


4-11-2019

SR-18-19-49 EC

Marshall University

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**Executive Committee
Resolution**

SR-18-19-49 EC

Whereas the purpose of this resolution is to support the distribution of procedures for Students with Disabilities in the Undergraduate catalog. This language change and addition to the Undergraduate catalog will provide clarification to prospective and current students while ensuring Marshall University's obligation to ensure educational opportunities for students with disabilities and to follow the Board of Governors' (BOG) policy (No. 11-14).

Be it resolved, that the Faculty Senate of Marshall University approves the changes and addition to the Undergraduate catalog for Students with Disabilities.

We so resolve.

FACULTY SENATE CHAIR:

APPROVED BY THE
FACULTY SENATE: _____  DATE: 4/11/19

DISAPPROVED BY THE
FACULTY SENATE: _____ DATE: _____

UNIVERSITY PRESIDENT:

READ:  DATE: 4-22-19

COMMENTS: _____

Students with Disabilities

Introduction

Marshall University is committed to providing equal opportunity and access to all programs, services, and activities for students with disabilities. Marshall has three (3) offices or centers that provide services for students with disabilities. These programs include two nationally recognized centers for excellence: the College Program for Students with Autism and the Higher Education Learning Problems (H.E.L.P.) Program. Each of these has different intake processes and procedures. Please check with each program for specific questions. For more specific information on their services, processes, and fees, please use the web links below:

The Office of Disability Services (ODS)

Website: Office of Disability Services

URL: <http://www.marshall.edu/disability/>

The Office of Disability Services is the **university-wide office** responsible for working with both faculty and students with disabilities to provide reasonable accommodations, assistive technology, and/or auxiliary aids and services. This office helps to ensure Marshall University is providing equal opportunity and access for all students with disabilities **without cost** to the students.

College Program for Students with Autism Spectrum Disorder

Website: [College Program for Students with Autism Spectrum Disorder](http://www.marshall.edu/collegeprogram/)

URL: <http://www.marshall.edu/collegeprogram/>

(Focus is on students with autism.)

Participation in this program requires that students pay for services. College Program services are highly individualized, but every student receives supports from graduate assistants and West Virginia Autism Training Center staff who work to oversee that the student is accessing the services they need to have a successful college experience. 94% of students who have received College Program supports have graduated or are currently on track to graduate. College Program staff are also available to provide Allies Supporting Autism Spectrum Diversity Training to campus departments. The one-hour online or in-person training can be tailored to fit the needs of various populations such as faculty member, peers, community members, and employers. The College Program also hosts a 3-day employment preparedness workshop in June and a high school summer transition program during summer session III.

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H.E.L.P. Program

Website: [Higher Education for Learning Problems Center \(H.E.L.P.\)](http://www.marshall.edu/help/)

URL: <http://www.marshall.edu/help/>

(Focus is on students with learning disabilities.)

Participation in this program requires that students pay for services. The H.E.L.P. Program (Higher Education Learning Problems) is located in Myers Hall, on the Huntington campus of Marshall University. H.E.L.P. is a comprehensive academic support program for Marshall University students with diagnosed Specific Learning Disabilities (SLD) and/or Attention Deficit Hyperactivity Disorder (ADHD). The H.E.L.P. Program offers one-on-one academic tutoring, academic coaching, and diagnostic evaluations. Students participating in the program must have met acceptance criteria for Marshall University and are considered for entry to the H.E.L.P. Program, via a separate application process.

Confidentiality and Disability Disclosure Statement

Students with disabilities are admitted to Marshall University under the same admittance criteria and process for all students. Students with disabilities are not required to disclose their disability during the admissions process nor during their time at Marshall. However, if they seek accommodations including assistive technology, or auxiliary aids/services they must make their request to the Office of Disability Services.

Accessibility

Marshall University is committed to making all programs, services, and activities fully accessible to students with disabilities.

According to the U. S. Department of Education's *OCR Compliance Review No. 11-11-6002*:

“Accessible” means a person with a disability is afforded the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as a person without a disability in an equally effective and equally integrated manner, with substantially equivalent ease of use. Educational benefits and opportunities afforded by technology are “accessible” if a person with a disability is afforded the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as a person without a disability in an equally effective and equally integrated manner, with substantially equivalent ease of use. A person with a disability must be able to obtain the information and engage in the same interactions as fully, equally, and independently as a person without a disability. Although this might not result in identical ease of use compared to that of persons without disabilities, it still must ensure equal opportunity to the educational benefits and opportunities afforded by the technology and equal treatment in the use of such technology.

Requesting Services

Registration and Documentation

To receive accommodations, assistive technology, and/or auxiliary aides, students must schedule an appointment with the Office of Disability Services Director to register for services. Web conferencing can be arranged for students who have long travel distances, take online courses, or are attending classes at remote campus locations. Students will need to schedule this initial appointment either through email or telephone contact to the Office of Disability Services director. At this initial meeting, students need to provide documentation of their need for reasonable accommodations, assistive technology, and/or auxiliary aids/services.

Please note that the H.E.L.P. Center and Autism Center's College Program have different intake procedures for students. Please contact them directly.

Course Substitution

Students with disabilities may apply for course substitutions or waivers as a reasonable accommodation under the following policy:

Conditions

A student with a disability seeking a course substitution or waiver must meet the following conditions:

- Completion of the Course Substitution/Waiver Form. This form requires that the student attach a recent (within two years) diagnosis of a disability warranting a substitution or waiver. (The form is available in the Office of Disability Services, the H.E.L.P. office, the Buck Harless Student Athlete Program office, college deans' offices, and the office of the Dean of Student Affairs.) A licensed psychologist, a licensed school psychologist, or a properly credentialed education specialist must have made the diagnosis in the case of a learning disability.
- Verification on the Course Substitution/Waiver Form from the dean of the student's college, upon recommendation by the faculty of the department in which the student is a major, that the course for which a substitution is requested is **not an integral** part of the student's course of study. If the course is integral to the course of study the substitution or waiver request **shall not go forward**.
- Submission of the Course Substitution/Waiver Form to the Office of Disability Services.

Procedure

Submission of the Course Substitution Form by the student to the Office of Disability Services initiates the process. The Office of Disability Services confirms that a diagnosis of a disability is presented by the student and that the disability is known to hinder or prevent successful completion of the course of study for which the substitution is requested. If there is no such diagnosis the request is denied. If the appropriate diagnosis is presented the Office of Disability Services proceeds to contact the Academic Dean and Department for which the substitution is requested. All materials submitted by the student are forwarded to these faculty members with

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a certification that the student has presented a diagnosis of a disability warranting a substitution. The Academic Dean and Department faculty are charged with identifying courses that would constitute appropriate substitution and reporting these courses to the Office of Disability Services.

A student who is denied a course substitution or waiver may appeal in writing within 10 working days to the Provost/Senior Vice President for Academic Affairs, whose decision is final. Students should be aware that a course substitution/waiver would not be valid at any other institution and would have to be approved by the new college or department if the student changes major or declares a second major at Marshall University.

Appeals Process

Students who believe they have been inappropriately denied a reasonable accommodation by the Autism Training Center, the H.E.L.P. Center, or the Office of Disability Services may appeal as follows.

Step One: The student will submit the Accommodation Appeal Form to the Office of Disability Services within two (2) days of the denial of accommodations. This appeal form requires the recommended accommodations as provided by a licensed physician, psychologist or other appropriate medical professional. In addition, the student will provide a written statement indicating why the denial of the accommodations is in error and a potential detriment to the student's ability to participate in curricular and co-curricular activities.

The Office of Disability Services will, within five (5) business days, attempt to informally resolve the appeal. Resolution may be an affirmation of the refusal of the accommodation with a rationale for the decision, recommend provision of the accommodation, or submission of the appeal form for a Step Two review.

Step Two: If the student is not satisfied with the decision from Step One, he or she may forward the Accommodation Appeal Form within two (2) days of receipt the Step One decision to the Vice President for Student Affairs (VPSA), or his/her designee who will further investigate the appeal. This investigation may involve a meeting with the student, staff of Autism Training Center, the H.E.L.P. Center, and/or the Office of Disability Services, faculty and staff involved in the appeal, and others whose expertise may inform the review. The VPSA will render a decision, including a rationale, in a timely manner within five (5) business days. The VPSA may also submit the appeal form for a Step Three review.

Step Three: If the student is not satisfied with the decision from Step Two, he or she may forward the Accommodation Appeal Form within two (2) days of receipt the Step 2 decision to the Senior Vice President for Academic Affairs and Provost or his/her designee, (VP AA&P), who

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will further investigate the appeal. The VPAA&P will render a decision, including a rationale, within five (5) business days. The decision of the VP AA&P shall be final.

Failure to Provide An Accommodation or Issues with Providing an Accommodation
Students, the Office of Disability Services, or the faculty or staff who believe an employee of Marshall University failed to or has issues with providing an accommodation approved by the Autism Training Center, the H.E.L.P. Center, and/or the Office of Disability Services will submit the Accommodation Complaint Form to the Office of Disability Services. The Office of Disability Services will, within five (5) calendar days, report to the student and the VPSA the result of an investigation of the complaint and the action taken, if any.

If the Student, the Office of Disability Services, faculty or staff believes that:

any agreed to resolution of the matter has not been adhered to or followed, or

the Accommodations are still not being provided,

no resolution can be reached concerning the issue, or

there is a dispute regarding how/what accommodations should be provided, then the matter may be appealed.

Appeal of Failure to Provide an Accommodation

Step One: The student, the Office of Disability Services, the faculty or staff will submit the Accommodation Complaint Form within two (2) days of the issue or incident of providing an accommodation occurs to the Office of the VPSA. This appeal form requires the recommended accommodations as provided by a licensed physician, psychologist or other appropriate medical professional. In addition, the student, Office of Disability Services, the faculty or staff will provide a written statement indicating what resolution attempts, if any, have been taken. Indicate which of the reasons indicated in 2.2 has occurred.

Step Two: The Office of the VSPA will, within five (5) business days, attempt to resolve the appeal. This attempt at resolution may involve a meeting with the student, staff of the Autism Training Center, the H.E.L.P. Department, and/or the Office of Disability Services, faculty and staff involved in the appeal, their director, chair, dean, and/or others whose expertise may inform the review. The Office of the VPSA will render a decision, including a rationale, in a timely manner within five (5) business days. The VPSA may also submit the appeal form for a Step Three review.

Step Three: If the student, the Office of Disability Services, faculty or staff is not satisfied with the decision from Step Two, he or she may forward, within two (2) days of the Step Two decision, the Accommodation Complaint Form to the Office of the Senior Vice President for

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Academic Affairs and Provost or his/her designee, (VP AA&P), who will further investigate the appeal. The VP AA&P will render a decision, including a rationale, within five (5) business days. The decision of the VP AA&P shall be final.

The VPAA&P shall have the authority to direct University faculty and staff to provide any accommodation to which the VP AA&P finds that the student is entitled to receive.

Accommodations which have been approved by the Autism Training Center, the H.E.L.P. Department, and/or the Office of Disability Services, must be provided during the appeal process.

If faculty or staff are found to have failed to provide an accommodation after all the measures outlined herein have been exhausted or at any time during the appeal process, then the matter will be referred to The Office of Equity Programs/Title IX for further investigation and possible disciplinary actions.

Right to Accommodation for Any Judicial or Appeal Process

All students with a previously approved accommodation may be entitled to receive reasonable accommodations during any judicial or appeal process. Upon notification by the student, or by the individuals conducting a judicial or appeal process, the Office of Disability Services will coordinate the provision of the accommodation and have the authority to identify how best to provide the accommodation. Provided that, the Student may be required to register to register with the Office of Disability Services to receive those accommodations in accordance with University policy and procedures.

Retaliation Prohibited

No individual may retaliate against the student or any person that assists the student in the receipt of accommodations or this appeal process.

4.2 "Retaliate" means to take an adverse action against an individual or subject an individual to conduct that has the purpose or effect of unreasonably interfering with that individual's educational experience, work or academic performances, or creates an educational experience or academic or work environment that a reasonable person would find intimidating or hostile because of something that individual did to further the University's policy for providing accommodations.

