

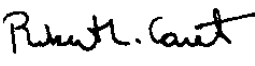


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September 20, 1995

PD 95-04

MEMO TO: Vice Presidents, Deans, Directors, Department Chairs

FROM: Robert L. Caret 
President

SUBJECT: Presidential Directive 95-04

**ACCOMMODATIONS, FOR STUDENTS WITH DISABILITIES
(Supersedes PD 95-01)**

Introduction

San José State University is committed to providing an inclusive environment which is responsive to the needs of all students. To promote and ensure this inclusion, appropriate accommodations guaranteed by law are provided to individuals who have verified disabilities.

This document describes the University's policy and guidelines for securing accommodations for students with disabilities, as well as the procedures for resolving disputes.

Purpose

It is the purpose of this Presidential Directive to assure that San Jose State University continues to comply with federal and state legislation and California State University policies regarding the provision of services to students with disabilities.

This Presidential Directive has been developed in response to the Americans with Disabilities Act of 1990; Section 504 of the Federal Rehabilitation Act of 1973; State of California ACR 201 (1976), ACR 3 (1985), AB 746 (1987); and the "Policy for the Provision of Services to Students with Disabilities", coded memorandum AAES 89-07, the California State University System.

History

Since 1972 the University has had a program that provides academic support services and counseling for students who have physical, emotional, learning and other verified disabilities. The Disability Resource Center, DRC, (formerly Disabled Student Services)

assists the University with its effort to promote an accessible learning environment by providing diagnostic assessment, sign language interpreters, reader services, specialized test taking arrangements, note taker services, and liaison to faculty and staff. In addition, the Disability Resource Center provides academic counseling, disability management and advising, as well as training on adaptive computers through the High Technology Center (HTC).

Policy

It is the policy of San Jose State University (SJSU) that otherwise qualified students who have disabilities shall be given academic adjustments and auxiliary aids as necessary to ensure access to all SJSU services, programs and activities. SJSU accommodates students with disabilities on an individual basis, based on their specific needs.

SJSU will timely provide academic adjustments and auxiliary aids to students with disabilities as necessary to ensure access to all SJSU services, programs and activities. These accommodations may include extended time and/or alternative format for exams, readers, library assistance, interpreters, note takers, and additional time to complete assignments. Accommodations will not be provided if they fundamentally alter the nature of the program. Students requesting accommodations are encouraged to identify their needs as early as possible to the Disability Resource Center.

Guidelines

1. Students are encouraged to inform faculty members about specific needs. However, in order to receive formal services, including University verification of appropriate accommodations for specific disabilities, students must provide clear documentation of the disability to the DRC. The DRC staff reserves the right to request additional documentation or a second opinion when necessary. Accommodations are provided on a case by case basis.
2. The DRC will notify faculty of accommodations needed by a registered student at the student's request.
3. Accommodations will not be provided to students who fail to meet with the DRC staff or inform their professor in advance of their academic accommodation needs. Requests must be made in a timely manner in order to enable the professor to address the needs. Requests for accommodations should be made at the beginning of the semester or as soon as possible after verification of the disability.
4. Accommodations will be provided to remove barriers that may be due to the physical environment. Students with disabilities must make their needs known to the appropriate DRC staff member in a timely manner.
5. Information about an individual's disability is confidential and is used only on a need-to-know basis by appropriate individuals.
6. Accommodations include, but are not limited to, the following:
 - allowing audio taping of a lecture,
 - allowing sign language interpreters for a lecture,

- recruiting student note takers for a lecture,
- providing extended time for tests,
- moving a classroom to a more accessible site,
- allowing adaptive computer equipment for tests,
- modifying testing formats or providing alternative means of evaluation,
- facilitating assistive listening devices in class,
- allowing readers or scribes,
- assigning staff/student to assist a student with a disability when barriers exist in the physical environment.

Procedures for Resolving Accommodation Disputes

1. Faculty, staff or students with questions, concerns or disagreements about the requested accommodation should be referred to a DRC staff member. It is anticipated that disagreements will be resolved as expeditiously as possible. The DRC staff member will evaluate the matter and make appropriate recommendations within three (3) working days of receiving the issue.
2. If the accommodation is not accepted by the faculty or staff persons, the matter will be referred to the department chair or director.' The department chair or director will resolve the disagreement within five (5) working days or refer it to the Accommodations Review Board (ARB).
3. During the time that the accommodation is under review, the accommodation recommended by the DRC will remain in effect.
4. The ARB will review cases that are forwarded to them by department chairs, directors or the Director of the DRC. Findings and recommendations of the ARB will be forwarded to the appropriate Executive (Provost or Vice President) within five to ten (5-10) working days of receiving the case for review and implementation. The findings will also be forwarded at the same time to student and faculty or staff parties involved. Faculty and/or staff will be notified along with the findings of appeal procedures noted in number six (6) below.
5. The Executive will issue an implementation letter within ten (10) working days of receipt of the ARB recommendation, after considering the faculty/staff appeal, if any, as timely filed according to number six (6) below. The Executive has the authority to accept, reject, or modify the recommendations of the ARB.
6. Administrative (faculty/staff) appeals of the ARB must be directed in writing and on the form provided to the Executive within five (5) working days of issuance of the ARB recommendation. As noted before, the directed accommodations (in this case of the ARB) must continue to be provided during any period of review.
7. Students seeking further redress of the ARB recommendation and/or the Executive findings may direct their concerns to the Office of Equal Opportunity under the University regulations for complaints about discrimination due to

disability. Formal complaints under PD 95-02, "SJSU Discrimination Complaint Procedure," must be filed within 180 days after the student knows or could be expected to have known that an action of discrimination has occurred.

Accommodations Review Board

1. Members of the Accommodations Review Board are appointed by the Provost. Members include one faculty member, one department chair and one dean (all nominated by the Academic Senate); one professional staff member from the DRC (nominated by the Vice President for Student Affairs); the Associate Vice President for Student Affairs; the University's ADA/504 Compliance Officer, and one staff member at large (nominated by the Vice President for Administration).
2. The Chair of the Board will be appointed by the Provost from the faculty membership on the Board.
3. A quorum will consist of four members, two of whom must be faculty, and one of whom must be a DRC staff member.
4. The Board will hear cases forwarded by a department chair, department head or the Director of the DRC related to student access or accommodation issues. Reviews of faculty/staff employment accommodations are handled by the Accommodations Resource Team (ART) in conjunction with the employee's supervisor and are not handled by this board.
5. To avoid conflict of interest, Board members will not hear cases in which they have any direct involvement. In such cases, the Board will proceed without the member, providing that quorum can be reached. If quorum cannot be reached, a new member will be appointed temporarily by the Provost.
6. Decisions will be reached by consensus.
7. Training for the Board will be provided by the University's ADA Compliance Officer.

'With notice to immediate supervisor.

NOTE: This policy is restricted to academic & access accommodations. Questions and concerns related to student discipline/behavior, academic fairness, etc. should be referred to the respective offices of Judicial Affairs or Ombudsperson.