Disability Services

It is the policy of Midwestern University to ensure that no qualified student with a disability is excluded from participation in or subjected to discrimination in any University program, activity, or event. Midwestern University makes reasonable accommodations to the physical and mental limitations of students to the extent that such accommodation does not impose an undue hardship on the conduct of its business. Disabled students’ rights are protected under Section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act of 1990 (ADA) and its amendments (2008). Section 504 prohibits any program or activity, which receives federal funding from discriminating against qualified persons with disabilities in employment as well as all other activities. The Federal Americans with Disabilities Act 1990 (42 U.S.C. d12101 et seq.) was developed “to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities”.

Technical Standards

Midwestern University has developed a set of technical standards that are required of all matriculating students. Students must meet the technical standards for their program throughout their period of enrollment. Individual programs at Midwestern University may include additional expectations related to essential functions or job duties specific to the practice of that profession.

Definitions:

**Disability:** The term "disability" means, with respect to an individual; a) a physical or mental impairment that substantially limits one or more major life activities of such individual; b) a record of such an impairment; or c) being regarded as having such an impairment. (42 U.S.C. § 12102 (as amended by the ADA Amendments Act of 2008) Even if a condition is an impairment, it is not automatically a disability. To rise to the level of a disability, an impairment must substantially limit one or more major life activities.

**Impairment:** A 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, genito-urinary, hemic and lymphatic, skin, and endocrine; or b) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. 28 C.F.R. § 35.104; 28 C.F.R. § 36.104 (under the original ADA)

**Major Life Activity:** 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. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell
growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. (42 U.S.C. § 12102 (as amended by the ADA Amendments Act of 2008)

**Substantially Limits:** The term "substantially limits" means; a) unable to perform a major life activity that the average person in the general population can perform; or b) significantly restricted as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the condition, manner, or duration under which the average person in the general population can perform that same major life activity. 29 C.F.R. § 1630.2(j) - Substantially Limits (under the original ADA)

**Policies for Accommodating Students with Disabilities**
Midwestern University is committed to providing reasonable accommodations to students with documented disabilities. Toward this end, Midwestern University policies and procedures ensure that students with a disability will not, on the basis of that disability, be denied full and equal access to academic and co-curricular programs or activities or otherwise be subjected to discrimination under programs offered by the University.

To ensure full implementation, three important areas have to be considered:

1. The right of the University to set and maintain standards for admitting and evaluating the progress of students.
2. The right of the student with a disability to be included on the basis of criteria that does not unfairly discriminate because of the disability.
3. The right of the faculty to establish and monitor standards of academic performance and to assess content domains.

**Rights and Responsibilities of the University**

**Rights**

- To establish technical standards for admission of students into MWU programs.
- Maintain University’s academic standards.
- Request current documentation from a student completed by an appropriate professional source to verify the need for reasonable accommodations, academic adjustments, and/or auxiliary aids.
- Discuss a student’s need for reasonable accommodations, academic adjustments, and/or auxiliary aids with the professional source of his/her documentation with the student’s signed consent authorizing such discussion.
- Select among equally effective and appropriate accommodations, adjustments, and/or auxiliary aids in consultation with students with learning disabilities.
- Deny a request for accommodations, academic adjustments, and/or auxiliary aids if the documentation fails to verify the need for the requested services, or the documentation is not provided in a timely manner.
Refuse to provide an accommodation, adjustment, and/or auxiliary aids that is/are inappropriate or unreasonable including any that:

- Pose a direct threat to the health and safety of others;
- Constitute a substantial change or alteration to an essential element of a course or program; or,
- Pose undue financial or administrative burden on the University or student.

Responsibilities

- Ensure that University courses, programs, services, job opportunities, activities, and facilities, when viewed in their entirety, are offered in the most integrated and appropriate settings possible.
- Provide information regarding policies and procedures to students with disabilities and assure its availability in accessible formats upon request.
- Evaluate students on their abilities, not their disabilities.
- Provide to a student reasonable and appropriate accommodations, academic adjustments, and/or auxiliary aids following a timely request.
- Maintain appropriate confidentiality of records and communication concerning students with disabilities except where disclosure is required by law or authorized by the student.

Rights and Responsibilities of Students

Rights

- Equal access to courses, rotations, programs, services, jobs, activities, and facilities available through the University.
- Reasonable and appropriate accommodations, academic adjustments, and/or auxiliary aids determined on a case-by-case basis.
- Appropriate confidentiality of all information pertaining to his/her disability with the reasonable choice of whom to disclose their disability to except as required by law.
- Information reasonably available in accessible formats.

Responsibilities

- Meet the University’s and individual program’s qualifications and essential technical, academic, professional and institutional standards as any other student.
- Identify themselves in a timely manner as an individual with a disability when seeking an accommodation.
- Provide documentation from an appropriate professional source that verifies the nature of the disability, functional limitations, and the need for specific accommodations.
- Follow specific procedures for obtaining reasonable and appropriate accommodations, academic adjustments and/or auxiliary aids.
- Have the responsibility to advocate for their own individual needs and to seek information, counsel, and assistance as necessary, and within reason, to be effective self-advocates.
Rights and Responsibilities of the Faculty

Rights

- Identify and establish the abilities, skills, and knowledge that are fundamental to academic programs/courses and to evaluate each student’s performance against these standards. Fundamental program and course standards are not subject to modifications, although a student with a disability is entitled to reasonable accommodations to assist him/her to meet the program/course standards.
- Determine which modification/accommodation it will provide the student with the goal of assuring that such modifications/accommodations are effective and to impose reasonable rules for the provision of academic adjustments and auxiliary aids.

Responsibilities

- Has the responsibility to make reasonable modifications for a student with a disability with respect to the adaptation of the manner in which specific courses are conducted.
- Select and administer tests used to evaluate students so as to best ensure that test results accurately reflect aptitudes or competencies and do not discriminate against a student with a disability. Tests designed to measure specific skills related to fundamental standards are allowable even when those skills are impacted by the disability.
- Has the responsibility to evaluate students in a nondiscriminatory manner.

Procedures and Information Regarding Requests for Accommodations:
The following procedures and information serve as a guide for students seeking special accommodations for disabilities.

A written application for accommodation of a disability must be made by the student (RADA). Verbal disclosure prior to or following admission is not sufficient. Students may apply for special accommodations anytime during their academic curriculum, however, if granted, the accommodation is given only for the academic year in which it is requested. Subsequent applications must follow for each academic year the student is requesting accommodations (including requests during clinical rotations, clerkships, preceptorships, internships, or any other off-campus programs that are part of the students’ required college/program curriculum).

How do I request an accommodation and who do I contact?
A student requesting an accommodation under the ADA for a disability must meet with the Dean and/or Assistant Dean of Students. A written application for accommodation of a disability (RADA) can be filled out in the Office of Student Services.

Do I need to have documentation prior to my meeting with Student Services?
Although students can apply for accommodations at any time during their academic program, it is strongly advised that if you are seeking accommodations, you have the following paperwork and documentation submitted to the Office of Student Services prior to your request.

- Students must fill out the Request for Accommodations for Disability Application (RADA) prior to consideration of such requests. To expedite the process, students are
encouraged to have this form completed prior to their meeting with Student Services. In addition, students need to fill out a Confirmation of Request for Accommodations for a Disability (CRADA) form, which allows the Dean of Students to disclose to other necessary University Officials the circumstances regarding the student's disability in order that the accommodation(s) will be appropriately met.

- Documentation is required from a physician or diagnostic service agency and a report must be on file in the Office of the Dean of Students before any accommodation can be granted. Students requesting accommodations should download the appropriate form for their specific disability for completion by a qualified professional. It is the student’s responsibility to make sure that all required documentation is forwarded to the Office of the Dean of Students. A student’s request for accommodations will not be considered until all supporting documentation has been received.

- Guidelines for Documentation:
  - Attention Deficit/Hyperactivity Disorder
  - Learning Disability
  - Physical/Medical Disability
  - Psychological/Psychiatric Disability

Accommodations
The following is a list of accommodations that may be provided for, given the student has provided the appropriate documentation:

- Extra time on timed examinations and/or quizzes
- Extra time on in-class assignments
- Provisions to take examinations and/or quizzes in a distraction reduced environment (smaller room, few test takers). Please note: a private, separate room may not be feasible.
- Tape recording of lectures, when available
- Front row access in classes with assigned seating
- Other accommodations will be considered as presented

What happens after I provide documentation and discuss my requests with Student Services?
Following receipt of the accommodation request and the supporting documentation, the Dean of Students convenes a board consisting of the Dean and Assistant Dean of Students, a representative of the appropriate college's Dean's Office, a counselor and/or a psychologist, and other educational officials who are deemed necessary to consider the request in light of the supporting documentation. Decisions are based on the following criteria:

- Has the student provided appropriate documentation that he/she has a disability?
- Was the request submitted according to the procedures stated above?
- Is the request reasonable within the student’s required program of study? That is, the student’s program of study is not fundamentally altered by this request.
- Does the request for accommodation interfere with a required component of the student’s academic program?
- Without this accommodation, would the student still be able to effectively learn the required material?
If the requested accommodation meets the criteria, the Dean of Students will request the accommodation, in writing, to the Department Chair/Program Director/Course Director in charge of the course or courses within which an accommodation is or accommodations are being requested. It is the responsibility of the Dean of Students, in conjunction with the Department Chair/Program Director/Course Director to inform all appropriate instructors of the request for accommodation each academic quarter. It is the responsibility of the Dean of Students to discuss with the student how he/she can communicate to faculty and facilitate initiation of the requested accommodations.

Students are reminded, however, that they must reapply each academic year to be considered for accommodations.

**What are my responsibilities once the request has been made to the department chairs?**

Once the accommodations have been approved and all necessary notifications have been made from the Office of the Dean of Students, it is the student’s responsibility to discuss the details of, and to arrange for, the approved accommodations with individual course directors in a timely manner. Courses may have unique examination scheduling concerns, such as for practical exams, so students must do this prior to having the accommodation made available.

It is the student’s responsibility to approach the specific instructor of the class they wish to be accommodated and discuss what works best for them, within the parameters of the requested accommodation(s). Students, while having a specific disability and requesting accommodations for one course, may or may not want special accommodations for other courses within their program of study. The course director will not automatically provide accommodations unless the student has specifically requested the accommodations in a timely manner and discussed the details of implementing the accommodations prior to the accommodations being needed.

**What if I encounter problems with receiving accommodations after I have gone through the proper procedures?**

Students are encouraged to immediately bring problems or complaints to the attention of the Dean of Students. It is the responsibility of the Dean of Students to monitor all arrangements regarding disability accommodations. If a student feels he or she is being discriminated against because of a disability, he or she has the right to request an investigation into such a matter through the stated complaint policies and procedures in Appendix Two, Section 3 of the current MWU Student Handbook.

**What do I do if I have not been tested within the required time frame and need documentation or if I feel I have a disability and need testing?**

Students who are in need of testing to provide current documentation should meet with the Dean and/or Assistant Dean of Students. Information on testing and testing locations can be obtained through the Office of Student Services. Costs of testing and assessments are the responsibility of the student. In addition, the Dean of Students reserves the right to request additional testing of the student before granting accommodations if he/she feels that the documentation provided by the student is not sufficient and/or does not comply with the criteria stated previously for appropriate documentation. Students must pay for all evaluations and assessments.
What if my request for accommodations is denied? Is there an appeal process?
Yes, following notification of a decision from the Dean of Students, a student may appeal the decision. He or she has 7 working days to submit a formal written appeal of the decision to the appropriate college dean. The appeal must be submitted in writing and delivered to the Office of the Dean of the appropriate college within this 7-day period. The request should be accompanied by a narrative explaining the basis for the appeal. An appeal must be based on one of the following premises:

1. Bias of one or more staff or faculty members involved in the decision;
2. Material or documentable information not available to the involved faculty and staff at the time of the initial decision; and/or
3. Procedural error

The Dean will make a decision on the validity of the appeal. If a student is not satisfied with the decision of the Dean, the student appealing may request a personal meeting with the President or her/his designee in accordance with the appeal process stated in Appendix 2, Section 4C of the MWU Student Handbook.

What happens to my individual reports, assessments, and documentation and who has access to my detailed records?
Access to these records is restricted. Copies of the detailed assessment are kept under strict confidentiality in the Office of the Dean of Students and may only be viewed by this Office, members of the Disability Board and individuals that the student has identified. If the accommodating department(s) or instructor(s) wish to view a copy of the student assessment, they must show reason why they wish to view the assessment and may do so only with the written consent of the student.

What about accommodations for board examinations or other certifying examinations?
Students who wish to request accommodations for board examinations or other certifying examinations are urged to contact the governing body or institution responsible for the administration of such examinations as early as possible. Requirements for requesting accommodations under the ADA for these examinations may be different from those of MWU and the process involved may be lengthier than that at MWU. Receipt of accommodations from MWU does not guarantee granting of accommodations from a board or certifying exam administration.