

# DISABILITY SERVICES AND ACADEMIC ACCOMMODATIONS FOR STUDENTS POLICY

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Broward College Policy 5.09 ([http://www.broward.edu/legal/policies-and-procedures/\\_docs/procedure/a6hx2-5.09a.pdf](http://www.broward.edu/legal/policies-and-procedures/_docs/procedure/a6hx2-5.09a.pdf))

## General Statement

Broward College (the "College") complies with the Americans with Disabilities Act of 1990, as amended in 2008 (ADAAA) that governs accessibility standards for disabled students as defined under the ADAAA, and Section 504 of the Rehabilitation Act of 1973. Section 504 defines an "individual with a disability" as any person who:

1. has a physical or mental impairment which substantially limits one or more major life activities,
2. has a record of such an impairment, or
3. is regarded as having such an impairment.

Section 504 provides that: "No otherwise qualified individual with handicaps in the United States shall, solely by reason of her or his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance...."

Federal disability laws guarantee students an equal opportunity to participate, but these laws do not guarantee that students will achieve a particular outcome, for example, good grades. Students with disabilities are, in general, expected to be responsible for their own academic programs and progress.

The College sets its own requirements for documentation as allowed in Section 504 and Title II, and as outlined in the procedure to this policy. The College may delay or deny services if the diagnosis or the documentation is unclear. Students should not expect that the documentation guidelines at the College are necessarily the same as those accepted at other previous institutions attended, either in the secondary or post-secondary levels.

**Academic Accommodations:** Reasonable accommodations are modifications or adjustments to the tasks, environment, or to the way things are usually done that enable individuals with disabilities to have an equal opportunity to participate in an academic program (U.S. Department of Education, 2007).

It is the student's responsibility to request academic accommodations, and the College's responsibility to provide them, as deemed appropriate, unless it is determined an academic accommodation would fundamentally alter the nature of the course, service, program, or activity. The College is not required to provide an academic accommodation that would alter or waive essential academic requirements, nor is it required to make every academic accommodation requested.

Students who wait until after completing a course or activity or receiving a poor grade to request services should not expect the grade to be changed or to be able to retake the course or activity.

**Auxiliary Aids and Services:** The College is required under ADAAA and Section 504 of The Rehabilitation Act to "take such steps as are necessary to ensure that no handicapped student is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination under the education program or activity operated by the recipient because of the absence of educational auxiliary aids for students with impaired sensory, manual, or speaking skills." The College shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by a public entity. The term "auxiliary aids and services" includes: qualified interpreters, notetakers, computer-aided transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments."

## The Policy and the Student

Students are responsible for notifying Accessibility Resources of their disability and their request for academic accommodations; and, must provide documentation to Accessibility Resources that support the request, as outlined in the procedure to this policy.

This policy only applies to Broward College campuses located in the United States. Any accommodation requests at an international center must be made directly to the international center.

## The Policy and the Faculty and Staff

Faculty and staff are required to comply with federal guidelines. Faculty are required to provide the academic accommodations as outlined in the student's accommodation plan. The information a student shares with faculty about their disability is confidential and must be treated as such. Faculty shall not discuss a student's personal circumstances in front of a class or a non-confidential setting.

Accessibility Resources evaluates documentation, works with students to determine appropriate accommodations, prepares and provides students with accommodation plans, and assists students and faculty with coordinating the provision of accommodations.

## Implementation and Oversight

The District Director of Accessibility Resources, under the Direction of the Vice Provost for Academic Affairs shall be responsible for implementation and oversight of this policy.

Students who choose to grieve a decision of Accessibility Resources, relative to an accommodation, may appeal in writing, or another appropriate means to accommodate their disability, to the District Director of Accessibility Resources, who will notify the student in writing of the decision within ten days of receiving the grievance. Should the student choose to grieve the decision of the District Director, they may appeal in writing or another appropriate means to accommodate their disability to the Ombudsperson, who will notify the student in writing of the decision within ten days of receiving the grievance.

The United States Department of Education's Office of Civil Rights (OCR) has enforcement responsibilities under Section 504 of the Rehabilitation Act of 1973 (Section 504), and Title II of the ADAAA which prohibit discrimination on the basis of disability. If a student has a complaint against the institution relative to the application of this law, the student may have their case heard by OCR.

## Violation of Policy

Institutions that receive Federal Title IV Financial Aid are required to comply with Section 504 of the Rehabilitation Act of 1973 and the ADAAA, and the provisions therein. The institution may be subject to sanctions for failure to comply with this law.

Students who falsify information or otherwise violate this policy are subject to disciplinary action in accordance with College Policy 6Hx2-5.02 – Student Code of Conduct, up to and including expulsion from the College.

Non-represented faculty who fail to comply with required accommodations or otherwise violate this policy are subject to disciplinary action up to and including termination.

Full-time faculty who fail to comply with required accommodations or otherwise violate this policy are subject to disciplinary action up to and including termination, as outlined in College policy and the Collective Bargaining Agreement between the Board of Trustees of Broward College and the United Faculty of Florida, Broward College Chapter.

Staff who fail to follow the policy and procedures as outlined for providing information and services to students and faculty in accordance with the guidelines set forth in this policy will be subject to disciplinary action, up to and including termination.