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Disability Services Mission

The mission of Disability Services is to facilitate equal access to all Richmond Community College programs, services, activities and facilities for individuals with disabilities.

Consistent with the mission and vision of RichmondCC, Disability Services will:

- ❖ Provide reasonable accommodations and related disability services that promote accessibility for learning, personal development, and cultural opportunities
- ❖ Encourage self-advocacy and personal responsibility
- ❖ Advocate for attitudes, programs, services and facilities that are inclusive and accessible to all diverse populations
- ❖ Provide training to and promote collaboration with faculty and staff related to the needs of students with disabilities.

Disability Law & Richmond Community College Policy

Richmond Community College is committed to the education of all academically qualified students. RichmondCC does not discriminate on the basis of race, color, national origin, gender, age, religion, creed, sexual orientation or disability. RichmondCC is committed to providing support and services to students with disabilities to help them obtain a quality education and to reach their goals. Assistance is provided, as necessary, in relation to a student's disability, and is intended to help them participate in and benefit from the programs and activities enjoyed by all students.

Section 504 of the Rehabilitation Act states:

“Subject to the provisions of this title, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.”

Title II of the Americans with Disabilities Act states:

“No otherwise qualified individual with disabilities in the United States ... shall, solely by reason of ... handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

The Americans with Disabilities Act Title II Regulations (as amended on September 15, 2010) specifies the following definitions:

Disability means any person who (1) has a physical or mental impairment that substantially limits one or more of the major life activities; has a record of impairment; or has been regarded as having such an impairment.

(1) **Physical or mental impairment means:**

- a. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin and endocrine;
- b. Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- c. The phrase physical or mental impairment includes, but is not limited to, such contagious and noncontagious diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disabilities, emotional illnesses, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, recovering drug addiction, and alcoholism.

- (2) **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.

Rights & Responsibilities

College Rights & Responsibility

Richmond Community College acknowledges its responsibility to accommodate the known limitations of an otherwise qualified students with a disability through the provision of academic adjustments and/or aids without compromising the content, quality or level of instruction. Students with a disability are expected to meet the same academic standards as all other students. Accommodations are intended to minimize the impact of the disability, not to compromise the integrity of a course of study.

RichmondCC will provide information to faculty, staff, students, and guests with disabilities in accessible format upon request; provide accessible websites, accessible campuses, and accessible classrooms; ensure that courses, programs, services, and activities are available and usable in the most integrated and appropriate settings; and maintain confidentiality of records and communication, except where permitted or required by law.

RichmondCC reserves the right to:

- Identify and establish essential functions, abilities, skills, knowledge, and standards for courses, programs, services, jobs, and activities, and to evaluate students on this basis;
- Request and review current documentation from a qualified professional that supports requests for accommodations, academic adjustments, and/or auxiliary aids and services;
- Deny a request for accommodations, academic adjustments, and/or auxiliary aids and services if the documentation does not demonstrate that the request is warranted, or if the individual fails to provide adequate documentation and information;

- Select among equally effective accommodations, adjustments, and/or auxiliary aids and services;
- Refuse to provide an accommodation, adjustment, and/or auxiliary aid or service that imposes a fundamental alteration of coursework, a program or an activity of the college.

Faculty Rights & Responsibilities

Faculty and instructional personnel have the right to challenge an accommodation that jeopardizes the academic standards or integrity of a course. Students are expected to meet the academic demands of each course and the Code of Conduct of RichmondCC.

Faculty responsibilities include:

- Providing reasonable accommodations without questioning the validity of a documented disability when accommodations have been authorized by the Disability Services office;
- Cooperating with Disability Services in providing accommodations, academic adjustments, and/or auxiliary aids and services for students with disabilities;
- Contacting identified students as quickly as possible each semester, especially if the student is reluctant to self-advocate;
- Maintaining confidentiality of records and communication, except where permitted or required by law.

Student Rights

Students have the right to equal access to courses, programs, services, jobs, and activities offered by RichmondCC with or without the use of accommodations, academic adjustments and/or auxiliary aids and services. Students have the right to refuse accommodations when they are not required.

Student Responsibilities

- Self-identify as a person with a disability by initiating contact with the Disability Services office to request accommodations;
- Provide Disability Services with appropriate documentation from an approved provider;
- Communicate with the Disability Services Counselor to determine accommodations based on the documentation;
- Communicate with the Disability Services office each semester to provide designated instructors with signed copies of your accommodations via the Accommodation Plan;
- Give timely notification of the need for reasonable accommodations to Disability Services;
- Meet qualifications and maintain essential institutional standards for programs, courses, services, and activities;
- Adhere to the RichmondCC Code of Conduct.

Disability Services at the Post-Secondary Level

The laws applicable to educational services rendered to students with disabilities at the high school level are distinct from the laws which govern educational services rendered to them at the post-secondary level. Students with disabilities will operate under a new set of conditions and within a different framework. In an effort to assist with a clear understanding of the essential differences between these laws, the following comparison chart is included.

Major Differences Between High School and Post-Secondary Disability Services Comparison Chart

	HIGH SCHOOL	POST-SECONDARY
Applicable Laws	Indiv. w/ Disabilities Education Act Rehabilitation Act, Section 504	Americans w/ Disabilities Act Rehabilitation Act, Section 504
Required Documentation	Indiv. Education Program School provides evaluation at no cost to student School re-tests over time	Varies depending on the disability, and must include testing documentation Student must provide the evaluation at their own expense Student provides re-testing
Student Role	Student is identified by school School sets up accommodations	The student must identify himself/herself as a person who has a disability to the Disability Services Office Student is responsible for securing accommodations
Parental Role	Access to student records Participation in accommodations Mandatory involvement	No access to student records without the student's written consent Student requests accommodation Student is self-advocate
Instructors	Modification of curriculum Use of multi-sensory approach Weekly testing, mid-term, final and graded assignments Attendance taken and reported	Not required to modify curriculum Not required to use May test once or twice with few assignments Attendance requirements determined by instructor and relevant to course format, course/program requirements student can be dropped after missing 10% (one class)
Grades	Grades modified based on curriculum	Grades reflect the quality of work submitted

Conduct	Disruptive conduct may be accepted	Students who are disruptive and unable to abide by the institution's code of conduct is deemed "not qualified" and can be dismissed
Cost	Free	Can be expensive
Student Participation	Mandatory	Voluntary

The Disability Services Office

The Disability Services Office is housed in Student Services in the Hugh A. Lee building on the main campus. The Disability Services Counselor may be reached by calling 910-4101867. The Disability Services Counselor works with students as well as with faculty and staff members to determine reasonable accommodations for courses online or face to face. Reasonable accommodations will be made for individuals with a disability as defined by federal law and who provide complete documentation of the condition unless the accommodation(s) would alter the fundamental requirements of the field of study, program, or job. This provision will apply to any relevant curriculum and for continuing education through Workforce and Economic Development.

Placement Testing

Disability Services strives to comply with ADA and Sections 504 and 508 of the Rehabilitation Act by offering exam accommodations for prospective students with disabilities such as extended time, alternative formats, and assistive technology based on the student's individual needs. These accommodations provide equal access to testing and take into consideration certain limitations related to the student's disability.

If an applicant has a condition that may warrant testing accommodations, the applicant should contact the Disabilities Services Counselor at 910-410-1867 at least one week prior to the testing date. The prospective student should provide documentation verifying the disability. The Counselor will interview the student, review documentation and work collaboratively with the student to determine appropriate accommodations.

Documentation

It is illegal for an institution to inquire about disability prior to admission. Therefore, in postsecondary education, it is the responsibility of the student to identify him/herself to the college should accommodations be needed. Students generally will not receive accommodations until documentation of disability is on file with Disability Services. Students undergoing evaluation or awaiting transmittal of documentation may receive provisional services and accommodations not to exceed one semester. The appropriateness of the documentation will be determined on an individual basis. See appendix for specific diagnostic information.

Documentation has two purposes: (1) to establish that an individual has a disability and, (2) to describe and document the functional impact of the disability for use in establishing the need for and design of accommodations.

Generally, acceptable documentation should include, but is not limited to, the following:

- A statement identifying the disability, date of the most current diagnostic evaluation, and the date of the original diagnosis
- The credentials of the diagnosing professional(s)
- The current level of functioning of the individual
- Description of diagnostic tests, methods, and/or criteria used
- Description of the current functional impact of the disability which includes specific test results and the examiner's interpretation
- Description of the expected progression or stability of the disability over time
- Description of current or past accommodations and services
- Recommendations for accommodations, adaptive devices, and compensatory strategies

Confidentiality of Information

All students receiving services through the Disability Services Office should be assured that any and all files, documentation, or other information, received and/or maintained by the Disability Services Office shall be treated with all due confidentiality and rights of privacy. All documentation is maintained in the office of the Disability Services Counselor and the documentation does not become a part of the academic record. Information will not be released from the record except in accordance with state and federal law.

In the event a student presents the threat of danger or harm to the health and/or safety of the self or others on campus, any and all such information in the possession of the College may be shared with others as needed.

Accommodations

Students must be registered with the RichmondCC Disability Services office, have provided appropriate documentation, and have accommodations approved. Accommodations are determined on a case by cases basis. Richmond Community College makes an effort to engineer all accommodations to apply to traditional, hybrid, and online courses. Listed below are some of the more commonly provided accommodations. This list is not intended to be exhaustive. Please note that accommodations are designed to make learning accessible and the evaluation process fair, but accommodations do not guarantee success nor do they alter published course standards. Accommodations should be arranged prior to the beginning of the semester when possible.

Test Accommodations: Some students may need to take tests in a non-traditional format. Prior permission for testing accommodations should be obtained through the Disability Services Counselor. Examples of alternative test accommodations are extended test time, isolated distraction-reduced environment, dictating, scribing and reading services.

Interpreter Services: Students who are deaf or hard of hearing and who need interpreter services are strongly encouraged to pre-register for subsequent semester classes. Students should contact the Disability Services Counselor as soon as they know their scheduled classes for the next semester. It can take several weeks to locate a qualified interpreter who can work at the times you need. Interpreters used by RichmondCC will be qualified according to the ADA requirements for Effective Communication. If an interpreter cannot be located, an alternative format will be utilized.

Course Note Services: Examples of course note services, but not limited to, can include in-class note takers, or to receive course media in other format such as enlarged print. If you need alternate format of course material or note takers for your courses, notification will be sent to your instructors at the beginning of the semester. Prior to the course begin date, you should work with your instructor to facilitate the establishment of a note taker as follows:

- On the first day of the course, communicate with your instructor about your note taker needs. Let the instructor know if there is someone in your course who you know, who takes good notes, and who may be willing to assist you. If you do not have a suggestion or preference for a note taker, the instructor will attempt to locate a student to serve as a note taker. Once a note taker has been identified, both you and your note taker must come to Student Services for an explanation and formalization of the note taking arrangement.
- In the event that the instructor is unable to identify a note taker, IMMEDIATELY notify the Disability Services Counselor.

As an alternative, the Disability Services Counselor may suggest and/or provide assistive technology options to aid you in note taking.

Academic Counseling: Counselors are available to help you make the best decisions about your education. They help with career planning and problem solving throughout your college career at RichmondCC. Whether you need help managing your time, establishing priorities, or changing your schedule, our counselors are available to help you succeed. The counselors are aware that students with disabilities may have unique academic and/or personal concerns.

Registration Assistance: In some instances students with disabilities may be given priority registration accommodations. Priority registration accommodations may include advance or priority placement in selected courses or advancement to the front of the line for students with mobility impairments. Be advised, however, that priority registration does not guarantee that students will get into all of the courses they have selected.

Upon admission, an academic advisor will be assigned to you. You should communicate with your advisor each semester to discuss your progress and complete your course registration. It is your responsibility to maintain an accurate record of your academic progress.

Alternative Format Textbooks: RichmondCC is able to obtain alternatively formatted textbooks (large print, texts on cd, etc.) for students requiring written materials in a nontraditional format. If, however, the required textbook is not available, reasonable accommodations will be coordinated by the Disability Services Office. Students are strongly encouraged to provide their class schedule to the Disability Services Counselor 3 weeks prior to the beginning of the semester in order to allow sufficient time to acquire and/or prepare textbook accommodations.

Assistive/Adaptive Technology: RichmondCC is committed to the goal of providing assistance, as necessary, to students with disabilities to enable them to participate in and benefit from the programs and activities enjoyed by all students. Upon registering his or her disability information with the Disability Services Counselor, the student should identify any needs for specialized assistive/adaptive technology. The Disability Services Counselor will assess the student's request(s) and make every effort to provide the student with reasonable accommodations.

Tutoring Services: The Academic Success Center is an open lab where trained coordinators assist students in all areas of course work. The Academic Success Center can provide assistance in the lab or online. The tutoring program offers free tutoring to all curriculum students. Tutors may be peer tutors or individuals with advanced degrees who work with students to improve their understanding of specific course material.

Course Substitutions: RichmondCC recognizes that for some students with disabilities, even with reasonable accommodations, learning in some specific courses may be difficult. Students requesting substitution of coursework must communicate with the Disability Services Counselor. The student should be prepared to clearly demonstrate how the disability specifically affects his/her inability to acquire the subject matter of the particular course. Additional documentation may be requested and may include, but is not limited to, statements/recommendations of former teachers, special education providers, and/or other professionals, and a history of attempts to successfully complete the course while using accommodations. Each case is considered individually. Course substitutions will require the approval of the Vice-President of Curriculum and the Vice-President of Student Services.

While RichmondCC may permit the substitution of another course as an accommodation in some instances, *RichmondCC will not substitute or waive any course requirement that is found to be essential to a program of study.*

Any student who receives approval for a course substitution is expected to fully comply with all substituted requirements. Further, any substitution is only valid for the course(s) identified within the student's official curriculum at the time of the substitution. If, however, the student initiates and causes any change(s) to be made to his or her curriculum, the previously approved course substitution shall be rendered void.

Class Attendance: RichmondCC, as an institution, does not have an attendance policy for curriculum courses. Attendance is recorded during the census reporting period as required by SGSBCC 200.93 in order to verify student membership hours for curriculum courses. Individual instructors may have course specific attendance requirement which are determined by the instructor and shared with the student on the Instructor Course Requirements (ICR).

RichmondCC recognizes that some students may experience an exacerbation of the disability necessitating medical intervention and causing disability related absences to occur beyond the course specific attendance policy. Disability Services does not have a role in determining course specific attendance policies and does not issue official written excuses for disability related absences. It is a curriculum decision to determine the essential requirements of a course and to determine if absences beyond the stated attendance policy would result in a fundamental alteration of the course.

Each request for additional absences will be evaluated individually. The format of the course must be taken into consideration in determining if absences beyond the course specific attendance policy are acceptable. In the event of a disability related absence, it is the student's responsibility to contact the instructor. With the instructor's permission, the student is responsible for making up missed assignments and tests. Extended absences should be reported to the Disability Services Counselor.

Service Animals: Students must be registered with the Disability Services office, have provided appropriate documentation of disability (documentation must be within the past 3-5 years). Students must have an approved accommodation plan in place for the service animal.

Service animals are defined as dogs, or miniature horses, that are individually trained to do work or perform tasks for people with disabilities. The work or task a dog has been trained to provide must be directly related to the person's disability.

In accordance with the Americans with Disabilities Act, service animals assisting students with disabilities are permitted in all facilities of the college. Service animals must be leashed, harnessed, or tethered unless the devices interfere with the service animal's work or the individual's disability prevents these devices. The service animal must be under the control of the handler at all times. The service animal must be housebroken. The maintenance, upkeep, and discipline of the service animal are the student's sole responsibility. Proof of vaccination may be required.

** Emotional Support Animals (ESA) are not covered under ADA and may encounter possible restrictions under North Carolina Law. ESA requests will be considered on an individual basis. Students requesting an ESA at RichmondCC are to follow the same criteria for registration with the Disability Services office as stated previously.

Personal Devices and Care: Richmond Community College does not provide prescriptive devices, devices of a personal nature, community based workers, or personal attendant care.

Communicating with Faculty & Staff at RichmondCC

Prior to the beginning of each semester, the student must communicate with the Disability Services Counselor to complete an Accommodation Plan which indicates the student's schedule and instructors for the particular semester. The notice also gives permission for the Disability Services Counselor to send a confidential Accommodation Plan to each of the

student's instructors. The Accommodation Plan summarizes the student's particular accommodation requirements for the semester.

Students are encouraged to communicate with each of their instructors to discuss their accommodations. It should be understood that the accommodations are not requests for special favors, but an arrangement that is necessary to maximize the opportunities for academic success.

Evacuation Procedures for Students with Disabilities

Students with disabilities that would affect their ability to quickly exit the building (e.g., in a wheelchair with limited mobility; visually or hearing impaired), should familiarize themselves with the immediate areas they will occupy during the semester. Locate and know the nearest accessible exits. *Building elevators are not an option in the event of an evacuation emergency.*

At the beginning of the semester, students should discuss with their instructors the best way they can assist in the event an emergency evacuation of the building should be necessary. Each student's needs and preferences will vary.

QUESTIONS ABOUT EVACUATION PROCEDURES OR EXIT LOCATIONS IN A PARTICULAR BUILDING MAY BE DIRECTED TO THE DISABILITY SERVICES COUNSELOR.

Grievance Procedures

It is the policy of Richmond Community College not to discriminate on the basis of disability. Richmond Community College has adopted an internal grievance procedure to allow for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) and Title II of the Americans with Disabilities ACT (28 CFR Part 35). The Disability Services Counselor has been designated as the Section 504 & ADA Compliance Officer and is charged with coordinating the efforts of Richmond Community College to comply with Section 504 and ADA-related concerns.

Students who believe they have been subjected to discrimination on the basis of disability, or have been denied access to services or accommodations for which they are entitled, may file a grievance under this procedure.

It is against the law for Richmond Community College to retaliate against anyone who files a grievance, otherwise complains of discrimination or otherwise advocates for their rights, or who cooperates in the investigation of a grievance. The College will maintain confidentiality throughout the grievance process to the greatest extent possible while still conducting a thorough investigation. The grievance and identity of the person filing the grievance and the identity of the person allegedly responsible for the discrimination will not be disclosed except as required by law, College policy, as necessary to fully investigate the complaint, and as authorized by the person filing the grievance.

When to Use the 504/ADA Grievance Procedure

The *504 Grievance Procedure* is applicable to all students at the College. It is designed to address disputes that include, but are not limited to, the following:

1. Disagreements about a requested service or accommodation of a College practice or requirement;
2. Inaccessibility of a program or activity;
3. Harassment or discrimination on the basis of disability;
4. Violation of privacy in the context of a disability.

For all disability-related grievances, the 504/ADA Grievance Procedure is to be used.

Role and Availability of Compliance Officer

Richmond Community College's Compliance Officer is responsible for administering this grievance procedure and ensuring the College is in compliance for all applicable laws. The Disability Services Counselor is designated as the Section 504 & ADA Compliance Officer for purposes of the grievance procedure. Additional compliance officers may be designated by the Vice President for Student Services if needed, for example, if the Section 504 & ADA Compliance Officer is the subject of the grievance or is otherwise unavailable.

Students who seek guidance in determining if there is a potential disability-related grievance, or a potential grievance of another type that should be pursued using a different procedure, are advised to contact the Section 504 & ADA Compliance Officer for guidance as to the appropriate procedure to use.

Steps Toward Resolution of Disability-Related Grievances

There are up to three steps available in the procedure to resolve disability-related grievances. These include: (1) an initial attempt at informal resolution (if appropriate); (2) a formal complaint if informal resolution is unsuccessful; and (3) an appeal of a decision regarding a formal complaint. These steps are described in the sections that follow.

Step 1: Informal Resolution

Prior to filing a formal complaint, as outlined below, a student is encouraged first to seek to resolve the issue informally by discussing it with the person(s) most directly responsible.

Prior to this, a student may consult with the Section 504 & ADA Compliance Officer or alternate designee, to obtain guidance in this step. If the circumstances make it inappropriate for the student to make direct contact with the person(s) most directly responsible (e.g., if there is an allegation of harassment against the responsible person), the student should contact the Section 504 & ADA Compliance Officer or alternate designee, who will discuss with the student her/his right to file a formal complaint, as well as explain the process to file that complaint.

If an informal resolution of the complaint is achieved, both parties will verify this by signing a written agreement that specifically states the terms of the new arrangements. This agreement

must be submitted to the Section 504 & ADA Compliance Officer or alternate designee in order to ensure that the agreement has been properly documented and also to ensure that the agreed-upon arrangements are fulfilled.

If the issue is not resolved informally, the student may then contact the Section 504 & ADA Compliance Officer or alternate designee, who will discuss with the student her/his right to file a formal complaint, as well as explain the process to file that complaint.

Step 2: Filing of a Formal Complaint

Should an individual seek to use the formal process for seeking resolution of a complaint, the following process is to be used.

Formal complaints must be submitted to the Section 504 & ADA Compliance Officer or alternate designee within 20 class days of the date on which the person filing the grievance (Complainant) either becomes aware of the alleged discriminatory action, or was unable to achieve an informal resolution of the complaint. Complainants are strongly encouraged to submit complaints as soon as possible to ensure a prompt resolution. Failure to file a complaint in a timely manner may result in a delay to the potential relief or remedy that a Complainant seeks. While 20 class days are permitted for the filing of a complaint, a Complainant should act *as quickly as possible* in order that a resolution may be reached as quickly as possible. Extenuating circumstances may be considered by the College that would permit the extension of time for the filing of a complaint. (Examples of such circumstances include, but are not limited to: documented personal illness; family emergency, weather-related factors, natural disasters).

A complaint must be in writing and contain the following:

- a. Name, address, email, and phone number of the person filing complaint,
- b. A detailed description of the issue(s),
- c. A description of the efforts that have been made to informally resolve the issue(s), if applicable,
- d. A statement of the requested remedy.
- e. Complaints must be filed with:

Christina M. Snell, Ed. D, Section 504, ADA Compliance Officer
Lee Building, 1042 W. Hamlet Ave., Hamlet, NC 28345
910-410-1867 (Voice), 910-582- 7102 (Fax)
by mail addressed to P.O. Box 1189, Hamlet, NC 28345
by email: cmsnell@richmondcc.edu

In the event the Section 504 & ADA Compliance Officer is unavailable or is potentially the subject of a complaint, the alternate officer with whom to file a complaint is:

Sharon Goodman, Vice President for Student Services
Lee Building, 1042 W. Hamlet Ave., Hamlet, NC 28345
910-410-1734 (Voice), 910-582- 7102 (Fax)

by mail addressed to P.O. Box 1189, Hamlet, NC 28345
by email: sbgoodman@richmondcc.edu

The Section 504 & ADA Compliance Officer (or her/his designee, as needed) will conduct an investigation of the complaint. The investigation must be thorough and allow all interested persons an opportunity to submit evidence and present witnesses relevant to the complaint. The investigation may involve requests for information from witnesses (as provided by the parties involved) and/or individuals that are believed to have relevant information that pertains to the complaint. Information requested may include:

- a. Interviews and/or consultations
- b. Written responses to the issues raised in the complaint
- c. Any other information or documentation that is pertinent to the complaint

The Section 504 & ADA Compliance Officer will complete the investigation and issue a written decision on the complaint no later than ten (10) class days after the receipt of the complaint. The written decision will be issued to the Complainant and the person(s) against whom the complaint was filed. The Section 504 & ADA Compliance Officer will make every effort to keep the Complainant informed as to this matter, by way of telephone communication, email, and/or in writing, explaining the reason for any delay and indicating the estimated time frame as to completion of the investigation. While an efficient and expedient investigation of the complaint is the ultimate aim, thoroughness is also critical, and often involves the obtaining of information from persons who may not be immediately accessible due to other commitments or temporary absence from the institution. (A delay in obtaining information needed to complete the investigation may result in a delay beyond the 10 class day period noted above for the issuance of a decision.)

Step 3: Appeal of a Decision Rendered by the Section 504 & ADA Compliance Officer (or Alternate)

If desired, the Complainant may appeal the decision of the Section 504 & ADA Compliance Officer by writing to the Vice President for Student Services (contact information listed in the preceding section) within 10 class days of receiving the *Section 504 Compliance Officer's* written decision. While 10 class days are permitted for the filing of an appeal, a Complainant should act *as quickly as possible* in order that a resolution may be reached as quickly as possible. Extenuating circumstances may be considered by the College that would permit the extension of time for the filing of an appeal. (Examples of such circumstances include, but are not limited to: documented personal illness; family emergency, weather-related factors, natural disasters).

In the event the Vice President for Student Services is unavailable, or if the initial decision was rendered by the Vice President for Student Services as the alternate to the Section 504 & ADA Compliance Officer, the alternate officer with whom to file an appeal is:

Mr. Brent Barbee, Executive Vice President/CFO
DeWitt Building, 1042 W. Hamlet Ave., Hamlet, NC 28345
910-410-1809 (Voice), 910-582-7028 (Fax)

by mail addressed to P.O. Box 1189, Hamlet, NC 28345
by email: btbarbee@richmondcc.edu

1. The appeal must be in writing and contain the following:
 - a. Name, address, email, and phone number of the person filing the appeal (Complainant),
 - b. A detailed description of the issue(s),
 - c. A description of the efforts that have been made to informally resolve the issue(s), if applicable,
 - d. The reason(s) why the Complainant disagrees with initial decision,
 - e. A statement of the requested remedy.
2. The Executive Vice President will have access to all information used in the previous level of review, and will determine if additional information is needed for a decision at the appeal level.
3. As needed, the Executive Vice President may require interviews with the Complainant and any/all persons involved in the preceding stage of investigation and decision or use other means of obtaining relevant information.
4. The **Executive Vice President** shall issue a written decision in response to the appeal no later than 10 class days after the receipt of the Complainant's appeal, and will be issued to the Complainant, the person(s) against which the complaint was filed, the Vice-President of Student Services, the Vice-President of Curriculum (as appropriate) and the Section 504 & ADA Compliance Officer. (A delay in obtaining information needed to complete the appeal may result in a delay beyond the 10 class day period noted above for the issuance of a decision.)

The decision of the **Executive Vice President of Richmond Community College** is final.

The **Section 504 & ADA Compliance Officer** will maintain the files and records of Richmond Community College relating to such grievances.

The use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability at any time with the U. S. Department of Education, Office for Civil Rights.

Disability Related Resources

Federal Government Sites

US Department of Education: www.ed.gov/

Department of Justice: <http://www.justice.gov/>

Americans with Disabilities Act: www.ada.gov/

Disability.gov

State Government Sites

NC Division of Vocational Rehabilitation Services: www.ncdhhs.gov/dvrs/

NC Division of Mental Health, Developmental Disability & Substance Abuse Services
www.ncdhhs.gov/mhddsas/

NC Division of Services for the Blind: www.ncdhhs.gov/dsb/

NC Division of Services for the Deaf & Hard of Hearing: <http://www.ncdhhs.gov/dsdhh/>

NC Council on Developmental Disabilities: <http://www.nc-ddc.org/>

Assistive Technology

NC Assistive Technology Project: <http://www.ncatp.org/>

AbleData: <http://www.abledata.com/>

Ability Hub Search Engine: <http://abilityhub.com/general/search.htm>

<http://assistivetech.net/> disAbility Information and Resources:

<http://www.dircsa.org.au/>

The DRM WebWatcher: <http://www.disabilityresources.org/DRMwww.html>

Other Sites of Interest

Dolt: <http://www.washington.edu/doi/>

Transition to College.net

Disability Advocates and Resource Center (DARC): <http://www.darcnc.org/>



Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities

U.S. Department of Education

Arne Duncan
Secretary

Office for Civil Rights

Russlynn Ali
Assistant Secretary

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More and more high school students with disabilities are planning to continue their education in postsecondary schools, including vocational and career schools, two- and four- year colleges, and universities. As a student with a disability, you need to be well informed about your rights and responsibilities as well as the responsibilities postsecondary schools have toward you. Being well informed will help ensure you have a full opportunity to enjoy the benefits of the postsecondary education experience without confusion or delay.



The information in this pamphlet, provided by the Office for Civil Rights (OCR) in the U. S. Department of Education, explains the rights and responsibilities of students with disabilities who are preparing to attend postsecondary schools. This pamphlet also explains the obligations of a postsecondary school to provide academic adjustments, including auxiliary aids and services, to ensure the school does not discriminate on the basis of disability.

OCR enforces Section 504 of the *Rehabilitation Act of 1973* (Section 504) and Title II of the *Americans with Disabilities Act of 1990* (Title II), which prohibit discrimination on the basis of disability. Practically every school district and postsecondary school in the United States is subject to one or both of these laws, which have similar requirements.*[1](#)

Although Section 504 and Title II apply to both school districts and postsecondary schools, the responsibilities of postsecondary schools differ significantly from those of school districts.

Moreover, you will have responsibilities as a postsecondary student that you do not have as a high school student. OCR strongly encourages you to know your responsibilities and those of postsecondary schools under Section 504 and Title II. Doing so will improve your opportunity to succeed as you enter postsecondary education.

The following questions and answers provide more specific information to help you succeed.

As a student with a disability leaving high school and entering postsecondary education, will I see differences in my rights and how they are addressed?

Yes. Section 504 and Title II protect elementary, secondary, and postsecondary students from discrimination. Nevertheless, several of the requirements that apply through high school are different from the requirements that apply beyond high school. For instance, Section 504 requires a school district to provide a free appropriate public education (FAPE) to each child with a disability in the district's jurisdiction. Whatever the disability, a school district must identify an individual's educational needs and provide any regular or special education and related aids and services necessary to meet those needs as well as it is meeting the needs of students without disabilities.

Unlike your high school, however, your postsecondary school is not required to provide FAPE. Rather, your postsecondary school is required to provide appropriate academic adjustments as necessary to ensure that it does not discriminate on the basis of disability. In addition, if your postsecondary school provides housing to nondisabled students, it must provide comparable, convenient, and accessible housing to students with disabilities at the same cost.

Other important differences that you need to know, even before you arrive at your postsecondary school, are addressed in the remaining questions.

May a postsecondary school deny my admission because I have a disability?

No. If you meet the essential requirements for admission, a postsecondary school may not deny your admission simply because you have a disability.

Do I have to inform a postsecondary school that I have a disability?

No. But if you want the school to provide an academic adjustment, you must identify yourself as having a disability. Likewise, you should let the school know about your disability if you want to ensure that you are assigned to accessible facilities. In any event, your disclosure of a disability is always voluntary.

What academic adjustments must a postsecondary school provide?

The appropriate academic adjustment must be determined based on your disability and individual needs. Academic adjustments may include auxiliary aids and services, as well as modifications to academic requirements as necessary to ensure equal educational opportunity. Examples of adjustments are: arranging for priority registration; reducing a course

load; substituting one course for another; providing note takers, recording devices, sign language interpreters, extended time for testing, and, if telephones are provided in dorm rooms, a TTY in your dorm room; and equipping school computers with screen-reading, voice recognition, or other adaptive software or hardware.

In providing an academic adjustment, your postsecondary school is not required to lower or substantially modify essential requirements. For example, although your school may be required to provide extended testing time, it is not required to change the substantive content of the test. In addition, your postsecondary school does not have to make adjustments that would fundamentally alter the nature of a service, program, or activity, or that would result in an undue financial or administrative burden. Finally, your postsecondary school does not have 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 and typing.

If I want an academic adjustment, what must I do?

You must inform the school that you have a disability and need an academic adjustment. Unlike your school district, your postsecondary school is not required to identify you as having a disability or to assess your needs.

Your postsecondary school may require you to follow reasonable procedures to request an academic adjustment. You are responsible for knowing and following those procedures. In their publications providing general information, postsecondary schools usually include information on the procedures and contacts for requesting an academic adjustment. Such publications include recruitment materials, catalogs, and student handbooks, and are often available on school websites. Many schools also have staff whose purpose is to assist students with disabilities. If you are unable to locate the procedures, ask a school official, such as an admissions officer or counselor.

When should I request an academic adjustment?

Although you may request an academic adjustment from your postsecondary school at any time, you should request it as early as possible. Some academic adjustments may take more time to provide than others. You should follow your school's procedures to ensure that the school has enough time to review your request and provide an appropriate academic adjustment.

Do I have to prove that I have a disability to obtain an academic adjustment?

Generally, yes. Your school will probably require you to provide documentation showing that you have a current disability and need an academic adjustment.

What documentation should I provide?

Schools may set reasonable standards for documentation. Some schools require more documentation than others. They may require you to provide documentation prepared by an appropriate professional, such as a medical doctor, psychologist, or other qualified diagnostician. The required documentation may include one or more of the following: a diagnosis of your current disability, as well as supporting information, such as the date of the

diagnosis, how that diagnosis was reached, and the credentials of the diagnosing professional; information on how your disability affects a major life activity; and information on how the disability affects your academic performance. The documentation should provide enough information for you and your school to decide what is an appropriate academic adjustment.

An individualized education program (IEP) or Section 504 plan, if you have one, may help identify services that have been effective for you. This is generally not sufficient documentation, however, because of the differences between postsecondary education and high school education. What you need to meet the new demands of postsecondary education may be different from what worked for you in high school. Also, in some cases, the nature of a disability may change.

If the documentation that you have does not meet the postsecondary school's requirements, a school official should tell you in a timely manner what additional documentation you need to provide. You may need a new evaluation in order to provide the required documentation.

Who has to pay for a new evaluation?

Neither your high school nor your postsecondary school is required to conduct or pay for a new evaluation to document your disability and need for an academic adjustment. You may, therefore, have to pay or find funding to pay an appropriate professional for an evaluation. If you are eligible for services through your state vocational rehabilitation agency, you may qualify for an evaluation at no cost to you. You may locate your state vocational rehabilitation agency at <http://rsa.ed.gov> by clicking on "Info about RSA," then "People and Offices," and then "State Agencies/ Contacts."

Once the school has received the necessary documentation from me, what should I expect?

To determine an appropriate academic adjustment, the school will review your request in light of the essential requirements for the relevant program. It is important to remember that the school is not required to lower or waive essential requirements. If you have requested a specific academic adjustment, the school may offer that academic adjustment, or it may offer an effective alternative. The school may also conduct its own evaluation of your disability and needs at its own expense.

You should expect your school to work with you in an interactive process to identify an appropriate academic adjustment. Unlike the experience you may have had in high school, however, do not expect your postsecondary school to invite your parents to participate in the process or to develop an IEP for you.

What if the academic adjustment we identified is not working?

Let the school know as soon as you become aware that the results are not what you expected. It may be too late to correct the problem if you wait until the course or activity is completed. You and your school should work together to resolve the problem.

May a postsecondary school charge me for providing an academic adjustment?

No. Nor may it charge students with disabilities more for participating in its programs or activities than it charges students who do not have disabilities.

What can I do if I believe the school is discriminating against me?

Practically every postsecondary school must have a person—frequently called the Section 504 Coordinator, ADA Coordinator, or Disability Services Coordinator—who coordinates the school’s compliance with Section 504, Title II, or both laws. You may contact that person for information about how to address your concerns.

The school must also have grievance procedures. These procedures are not the same as the due process procedures with which you may be familiar from high school. But the postsecondary school’s grievance procedures must include steps to ensure that you may raise your concerns fully and fairly, and must provide for the prompt and equitable resolution of complaints.

School publications, such as student handbooks and catalogs, usually describe the steps that you must take to start the grievance process. Often, schools have both formal and informal processes. If you decide to use a grievance process, you should be prepared to present all the reasons that support your request.

If you are dissatisfied with the outcome of the school’s grievance procedures or wish to pursue an alternative to using those procedures, you may file a complaint against the school with OCR or in a court. You may learn more about the OCR complaint process from the brochure *How to File a Discrimination Complaint with the Office for Civil Rights*, which you may obtain by contacting us at the addresses and phone numbers below, or at <http://www.ed.gov/ocr/docs/howto.html>.

If you would like more information about the responsibilities of postsecondary schools to students with disabilities, read the OCR brochure *Auxiliary Aids and Services for Postsecondary Students with Disabilities: Higher Education’s Obligations Under Section 504 and Title II of the ADA*. You may obtain a copy by contacting us at the address and phone numbers below, or at <http://www.ed.gov/ocr/docs/auxaids.html>.

Students with disabilities who know their rights and responsibilities are much better equipped to succeed in postsecondary school. We encourage you to work with the staff at your school because they, too, want you to succeed. Seek the support of family, friends, and fellow students, including those with disabilities. Know your talents and capitalize on them, and believe in yourself as you embrace new challenges in your education.

To receive more information about the civil rights of students with disabilities in education institutions, you may contact us at:

Customer Service Team
Office for Civil Rights
U.S. Department of Education

Washington, D.C. 20202-1100

Phone: 1-800-421-3481

TDD: 1- 877-521-2172

Email: ocr@ed.gov

Web site: www.ed.gov/ocr/

You may be familiar with another federal law that applies to the education of students with disabilities—the Individuals with Disabilities Education Act (IDEA). That law is administered by the Office of Special Education Programs in the Office of Special Education and Rehabilitative Services in the U.S. Department of Education. The IDEA and its individualized education program (IEP) provisions do not apply to postsecondary schools. This pamphlet does not discuss the IDEA or state and local laws that may apply.

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