

# ACCESSIBILITY SERVICES POLICIES AND PROCEDURES MANUAL



Wellness Center  
360 Choate Ave.  
Buffalo, NY 14220

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**Welcome students,**

**Thank you for your attention to the Accessibility Services Policy and Procedures Manual.**

Trocaire College is committed to upholding the standards set forth by the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. Under these laws individuals with disabilities are protected from discrimination and may be entitled to reasonable accommodation(s). Accessibility Services provides confidential assistance to students who self-identify with documented disabilities.

Trocaire College will make reasonable accommodations in compliance with Section 504 of the Rehabilitation Act of 1973, Section 508 of the Rehabilitation Act, and the Americans with Disabilities Act Amendments Act (ADAAA) of 2008 to provide academically qualified individuals with a permanent or temporary disability, mental health impairment, or chronic medical condition access to the College's services, programs, and activities. Students must be able to meet the academic requirements of the college as well as technical standards of the programs they may be entering with or without reasonable accommodation(s).

Accessibility Services is in room 135, which is on the 1<sup>st</sup> floor in the Wellness Center of the Main Campus, located at 360 Choate Ave.

If you are interested in learning more about Accessibility Services, please email [WellnessCenter@trocaire.edu](mailto:WellnessCenter@trocaire.edu) or call 716.827.2480.

Kind regards,

Dawn Colton  
Director of Wellness

## Overview of Laws

### **Rehabilitation Act**

Prohibits federal agencies and their grantees and contractors from discriminating against people based on disability in employment, programs, and activities.

### **Section 504 of the Rehabilitation Act of 1973 (ADA/504)**

A federal statute that guarantees the rights of disabled people to equal opportunity in all programs and activities that receive federal financial assistance. It prohibits discrimination against qualified individuals solely based on disability. Section 504 regulations apply to state education agencies, elementary and secondary school systems, colleges and universities, libraries, vocational schools, and state vocational rehabilitation agencies.

### **Americans with Disabilities Act of 1990**

Signed into law to protect individuals with disabilities against discrimination in employment; in programs operated by city, county, and state entities; public and private transportation, public accommodations, and telecommunication services.

The ADA Amendment Act of 2008 (ADAAA) was enacted on September 25, 2008, and became effective on January 1, 2009. The law made several significant changes to the definition of “disability” under the Americans with Disabilities Act (ADA). It also directed the U.S. Equal Employment Opportunity Commission (EEOC) to amend its ADA regulations to reflect the changes made by the ADAAA. The EEOC issued a Notice of Proposed Rulemaking (NPRM) on September 23, 2009. The final regulations were approved by a bipartisan vote and were published in the Federal Register on March 15, 2011.

In enacting the ADAAA, Congress made it easier for an individual seeking protection under the ADA to establish that he or she has a disability within the meaning of the statute. Congress overturned several Supreme Court decisions that Congress believed had interpreted the definition of “disability” too narrowly, resulting in a denial of protection for many individuals with impairments such as cancer, diabetes, and epilepsy. The ADAAA states that the definition of disability should be interpreted in favor of broad coverage of individuals.

In order to be considered a student with a disability at Trocaire College, the student must fit the following definition under the Americans with Disabilities Act (ADA):

- A. Student with a disability is defined as an individual who:
  1. is enrolled as a student in the College or seeks to enroll as a student in the College, and who has a physical or mental impairment that substantially limits a major life activity;
  2. has a record of having such an impairment; or
  3. is regarded as having such as impairment.
  
- B. A qualified individual with a disability is one who meets the essential functions or

requirements of a program with or without reasonable accommodations.

- C. 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. Major bodily functions- 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.

### **Section 508**

Section 508 of the Rehabilitation Act of 1973, requires that when certain entities develop, procure, maintain, or use electronic and information technology, individuals with disabilities have access to and use of information and data that is comparable to the access and use by individuals without disabilities, unless providing such access or use would be an undue burden on the entity.

### **Title II**

Title II requires that colleges receiving government funding do not discriminate against individuals with disabilities.

### **ADA Part-Time TAP: Financial Aid for Students with Disabilities in New York State**

ADA TAP is an award for students who must take a reduced course load based on their disability. Students with a disability may enroll in at least three but less than 12 semester credit hours and be eligible for ADA/part-time TAP. Upon enrollment and based on eligibility, students receive a prorated portion of the TAP award they would be eligible for if they were enrolled full time. More information about ADA part-time TAP can be found at the New York State Higher Education Services Corporation website: [ADA part time TAP information](#) or by reaching out to Trocaire's Office of Financial Aid at 716-827-2545 or [finaid@trocaire.edu](mailto:finaid@trocaire.edu)

### **Confidentiality**

Our students' privacy is very important to us. The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of student education records. Student's disability records are kept secured in Accessibility Services and are not released without the student's permission.

[Click here for more information on FERPA](#)

## **General Guidelines**

Under the Americans with Disabilities Act (ADA) of 1990 and Section 504 of the Rehabilitation Act of 1973, individuals with disabilities are protected from discrimination and may be entitled to reasonable accommodations. *To establish that an individual is covered under the law, documentation must indicate that a disability exists, and that the disability substantially limits one or more major life activities.* A diagnosis of disorder in and of itself, does not automatically qualify an individual for accommodations; documentation must also support the request for reasonable academic accommodations.

To determine eligibility, all students seeking accommodations are required to provide Accessibility Services with current and appropriate medical, psychological, and/or educational documentation of their disability, mental health impairment, or chronic condition from a licensed professional.

Requests for accommodations are evaluated based on the review of documentation provided as well as the student's self-report and observation regarding current functional limitations.

Students are encouraged to contact Accessibility Services to discuss what documentation they may have and/or obtain assistance in getting linked to an appropriate provider to get an evaluation/testing done if they think they may be a student in need of accommodations and has not been diagnosed with a disability.

Examples of appropriate documentation include:

- A current diagnostic statement from a qualified and licensed professional (ex. psychologist, neuropsychologist, educational psychologist, learning disability specialist, psychiatrist, or medically based physician) identifying the diagnosed disability, current functioning as it relates to an academic setting, and any recommendation for reasonable accommodations and why each accommodation is recommended. Prescriptions from a physician are **not** acceptable forms of documentation.
- A description of the diagnostic tests used along with the specific results and date administered may be required.

\*In determining the acceptability of documentation, Trocaire College follows "Best Practices: Disability Documentation in Higher Education," including the "Seven Essential Elements of Quality Disability Documentation" published by the Association on Higher Education and Disability (AHEAD). See the AHEAD website at <http://www.ahead.org>.

## **Student Identification and Initial Steps for Receiving Accommodations:**

1. To determine eligibility for accommodations and/or auxiliary aides, students must

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contact Accessibility Services and self-identify as a student with a disability, health impairment, or chronic medical condition. Students may initiate

discussion at any point in the semester.

2. Accessibility Services will discuss what documentation is needed to determine eligibility for reasonable accommodations with the student and work to set up an intake meeting. If the student has appropriate documentation or is working with a current licensed provider who can supply the needed documentation, the student can send the documentation ahead of time to be reviewed or plan to bring the documentation with them to their initial intake meeting. When possible, it is recommended for students to send the documentation prior to the initial intake meeting to ensure that it is sufficient. If a student submits documentation that is not sufficient, it will be discussed what additional information may be needed.
3. If the student has:
  - a. No prior documented disability, they may be referred for an appropriate evaluation; no accommodations will be given at that time until documentation is provided.
  - b. Under the ADA in postsecondary education, a student with a prior IEP generally cannot expect to automatically receive accommodations without providing updated documentation from a healthcare provider, as an IEP from high school is not considered sufficient proof of a current disability requiring accommodations in college; the institution may still request further evaluation to determine appropriate accommodations based on the student's current needs.
4. The student will meet with Accessibility Services for an initial intake meeting. The Intake form must be completed prior to the meeting. Please click [here](#) to complete Intake Form. During the Intake meeting, the student will be expected to discuss academic history and any previous use of accommodations, as applicable. The student will also be asked questions regarding how their disability or medical diagnosis affects their current functioning in relation to the accommodations that they are requesting. This information will be taken into consideration in addition to the supporting documentation when reviewing and securing reasonable accommodations.
5. Once accommodations are secured, Accessibility Services will issue an accommodation notice to all appropriate professors whom the student request be notified. The notification will be delivered via Trocaire email, and students will be copied on the message. It is important that the student and professor have a clear understanding of what is agreed upon regarding the use and implementation of the approved accommodations. After notification, student is to promptly schedule meeting with each professor to review and clarify approved accommodation(s) implementation in course.

6. Students requesting accommodations in a clinical setting may be required to submit specific documentation from a licensed provider and/ or have their licensed provider complete a program technical standards form. This documentation allows providers to speak more specifically to any restrictions or limitations to ensure informed decisions for consideration of reasonable accommodations. Any student needing clinical accommodations should contact Accessibility Services directly to begin the process. Due to the nature of clinical accommodations, the Program Director and Clinical Coordinator from the student's academic program may be involved in the interactive process for determination of reasonable accommodations as it applies to the technical standards of the program.
7. Each student's accommodation notice will include an effective date of services. Accommodations will not be granted retroactively.
8. Students are required to renew accommodations each semester in which they are enrolled. Prior to the start of each semester, Accessibility Services will contact, via Trocaire email, students who received accommodations the previous semester to remind them of the renewal process. Students may choose to maintain their same accommodations or discuss any changes they would like to make. Depending on the nature of a student's disability or request for updated accommodations, updated documentation may be requested.

***Please Note:*** While students can initiate the accommodation process at any time throughout the semester, it is recommended that a student contact Accessibility Services as early as possible. Accommodations begin at the time that a student is deemed eligible and **cannot be granted retroactively**.

## **Students Rights and Responsibilities**

Students with disabilities have the right to:

- Voluntary disclosure of disability.
- Equal access to courses, programs, instructional materials, services, jobs, activities, and facilities available through Trocaire College.
- Appropriate confidentiality of all information pertaining to disability with the choice of to whom to disclose the disability, except as required by law.
- When requested in a timely manner, reasonable and appropriate accommodations, academic adjustments, and/or auxiliary aids determined by the institution on a case-by-case and/or course-by course basis, including accessibly formatted materials.

Students with disabilities have the responsibility to:



- Meet the eligibility and essential technical standards of their program, both academic and institutional, including the student code of conduct with or without accommodations.
- Identify themselves in a timely manner as an individual with a disability to the office responsible for accommodations when requesting accommodation(s).
- Provide current documentation on professional letterhead from a qualified and licensed source that clearly states the disability/diagnosis, information is current (ex: generally, within the past 5 years) and diagnosis is supported, current impact of that disability in an academic setting and everyday activities and recommended accommodation(s) are justified.  
In response to a request for auxiliary aids, the student may be asked to provide supporting diagnostic test results and professional prescriptions for auxiliary aids.
- Follow specific procedures for obtaining reasonable and appropriate academic accommodations.
- Inform the College's Director of Wellness in Accessibility Services of the existence of a disability, mental health impairment, or chronic medical condition and the need for accommodations by completing an Accessibility Services Intake Form.
- Maintain academic, admissions, conduct, and graduation standards.

## **Testing Accommodation(s)**

Students eligible for testing accommodations are able to utilize their accommodations for any tests/quizzes given in their academic courses throughout the semester. Approved testing accommodations are for written and online examinations; any skills based or clinical accommodations must be requested separately and will be discussed between Accessibility Services, the academic program, and with the student to determine if the accommodation request would be reasonable based on the learning requirements of the course. All academic testing takes place through Exemplify (Exam Soft).

In a couple of general studies classes, the professor may choose to give a paper test during class. The student has the right to and may refuse any accommodation(s) that has been recommended.

## **Academic Accommodation(s)**

Students who have a disability and are eligible for reasonable academic accommodations may be approved for, but not limited to, the following per semester:

- Recording of Lectures- If a student is eligible to record classroom lectures as an accommodation, they must sign an agreement stating that these recordings are being used only for their own personal study use and that they will be erased at the end of the semester.
- Notetaking- Notetaking assistance is provided as an accommodation for students whose documented disabilities interfere with their ability to take notes. Whenever possible, assistive technology will be used. If a student has a disability that may require an alternative notetaking plan, students should discuss this at their initial intake with Accessibility Services.
- Alternative Textbooks- Students who require alternative access to print materials may be eligible to receive textbooks or other educational materials in an alternative format. Students who are seeking materials in alternative format must fill out an alternative format request form as early as possible as some materials may take up to a few weeks upon request.

Assistive Technology- Assistive technology is any tool that helps students with disabilities do things more independently to obtain equal access to course materials.

## **Non-Discrimination Policy**

Trocaire College does not discriminate in admission, employment, in the administration of its educational policies, scholarship and loan programs, and other institutionally administered programs, on the basis of an individual's actual or perceived, race, color, creed, religion, religious practice, national origin, ethnic group, sex, gender identity, sexual orientation, political affiliation, age, familial status, military status, veteran status, disability, domestic violence victim status, genetic information or any other basis prohibited by New York State and/or federal non-discrimination laws. Retaliation against an individual because they made a complaint, testified or participated in any manner in an investigation or proceeding will not be tolerated and is unlawful under Civil Rights laws.

The College's policy is in accordance with federal and state laws and regulations prohibiting discrimination and harassment, including the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, and the New York State Human Rights Law.

If you are a student who feels that you have been discriminated against based on your disability, please contact:

Civil Rights Compliance Officer/ Title IX Coordinator  
Mercy Center, Room L-04A  
Buffalo, NY 14220

716.827.2461

[CivilRightsCompliance@Trocaire.edu](mailto:CivilRightsCompliance@Trocaire.edu)

## Title IX and Non-Discrimination Resources

### **Complaint Procedure**

When a disagreement arises concerning the providing of accommodations, this procedure should be followed:

Students should contact the Director of Wellness right away. The Director will make every effort to resolve the disagreement with any involved faculty or staff member, and as needed, with the appropriate program director, Associate VP of Academic Affairs, and Senior Vice President of Academic Affairs.

Any student related ADA complaints, **excluding** those filed against the Director of Wellness, should be addressed to:

Dawn Colton  
Director of Wellness  
Trocaire College  
360 Choate Ave.  
Buffalo, NY 14220  
[coltond@trocaire.edu](mailto:coltond@trocaire.edu)

In instances where disagreement or cause for concern arises with the Director of Wellness, the student should contact the Vice President of Student Affairs and Enrollment. ADA complaints filed against the Director of Wellness should be addressed to:

Kathleen Saunders  
Vice President of Student Affairs and Enrollment  
Trocaire College  
360 Choate Ave.  
Buffalo, NY 14220  
[saundersk@trocaire.edu](mailto:saundersk@trocaire.edu)