college unit with copies provided to the Director of Student Disability Services. Such restrictions may include, but are not limited to:

- Food preparations areas
- Teaching or research laboratories
- Classrooms or other activities involving demonstration or research animals
- Mechanical rooms or custodial closets such as boiler rooms, facility equipment rooms, electrical closets, elevator control rooms or other similar spaces
- Areas where personal protective clothing or equipment are necessary
- Areas where there is a danger to the service animal in training such as classrooms or wood/metal/machine shops, where there are sharp metal cuttings or other sharp objects on the floor or protruding from a surface, where there is hot material on the floor (e.g. molten metal or glass), where there is a high level of dust, where there are harmful chemicals or materials, or where there is moving machinery
- Such other areas where the service animal in training or other animals may be endangered or constitute a danger to person
- Areas where the presence of the service animal in training would cause or require a fundamental alteration of a college program or activity
- Vicinity of firearm discharge
- Infirmary medical examination, laboratory or pharmacy rooms

Notifications

Student Disability Services staff will coordinate visits with the college units that restrict access of service animals in training. Sufficient notice will be provided to all members of the college community and the public at large as to those college facilities that service dogs in training are restricted from entering.

Requirements of partners and grounds for removal of service animal in training from the college facilities:

- Partners are required to keep their service animal in training under their direct physical control at all times by means of appropriate leash or other lead of a type and length that enables the partner to maintain close and direct physical control of the service animal at all times. Partners are also prohibited from transferring control to another person even momentarily requesting the assistance of other persons in supervising or controlling their service animal or leaving the presence of their service animal for any period of time while visiting the college facilities.

- Partners are required to remove a service animal in training that is unruly or disruptive (e.g. biting or attempting to bite, barking, running around, jumping at or up on people or other excessive physical activity that goes beyond repositioning itself on the down-stay). A partner may be directed to remove an animal by a college faculty or staff member or by any member of campus police. In determining whether a service animal in training is being unruly or disruptive within the meaning of this paragraph, all facts and circumstances may be considered. In the event of such behavior by a service animal in training, it may be denied access to college facilities until the partner can demonstrate that he/she has taken sufficient steps to correct or control the unacceptable behavior of the service animal in training.
- Partners shall not bring a service animal in training that is ill to the U.N.G. campus and must remove the animal from the facilities immediately if it becomes ill. A partner with a service animal in training that appears to be ill may be asked to remove the animal from the college by a member of campus police or other U.N.G. faculty or staff.
- Partners must ensure that their service animal in training is kept clean and well groomed. The hygiene of a service animal in training should meet the reasonable opinion of the U.N.G. faculty or staff members. An unhygienic service animal in training (e.g. flea-infested, foul-smelling or inadequately groomed) may be asked to leave the U.N.G. facilities or activities until such conditions are corrected.
- Partners must ensure that their service animal in training is housebroken. A service animal will be excluded from the college facilities if it is not. In the event of an isolated incident of a service animal in training failing to control its bodily eliminations due to illness or accident, the partner is responsible for immediate and proper clean up and disposal of any bodily fluids or solid waste.
- Proper clean-up will depend on the specific circumstance but includes (at a minimum) physical removal and disposal of liquid and solid wastes and cleaning materials securely in a plastic bag and deposited in an outdoor waste container. To this end, partners are required to have cleaning materials and disposal bags in their possession at all times when accompanying a service animal in training to the college facilities.
- In the event of any such incident, and after the immediate clean-up action required above, the partner must notify an appropriate college employee, such as a custodian, in the affected building or area so that further deodorization and disinfection procedures can be performed as needed. Where such college personnel are unavailable the partner must contact the U.N.G. custodial services or grounds department.
- In the case of a partner whose disability prevents or impairs the ability to comply with the requirements of this paragraph, as required by applicable laws, it is the responsibility of such partner to have previously made satisfactory arrangements for a third party to ensure all actions required by this paragraph. Such arrangements must be documented in the partner's disability records with the Student Disability Services. In all cases of damage to U.N.G. facilities by a service animal failing to control its bodily eliminations due to illness or accident or in any other manner, the partner is personally responsible for the cost of additional cleaning or repairs to the U.N.G. facilities.SDS
- Partners of a service animal in training shall be liable for any and all costs resulting when a service animal in training causes damage to U.N.G. facilities or injury to a person. In the case of

any incident involving injury to a person by a service animal in training, the partner shall make an immediate report to campus police so that the incident can be properly investigate and documented. The partner shall also fully comply with any state or local law or regulation requiring additional reports to other government agencies that may be required due to the physical injury caused by the service animal in training.

- In addition to any other obligations contained in Paragraph 1, a written statement will be filed following any such incident involving such property damage or personal injury. The partner shall submit a detailed written report regarding the incident that should include copies or other written confirmation that all other reports required in this policy have been duly made and that any actions required under other state or local laws such as quarantine of the service animal in training and the like have been taken. For purposes of this policy all such summary reports must be filed with the Student Disability Services and Human Resources.

College Service Animal Committee (DRAFT)

A committee consisting of the campus chief of police, the dean of students, the director of the Student Disability Services and other appropriate college offices when circumstance permits, will be responsible for providing the final determination on the risk, potential hazard, potential for property damage, or potential for public nuisance of any service animal in training on the U.N.G. campus. Nothing in this policy is intended to limit the freedom and responsibility of U.N.G. law enforcement in the assessment or handling of any emergency situation involving any animal, including service animals on the U.N.G. campus. All federal and state laws will take precedence over this policy.

Exceptions

Exceptions to any provision of this policy, including restrictions placed by the college offices on access to specific areas or other aspects of the college facilities for service animals in training will normally be considered on a case-by-case basis upon written request to the Student Disability Services, submitted not less than five business days prior to the effecting date of any such exception. The Director of the Student Disability Services will consult with other appropriate members of the college community in an interactive process to determine whether the request will be granted or denied, taking into account all of the relevant facts and circumstances, and will so inform the requestor in writing, including any specific additional conditions or restrictions in those cases where exceptions are granted.

Under certain exigent or other unusual circumstances, the college office may allow a temporary exception to this policy for a duration that is consistent with the nature of the exigency or other unusual circumstance. Any such action must thereafter be reported in writing in a timely manner to the Director of the Student Disability Services explaining all of the relevant circumstances.

Administrative and Other Matters

Upon arrival to the campus, partners must contact the Student Disability Services to register their service animals in training, to include documenting his or her credentials from the accredited school for which the service animal is being trained.

Records Security and Confidentiality

University of North Georgia
Access Policy for Student Disability Services

1. The Student Disability Service (SDS) insures that all information obtained from students or other sources is considered confidential.
2. All confidential disability-related information is housed at Student Disability Services office and secured in locked cabinets with limited key access.

Records in student files may include, but are not limited to: health professional evaluation reports; high school transcripts and academic worksheets; Individualized Education Program documentation; autobiographical essays; SDS intake packages; copies of notices of admission; checklists; questionnaires; advising forms; physicians' statements and letters of recommendation; counseling interview notes and referrals; and any related documentation and/or correspondence.

3. Student files can be accessed only by SDS staff members. Faculty does not have access to student disability files. However, one exception is disclosure to other university officials who have been determined to have a legitimate "need to know" interest in the information.
4. Disability-related documents created by the SDS will not be released to an outside third party without the written consent of the student.
5. Disability-related documents obtained from a third party (i.e. medical records, diagnostic reports) will be released only to the student with the appropriate written authorization.
6. Any information regarding a disability obtained from the student or other sources shall be considered confidential.
7. Information regarding a student's disability cannot be shared WITHOUT prior written permission.
8. Neither disability nor the use of accommodations is noted on a student's transcripts.
9. Students have the right to review the contents of their files with an SDS staff member.
10. Electronic records are kept on a secure server to which access is only granted to SDS staff.
11. Neither the identity of students with disabilities, nor information about them, is to be disclosed to callers unless it can be determined that the student has given a release to speak to that specific caller. No confirmation that SDS is providing services for the student can be given without a signed release form. If time is needed to check releases or to speak with the student, a message can be taken.
12. SDS staff are required to sign confidentiality agreements and undergo confidentiality training when hired, and on an annual basis at the time of the personnel evaluation.
13. Peer mentors and student workers do not have access to student files, but are required to sign confidentiality agreements and undergo confidentiality training with regard to any information they learn in the course of their volunteer time or practicum experience.

14. SDS may charge a reasonable fee for copying records.
15. If a student wishes to have a record expunged, he/she must make a written request to the director who will make a determination.
16. SDS will retain a copy of all disability records for seven years after the semester of last enrollment.

The college will not be responsible for the replacement cost of any medical or disability-related documentation destroyed pursuant to this policy, or for any new documentation that may be required in order for a student to re-apply for accommodations. For this reason, students are encouraged to retain copies of their own medical records and disability-related records.

17. The confidentiality policy remains in effect after graduation.

SECTION X (DRAFT)

COURSE ACCOMMODATIONS AND SUBSTITUTIONS

A student is required by the University System of Georgia to meet the essential requirements of his or her respective program. Any request for course accommodations and substitutions will be decided on a case-by-case basis; however, the policies of the Board of Regents of the University System of Georgia preclude waiving any core course and allows for substitutions only in approved areas.

Course Accommodations

When a student's documentation indicates course accommodations, the Coordinator of Student Disability Resources will confer with members of the university's Committee on Learning Disabilities/Physical Challenges to determine appropriate, individualized accommodations as supported by the documentation. The students will be notified of approved accommodations via an official letter from the Vice President for Academic Affairs. Such accommodations may require changes in the distribution and presentation of course material and in the evaluation of academic performance.

Course Substitutions

Courses may be substituted when documentation indicates that a certain disability precludes learning a specific subject, that accommodations would most likely be futile, and that the course is determined not to be essential to the student's program of study or is a University System of Georgia core curriculum course. The Coordinator of Student Disability Resources, the Committee on Learning Disabilities/Physical Challenges, the head of the department of the student's major field of study, and the student's major advisor will recommend an appropriate course substitution to the Vice President for Academic Affairs for approval.

SECTION XI

APPEALS

University of North Georgia recognizes both the variation in the needs of students with disabilities and the variation in course contexts as an individual student progresses through his or her program of study. When needs arise, the student or the faculty member, as well as offices that serve students, may request that the Coordinator of Student Disability Resources review current accommodations and revise the accommodations as appropriate. If this process fails to establish mutually acceptable accommodations, the dissatisfied party may file an appeal.

If accommodations have been recommended and approved by the Vice President for Academic Affairs, faculty must accommodate the student as outlined. Should faculty or offices serving students fail to accommodate the student, the student may file an appeal. Similarly, if a faculty member or office serving students finds that the accommodations are unreasonable or place an undue hardship on the department/office, the party(s.) may file an appeal.

All appeals must be submitted in writing to the Vice President of Student Affairs with a copy submitted to the Coordinator of Student Disability Resources.

Basis for Appeal

Students may appeal on the basis of one of the following considerations:

- The access plan does not represent a reasonable accommodation of a student's disability. The basis for such an appeal should be that the respective disability, in the absence of requested alternatives or additional accommodations, limits the student's full participation or accurate evaluation in a specific activity, service, program, or course. The appeal must include a rationale for the requested additions or alternatives.
- A particular course or requirement is not essential to the integrity of the program of instruction being pursued. The appeal must be based on documentation that the respective disability limits full participation in the academic program.

Faculty, department heads, area coordinators, and deans may appeal a student's access plan on the grounds that the accommodations represent a fundamental, detrimental alteration in a course, program, or service.

Filing Appeals

A student and his or her professor should make every effort to work together to implement accommodations determined/approved to be reasonable and appropriate. If questions or concerns arise due to conflicts between a student's documented needs and course requirements or physical accessibility on campus, the Coordinator of Student Disability Resources should be contacted. The Coordinator will make every effort to resolve the conflict in a timely manner, either through counseling or by referral to the institution's Alternative Dispute Resolution (ADR) liaison. If neither of these procedures results in resolution, the student should appeal in writing to the Vice President for Academic Affairs. (A copy of the letter of appeal should be submitted to the Coordinator of Student Disability Resources.) If no resolution is reached through appeal to the Vice President for Academic Affairs, a student has the right to appeal to the President of University of North Georgia and, ultimately, to the Board of Regents of the University System of Georgia.

Ombudsman representation

The University of North Georgia supports an initiative, which assists students with concerns or complaints. The ombudsman system has designated a representative that will act as a resource for students with concerns or conflicts. This representative reports directly to the president and is designated to be impartial and able to provide needed information to the students.

The representatives are:

Dahlonega Campus: Ms. Mary Newburn

mnewburn@northgeorgia.edu
706-864-1818

Gainesville and Oconee Campuses: Ms. Melinda Hawley

mhawley@gsc.edu
706-310-6243

APPENDIX I

BOARD OF REGENTS CRITERIA BY DISABILITY FOR SUPPORTING DOCUMENTATION

This information is taken from:

http://www.usg.edu/academics/handbook/section2/2.22/appendix_dsp3.phtml

DISABILITY DOCUMENTATION

Definition of Disability

An individual must demonstrate that his/her condition meets the definition of a disability under the ***Rehabilitation Act, 1973*** and/or the ***Americans with Disability Act (ADA), 1990***. The ADA defines a disability as a physical or mental impairment that substantially limits one or more major life activities.

Substantially limits under ADA refer to significant restrictions as to the ***condition, manner, or duration*** under which an individual can perform a particular major life activity as compared to most people.

Whether a condition is substantially limiting to support an accommodation request is a decision made by qualified professional(s) based upon multiple sources of information.

A clinical diagnosis is not synonymous with a disability. The specific symptoms that are present should be stated in the documentation. Evidence that these symptoms are associated with substantial impairment in a major life activity is required for provision of accommodations. A detailed description of current substantial limitation in the academic environment is essential to identify appropriate academic accommodations, auxiliary aids, and services. Specific requests for accommodations need to be linked to the student's current functional limitations, and the rationale for each recommendation clearly stated.

General Guidelines that Apply to All Areas of Disability

All institutions are required to have written policies and procedures for review of documentation submitted by students with disabilities. Decision-making for the provision of institutional-level

accommodation is provided by the Student Disability Services (ODS) or a designated office at an individual college or university.

Secondary education eligibility reports, Individualized Educational Plans, Summary of Progress reports, or previous provision of special education services may not be sufficient documentation for college-level accommodations.

Documentation should provide a diagnostic statement identifying the disability, describe the diagnostic criteria and methodology used to diagnose the condition, and detail the progression of the condition if its impact on the student's functioning is expected to change over time.

Documentation should provide an adequate representation of the student's current functional abilities. In most situations, documentation should be within three years of the student's application for services. Professional judgment, however, must be used in accepting older documentation of conditions that are permanent or non-varying, or in requiring more recent documentation for conditions for which the functional impact may change over time.

Documentation must include the names, signatures, titles, and license numbers of the appropriate evaluators, as well as the dates of testing and contact information. Evaluators must be licensed professionals whose training and licensure status is consistent with expertise in the disability for which they provide documentation.

ABI (Acquired Brain Injury):

Brain injury can result from external trauma, such as a closed head or an object penetration injury, or internal trauma, such as a cerebral vascular accident or tumor. ABI can cause physical, cognitive, emotional, social, and vocational changes that can affect an individual for a short period of time or permanently. Depending on the location and extent of the injury, symptoms can vary widely. Understanding functional changes after an injury and resulting implications for education are more important than only knowing the cause or type of injury.

Documentation of date of occurrence/diagnosis and the nature of the neurological illness or traumatic event that resulted in brain injury.

Depending upon the functional domains impacted by the injury, assessments of cognitive and academic deficits and strengths, psychosocial-emotional functioning, and/or motor/sensory abilities relevant to academic functioning may be essential components of documentation of the impact of an acquired brain injury for an individual student.

Impairments following an acquired brain injury may change rapidly in the weeks and months after the injury, and a more stable picture of residual weaknesses may not be apparent for 1-2 years after an injury. More recent documentation may be necessary to adequately assess the student's current accommodation needs.

Cognitive and academic processing weaknesses and strengths must be evident on multiple measures and not based on a single discrepant score:

- Academic Achievement
- Reading (decoding, fluency, and comprehension)
- Mathematics (calculations, math fluency, applied reasoning)

- Written Language (spelling, fluency, written expression)
- Cognitive Processing Skills
- Attention
- Executive Functioning

Attention-Deficit/Hyperactivity Disorder (AD/HD)

This document provides consumers, schools, professional diagnosticians, and service providers with a common understanding and knowledge base of the components of documentation that are necessary to validate the existence of ADHD, the impact of ADHD on the individual's educational performance, and the need for accommodations for candidates seeking to register with various Educational Testing Service testing programs. The information and documentation to be submitted should be comprehensive in order to avoid or reduce unnecessary time delays in decision making related to the provision of services.

Under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, individuals with disabilities are protected from discrimination and assured services. To establish that an individual is covered under the ADA, the documentation must indicate that the disability substantially limits some major life activity, including learning. The following documentation requirements are provided in the interest of assuring that documentation of ADHD demonstrates an impact on a major life activity, is appropriate to verify eligibility, and supports the request for accommodations, academic adjustments, and/or auxiliary aids.

In the main section of the document, information is presented in four important areas: (1) qualifications of the evaluator; (2) recency of documentation; (3) comprehensiveness of the documentation to substantiate the ADHD; and (4) evidence to establish a rationale to support the need for accommodation(s). Appendix A provides the diagnostic criteria for ADHD from the Diagnostic and Statistical Manual of Mental Disorders, 4th edition (DSM-IV-TR [American Psychiatric Association], 2000). Appendices B and C provide recommendations for consumers and a listing of resources and organizations.

AD/HD is a persistent pattern of inattention and/or hyperactivity-impulsivity that is more frequently displayed and more severe than is typically observed in individuals at a comparable level of development. The manifestations of AD/HD result in functional impairment in at least two settings (e.g., academic, occupational, social). The diagnosis of AD/HD is based on the specific criteria included in the current version of the DSM of the American Psychiatric Association.

Diagnosis and corresponding code from the most recent DSM must be included.

Assessment of the following diagnostic criteria is required and evaluation results must be included in the documentation:

Developmental history of either inattention and/or hyperactivity-impulsivity symptoms during childhood. The specific symptoms that were present in childhood should be stated in the documentation. Corroboration of childhood symptoms should be included, and may need to be gathered from a variety of possible data sources (e.g., parent/guardian report, school records, past evaluations). Evidence that these symptoms were associated with some functional impairment in home and/or school settings also must be included.

Current symptoms of either inattention and/or hyperactivity-impulsivity must be present. The specific symptoms that are present should be stated in the documentation. Self-reported current symptoms should be corroborated by an independent informant who has been able to observe the student's recent functioning with adequate regularity to provide this type of information. Evidence that these symptoms are associated with functional impairment in academic, occupational, and/or social settings also must be included.

The frequency/severity of both childhood and current AD/HD symptoms should be documented by comparison to individuals at a similar level of development.

Documentation must include the results of standardized rating scales that provide comparison to age-based normative data.

Deaf and Hard of Hearing:

Individuals who are deaf or hard of hearing experience a reduction in sensitivity to sound. Amplification may not assist the individual in interpreting auditory stimuli. Individuals who are deaf or hard of hearing from birth may experience lags in the development of speech and most often have language-based deficiencies.

- Description of the history, current symptoms, and severity of the disorder.
- Description of the expected progression or stability of the disorder.
- Description of the current functional limitations impacting academic performance resulting from the disorder.

Learning Disabilities:

Learning disabilities is a general term that refers to a heterogeneous group of disorders manifested by significant difficulties in the acquisition and use of listening, speaking, reading, writing, reasoning, or mathematical skills. These disorders are intrinsic to the individual, presumed to be due to central nervous system dysfunction, and may occur across the life span. Problems in self-regulatory behaviors, social perception, and social interaction may exist with learning disabilities but do not, by themselves, constitute a learning disability. Although learning disabilities may occur concomitantly with other disabilities (e.g., sensory impairment, mental retardation, serious emotional disturbance), or with extrinsic influences (such as cultural differences, insufficient or inappropriate instruction), they are not the result of those conditions or influences (NJCLD, Learning Disabilities: Issues on Definition, January, 1990).

Clear and specific identification of a learning disability must be stated in the documentation. For example, the terms "Learning styles" or "Learning differences" are not synonymous with a learning disability.

Documentation of a developmental and educational history consistent with a learning disability.

Since the manifestations of a learning disability may change over the period of childhood and adolescence, documentation must reflect either data collected within the past three years or after the age of 18.

Information gained from standardized assessment instruments is one essential piece of the methodology used to diagnose learning disabilities. Therefore, documentation of learning disabilities must include standardized measures of academic achievement and cognitive processing abilities that have age-appropriate normative data for high school/college students or older adult non-traditional students. All standardized measures must be represented by standard scores and percentile ranks based on published norms.

Documentation of a functional limitation(s) in one or more of the following areas of academic achievement:

- Reading (decoding, fluency, and comprehension)
- Mathematics (calculations, math fluency, and applied reasoning)
- Written Language (spelling, fluency, and written expression)

Documentation of relative strength(s) in academic achievement in order to establish the presence of a significant discrepancy between academic domains. The presence of a significant discrepancy will typically require a difference of one standard deviation between scores. However, qualified professionals may use other widely accepted metrics for documenting a significant difference between two scores (e.g., standard error of measurement).

Documentation that alternative explanations for the academic limitation(s) have been considered and ruled out (e.g., low cognitive ability, lack of adequate instruction, emotional factors such as anxiety or depression).

Documentation of a pattern of cognitive processing weaknesses and strengths that is associated in a meaningful way with the identified area(s) of academic limitation.

Both processing weaknesses and processing strengths must be identified and must represent a significant discrepancy between cognitive domains. The presence of a significant discrepancy will typically require a difference of one standard deviation between scores. However, qualified professionals may document a significant difference between two scores using other widely accepted metrics (e.g., standard error of measurement).

Processing weaknesses and strengths must be evident on multiple measures and not based on a single discrepant score on an individual test or subtest.

- Cognitive Processing Skills (selection dependent upon case)
- Attention
- Executive Functions
- Fluency/Automaticity
- Memory/Learning
- Oral Language
- Phonological/Orthographic Processing
- Visual-Motor
- Visual-Perceptual/Visual-Spatial

Documentation that alternative explanations for the cognitive limitation(s) have been considered and ruled out (e.g., low cognitive ability, lack of adequate instruction, emotional factors such as anxiety or depression).

These guidelines are intended to guide the review of documentation and cannot substitute for the expertise and clinical judgment of a qualified professional. Failure to fully meet each of the above criteria does not automatically preclude a diagnosis of learning disabilities. In some circumstances, this diagnosis may be justified, based on an expert's integration of a student's history, test performance, and current functioning.

Mobility Disorders:

Mobility impairments refer to conditions that limit a person's coordination or ability to move. Some mobility impairments are congenital while others are the result of illness or physical injury. The functional abilities and limitations resulting from the impairment will vary from individual to individual.

Description of the history, current symptoms, and severity of the disorder.

Description of the expected progression or stability of the disorder.

Description of the current functional limitations impacting academic performance resulting from the disorder.

Autism Spectrum Disorders:

Autism spectrum disorders are characterized by severe and pervasive impairment in several areas of development including reciprocal social interaction skills, communication skills, or the presence of stereotyped behavior, interests, and activities. Several different disorders fall within this category including Asperger's Disorder and Autistic Disorder.

Asperger's Disorder

Asperger's Disorder is a pervasive developmental disorder characterized by qualitative impairment in social interactions and the presence of repetitive and stereotyped behaviors, interests, and activities.

Diagnosis and corresponding code from the most recent DSM must be included.

Assessment of the following diagnostic criteria is required and evaluation results must be included in the documentation:

- Developmental history that includes evidence of Asperger's Disorder symptoms in childhood and documents the absence of clinically- significant general delay in early cognitive or language development.
- Documentation of current qualitative impairment in social interaction.
- Documentation of current restricted, repetitive, and stereotyped patterns of behavior, interests, and activities.
- Assessment of broad cognitive ability and language function using standardized assessment measures with age-appropriate norms.

Autistic Disorder

Autistic Disorder is a pervasive developmental disorder characterized by qualitative impairment in social interactions, qualitative impairment in communication affecting both verbal and nonverbal communication skills, and the presence of repetitive and stereotyped behaviors, interests, and activities.

General documentation guidelines:

- Diagnosis and corresponding code from the most recent DSM must be included.
- Assessment of the following diagnostic criteria is required and evaluation results must be included in the documentation:
 - Developmental history that includes evidence of Autistic Disorder symptoms in childhood
 - Documentation of qualitative impairment in social interaction.
 - Documentation of qualitative impairment in communication.
 - Documentation of restricted, repetitive, and stereotyped patterns of behavior, interests, and activities.
- Assessment of broad cognitive ability and language function using standardized assessment measures with age-appropriate norms.

Psychological Disorders:

Some individuals experience significant disruptions in mood, thinking, and behavioral regulation that are secondary to a psychological disorder. Many different psychological disorders can interfere with cognitive, emotional, and social functioning and may negatively impact a student's ability to function in an academic environment. The symptoms and associated impairment may be either chronic or episodic. Test anxiety by itself is not considered a psychological disorder. Complete descriptions and diagnostic criteria for psychological disorders are available in the current version of the DSM.

- DSM diagnosis and corresponding DSM code.
- Description of the history, current symptoms, and severity of the disorder.
- Description of the expected progression or stability of the disorder.
- Description of the current functional limitations impacting academic performance resulting from the disorder.

Systemic Disorders:

Systemic disabilities are conditions affecting one or more of the body's systems, including the respiratory, immunological, neurological, circulatory, or digestive systems. Systemic disabilities are often unstable therefore, the need for and type of reasonable accommodations may change over time.

- Description of the history, current symptoms, and severity of the disorder.
- Description of the expected progression or stability of the disorder.
- Description of the current functional limitations impacting academic performance resulting from the disorder.

Visual Disorders:

Visual impairments are disorders in the function of the eyes that cannot be adequately corrected by medical or surgical intervention, therapy, or conventional eyewear. Individuals with visual disorders may not have any useable vision or the vision may be extremely limited (light, color or shadow perception only).

- Description of the history, current symptoms, and severity of the disorder.
- Description of the expected progression or stability of the disorder.
- Description of the current functional limitations impacting academic performance resulting from the disorder.