

New Mexico Junior College ADA Student Guideline Manual

THIS MANUAL IS NOT A CONTRACT. RATHER, IT SERVES AS A GUIDELINE, DESIGNED FOR USE BY STUDENTS, FACULTY AND ADMINISTRATION IN ASSESSING PROPER PROCEDURES AND ACCOMMODATIONS. THE GUIDELINES CONTAINED HEREIN MAY BE CHANGED AT ANY TIME, WITH OR WITHOUT NOTICE. FURTHER, THE COLLEGE MUST PROVIDE SERVICES BASED ON INDIVIDUAL NEEDS AND NOT ON BLANKET LIMITATIONS.

SECTION A: INTRODUCTION

A.1 Purpose of Guidelines and Procedures

This Guideline Manual is designed to assist students, faculty, and staff by providing recognized procedures for assuring students with disabilities equal access at the college. The purpose to provide guidelines that assure qualified students effective participation in a college environment. These guidelines are in accordance with federally mandated laws and legal precedents. The policies are designed for use by students, faculty, and administrators to determine the proper procedures and accommodations.

A.2 Philosophy of the NMJC

New Mexico Junior College (NMJC) is committed to providing equal educational opportunity for all students who meet the admissions requirements. Further, they are committed to being a comprehensive college, one that thrives on a diversity that has promoted and will continue to promote healthy growth. In accordance with college philosophy, the purpose of Disability Services is to provide comprehensive support to meet the individual needs of this diverse population, which includes students or prospective students with disabilities.

A.3 Association on Higher Education and Disabilities Code of Ethics

Embracing the college's general mission that emphasizes success through learning, Disability Services enhances this mission for students with disabilities. The Disability Services program philosophy is to provide an education for individual with disabilities through equal access, empowerment, support, resources, advocacy, collaboration, and outreach throughout the college campus and community. In addition to providing services and accommodations to students with disabilities as mandated by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, Disability Services works closely with faculty and staff in an advisory capacity and assists in the development of reasonable accommodation that allows students with disabilities to fully participate in programs offered on campus.

SECTION B. FEDERAL LAWS AND LEGAL PRECEDENTS PERTINENT TO SERVICE FOR STUDENTS WITH DISABILITIES

There is no one law or set roles, and regulations that determine policies and procedures for providing services to individuals with disabilities. There are two primary acts, Section 504 of the Rehabilitation Act of 1973 and the American with Disabilities Act 1990. Continuing judicial opinions and interpretations of the law that establish legal precedent affect the determination of services. Although the judicial actions may be specific to employment, they can often be generalized to education. The ADA is based on the premise that disability is a natural part of the human experience and in no way diminishes the rights of

individual to live independently, pursue meaningful careers, and enjoy full inclusion in the economic, political, cultural, and educational mainstream of American society. Another parameter to be included is the state laws in New Mexico.

B.1 New Mexico Junior College Legal Disclaimer

Realizing “the vagueness of Section 504 and the ADA reflect that no two students – and no two colleges are exactly alike, and no universal rule can govern individual needs and college resources” (Milani 1996, p.1043), the *New Mexico Junior College ADA Student Policy Manual* herein is a living document subject to fluctuation due to ongoing judicial decisions. The procedures are periodically reviewed by the college legal counsel. Policies may be revised to comply with the counsel’s legal opinions that reflect continuing Office for Civil Rights (OCR) opinions and judicial rulings.

B.2 Section 504 of the Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973 is a civil rights statute that guarantees specific rights in federally funded programs and activities to persons who qualify as individuals with disabilities. It provides equal access and reasonable accommodations for “otherwise qualified” students with disabilities. This law requires all recipients of federal funds – whether in the form of a grant or a contract—to review and, if necessary, to modify their programs and activities so that discrimination based on disability is eliminated. This act covers all qualified individuals with disabilities as defined in Title 45, Health, Education, and Human Services Government Wide Regulations, which means a disabled person who, with reasonable accommodation, can perform the essential functions of the job (or school curriculum) in question. The objective of Section 504 is to ensure that people with disabilities have opportunities and access to the benefits of all federally funded programs and activities.

Specifically, Section 504 states: No otherwise qualified individual with a disabilities in the United States shall solely by reason of his (or her) disability, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance, or under any program conducted by any executive agency or by the United States Postal Service (104.4).

Disability is defined by the Americans with Disabilities Act Amendments Act of 2008 (ADAA) as: (1) a physical or mental impairment that substantially limits a major life activity; or (2) a record of a physical or mental impairment that substantially limited a major life activity; or (3) when an entity (e.g., an employer) takes an action prohibited by the ADA based on an actual or perceived impairment. *42 U.S.C. § 12102(2); see also 29 C.F.R. § 1630.2(g)*. A person must meet the requirements of at least one of these three criteria to be an **individual with a disability** under the Act.

Definition of Terminology in Section 504: 29 C.F.R. pt. 1630 app. § 1630.2(l); see also Senate Report at 23; House Education and Labor Report at 53.

Physical impairment: 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.

Mental impairment: any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Major life activities: functions such as, but not limited to, caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Record of such: a history of or has been classified or misclassified as having an impairment.

Regarded as having: does not limit major life activities but is treated as such, is limited only as a result of attitudes of others or is treated by a recipient as having such impairment.

Substantially limits: prohibits or significantly restricts an individual's ability to perform a major life activity as compared to the ability of the average person.

Further clarification has been made on "record" and "regarded as" through an OCR Senior Staff memorandum (*19 Individuals with Disabilities Education Law Report 894 (OCR 1992)*). OCR clarified the distinction between having a disability, having a "record" of a disability and being regarded as having a disability. This memo clarifies official OCR policy that in order to be entitled to academic adjustment and auxiliary aids, the student must currently have a disability that substantially limits a major life activity. The other two categories (i.e., record of or regarded as) merely protect the student from being discriminated against for this reason.

B.3 Americans with Disabilities Act of 1990

This act augments Section 504 legislation and extends it to the general public, not only educational institutions. In Title II, the ADA specifies that:

Qualified individual with a disability means an individual with a disability who, with or without reasonable modifications to rules, policies or practices, the removal of architectural communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity. (*ADA 42 U.S.C. Sec. 12111.*)

The purpose of the ADA is:

1. To provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.
2. To provide clear, strong, consistent, enforceable standard addressing discrimination against individuals with disabilities.
3. To ensure that federal government plays a central role in enforcing standards established in this act.
4. To involve congressional authority, including the Fourteenth Amendment, to regulate commerce in order to address the major areas of discrimination.

Further information regarding this legislation is available in the Office of Disability Services.

FEDERAL LAWS AND LEGAL PRECEDENTS: As reported in (compliance Requirement of the ADA and Section 504, p.7) there has been a contagious disease case to determine if the individual was "otherwise qualified." *The School Board of Nassau County v. Arline* was an employment case that ruled determination must be based on the following factors: "(1) the nature of the risk (e.g. how the disease is transmitted); (2) the duration of the risk; (3) the severity of the risk; and (4) the probabilities the disease will be transmitted and will cause varying degrees of harm. In making this determination, courts should defer to the medical judgment of public health officials. Then a determination must be made as to whether the entity can make a reasonable accommodation for the person with the disability."

Note: This ACT specifically includes infection with HIV, which causes AIDS, past drug addiction and alcoholism. SEC. 104 (A) Excludes current illegal drug users, (*See 504, Rehabilitation Act of 1973*)

B.4 Family Educational Rights and Privacy Act (FERPA)

All student record information is governed by Family Educational Rights and Privacy Act (FERPA). The primary rights given to the student are a) the right to inspect and review education records; b) the right to seek to amend education records; c) the right to have some control over the disclosure of information from education records. Again, this is pertinent to any educational institution receiving federal funding.

Information received concerning persons receiving or requesting disability services will be kept confidential unless there is a release of information signed by the student. (See Section B.6 for further clarification.) Once the individual is 18 years old (in some states this may also differ), he or she has the right to deny the parents access to educational records. It is important that the person(s) responsible for maintaining confidential records obtain permission to release before disclosing any information to parents, spouses or friends. (It doesn't matter who is paying the tuition.) (*Section 418A of the Higher Education Act of 1965 as amended by the Education Amendments of 1980 20 U.S.C. 1232g, regulations: 34 CFR Part 99 (updated 3/99)*)

B.5 State Statutes: New Mexico Statute Annotated, 1978.

Section 28-7-2. Policy: It is the policy of this state to encourage and enable persons who are blind, visually impaired or who have another physical disability to participate fully in the social and economic life of the state and to engage in remunerative employment.

Section 28-7-2. Equal right to use public facilities:

1. Persons who are blind, visually impaired or who have another physical disability have the same right as others to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities and other public places.
2. Persons who are blind, visually impaired or who have another physical disability are entitled to full and equal accommodations, advantages, facilities and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, streetcars, boats or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodation, amusement or resort and any other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.
3. Every totally or partially blind person shall have the right to be accompanied by a guide dog, specially trained for the purpose, in any of the places listed in this section without being required to pay an extra charge for the guide dog; provided that the person shall be liable for any damage done to the property or facilities by the dog.
4. The attorney general, district attorney or any person with a disability may file an action in the judicial district when a building has been built or altered and the work has not been accomplished in accordance with the current uniform building code, other applicable publications and established handicapped standards. The building official shall notify those applying for a permit that they shall comply with established standards. Any interested person may appeal the granting or denial of a waiver to the district court where the building is located. If the court finds that the building owner was required to comply with handicap access standards of the uniform building code and has failed to comply with such standards within a reasonable period of time, then the party filing action shall recover the court costs, attorney fees and appropriate injunctive relief to remedy the violation. It is with all issues and not just confidentiality that state statutes must be considered.

B.6 Confidentiality Guidelines

Under FERPA (Sec 2.4), an exception to education records includes medical records made and maintained in connection with treatment and disclosed only to individuals providing treatment. However, the question becomes whether documentation of a medical nature are records used for treatment or providing accommodations. In *Wynne v. Loyola University of Chicago*, the U.S District Court for the Northern District of Illinois ruled that the university could demand the psychologist's personal notes. Its reasoning was the "student waives the psychotherapist- patient privilege when she makes a request for accommodations" (*Disability Compliance for Higher Education, 11/99; 5, 4, 16*). Ongoing legal decisions that can vary among Office of Civil Rights (OCR) regions and courts can present a conundrum for disability service offices. Thus, the position taken by New Mexico Junior College is that in order to provide confidentiality and develop a trust relationship with students, disability-related information will generally be treated as medical information and handled under the same strict rules of confidentiality as is other medical information until legally challenged. This includes the comprehensive documentation from an appropriate source that persons with disabilities must provide to establish the existence of their disability and their need for accommodation or consideration. Again, the position of this college is that it is ethically inappropriate to release any information without the student's permission unless in extreme circumstances, as discussed below.

Disability-related information will be shared on a limited basis within the institutional community. It may be shared only when there is a compelling reason for the individual from the institution seeking information regarding some specific aspect of this confidential information. Unless there is a threat to an individual's safety and / or an emergency situation, consent of the student will be requested before providing any copies of medical/psychological documentation to a third party.

1. **Extreme Exceptions:** The extreme exceptions would include child abuse (of which reporting is mandatory in most states), suicide or homicidal intent. Again, the role of the disability service provide academic access; however, it is very possible that a relationship of trust may develop between the student and service provider. It can become an ethical dilemma for the advisor when a student mentions an intent to harm. It is the responsibility of the advisor to assess the sincerity of the statement and act accordingly. The Office of Disability Services has a confidentiality statement on the intake form and verbally discloses that confidentiality is not maintained in the case of child abuse, suicidal or homicidal intent and further, that he / she will work with campus security in the event a student express action or intent to harm.
2. **Postsecondary Implications:** One office or individual on campus should be assigned the responsibility for collecting and holding disability –related documentation for students with disabilities. It will be kept in a secure file with limited access. "This may mean sharing with faculty only the information that a student has a documented disability and need for accommodation(s). The U.S Department of Justice has indicted that a faculty member generally does not have a need to know what the disability is, only that it has been appropriately verified by the individual (or office) assigned this responsibility on behalf of the institution. Thus, faculty would have no legal right to demand access to the actual documentation including testing scores, dates or names of professionals providing such documentation." (*Confidentiality & Disability Issues in Higher Education, AHEAD. 1996*)
3. **Designated Office:** The designated office is Disability Services. The person responsible for this confidentially is the coordinator of Disability Services.
4. **Need to Know Basis:** In general, the need to know is very limited. The person(s) to whom information would be released is dependent upon the need to know. Some common needs may be:

- a. Request for a course substitution.
 - b. Safety for the student's health.
 - c. Special circumstance in housing.
 - d. Grievance procedures.
 - e. Special financial aid consideration.
5. **Maintenance of Records--Hard Copy:** A confidential contact file is maintained on each student that includes demographics, a record of each student's visit, the purpose of the visit and action taken, documentation of the disability and any ongoing changes in the student's condition. These files are kept in a separate, locked file cabinet accessible only by the DS Coordinator.
 6. **Disposal of Records:** If a student has been inactive for two years, files are placed in an inactive file. After the files are inactive for five years, the files are shredded.
 7. **Exceptions:** A student may request a copy of his/her documentation with the following exceptions:
 - a. Documentation provided by Vocational Rehabilitation offices is available only through that office. (May be local and not global.)
 - b. If raw data was the only information provided as documentation by the diagnostician, this data will not be released.

B.7 Legal Implications: Individual Needs

The contents herein are the guiding procedures and policies in general for all students with disabilities. However, each student's needs must be considered on an individual basis. Basic determination of accommodations will be in collaboration with the student and sometimes faculty based on documentation recommendations.

SECTION C. DOCUMENTION OF DISABILITIES

C. 1 Introduction

Individuals with disabilities who attend or plan to attend a postsecondary institution in New Mexico may need reasonable accommodations, modifications, or auxiliary aides in order to have equal access to the programs and services offered. There are two laws that require postsecondary institutions to provide their services to otherwise qualified students: Section 504 of the Vocational Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA). Students who need accommodations are responsible for requesting these services from and for meeting with the Disability Services Office at NMJC.

C. 2 Purpose of Documentation

The rationale for seeking information about a student's condition is to support the higher education professional in establishing disability, understanding how disability may impact a student, and making informed decisions about accommodations. Professional judgment is an essential component of this process. (AHEAD.ORG)

C. 3 Eligibility Verification

Eligibility for the Disability Services at New Mexico Junior College is dependent upon the nature of the disability and its impact on learning. A person might meet eligibility requirements of vocational rehabilitation, disabled veterans or any other rehabilitation agency; however, he / she may not meet eligibility at NMJC. Individuals are eligible for services at New Mexico Junior College's office of Disability Services who meet the following criteria:

1. Individual has a disability that substantially limits one or more major life functions.
2. Individual's disability may be documented by an appropriate, qualified professional(s) i.e., licensed school psychologist, learning disabilities/educational specialist, medical doctor, optometrist, or psychiatrist.
3. Individuals may provide the Disability Services office with diagnostic reports and if available and appropriate, the most recent Individual Education Plan (IEP).
4. Students with disabilities who transfer from another postsecondary institution may provide written verification from the previously attended school, which includes an account of the accommodations used.

Once a student has been verified at NMJC, a disability eligibility form should be completed and placed in the confidential file with documentation and will need to be completed every semester.

C. 4 Documentation Guidelines

Documentation legitimizes a student's request for accommodations and, in general, should include the following:

1. Identification of the nature and extent of the disability,
2. Specific information on the functional limitation as related to the academic environment
3. Description of the current course of treatment including medical side effects,
4. Prognosis for the disability
5. Recommended reasonable accommodations

C 5. Sources and Forms of Documentation

Acceptable sources of documentation for substantiating a student's disability and request for particular accommodations can take a variety of forms:

1. **Primary Documentation: Student's Self-report**
The student is a vital source of information regarding how he or she may be "limited by impairment." A student's narrative of his or her experience of disability, barriers, and effective and ineffective accommodations is an important tool which, when structured by interview or questionnaire and interpreted, may be sufficient for establishing disability and a need for accommodation.
2. **Secondary Documentation: Observation and Interaction**
The impressions and conclusions formed by higher education disability professionals during interviews and conversations with students or in evaluating the effectiveness of previously implemented or provisional accommodations are important forms of documentation.
3. **Tertiary documentation: Information From External or Third Parties**
Documentation from external sources may include educational or medical records, reports and assessments created by health care providers, school psychologists,

teachers, or the educational system. All forms of documentation are meaningful and should be mined for pertinent information.

Supporting Accommodation Requests: Guidance on Documentation Practices. 2012. AHEAD.ORG

C. 6. Rights and Responsibilities of Students

In addition to notifying and documenting the need for accommodation(s), students with disabilities also have the following rights and responsibilities:

1. Equal access to all programs at each institution.
2. Disability-related records will be used to determine appropriate services and will be maintained separately from academic records.
3. Students initiate all requests for services and / or accommodations to the appropriate office at their institutions.
4. Students need to give institutions advance notice of needed accommodation(s).
5. Students will need to meet with the coordinator of Disability Services for an intake appointment and discussion about the nature and impact of their disabilities.
6. Submission of documentation is not the same as the request for services; these are two different steps in the process of determination and provision of appropriate accommodations.
7. The Academic Accommodation Form does not relieve the student from attending class, unless absences are indicated in the documentation of the disability.

C. 7. Rights and responsibilities of the institution and Disability Services:

1. The institution reserves the right to determine the appropriateness of submitted documentation and requests for accommodation(s) on a case-by-case basis, using the professional judgment of Disability Services staff.
2. Additional information may be requested to determine eligibility for services.
3. Relevant information regarding the student's disability may be shared with those who have a legitimate educational interest (i.e., seizure disorders).

BLIND/LOW VISION

Ophthalmologists are the primary professionals involved in diagnosis and medical treatment of individuals who are blind or who experience low vision. Optometrists provide information regarding the measurement of visual acuity as well as tracking and fusion difficulties. The diagnostician must be an impartial individual who is not a family member of the student.

Recommended documentation includes:

1. A clear statement of vision-related disability with supporting numerical description that reflects the current impact the blindness or vision loss has on the student's functioning (the age of acceptable documentation is dependent upon the disabling condition, the current status of the student and the student's request for accommodations).
2. A summary of assessment procedures and evaluation instruments used to make the diagnosis and a summary of evaluation results including standardized scores.
3. Present symptoms that meet the criteria for diagnosis.

4. Medical information relating to the student's needs, the status of the individual's vision (static or changing), and its impact on the demands of the academic program.
5. Narrative or descriptive text providing both quantitative and qualitative information about the student's abilities that might be helpful in understanding the student's profile including functional limitation, the use of corrective lenses and ongoing visual therapy (if appropriate).
6. A statement of the functional impact or limitations of the disability on learning or other major life activity and the degree to which it impacts the individual in the learning context for which accommodations are being requested.

Further assessment by an appropriate professional may be required if co-existing learning disabilities or other disabling conditions are indicated. The student and the disability specialist at the institution collaboratively determine appropriate accommodations.

HEAD INJURY/TRAUMATIC BRAIN INJURY

Head injury or traumatic brain injury is considered a medical or clinical diagnosis. Individuals qualified to render a diagnosis for these disorders are practitioners who have been trained in the assessment of head injury or traumatic brain injury. Recommended practitioners include: physicians, neurologists, licensed clinical, rehabilitation and school psychologists, neuropsychologist and psychiatrists. The diagnostician must be an impartial individual who is not a family member of the student. Recommended documentation includes:

1. A clear statement of the head injury or traumatic brain injury and the probable site of lesion.
2. Documentation for eligibility must reflect the current impact the head injury has on the student's functioning (the age of acceptable documentation is dependent upon the disabling condition, the current status of the student and the students' specific request for accommodations).
3. A summary of cognitive and achievement measures used and evaluation results including standardized score or percentiles used to make the diagnosis.
4. A summary of present dual symptoms that meet the criteria for diagnosis.
5. Medical information relating to student's needs to include the impact of medication on the student's ability to meet the demands of the postsecondary environment.
6. A statement of the functional impact or limitations of the disability on learning or other major life activity and the degree to which it impacts the individual in the learning context for which accommodations are being requested.

Further assessment by an appropriate professional may be required if co-existing learning disabilities or other disabling conditions are indicated. The student and the disability specialist collaboratively determine appropriate accommodations.

DEAF/HARD OF HEARING

Physicians, including otorhinolaryngologists and otologists are qualified to provide diagnosis and treatment of hearing disorders. Audiologists may also provide current audiograms. The diagnostician should be an impartial individual who is not a family member of the student.

Recommended documentation includes:

1. A clear statement of deafness or hearing loss, with a current audiogram that reflects the current impact the deafness or hearing loss has on the student's functioning, (the age of acceptable documentation is dependent upon the condition, the current status of the student, and the student's request for accommodations).

2. A summary of assessment procedures and evaluation instruments used to make the diagnosis and a narrative summary of evaluation results, if appropriate.
3. Medical information relating to the student's needs the status of the individual's hearing (static or changing) and its impact on the demands of the academic program.
4. A statement regarding the use of hearing aids (if appropriate).
5. A statement of the functional impacts or limitations of the hearing loss on learning or other major life activity and the degree to which it impacts the individual in the learning context for which accommodations are being requested.

Further assessment by an appropriate professional may be required if co-existing learning disabilities or other disabling conditions are indicated. The student and the disability specialist collaboratively determine appropriate accommodations.

PHYSICAL AND SYSTEMIC DISORDERS

(Includes but is not limited to: multiple sclerosis, cerebral palsy, chemical sensitivities, spinal cord injuries, cancer, AIDS, muscular dystrophy and spina bifida). Any physical disability or systematic illness is considered to be in the medical domain and requires the expertise of a physician, including a neurologist, physiatrist or other medical specialist with experience and expertise in the area for which accommodations are being requested. The diagnostician must be an impartial individual who is not a family member of the student. Recommended documentation includes:

1. A clear statement of the medical diagnosis of the orthopedic/mobility disability or systemic illness.
2. Documentation for eligibility must reflect the current impact the physical disability or systemic illness has on the student's function (the age of acceptable documentation is dependent upon the disabling condition, the student's request accommodations and the current status of the student).
3. A summary of assessment procedures and evaluation instruments used to make the diagnosis, including evaluation results and standardized scores if applicable.
4. A description of present symptoms that meet the criteria for diagnosis.
5. Medical information relating to the student's needs to include the impact of medication on the student's ability to meet the demands of the postsecondary environment.
6. A statement of the functional impact of limitation of the disability on learning or other major life activity and the degree to which it impacts the individual in the learning context or which accommodations are being requested.

Further assessment by an appropriate professional may be required if co-existing learning disabilities or other disabling conditions are indicated. The student and the disability specialist collaboratively determine appropriate accommodations.

PSYCHIATRIC/PSYCHOLOGICAL DISORDERS

(Includes but is not limited to depressive disorders, post-traumatic stress disorder, bipolar disorders and dissociative disorders). A diagnosis by a licensed mental health professional including licensed clinical social workers, licensed professional counselor, psychologists, psychiatrists and neurologists is required and must include the licensee number. The diagnostician must be an impartial individual who is not a family member of the student.

Recommended documentation includes:

1. A clear statement of the disability, including the DSM-IV diagnosis and a summary of present symptoms.

2. Documentation for eligibility must reflect the current impact the psychiatric/psychological disability has on the student's function (the age of acceptable documentation is dependent upon the disabling condition, the current status of the student and the student's specific request for accommodations).
3. A summary of assessment procedures and evaluation instruments used to make the diagnosis, including evaluation results and standardized scores if applicable.
4. Medical information relating to the student's needs, including the impact of medication on the student's ability to meet the demands of the postsecondary environment.
5. A statement of the functional impact or limitations of the disability on learning or other major life activities and the degree to which it impacts the individual in the learning context for when accommodations are being requested.

Further assessment by an appropriate professional may be required if co-existing learning disabilities or other disabling conditions are indicated. The student and the disability specialist collaboratively determine appropriate accommodations.

SPECIFIC LEARNING DISABILITIES

Professionals conducting assessment and rendering diagnoses of specific learning disabilities must be qualified. A qualified professional need to hold a degree in a field related to diagnosis of SLD and has at least one year of diagnostic experience with adults and late adolescents. Recommended practitioners include: certified and / or licensed psychologists, learning disability specialists, educational therapists, and a diagnosticians in public school or colleges and rehabilitation services and private practitioners with the above qualifications are typically considered qualified. The diagnostician must be an impartial individual who is not a family member of the student. Recommended documentation includes:

1. Testing that is comprehensive, including a measure of both aptitude and academic achievement in the areas of reading, mathematics and written language.
2. Documentation for eligibility must reflect the current impact the learning disability has on the student's functioning (the age of acceptable documentation is dependent upon the disabling condition, the current status and the student's specific request for accommodations).
3. A clear statement that a learning disability is present along the rationale for this diagnosis.
(Note: Individual learning deficits, learning styles and learning differences do not, in and of themselves, constitute a learning disability.)
4. A narrative summary including all scores (standard and percentile), which supports the diagnosis.
5. A statement of strengths and needs that will impact the student's ability to meet the demands postsecondary environment.
6. A statement of the functional impact or limitations of the disability on learning or other major life activities, and the degree to which it impacts the individual in the learning context for which accommodations are being requested.

Further assessment by an appropriate professional may be required if co-existing learning disabilities or other disabling conditions are indicated. The student and the disability specialist collaboratively determine appropriate accommodations.

VISUAL DISORDERS/NOT ACUITY

Learning-related visual disabilities include, but are not limited to, the following disorders: ocular motility dysfunction/eye movement disorders, vergence dysfunction/inefficiency in using both eyes together, strabismus/misalignment of the eyes, amblyopia/lazy eye, accommodative disorders/focusing problems, visual sensory disorders, and motor integration. Professionals conducting assessment and rendering diagnoses of these disabilities must be qualified to do so and have experience in assessing the needs of adult learners. The qualified professional in this field is licensed to practice as an optometrist and is a Fellow of the College of Optometrists in Vision Development. The diagnostician must be impartial and not a family member.

Recommended documentation includes:

1. A clear statement of the learning-related visual disability with supporting numerical description (the age of acceptable documentation is dependent upon the disabling condition, the current status of the student and the student's request for accommodation). Documentation must reflect the current impact the disability has on the student's functioning.
2. A summary of assessment procedures and evaluation instruments used to make the diagnosis and a summary of evaluation results, including standardized scores.
3. Present symptoms that meet the criteria for diagnosis.
4. Medical information relating to the student's needs and the status of the individual's vision (static or changing) and its impact on the demands of the academic program.
5. Narrative or descriptive text providing both quantitative and qualitative information about the student's abilities which might be helpful in understanding the student's profile, including the use of corrective lenses and ongoing visual therapy (if appropriate).
6. A statement of the functional impact or limitations of the disability on learning or other major life activities and the degree to which it impacts the individual in the learning context for which accommodations are being requested.

Further assessment by an appropriate professional may be required if co-existing learning disabilities or other disabling conditions are indicated. The student and the disability specialist collaboratively determine appropriate accommodations.

C.8 Substance Abuse

New Mexico Junior College Statement: Drug Free Schools Act 1990

New Mexico Junior College (NMJC) in compliance with the Drug Free Schools Act of 1990, has implemented a program to deter illicit possession, use, or distribution of controlled substances. NMJC is committed in providing drug and alcohol awareness education for students and staff and takes an active approach toward the health and safety of all members of the college community. NMJC recognizes the institution's responsibility, but also holds the student and employee responsible for their own decisions/actions.

State and Federal Law

The NMJC abuse policy is in keeping with the educational mission of the institution and applicable state laws governing controlled substances. The policy applies to the illegal possession, distribution, and abuse of alcohol as defined in New Mexico statute by both student and employees. Federal regulations prohibit possession and distribution of alcohol and illegal drugs and provide penalties of imprisonment and fines. Specific language of the regulations can be obtained from the Office of the Vice President for Student Affairs.

College Regulations

No alcoholic beverages are allowed on campus (i.e., public buildings, lungees, patios, foyers, arenas, parks, parking lots, and other open spaces on campus). Violators of state statutes and / or University regulations governing the possession and / or consumption of alcohol or controlled substances shall be subject to sanctions as set forth in the NMJC Catalog. This is in addition to the regulations and / or penalties described in New Mexico State Statutes. Residential students are individually responsible for maintaining an atmosphere and community in the residential areas that is in concert with the academic mission of NMJC. Drunken and / or disorderly behavior will not be tolerated.

ALCOHOLISM

Professionals who are qualified to diagnose, treat and provide documentation for individuals with alcoholism include physicians with a specialty in addiction, clinical psychologists, psychiatrists, licensed mental health professionals, or state health department certified addiction counselors who are supervised by psychologists or psychiatrists. The diagnostician must be an impartial individual who is not a family member of the student. Recommended documentation includes:

1. A clear statement of the disability, including the DSM-IV diagnosis, and a summary of present symptoms.
2. Documentation for eligibility must reflect the current impact the alcoholism has on the student's functioning (the age of acceptable documentation is dependent upon the disabling condition, the current status of the student and the student's request for accommodation).
3. A summary of assessment procedures and evaluation instruments used to make the diagnosis.
4. A summary of qualitative and quantitative information that supports the diagnosis.
5. Medical information related to the student's needs, including the impact of medication on the student's ability to meet the demands of the postsecondary environment.
6. A statement of the functional impact or limitations of the disability on learning or other major accommodations are being requested.

Further assessment by an appropriate professional may be required if co-existing learning disabilities or other disabling conditions are indicated. The student and the disability specialist collaboratively determine appropriate accommodations.

REHABILITATED DRUG ADDICTION

Professionals who are qualified for diagnosing, treating, and providing documentation for individuals who have been rehabilitated for drug addiction or are under treatment for alcoholism include physicians with a specialty in addiction, clinical psychologists, psychiatrists and licensed mental health professionals or State Health Department certified addiction counselors who are supervised by psychologists or psychiatrists. The diagnostician must be an impartial individual who is not a family member of the student. Recommended documentation includes:

1. A clear statement of successful completion of a supervised drug rehabilitation program with the DSM-IV diagnosis. A dated statement attesting to the compliance with appropriate post-rehabilitation treatment (the age of acceptable documentation is dependent upon the disabling condition, the current status of the student and the student's request for accommodations).
2. A summary of assessment procedures and evaluation instruments used to make the diagnosis.
3. A summary of qualitative and quantitative information that supports the diagnosis.

4. Medical information relating to the student's needs including the functional limitation and the impact of medication on the student's ability to meet the demands of the postsecondary environment.
5. A statement of the current functional impact or limitations of the disability on learning or other major life activities and the degree to which it impacts the individual in the learning context for which accommodations are being requested.

Further assessment by an appropriate professional may be required if co-existing learning disabilities or other disabling conditions are indicated. The student and the disability specialist collaboratively determine appropriate accommodations.

C.9 Discussion of Specific Learning Disabilities

This discussion is presented as there continues to be much controversy concerning specific learning disabilities, their diagnosis and their treatment.

Specific Learning Disability Definitions:

Federal Definition is:

1. "Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, read, write, spell or do mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not include children who have learning problems that are the result of visual, hearing or motor limitations, of mental retardation, of emotional disturbance or of environmental, cultural, or economic disadvantage." (Most postsecondary institutions have students from states other than their own, so it is important in learning disabilities—as it is with other disabilities—to be aware of the state statutes, and practices.)
2. "A perceptual or communicative disorder is indicated when there is indicated when there is a significant discrepancy between estimated intellectual potential and actual level of performance and is related to basic disorders in the learning processes that are not limited to intellectual capacity, visual or auditory sensory impairment, emotional disorders, and / or experiential information. One or more of the following measureable disorders are observed:
 - a. Significantly impaired ability in pre-reading and / or reading skills
 - b. Significantly impaired ability in reading comprehension
 - c. Significantly impaired ability in written language expression such as problems in handwriting, spelling, sentence structure, and written organization
 - d. Significantly impaired ability to comprehend, apply and / or retain math concepts."

Diagnostic and Statistical Manual of Mental Disorders (DSM-IV)

The DSM-IV criteria for learning disorders specifies there are learning disorders in reading (315.00), mathematics (315.1) and written expression (315.2) and use the assessment that the "ability, as measured by individually administered standardized tests, is substantially below that expected given the person's chronological age, measured intelligence, and age-appropriate education" (1994, p. 51-53). However, the American Psychiatric Association has included another consideration, 315.9 Learning Disorder Not Otherwise Specified, which states: "This category is for disorders in learning that do not meet criteria for any specific learning disorder. This category might include problems in all three areas

(reading, mathematics, written expression) that together significantly interferes with academic achievement even though performance on tests measuring each individual skill is not substantially below that expected, given the person's chronological age, measured intelligence, and age-appropriate education." (American Psychiatric Association. 1994. Diagnostic Criteria from DSM-IV, p. 52-53)

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"[A] heterogeneous group of disorders manifested by significant difficulties in the acquisition and use of speaking, reading, writing, reasoning, or mathematical abilities. These disorders are intrinsic to the individual, presumed to be due to central nervous system dysfunction, and may occur across the life span." (1990, p. 65)

NMJC Position Statement

Eligibility for services at this college will take into consideration documentation that uses any of the following assessments. More than one instrument is necessary, and eligibility will be determined on an individual basis. However, the DSM-IV Learning Disorder Not Otherwise Specified will not generally be recognized; subjective criteria will not be adequate for learning disabilities when there are a number of recognized assessments in the field. Again, professional judgment is important, and justification and reasoning for any learning disability that digresses considerably from the above definitions should be noted on the disability certification form.

1. On WAIS-R (WISC-R) (III), a 15-point or greater discrepancy between verbal and performance. (More than one assessment is necessary.)
2. Aptitude- achievement discrepancy regression formula.
3. Aptitude-achievement discrepancy utilizing norm-referenced standardized testing; an overall/verbal/performance IQ score that is at least one standard deviation or greater below the mean with some specific area of academic achievement that is minimally one standard deviation below measured ability level. (Some colleges/agencies use 1.5 or even 2.0 standard deviations.)
4. Intra-cognitive subtest variability on the WAIS-R (WISC-R); a range of 10 points either in verbal, performance or full scale. (Blalock)
5. Lower performance (one standard deviation or greater) on the ACID (arithmetic, coding (digit symbol), information, digit span) cluster of the WAIS-R. (Beckman)
6. Re-categorization hierarchy of the WAIS-R: Spatial > Conceptual > Sequential > Acquired Knowledge. (Bannatyne) (Gmth-Marnot, 1997, p. 195-197).

Recommended Instruments for Assessment of Specific Learning Disabilities in Adults:

Assessment measures selected for use in any evaluation should be normed appropriately (i.e., test used for the assessment of adults should include an adult norm sample that is appropriate for the individuals being tested) and used according to the test author's recommendations. Reliability and validity data should also be considered in the selection of test instruments. Abbreviated test batteries are not acceptable for the assessment of learning disabilities unless the test authors recommend the shortened version for this purpose.

The minimal assessment for learning disabilities and their academic impact should include measures of:

1. Intellectual/cognitive/information processing abilities (one instrument unless the diagnostician determines otherwise.)
 - a. Halstead-Reitan Neuropsychological Battery (complete battery often not indicated unless there is a head injury or suspicion of some other cognitive dysfunction)

- b. Stanford-Binet IV
 - c. Wechsler Adult Intelligence Scale-II or III
 - d. Wechsler Memory Scales-Revised (supplement to WAIS-R)
 - e. Woodcock Johnson Psycho-educational Battery-Revised (Part I, Tests of Cognitive Ability)
2. Academic Achievement (one instrument only)
- a. Woodcock Johnson Psycho-educational Battery-Revised (Part II, Tests of Achievement)
 - b. Peabody Individual Achievement Test—Revised (ages 5-18)
 - c. Nelson-Denny Reading Test ELF (used only to determine rote of reading when extended time accommodation is a consideration; grades 9+)
 - d. Stanford Test of Academic Skills (grades 8-13)
3. Current and Historical Socio-emotional Adjustment: The purpose of this comprehensive interview is to screen for other factors that may contribute to learning difficulties. It is vital in making differential diagnoses and identifying current needs. Information gathered helps rule out emotional, sensory, head injury, substance abuse and educational deficiencies as the primary diagnoses or explanation for current academic difficulties. Objective personality tests may also be used for screening purposes but never in the absence of or in lieu of a thorough clinical interview.

SECTION D. DISABILITIES: CHARACTERISTICS AND REASONABLE ACCOMMODATIONS

D.1 Attention Deficit/Hyperactivity Disorder

ADHD is officially called Attention Deficit/Hyperactivity Disorder and is a neurologically based medical problem. It is a developmental disability characterized by inattention, impulsivity, and sometimes hyperactivity. The results can lead to lifelong problems.

Students with ADHD may demonstrate one or more characteristics:

1. Experiencing difficulty with concentrating.
2. Experiencing difficulty with listening.
3. Experiencing difficulty with starting, organizing, and completing tasks.
4. Experiencing difficulty with following directions.
5. Experiencing difficulty with making transitions.
6. Experiencing difficulty with interacting with others.
7. Experiencing difficulty with producing work at a consistently normal level.
8. Experiencing difficulty with organizing problems that involve multiple steps.
9. Experiencing difficulty following through with several directions at once.
10. Experiencing difficulty with organizing multi-step tasks.
11. Performing better in morning classes or evening classes.
12. Needing to sit at the front of the class.
13. Needing assignment organizers.
14. Needing assignments in writing.
15. Benefiting from structure using lists, schedules.
16. Benefiting from ADD coaching.

Accommodations may include those for students with specific learning disabilities (Section D. 8).

D.2 Blind/Low Vision

Visual impairments include disorders in the senses of vision that affect the central vision acuity, the field of vision, color perception, or binocular visual function. The American Medical Association defines legal blindness as visual acuity not exceeding 2/200 in the better eye with correction, or a limit in the field of vision that is less than a 20 degree angle (tunnel vision). Legal blindness may be caused by tumors, infections, injuries, retrolental fibroplasias, cataracts, glaucoma, diabetes, vascular impairments, or myopia. Visual disabilities vary widely. Some students may use a guide dog, others a white cane, while others may not require any mobility assistance. The syllabus for NMJC's classes is available online at www.nmjc.edu on the first day of registration for that class.

1. Classroom accommodations may include; although not limited to:
 - a. Reading lists or syllabi in advance to permit time for transferring into an alternate format.
 - b. Textbooks ordered in the preferred medium of the student.
 - c. Preferential seating in the of the class.
 - d. Permission to make an electronic recording of lectures and class discussions.
 - e. Handouts in the medium that the student prefers. (electronic copy, Braille.)
 - f. Copy of PowerPoint presentations in the medium that the student prefers.
 - g. Contrasting colors for printed materials.
 - h. Materials presented on the board or on transparencies read out loud.
 - i. Lab assistance.
 - j. Advance notice of class schedule or location changes.
 - k. Passageways kept clear.
 - l. Professors encouraged to use a black felt tip marker on written assignments and white boards.
2. Testing accommodations may include; although not limited to:
 - a. Orally taped tests.
 - b. Reading of tests to the student.
 - c. Scribe writer.
 - d. Extended time to complete the test.
 - e. Modified location to perform the test.
 - f. Enlarged print of testing materials.
 - g. Assessable computer based testing.

D.3 Closed Head Injury/Traumatic Brain Injury

Head injury is one of the fastest growing types of disabilities, especially, for individuals 15 to 28 years old. More than 500,000 cases of traumatic brain injury (TBI) are reported in hospitals each year. There is a wide range of differences in the effects of a TBI on the individual, but most cases result in some type of impairment.

1. The functions that may be affected include: memory, cognitive/perceptual communication, speed of thinking communication, spatial reasoning, conceptualization, psychosocial behaviors, motor abilities, sensory perception, and physical disabilities including speech impairment.
2. Students with TBI may demonstrate one or more characteristics and the form may be mild, moderate, or severe:
 1. Organizing thoughts, cause-effect relationships, and problem solving.
 2. Processing information and word retrieving.
 3. Generalizing and integrating skills.
 4. Interacting with others.

5. Compensating for memory loss.
6. Needing established routines with step-by-step directions.
7. Needing books and lectures on tape.
8. Needing repetition or some type of reinforcement of information to be learned.
9. Demonstrating poor judgment and memory problems.
10. Needing a tutor.
11. Exhibiting discrepancies in abilities such as reading comprehension at a much lower level than spelling ability.
12. Having difficulty with projection and clarity in voice.

Accommodations may include those for students with specific learning disabilities (Section D. 8).

D.4 Deaf/Impaired Hearing

More individuals in the United States have a hearing impairment than any other type of physical disability. A hearing impairment is any type or degree of auditory impairment while deafness is an inability to use hearing as a means of communication. Hearing loss may be sensorineural, involving an impairment of the auditory nerve; conductive, a defect in the auditory system that interferes with sound reaching the cochlea; or a mixed impairment, involving both sensorineural and conductive. Hearing loss is measured in decibels and may be mild, moderate, or profound. A person who is born with a hearing loss may have language deficiencies and exhibit poor vocabulary and syntax. Many students with hearing loss may use hearing aids and rely on lip reading. Others may require an interpreter.

1. Classroom Accommodations may include, but are not limited to:
 - a. Seating in the front of the classroom.
 - b. Written supplement to oral instructions, assignments, and directions.
 - c. Visual aids as often as possible.
 - d. Speaker facing the class during lectures.
 - e. Speaker repeating the questions that other students in the class ask.
 - f. Note-taker assistance for classroom lectures.
 - g. Unfamiliar vocabulary written on the board or a handout.
 - h. Small amplification system.
 - i. Sign language interpreter seated where the student can see the interpreter and the lecturer.
 - j. Excess noise reduced as much as possible to facilitate communication.
 - k. Instructor facing the student who is lip reading, speaking slowly, using shorter sentences and appropriate facial expressions and gestures.
 - l. Alternative oral presentations.
 - m. Usage of overheads and all types of visual aids for providing better communication.
 - n. Copies of PowerPoint slides in advance.
2. Test accommodations may include, but are not limited to:
 - a. Extended time to complete the exam.
 - b. Separate location.
 - c. Proofreading of essay tests.
 - d. Access to a word processor.
 - e. Interpreted directions.

D.5 Orthopedic / Mobility Disorders

A variety of orthopedic / mobility-related disabilities result from congenital conditions, accidents, or progressive neuromuscular diseases. These disabilities include conditions such as spinal cord injury (paraplegia or quadriplegia), cerebral palsy, spina bifida, amputation, muscular dystrophy, cardiac conditions, cystic fibrosis, paralysis, polio / post polio, and stroke. Functional limitations and abilities vary widely even within one group of disabilities. Accommodations vary greatly and can best be determined on a case-by-case basis.

1. Characteristics may include:
 - a. Pain, spasticity, or lack of coordination.
 - b. Flare-ups of intensity of the symptoms.
 - c. Period of remission in which little or no symptoms are visible.
 - d. Inability to walk without crutches, canes, braces, or walkers.
 - e. Inability to stand or walk and may use wheelchair to conserve energy or gain speed.
 - f. Limited lower body use but full use of arms and hands.
 - g. Limited uses of lower body and limited use of arms and hands.
 - h. Impairment of speech or hearing.
 - i. Limited head or neck movement.
 - j. Decreased physical stamina and endurance.
 - k. Decreased eye-hand coordination.
2. Classroom accommodations may include, although is not limited to:
 - a. Accessible location for the classroom and place for faculty to meet with student.
 - b. Extra time to get from one class to another, especially, in inclement weather.
 - c. Preferred seating in classrooms.
 - d. Note-taking assistance.
 - e. Extra time for completing in class assignments due to slow writing speed.
 - f. Adjustable lab tables or training tables for classes taught in lab settings.
 - g. Lab assistance.
 - h. Accessible parking in close proximity to the building.
 - i. Customized physical education class activities that allow the student to participate within their capabilities.
 - j. Permission to tap lectures.
 - k. Permission to use their laptops in the classroom.
 - l. Copy of power point presentations.
 - m. Advance planning for field trips to ensure accessibility (if the college provides student transportation, it must provide accessible transportation on a field trip).
3. Test accommodations may include, although is not limited to:
 - a. Extended time.
 - b. Modified location.
 - c. Scribe writer.
 - d. Access to word processors.
 - e. Assessable computer based testing.
 - f. Voice-activated word processing.

D.6 Other Disorders: Primarily, Systemic Disorders

There are students with disabilities that originate from a systemic disorder. The degree to which these disabilities affect students in the academic setting vary widely. At times, it is not the condition itself but the medication that is required to control symptoms that impairs academic performance. Common side

effects of medications include fatigue, memory loss, shortened attention span, loss of concentration, and drowsiness. In some cases, the degree of impairment may vary from time to time because of the nature of the disability or the medication. Some conditions are progressive and others may be stable.

1. A partial list of other disabilities:
 - a. AIDS
 - b. Arthritis
 - c. Asthma
 - d. Burns
 - e. Cancer
 - f. Cardiovascular
 - g. Cerebral Palsy
 - h. Chronic pain
 - i. Diabetes
 - j. Epilepsy
 - k. Hemophilia
 - l. Lupus
 - m. Motor Neuron Diseases
 - n. Multiple Sclerosis
 - o. Muscular Dystrophy
 - p. Renal-Kidney Disease
 - q. Respiratory Disorders
 - r. Sickle Cell Anemia
 - s. Stroke
 - t. Tourette Syndrome
2. Some characteristics may include, although are not limited to:
 - a. The need to leave the classroom frequently.
 - b. The need to drink fluid frequently.
 - c. Limitations to physical mobility.
 - d. Intolerance to weather changes.
 - e. Need to stand or changes positions intermittently.
3. Some accommodations may include, although are not limited to:
 - a. Extended time for exams.
 - b. Enlarged printed materials.
 - c. Permission to tape lectures.
 - d. Permission to use their laptops in the classroom.
 - e. Copy of power point presentations.
 - f. Adaptive equipment.
 - g. Scribe writers.
 - h. Flexibility in attendance requirements in case of health-related absences.
 - i. Extension of time to complete papers/projects.

D.7 Psychiatric/Psychological Disorders

Psychiatric/Psychological disorders cover a wide range of disorders such as neuroses, psychoses, and personality disorders as well as dissociative disorder, post-traumatic stress disorder and depression. A great majority of those disorders are listed in the DSM-IV. The majority of these disorders are controlled using a combination of medications and therapy. Problems may also occur from the side effects of the

medication. There are not many legal precedents, but it is probable based on other types of court rulings that some of the following accommodations may be considered appropriate and reasonable.

1. Characteristic may include, although not limited to:
 - a. Poor concentration and motivation.
 - b. Inability to tolerate stress.
 - c. Episodes of lower level academic functioning .
 - d. Sleep disturbance.
2. Classroom accommodations may include, although not limited to:
 - a. Note-taking assistance.
 - b. Assistance with time management and study skills.
 - c. Encouragement to use relaxation and stress reduction techniques during exams.
 - d. Assistance with panic attack control.
 - e. Flexibility in the attendance requirements in case of health-related absences.
 - f. Extended time for exams.
 - g. Less distracting environment.
 - h. Incomplete or late withdrawals in place of course failures in the event of prolonged illness.

D.8 Specific Learning Disabilities

A learning disability is a permanent neurological disorder that affects the manner in which information is received, organized, remembered, and then retrieved or expressed. Students with learning disabilities possess average to above average intelligence. For definitions, see Section C-3.

1. Terms associated with learning disabilities include:
 - a. Dyslexia—inability to read.
 - b. Dyscalculia—inability to do mathematics.
 - c. Dysgraphia—inability to write words with appropriate syntax.
 - d. Dysphasia—inability to speak with fluency or sometimes to understand others.
 - e. Figure-ground perception –inability to see an object from a background of other objects.
 - f. Visual discrimination—inability to see the difference in objects.
 - g. Auditory figure-ground perception—inability to hear one sound among others.
 - h. Auditory sequencing—inability to hear sounds in the right order.
2. Characteristics may include an inability to perform in accordance with the norm in such areas as:
 - a. Oral language—understanding, word recall, grammar, pronunciation
 - b. Listening comprehension.
 - c. Written expression—spelling errors, sentence structure, organization and development.
 - d. Basic reading skills—slow reading rate and retention, tracking skills, difficulty with syntax on tests.
 - e. Mathematical reasoning and calculation—basic operations, number reversals and confusion of symbols, copying problems, concept of time.
 - f. Social skills—spatial disorientation, low frustration level, low self-esteem, problem resolution.
 - g. Study skills and time management.
3. Classroom accommodations may include, although not limited to:
 - a. Reduced course load.
 - b. Extended time to complete in class assignments.
 - c. Copy of power point presentations.
 - g. Permission to tap classroom lectures.

- h. Permission to use their laptops in the classroom.
 - d. Note-taking assistance.
 - e. Assistive technology (calculator, word processor).
 - f. Copy of text on audio disks.
4. Test accommodations may include, although not limited to:
- a. Extended time.
 - b. Less distracting environment.
 - c. Having test read to the student.
 - d. Test proctored on printed paper, rather than the computer (for in person classes.)

D.9 Substance Abuse

A rehabilitated substance abuser's performance is dependent upon the length of time the substance was abused, the age of onset, and the type of substance(s) abused. Characteristics and accommodations may be similar to ADHD or there may be comorbid psychological disabilities.

D.10 Vision Disorders: Not Acuity

Learning-related visual disabilities include, but are not limited to ocular mobility dysfunction/eye movement disorders, vergence dysfunction/inefficiency in using both eyes together, strabismus/misalignment of the eyes, amblyopia/lazy disorders, and motor integration. The functional limitation varies according to the intensity of the problem.

1. The characteristics of these disorders may include:
 - a. Eye fatigue.
 - b. Slow reading.
 - c. Difficulty with maps, charts.
2. Classroom accommodations may include, although not limited to:
 - a. Preferred Seating: avoiding seats where there is a glare from light.
 - b. Using a guide for reading.
 - c. Taking frequent breaks to rest eyes.
3. Test accommodations may include, although not limited to:
 - a. Extended time.
 - b. Utilizing various colors of paper.
 - c. Utilizing readers for tests.

D.11 Temporary Medical Condition

Some disabling conditions are temporary but may require accommodations for a limited time. Students who are recovering from surgery, injury or severe illness may be unaware of accommodations that may be reasonable for a limited time period. Encouragement to contact the office of Disability Services may prevent students from dropping out of school. Documentation is also requested for temporary disabilities. Reasonable accommodations are determined based on the nature of the medical condition. (This service is not a requirement of the law but a humane consideration that might be accommodated in another program of student services).

Some accommodations may include:

1. Using a liaison with faculty regarding absences.
2. Requesting for a volunteer to share notes and gather handouts.
3. Determining if the student qualifies for an incomplete and collaborating with the instructor.

4. Taking make-up exams in the testing center.
5. Depending on the condition, any accommodations for all other disabilities may be appropriate.

D.12 Medical Emergencies

It is not uncommon to have students on campus who may be prone to heart attack, seizures or any other disorder that may require immediate medical response. The procedure that has been most beneficial on our campus is to have the student sign a release of information. Both public safety and the instructors are provided information regarding the procedure to follow. This will vary depending upon the person and the medical condition.

Seizure Disorder

1. Student Information Requested:
 - a. The particular seizure disorder, the frequency, duration and intensity.
 - b. The best method of assistance.
 - c. Documentation from the physician.
 - d. A signed self-disclosure and release of information.
 - e. A procedural process signed by the student is established that will include instructions as to how long to wait before calling an ambulance and other relevant information.
 - f. A copy of this process will be furnished to Campus Security and the instructors for that semester.
2. Seizure Occurrence Procedures:
 - a. The faculty member instructs a class member to call Campus Security.
 - b. The faculty member instructs students to clear an area and wait in the hall to give the student privacy.
 - c. The faculty member (or Campus Security) assists the student in lying down (assuming this is the plan of action in procedural process provided by the student).
 - d. The attending person makes sure there are no obstructions in the student's mouth and places a soft object under his/her head.
 - e. If the seizure continues longer than the time stated in the disclosure, security may, as its discretion, call the ambulance.
 - f. If the seizure ends in the specified time and the student feels recovered, the class may continue. (If there is an empty classroom nearby and the instructor is not needed to attend the student, the class may adjourn to the room and continue).
 - g. If the student is fatigued, a family member may be contacted to pick up the student or the student may be transported to the Student Health Services.

SECTION E. ACCESS TO THE COLLEGE CAMPUS

E.1 Financial Aid

Students with disabilities are provided equal assistance in obtaining financial aid and student employment as the assistance provided to all students: "A recipient to which this subpart applies may not (i), on the basis of handicap, provide less assistance than is provided to non-handicapped persons) (104.45 (a) of Section 504)."

The Higher Education Act of 1965 (amended by Congress) mandates that institutions of higher education establish minimum standards of "Satisfactory Academic Progress" toward their degree to receive financial aid. Federal guidelines consider a student with 12 credits to be a full-time student. Each college is responsible for establishing these policies specific to their campus while remaining within federal guidelines. On many campuses, a reduced load of classes may be taken and financial aid will be adjusted accordingly.

When a student requests a waiver of satisfactory progress requirements, medical documentation will be provided to the coordinator of Disability Services a release of information will be signed and appropriate information will be provided to the Financial Aid Office.

Procedures for Reduced Course Load:

1. Request for reduced course loads are submitted to the Disability Services with the supporting documentation. Supporting documentation must include a diagnostic evaluation from an appropriate professional that is recent enough to evaluate the current impact of the disability.
2. The Coordinator evaluates the documentation and the request in terms of the impact of the disability and the demands of the student's current or proposed schedule.
3. If the request is denied, the student may appeal the Coordinator's decision through the standard accommodation grievance procedures.
4. If the request is approved, the potential consequences of the reduced course load on progress towards graduation, financial aid, billing, etc., will be explained to the student by the Coordinator. The Coordinator will indicate the approved reduced course load and explain that this credit load will be considered as the student's minimum credit load for full-time status for the semester in question and that he / she cannot drop below this without placing their full-time status in jeopardy.
5. The student and the Coordinator will sign the Reduced Load Approval Form. Copies are sent to the Registrar, Financial Aid, Accounts Receivable, and the student's advisor.
6. At the agreed upon credit load, the student will be considered as full-time and entitled to all of the services, benefits, rights and privileges of full time status.
7. Based on the billing adjustments and reduced credit load, the student's financial aid will be adjusted, within the limits of Federal Aid regulations and every effort will be made to ensure that the student does not incur additional costs.
8. Another important issue for reduced course load is health insurance. If a student is still receiving benefits under a parent's policy, it is important they understand that many policies will drop a dependent if their college course load falls below full-time status.

E.2 Housing

"A recipient that provides housing to its non-disabled students shall provide comparable, convenient and accessible housing to disabled students at the same cost as to others...available in sufficient quantity and variety so that the scope of disabled students' choice of living accommodations is, as a whole, comparable to that of non-disabled students." The university housing adheres to the legal requirements that they be accessible to all students and have rooms that are designed for individuals with disabilities. The Disability Services coordinator consults with the Housing Coordinator when special accommodations are requested due to a disability.

E.3 Library

The Pannell Library is committed to providing all users with equal access to library programs, services and materials.

Services for people with disabilities may include:

1. Retrieval of materials for library users who are unable to retrieve materials themselves. Request this service in person or by calling the library. As always, advance notice is appreciated.
2. Assistance completing library forms
3. Photocopying of library materials when use of the self-service photocopy machine is not accessible. Please call before visiting the library if you will need extensive copying assistance.
4. Assistance with the library's online system and other databases.
5. Reference service is generally available when the library is open. Please call for more information.
6. Most workstations are wheelchair accessible. Please check with the reference desk if assistance is needed.

E.4 Student Conduct

Individuals with disabilities are subject to the college student code of conduct, as are all students. Inappropriate behavior will be referred to the Vice-President for Student Life. The Vice-President of Student Life will collaborate with the coordinator of Disability Services when the student has a disability.

Persons with Tourette syndrome can have behaviors that appear to be inappropriate. In this instance, the coordinator will work closely with the student and his/her physician, the instructor and other indicated persons to determine the most appropriate accommodations for this student.

E.5 Student Employment

Students with disabilities meet the same employment criteria that all students must meet. If a student meets the financial criteria, work-study grants are part of the financial aid package. Individuals with disabilities adhere to the general campus non-discrimination policy. Further information can be obtained in the Financial Aid Office. It is the guideline of the Disability Services office not to hire the students it serves because of a conflict of interest.

E. 6 Student Health Services

The Student Health Clinic is located in McLean Hall. Students with disabilities qualify for the same services as all students. Any medical services specific to the disability are the responsibility of the student. The Student Health Services' staff will provide specific information regarding medical services.

Academic advising: At the student's request, the advisors work very closely with the coordinator of Disability Services to determine if the course load or course combinations are appropriate.

Career Services: Career Services is available to all students. Qualified individuals with disabilities will not be "counseled toward more restrictive career objectives than are nondisabled students with similar interests and abilities. (504 and 104.47 (2b))" A counselor may provide factual information regarding licensure or certification requirements that may present obstacles.

Testing Services: Services provided include standardized testing such as the COMPASS, SATB, ASSET, and CLEP. This service DOES NOT include assessments for diagnosis of disabilities nor academic testing accommodations for students with disabilities. The Disability Services office will approve accommodations when applicable.

E.7 Field trips or off-campus projects:

Any activities held off-campus such as a geological field trip must afford the same opportunities for students with disabilities. Reasonable accommodations will be provided to provide the same benefits. When a student is unable to participate in a field trip, specimens, detailed pictures, drawings, etc. will be provided (adapted from Federal Register, Vol. 45, No. 92 5/9/80, Rules & Regulations). This is applicable to any course, whether it regularly includes fieldwork such as an archeological field trip or a theatrical production, or as an adjunct to a traditional lecture class.

SECTION F. ACCESS TO ACADEMIC SERVICES (ACCOMMODATIONS/ADJUSTMENTS)

Academic accommodations are any adjustments that provide equal academic opportunity for students with disabilities. Academic requirements that the college can demonstrate are essential to the program of instruction being pursued by such student or to any directly related licensing requirement will not be regarded as discriminatory (104.44 of Section 504). "Both court decisions and agency rulings make it clear that requests of students need not be provided when: (1) the student is not qualified; (2) the accommodations would result in a fundamental alteration of the program. (3) the institution is being asked to address a personal need; or (4) the accommodation would impose an undue financial or administrative burden."

The college shall make 'reasonable accommodation to the known physical or mental limitations" (104.12). Colleges need not provide "attendants, individually prescribed devices, readers for personal use or study, or other devices for services of a personal nature" (104.44 (d) (2)).

Aids, benefits and services, to be equally effective, are not required to produce the identical result or level of achievement for disabled and non disabled persons, but they must afford individuals with disabilities equal opportunity to obtain the same result, to gain the same benefit or to reach the same level of achievement in the most integrated setting appropriate to the person's needs (Sec., 504 of the Rehabilitation Act of 1973 Subpart E).

Academic adjustments (accommodations) provide equal opportunity for students with disabilities. They are flexible to meet various disabilities and must be consistent with documentation guidelines. Requests that would alter the academic standards of the course/program are not granted. Adjustments must be requested in a timely manner; dependent upon the request, preferably, there must be at least two weeks notice.

F. 1 Qualifying for Services

Eligibility for services is dependent upon the college guidelines; a person receiving services from another agency such as disabled veterans or vocational rehabilitation may not always qualify for services at a university (see Section C).

Self-identification: The student must register with the Disability Services office to request services. The student is not eligible for accommodations until she has requested services with the Disability Services office and is certified eligible. A student must request services each semester they wish to receive them.

Documentation: It is the student's responsibility to provide documentation, per the guidelines (see Section C).

Intake interview: A student should make an appointment to meet with the coordinator of Disability Services as soon as he / she is accepted at the college and has made a decision to attend. For out-of-state students, this meeting should take place as soon as the student is on campus. If interpreter services or special equipment is needed, out-of-state students should notify the coordinator immediately upon acceptance. To provide the most efficient services, a two-week notice is beneficial. Using the documentation, the student and coordinator of Disability Services will collaboratively determine the most appropriate academic adjustments and review procedures for implementation.

Interim Services: If the student does not have documentation at the initial interview, interim services may be provided. However, it is to the student's advantage to provide the documentation before arriving at the campus or at the initial visit. Disability verification is contingent upon the documentation. If the coordinator of Disability Services determines through an initial intake screening that there is strong evidence of a disability, interim services may be provided while assessment and documentation is in process. *Records are reviewed at the beginning of each semester.*

Temporary Medical Condition: Some medical conditions are temporarily disabling and may require accommodations for a limited amount of time. These may include surgery, accidents, severe illness or any other medical condition that temporarily impairs regular attendance or academic performance. Documentation will be required and appropriate accommodations provided.

F.2 Academic Accommodations Memo

An academic accommodation memo must be presented to faculty at the beginning of each semester to notify them that the student will be receiving accommodations and notify them of the nature of those accommodations. No student is to receive accommodations unless the instructor has received the notification. The Academic Accommodation Memo does not relieve the student from attending class, unless absences are indicated in the documentation of the disability.

F.3 Accommodations Specific to a Curriculum

In general, an accommodation is a change in the learning environment that may include services, academic accessibility through adjustments and physical accessibility. The student must be "otherwise qualified" and the standards of the institution need not be compromised.

1. According to Section 504.104.12 statutes, an accommodation:
 - a. Must be reasonable.
 - b. Must not impose an undue hardship on the operation of the program.
 - c. Must include readily accessible facilities.
 - d. Must provide modification of equipment or devices.
 - e. Must provide readers and / or interpreters if necessary.
2. Further, Section 504.104.43 and 44 specifies:
 - a. Provision of equal opportunity.
 - b. Changes in length of time permitted for completion of degree requirements.
 - c. Substitution of specific courses required.
 - d. Adaptation of manner in which the course is instructed.

- e. Permits tape recorders.
- f. Examinations must reflect the student's achievement rather than the impairment.
- g. Qualifies auxiliary aids such as taped text, interpreter, readers, and classroom equipment.

Recent judicial action has stipulated that the burden of proof is on the institution that an accommodation would be an undue burden or alter the nature of the program. The general reasonable accommodations as listed above are applicable at this college. As new litigation appears, these adjustments will be revised to meet current proceedings. Due to the nature of specific areas that are problematic for many students with disabilities, adjustments specific to certain curriculums are addressed.

English Composition: The English composition requirements for all college students are enumerated in the college catalogue. All students are individually responsible for becoming familiar with those requirements and meeting them. Any exceptions made for students with disabilities will be considered on an individual basis by working collaboratively with the department chair and the coordinator of Disability Services program.

Mathematics Requirements: The Mathematic requirements for all college students are enumerated in the college catalogue. Many Associate of Applied Science degree plans have specific requirements for math. Academic adjustments to specific curriculum will be addressed on an individual basis.

Mathematics Department Calculator Policy: Where Section 504 addresses auxiliary aids, calculators have not been mentioned specifically as an aid. However, several legal opinions have established that calculators are assistive technology. In the Equal Employment Opportunity Commission's Technical Assistance Manual on the Employment Provisions of Title I of the ADA, pg. 111-27, talking calculators, are listed as an example of an auxiliary aid. In an OCR case involving the University of Texas at San Antonio, an accommodation granted was a "four-function, non-programmable calculator"(Kincaid, 1996, 10).

Section 5.04.100.44 (c) states "that the results of the evaluation represents the student's achievement in the course, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where such skills, are the factors that the test purports to measure)." As is becoming the normal practice for many of the standardized tests such as the ACT, calculators are accepted and even required in most departments.

The mathematics department at NMJC has the following guideline for calculators and is considered acceptable within the parameters of disability law:

"Calculator usage on exams for math courses is not limited to a particular type of calculator. Students in Transitional Studies math (TS113E Basic Math and TS113F Elementary Algebra) are encouraged to use, but not limited to, basic scientific calculators. In math credit courses students are encouraged, and in some courses require, to use graphing calculators. Devices that are not considered calculators, but are hand held computers are not to be used. In addition, calculators with QWERTY keyboard (such as the TI-92 or Voyage 200) and cell phone calculators are not permitted."

F.4 Alternative Testing

The primary alternative testing accommodations are extended time and / or a distraction-reduced environment, if specified in the documentation. These arrangements are to be made with Disability Services. Requests for other alternatives as specified in the documentation will be considered on an individual basis. In general, alternative formats have not been considered reasonable. If the instructor can

demonstrate that the alternative format considerably changes the nature of the course, the instructor has the right to refuse. The instructor's denial must be data based and be as credible as the documentation certifying the need for the adjustment. The university at no time is required to compromise its academic standards. Milani (1996) cited an accommodation request was denied and upheld by the court that the school had documented "the multiple choice format provides the fairest way to test the students' mastery of the subject matter of biochemistry, 1017." Wayne v. Tufts University School of Medicine, 932F 2d 1a (1st. Cir 1991)"

Requests for extended time and / or a distraction-reduced environment are a general request for many disabilities. Should the documentation support the need for an oral exam, reader or alternative format, special discussions with the instructor will be made. These discussions should begin the first few weeks of the semester. The coordinator Disability Services with Disabilities will act as liaison.

Extended time does not mean unlimited time. "A student with a learning disability alleged that a law school discriminated against him when it denied him unlimited time for taking examinations." (Disability Compliance for Higher Education, 5.2, p. 10) Thurgood Marshall School of Law 1 NDLR 305 (1991).

F.5 Assistive Technology (Auxiliary Aids)

Subpart E, Section 504 104.44 (d) specifies, "A recipient to which his subpart applies shall take such steps as are necessary to ensure that no handicapped student is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination under the education program or activity operated by the recipient because of the absence of educational auxiliary aids for students with impaired sensory, manual, or speaking skills." When specified in the documentation, students are permitted to use such technology as calculators, spell checkers, word processing and, any other mechanical tools that might provide an equal opportunity for participation in the academic environment. See Section F.3 for calculator usage. For other specialized technology needs, students must contact the coordinator of Disability Services a minimum of two weeks in advance to assure the availability of such equipment.

Portable equipment may be checked out. However, to assure equipment is returned and in the same condition it was in when borrowed, students borrowing the equipment will sign an agreement stating they understand that if the equipment is damaged or not returned, their college account will be charged accordingly. Until the fee is paid, students will be unable to register or obtain transcripts.

Instructors have been encouraged to purchase closed-captioned videos when new purchases are made. Special arrangements will be made for viewing with an interpreter when closed captioning is unavailable in existing videos.

F.6 Audiotaped Lectures

When the documentation warrants, students are permitted to tape lectures. If requested by the instructor, the student may be required to sign a taping agreement. Intent of the law to provide this accommodation has been questioned in the cases of medical clinical classes due to the nature of medical confidentiality. Until such time that there is a clearly stated legal precedent, students will not be allowed to tape-record classes that include clinical rounds and / or direct discussion of a patient and his/her symptoms and treatment.

F.7 Faculty Liaison

Students are encouraged to be self-advocates and are provided guidance when necessary. Most faculty-student issues can be resolved between the two parties. In the event there is a communication problem or no resolution, the coordinator of Disability Services will act as a liaison.

F.8 Final Exams

It is NMJC policy that students with three or more examinations on the same day may alter their examination schedule. Please refer to the Final Exam Policy in the semester Schedule of Courses. Any additional exception to this for students with disabilities will be considered on an individual basis. Extended time, as indicated on the accommodation form, will not encompass final exams. Extended time will be granted for final exams, on an individual basis only, by the Disability Services coordinator as per information in the student's documentation.

F. 9 Interpreting Services

The college has a commitment to provide high quality interpreting in the classroom for its students. Our goal is to continue improving and expanding curricular sign language and oral interpreting services provided to all matriculating deaf/hard of hearing students who have a documented hearing loss on file and who request services through Disability Services. When students are required to attend a lecture/program that is supplemental to the class and part of the grade, interpreters are provided by Disability Services. The standard interpreting practice is that two interpreters will be provided for assignments over two hours in length to void repetitive motion injury and to provide quality of service. In the event that classes are longer than the usual, such as in the summer, the issue of additional interpreters will be address at that time.

If a particular subject is new to the interpreter, a textbook may be requested from Disability Services to assist the interpreter in learning the new vocabulary. These texts are available through an agreement with the bookstore for a period of up to four weeks based on their availability. It is important that the interpreter request the text within the first two class periods. Although Title II of the ADA, which applies to public colleges, requires such colleges to give 'primary consideration' to the communication preferences of the individual, it does not require a college to honor one's preference for the 'specific individual' providing the accommodation.

IT IS IMPERATIVE THAT STUDENTS ADHERE TO THE FOLLOWING PROCEDURES TO ASSURE THE TIMELINESS AND QUALITY OF SERVICES:

Student Responsibility:

1. All students receiving interpreting and/or note-taking services are required to have a documented hearing loss on file.
2. Semester course schedules need to be given to the Office of Disability Services at least 3 weeks prior to the first day of classes (or earlier if possible) to assure that interpreters will be available at the first class.
3. Room/time Changes: The Office of Disability Services must be notified of any changes that differ from the student's scheduled print out as soon as the student is aware of the changes.
4. Student cancellations must be called in by the student to both the interpreter and Office of Disability Services 24 hours in advance. If not cancelled, Disability Services may be required to pay for these services.

5. Instructor Cancellations: When a class has been cancelled by the instructor, students are responsible for notifying both the interpreter and the Office of Disability Services for Students immediately.
6. No show: Students must notify the coordinator of Disability Services as soon as possible as to the reason for the failure to cancel an interpreter when not attending class. Students may be subject to suspension of services when the no-show behavior occurs the second consecutive time in a semester unless he/she can demonstrate a good cause. (In Complaint No. 09-92-2101 I, University of California, Davis, the Office of Civil Rights found that the policy of suspending services, after two class 'no-shows' or late cancellations was in compliance.) A no-show absence is when a student does not attend class and did not give the interpreter and coordinator of Disability Services notification 2 hours prior to the class beginning.
7. Tardiness: Interpreters are required to wait 20 minutes for a 50-minute class and 30 minutes for all other classes. However, the interpreter must be paid the two-hour minimum when the student does not show.
8. Supplemental Interpreting: If students need additional interpreting time for a conference with the instructor, team assignments, or attend a co-curricular event as assigned by the instructor, a special and timely request must be made to the coordinator of Disability Services.
9. Tutoring: If students need interpreting services while receiving tutoring assistance through the Learning Resource Center, a special and timely request must be made to the coordinator of Disability Services.

Interpreter Responsibility

1. Interpreters are not editors and must transmit everything that is said in exactly the same way it was intended. If the interpreter's feelings interfere with rendering the message accurately, they shall withdraw from the assignment.
2. Interpreters will adhere to the National Association of the Deaf (NAD) and the Registry of Interpreters for the Deaf, Inc. (RID) Code of Professional Conduct.
3. While working from the spoken English to sign or non-audible spoken English, the interpreter should communicate in the manner most easily understood or preferred by the deaf and hard of hearing(s), be it American Sign Language, Manually Coded English, gesturing, drawing or writing, etc. It is important for the interpreters and deaf or hard of hearing individual(s) to spend some time adjusting to each other's way of communicating prior to the actual assignment. When working from sign or non-audible spoken English, the interpreters shall speak the language used by the hearing person in the spoken form, be it English, Spanish, French, etc.
4. Interpreters will report no-shows or consistent tardiness to the coordinator of Disability Services promptly.
5. Interpreters are required to notify the coordinator of Disability Services as soon as possible in the event of a sudden inability to attend class.
6. Interpreters may take a break when the students break if desired. It is college policy that classes over two hours are required to take breaks.
7. Instructors are notified that an interpreter will be in the classroom. It is the responsibility of the interpreter to discuss with the instructor an appropriate time for a break or any other reasonable accommodations the interpreter may desire.

8. If a problem arises between the interpreter and any persons involved in an assignment, the interpreters should first discuss it with the persons involved. If no resolution can be reached, the coordinator of Disability Services should be contacted.
9. The interpreter should contact the coordinator of Services for Special Need Services as soon as possible if s/he desires a textbook. Texts usually can be borrowed from the bookstore for up to a period of 4 weeks with no fee assessment unless there is damage or loss.

F.10 Library Assistance

For general library assistance, students may contact the circulation and/or reference desk in the library (See Section E.3). If students need extensive assistance beyond what seems reasonable, an employee from DS can provide this service and should be requested in advance.

F.11 Note-Taking Assistance

Note taking services are currently provided by peer volunteers. The college provides pressure-sensitive, lined, hole-punched, note-taking paper. This may be picked up in Disability Services office. If the Accommodation Memo indicates that note taking is a recommended accommodation, it is the student's responsibility to request a volunteer. He/she may do this directly or ask the professor to announce that a volunteer is needed for note taking. The coordinator of Disability Services will assist in facilitating this procedure upon request.

F.12 Off-Campus Facilities/Internships

In his review of current ADA and 504 litigation, Milani (1996, 1038) concluded that academic adjustments must be provided in internships or student teaching and must ensure that off-site facilities are accessible. Students participating in internships, student observations or any other off-campus participation that is required as a part of the class requirements in order to receive a grade toward a college degree completion or certificate program, are entitled to the same accommodations as are those individuals with disabilities who remain on campus. An example of a certificate program is the early childhood education program. Students must identify themselves to the Disability Services office and provide documentation to establish eligibility just as they would if the class were on campus. The Office of Civil Rights did rule that "one of the requirements for permission to student teach is that instruction of the student teacher not unduly interfere with the ability of the Master Teacher to teach her own children." (4 NDLR 359 (1993); Case No. 09-93-2037 (Region IX).

F.13 Personal Attendant

Section 104.44 [2](d) states specifically, "Recipients need not provide attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature." Personal needs that necessitate an attendant are the responsibility of the student. This may range from assistance in toileting and being repositioned in chairs to having medication placed in the mouth. Students who are requesting these types of services from peers, staff or faculty will be requested to obtain a personal attendant. Failure to do so may result in an administrative health stop being placed on future enrollment until such time that the student demonstrates a personal attendant will be with the student to attend to personal needs. Requesting such services from a non-trained, random individual can be a safety threat to both the student with a disability and the individual who is providing the assistance. The college cannot assume the liability of risk involved.

F.14 Readers

Readers, if specified in the documentation, are provided for test-taking only. Otherwise, a reader is considered a personal service and the college is not required to provide one. The reader will not offer clarification. If clarification of the question is a problem for the student, he/she may write a brief explanation of how they understood the question so the instructor will understand the point of view of the answer. The standard test time may need to extend if a student makes multiple explanations of his/her perception of the question.

F.15 Scribe

Scribes, if specified in the documentation, are provided for test-taking only. Students whose disabilities limit the ability to manually write will be furnished a scribe. Students should request this service at least one week in advance of the exam. Scribes will be supplied during exams, and the same guidelines as those for readers/interpreters apply. Scribes are to write as accurately as possible what the student dictates. Readers and scribes will note on the test "scribed by or read by." Students are responsible for contacting Disability Services as soon as the test is announced to notify them if a reader or scribe will be needed.

F.16 Strategy Development

The coordinator of Disability Services will work individually with students who have disabilities in developing strategies specific to the disability and a particular curricula area. Some general areas in which there is commonly a need for assistance is in study strategies and critical thinking, reading for retention and recall, and taking exams effectively. Other areas in which students are often weak and need special help are time management and stress management. Students are encouraged to seek assistance from the Learning Resource Center; however, there may be instances when a student will benefit from assistance from a person trained in disabilities.

F.17 Substitution/Waivers

Substitutions: Section 504.104.44 (a) specifically states that "substitution of specific courses required for the completion of degree requirements" is a legitimate academic adjustment. Such accommodations are made only when it is clear that the student's disability makes completion of the requirement impossible and that such an accommodation does not alter the integrity of the academic program. Any requests for substitutions will be considered on an individual basis.

The guidelines that will be used in considering the substitution are:

1. Is it a reasonable accommodation request?
2. Does the content of the substituted course meet the nature and intent of the course for which it is being substituted?
3. Is the reasoning presented by the student for this substitution credible and logical?
4. Does the documentation on file with Disability Services justify the need for the substitution?
5. Has the student accessed available accommodations, assistance from faculty and the Learning Resource Center, when applicable?
6. Has the student attempted the course?
7. Is there an alternative to substitution?

Process for Requesting Substitutions

- Step 1: The student will complete the Course Substitution Request Form, and deliver it to the Disability Services coordinator.

- Step 2: The coordinator will review the documentation of the disability and any pertinent law; and, if appropriate, forward the request to the chair of the specific department.
- Step 3: The chairman, with the consultation of the academic advisor, will recommend an appropriate substitution and forward to the dean for approval.
- Step 4: The dean will review and, if appropriate, endorse the recommendation for a substitution.
- Step 5: If there is any question, the dean may seek final approval from the Vice President of Instruction.
- Step 6: If denied, the student has the right of appeal to the ADA Office and/or the OCR. The most recent pertinent litigation is the Guckenberger v. Boston University case in which the judge ruled "As long as an academic institution rationally, without pretext, exercises its deliberate professional judgment not to permit course substitutions for an academic requirement in a liberal arts curriculum, the ADA does not authorize the courts to intervene even if a majority of other comparable academic institutions disagree" (Disability Compliance for Higher Education, July, 1988).

Waivers: Waivers are illogical adjustments and, as such, not reasonable accommodations. Institutions are not required to eliminate or substantially alter standards for any requirements that they can demonstrate are legitimate, reasonable and necessary. If it is an essential requirement for some, it most certainly should be considered an essential requirement for all. If the program requirement is, in fact, reasonable, legitimate, and essential, there can be no justification for requiring nondisabled individuals to meet it while relieving similarly situated individuals with disabilities of the responsibility to do so. In general, the courses are designed to meet the criteria of being reasonable and necessary. Any consideration of a waiver would be an extreme situation that must have impeccable documentation. The coordinator of DS will assist the student and make recommendations to the department chair and dean in determining an acceptable alternative or substitution.

F.18 Testing Center Services

Testing Guidelines

- 1) Students must complete an Intake for Disability Services within at least two weeks of the beginning of the semester.
- 2) Students must notify DS as soon as they know the date of assigned test.
- 3) If it is a night class, students need to discuss with the instructor when she/he wants to take the test. They may do it earlier the same day or the next day.
- 4) Students are not to transport tests for the faculty. (An exception is made for those students who are work-study employees for the DS Office or the faculty).
- 5) The exams will be taken in the Testing Center or the DS Office. If a student has a behavior that is distracting to other students or the disability is such that it is impossible to be in a room with others, the student should point this out to the person scheduling the test.
- 6) Students needing adaptive equipment, scribes or readers should notify the person scheduling the test.

F.19 Texts-Alternative Format/Books for the Blind and Dyslexic

New Mexico Junior College does maintain an institutional membership with Learning Ally and Access Text. These memberships provide audio access and alternative formatting for our blind and print disabled individuals. Students are required to meet with the DS Office to seek these accommodations. NMJC provides both at no charge to the student. NMJC absorbs this cost in order to make these needed accommodations accessible to students of all economic brackets. .

F.20 Absences/Incompletes/Retroactive Withdrawals

In Quinsigamond Community College, OCR Region 1 determined in 1994 that absences due to a disability do not have to be accommodated. However, it must be remembered that each request should be considered on an individual basis. Proactive action can be taken by notifying the faculty on the Accommodation Memo that excess absences are a possibility. If a proportion of the grade is dependent on classroom participation, the faculty is notified in advance and can discuss the issue with the student. The student can then make an informed decision as to the alternatives.

New Mexico Junior College (NMJC) has an attendance policy stating that each student is expected to attend all class sessions of each course for which he/she enrolls. Faculty members will establish and state in the syllabus the attendance, grading and make-up policies for their courses. It is the responsibility of the student to adhere to the policies of the instructor. In the event that a disability affects class attendance, or requires excessive absences, the coordinator Disability Services will work with the student and the faculty to address this. Absences due to participation in sanctioned college activities are considered authorized absences. Participation in sanctioned activities does not relieve the student of the obligation to meet the stated requirements of the course. It is the responsibility of the student to make arrangements with the instructor for any make-up work.

NMJC also has an academic policy regarding incomplete performance. The "I" grade is given for passing work which could not be completed due to circumstances beyond the student's control. The following regulations apply to "I" grades:

1. In no case is an "I" to be used by faculty to avoid the assignment of "D" or "F" grades for marginal or failing work.
2. The instructor will submit a copy of the signed incomplete "contract form" to the Registrar showing what must be done to make up the "I."
3. The work to make up an "I" must be completed by the time specified on the incomplete contract form and to which the instructor and the student have agreed; but, in no case will the time exceed beyond the next regular semester (summer does not constitute a semester for this regulation).
4. Change of an "I" is accomplished by the instructor submitting a change of grade form to the Registrar when the work has been completed. An "F" grade may be given for inadequate work or work not completed in a time fashion. A student cannot change an "I" by re-enrolling in the course. Repeating a course will give the student a new grade but will not remove the "I" from the previous registration. DS office will act as liaison with the faculty in requesting this accommodation. If the condition is such it may not be possible to complete the coursework in one year, the coordinator will encourage the instructor to assign a "W" so the GPA will not be penalized by an "I" becoming an "F." Dependent upon financial aid policies at the campus, an "I" could affect the financial aid package for the upcoming year. Retroactive withdrawals are considered by an appeals committee. If warranted, the coordinator of DS will provide a letter of support for the appeal. There is also an appeal for refund of tuition/fees. Again, if medical circumstances warrant it, the coordinator of DS will recommend the refund; however, the committee makes final determination.

SECTION G. STUDENT RIGHTS/RESPONSIBILITIES SUMMARIZED

G.1 Rights

1. To not be denied access due to a disability.
2. To receive reasonably accommodations that provides equal opportunity.

3. To have access to auxiliary aids/assistive technology.
4. To not be counseled toward "more restrictive career objectives."
5. To not be discriminated against due to a disability or receive any retaliatory discrimination.
6. To receive assistance from the Disability Services office in removing any physical, academic and attitudinal barriers

G.2 Responsibilities

1. To identify themselves to the Disability Services office.
2. To provide documentation of disability.
3. To initiate requests for accommodation by filling out and signing an Intake for Disability Services within the first two weeks of the semester.
4. To provide a minimum of a two-week notice for all major accommodation requests (special accommodations of equipment may need more time)
5. To provide one-week notice to the instructor and DS office when they will be testing in the testing center.
6. To assume responsibility for testing procedures and notifying faculty and DS accordingly.
7. To provide for his/her personal independent living needs or other personal disability-related needs.
8. To assume personal responsibility for meeting with faculty, requesting assistance through supplemental services such as the Learning Resource Center and meeting college standards.

SECTION H. FACULTY RIGHTS/RESPONSIBILITIES SUMMARIZED

Several judicial decisions have stated that faculty members may be held personally responsible for compliance under federal statutes and regulations. In *Howe v. Hull*, 873 F. Supp. 72, 77 (N.D. Ohio 1994) the decision held "an individual may be subject to personal liability under the ADA." The court further outlined the circumstances as being "where (a) he or she is in a position of authority; and (c) the discriminatory acts are the result of the exercise of the individual's own discretion, as opposed to the implementation of institutional policy or the mandates of superiors." One of the roles of the Disability Services office is to support faculty by not only collaborating to provide academic adjustments but to advise the faculty of their obligations and their rights.

H.1 Rights

Taped Lectures: It is the faculty member's right to request a written agreement before allowing the student to tape record the class. This will generally be noted on the Accommodation Memo obtained from DS.

Classroom Behavior: All college students must adhere to the college code of conduct regardless of whether they have a disability. Infractions of this code should be directed to the Vice-President of Student Services. If the student has been identified as a student with a disability, this information should be provided to the Vice-President to facilitate collaboration with the coordinator of DS.

Alternative Testing: A Testing Center is provided in the Ben Alexander Student Learning Center Building, Room 140 or arrangements may be made in the DS Office.

Challenge Accommodations: A faculty member has the right to challenge an accommodation request if she/he believes the student is not qualified, the accommodation would result in a fundamental alteration of the program, the institution is being asked to address a personal need, or the accommodation would impose an undue financial or administrative burden. Accommodation requests are based on documentation on file in DS Office. (If warranted, interim

services are provided while documentation is being obtained). Due to confidentiality, the nature of the disability may not be disclosed to the faculty unless there is a specific need to know. (Please refer to Sec. B.6) When beneficial to the faculty/student academic relationship, students are encouraged to self-disclose.

H.2 Responsibilities

Shared responsibility: As an employee of New Mexico Junior College who has compliance obligations under federal laws, it is the responsibility of the faculty to assume a shared responsibility in providing reasonable accommodations for students with disabilities. Whether or not faculty agree with the law is immaterial. The college is responsible for implementation and, as an employee, faculty are required to adhere to the policies and procedures. The responsibility for meeting the academic needs of individuals with disabilities through reasonable accommodations has been assigned to the coordinator of DS.

Referral: If a faculty member is notified by a student that she/he has a disability or if the student brings a medical statement to the instructor, it is the faculty member's responsibility to refer that student with his or her medical statement to DS. Also, if an instructor notices that a student is not performing up to standards and suspects there might be a learning disability, she/he may also refer to the student.

Accommodation Memo: Faculty are not to provide academic adjustments under the guise of a disability unless there is an Accommodation Memo certifying the student additional recommendations for adjustments if they believe the students will benefit. Faculty are also encouraged to refer the student to DS for identification and registration.

H.3 Confidentiality Caution

Students with disabilities are protected under FERPA and the civil rights laws. At no time should the faculty make any statements or implications that the student is any different from the general student population.

Examples:

1. Do not ask the student to come to the classroom and then leave with the test in hand.
2. Do not place the student in the hall or any other obvious place to take an exam because you want to be close to them in case they have a question.
3. Do not ask the student for documentation other than the academic accommodation form from DS.
4. Do not discuss the student's needs or accommodations other than in a private place.
5. Do not make comparisons between students and their needs.
6. Do not use a grading standard that is any different from the rest of the class.
7. Do not give students with disabilities an advantage over the rest of the class; the idea of the law is to give equal access or equal opportunity provided through the recommended accommodations.

SECTION I. INSTITUTIONAL/DISABILITY SERVICES RESPONSIBILITIES SUMMARIZED

- To prohibit discrimination against qualified individuals with disabilities
- To reduce or eliminate physical, academic and attitudinal barriers.
- To provide reasonable accommodations.
- To maintain the strictest of student confidentiality.
- To develop a shared responsibility and community for individuals with disabilities.
- To assist the students in self-advocacy.
- To assist the student in problem-solving.
- To guide the student to possible resources that might assist him or her.
- To be sensitive to the individual personalities of the students, whether it be in communicating their needs or an attempt to maintain dignity with a very difficult issue.
- To serve a liaison with faculty when a medical emergency necessitates an extended absence.

SECTION J. SERVICE ANIMALS

Service animals are animals trained to assist people with disabilities in activities of normal living. As of March 15, 2011, under the Title II and III regulations of the Americans with Disabilities Act (ADA) a service animal is defined as: 1. **A dog***, 2. Individually trained to do work or perform tasks, 3. For the benefit of an individual with a disability (including a physical, sensory, psychiatric, intellectual, or other mental disability). **Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.**” If an animal meets this definition, it is considered a service animal regardless of whether it has been licensed or certified by a state or local government or a training program. There are instances when the service animal may be restricted. The ADA authorizes place of public accommodation to impose restrictions if it is a safety requirement.

Further, the ADA contains no blanket policy mandating that places of public accommodation permit service animals under all circumstances. With regards New Mexico Junior College, there may be possible restrictions of service animals in clinical practicums of nursing and health sciences programs, in food services programs, or in laboratories that can pose a safety risk. These exceptions would need to be considered individually to determine whether the animal poses a possible danger, and if other reasonable accommodations can be provided.

At New Mexico Junior College, the assistance animal will be considered an adjunct to the student and will be afforded those rights as stated above per the guidelines of the ADA and the state of New Mexico as long as the student's medical documentation warrants this accommodation.

Overall, it is the student's responsibility to ensure the safety of the animal and of the team. While legal access rights are afforded users of assistance animals, with that comes the responsibility of ensuring that the animal behaves and responds appropriately at all times in public and that the partner / handler, as a team, are to adhere to the same socially acceptable standards as an individual in the community.

*Miniature horses qualify as a service animal if: 1. individually trained as a service animal, 2. its type, size, and weight can be accommodated in the facility; 3. the handler has it under sufficient control; 4. it does not urinate or defecate in the facility; 5. it does not cause a fundamental alteration or direct threat.

J.1 Definitions

1. **Companion/Therapy Animal:** In recent years, these animals have been prescribed as treatment for some disabilities for their calming influence, affection, stability, or even a feeling of security. They are not trained and not afforded the legal protection of service animals. Documentation would be necessary to permit a companion/therapy animal on campus. This type of animal may not be allowed in all areas of campus.
2. **A dog in training:** A dog being trained has the same rights as a fully trained dog when accompanied by a trainer and is identified as such.
3. **Partner / handler:** A person with a service or therapy animal. A person with a disability is called a partner; a person without a disability is called a handler.
4. **Service Animal:** Any animal individually trained to do work or perform tasks for the benefit of a person with a disability.
5. **Team:** A person with a disability, or a handler, and his or her service animal. The two work as a cohesive team in accomplishing the tasks of everyday living.

J.2 Documentation Requirements

There is no official certification or licensing of service animals. The service animal is not required to wear anything indicating that it is a service animal. The patron does not have to possess identification, certification, license or paperwork for the dog. However the patron is responsible for following city ordinances which require licensing, vaccinations, and spay/neutering of all animals

J.3 Control Requirements

1. The animal must be on a leash at all times; never is it allowed to wander around off leash unless these devices interfere with the service animal's work or the individual's disability prevents using these devices.
2. The handler must be in full control of the animal at all times.
3. The animal must be as unobtrusive as possible.
4. Exclusion for behavior: A service animal may be excluded from the campus when that animal's behavior poses a direct threat to the health and safety of others. Although the campus may exclude any service animal that is out of control, it will give individual with a disability who uses the service animal the option of continuing to enjoy its goods and services without having the service animal on the premises (ADA Today, p.4).
5. Consequences for behavior: When an assistance animal is determined out of control as reported by students, staff, or administration, the infraction will be treated on an individual basis. If the animal poses a threat to the safety for other students, NMJC's Public Safety Office (Security) will be part of the collaboration team to determine the outcome of the behavior. Consequences may include but not be limited to muzzling a barking animal, refresher training for both the animal and the partner, or exclusion from NMJC facilities.

J.4 Public Etiquette by Animal

1. The animal must not be allowed to sniff people, store shelves, restaurant tables, or the personal belongings of others.
2. The animal must not initiate contact with someone without the handler's direct permission.
3. The animal must not display any behavior or noises that are disruptive to others such as barking, whining, growling, or rubbing against people while waiting in lines. This includes aggressive behavior.
4. The animal must avoid personal grooming in public settings, such as excessive scratching or licking its genital areas.
5. The animal must not block an aisle or passageway.
6. The animal must never be more than 12 inches from the handler's leg or side of the chair.
7. The animal must be trained to not be attracted to food that may be sitting around.

J.5 Public Etiquette by Students

1. Do not pet a service animal. It distracts them from the task at hand, and service animals are very protective.
2. Do not feed the service animal.
3. Do not deliberately startle a service animal.
4. Do not separate or attempt to separate a partner / handler from his / her service animal.
5. Do not hesitate to ask a student if she / he would like assistance if the team seems confused about a direction to turn, an accessible entrance, entrance to an elevator, etc.

J.6 Relief Areas

Relief Areas will be designated throughout the campus and will be maintained by campus ground's personal. Their location will be included in mobility and orientation of new students to the campus. It is the student's responsibility to be aware of the dog's need to relieve itself and act accordingly. It is the

student's responsibility to remove the waste and properly dispose of feces by flushing or disposing of them into a trash receptacle.

J.7 Areas of Safety

As cited above, there are certain instances when it may be considered unsafe for animals in such places as medical facilities, laboratories, mechanical rooms or any other place where the safety of the animal or partner / handler may be threatened.

Each place will be considered as to its safety potential by a team of individuals, including the laboratory director, faculty, and the university risk management personnel. When it is determined unsafe for the team to be in one of these areas, reasonable accommodations will be provided to assure the student equal access to the activity.

J.8 Conflicting Disabilities

It is common for persons to have a disability that precipitates an allergic reaction to animals. Persons making an asthmatic / allergy/medical complaint are to be directed to make that complaint with DS. The person making the complaint must show medical documentation to support the complaint. Action will be taken to consider the needs of both persons and to resolve the problem as efficiently and expeditiously as possible.

J.9 Housing

The guidelines herein also apply to students with animals who reside in Housing. If there is an allergy / animal conflict within the housing unit that cannot be resolved agreeably, the Fair Housing Amendment must be considered. First- person's rights: If the first person you've allowed in the apartment uses a service animal and another person comes along with serious allergies, you cannot remove the first person to accommodate the second person. (Disability Compliance for Higher education (July 1996). Vol. 1, No. 12, p 4&5)

J.10 Faculty/Staff responsibility

Faculty/Staff should focus on:

1. Whether the dog is a pet; and
2. What task or work it is trained to perform

If the tasks meets the disability-related needs of the person with a disability, the patron and dog are allowed into the facility provided it does not pose a direct threat or fundamental alteration. If staff/faculty has questions or concerns about an animal please contact or visit the DS office located in the Ben Alexander building.

Section K. Distance Learning

Distance learning from a compliance standpoint must be viewed as an access issue that utilizes an alternative mode of delivery. Legal reasoning cannot be disregarded just because the student does not come to the campus; rather, the campus goes to them. Title II of the Americans with Disabilities Act requires a public college to take appropriate steps to ensure that communications with individuals with disabilities "are as effective as communications with others" [23 C. ER> & 35.160 (a)]. Further, Section 504 of the Rehabilitation Act of 1973 has a number of terms that can be generalized to distance learning: "provides an equal opportunity" [104.43(b)]; that have the effect of limiting the participation of students with a disability in the recipient's education program or activity "[104.434(b)]; and 'no handicapped student is denied benefits ... because of the absences of educational auxiliary aids" [104.44 (d)].

Accommodations for students with disabilities registered through distance learning and the most beneficial manner of providing the accommodations will be considered on an individual basis. However, the same general principle for students on campus will be applied. Due to the nature of distance learning programs, it is an ideal situation for many individuals with disabilities whose disability precludes them from attending classes regularly or for those students who have mobility problems in inclement weather, etc.

K.1 Documentation

Upon acceptance, students requesting accommodation must submit documentation of the disability to the coordinator of DS for certification. The coordinator will act as liaison with the faculty as necessary.

K.2 Extended Time for Course Completion

Once the student has reviewed the syllabus to determine expectation, she/he should notify the instructor that additional time may be necessary for course completion. The instructor and the student will determine a reasonable extension of time (not unlimited time) for completion.

K.4 Testing Accommodations

In the event that Distance Learning students are required to come to a testing center for exams, they are in essence coming to the campus and should be afforded the same accommodations as those individuals on campus. It is the campus' responsibility to provide proctors, enlarged print whatever else the requested accommodation is. Naturally, the designated testing center as an agent of the college would be responsible for providing this. For example, as a residual testing site for American College Testing (ACT), our campus provides the accommodation once it has been approved by American College Testing. It is the responsibility of the student to set up their proctored site as well as pay any proctoring fees that the site may charge that student. If a student chooses to take the test at a proctored site instead of NMJC's Testing Center, it will be the responsibility of that student to pay any additional fees to have a scribe or reader for their examination.

SECTION M. GRIEVANCE/APPEAL PROCEDURES

Again, Title II of the Americans with Disabilities Act states, in part 5, "that no otherwise qualified individual shall solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination in programs or activities sponsored by a public entity."

The purpose of grievance/appeal procedures is to attempt to resolve internally all types of grievances at the level where they occur and in a timely manner. It is to the students' advantage to keep communication open with faculty, staff and peers, thus avoiding the necessity for appeals. If there is a situation that the student feels is escalating and the student is uncomfortable with the direction it is going, CONTACT SOMEONE IMMEDIATELY TO REQUEST ASISTANCE: faculty, the department chair, the dean of students, the DS office, or the financial aid office (whichever is deemed most appropriate). In the event a situation is not resolved, there are procedures for appeals in place that usually follow the chain of command as listed:

1. Grades: Academic departments (faculty, chair, dean)
2. Financial Aid: Financial Aid office (advisor, director)
3. General Complaints: Vice President of Student Services
4. Parking: Student Life
5. Sexual Harassment: Vice President of Student Services

The coordinator for DS will support and assist in the process with the above procedures when it is a reasonable request.

M.1 Grievances—Internal

For complaints or appeals related specifically for students with disabilities provided by the Disability Services as required under the Americans with Disabilities Act, the following procedures will be followed. Address the complaint to the coordinator of DS.

1. The complaint should contain the name and address of the person/s filing it, and briefly describe the alleged violation of the regulations. It should be filed with the coordinator of DS within 10 workdays from the date of the alleged complaint.
2. An investigation conducted by the coordinator, as may be appropriate, shall follow the filing of a complaint. The investigation shall be informal but thorough, and it should afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.
3. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the coordinator and forwarded to the complainant no later than 10 workdays after the filing.
4. The coordinator shall maintain the files and records relating to the complaints for a period of three years.
5. If a grievance is against the coordinator of DS, the above procedures are to be followed with the exception that the initial complaint will be made with the coordinator's supervisors.
6. The complaint can request a reconsideration of the case in instances of dissatisfaction with the resolution. The request for reconsideration should be made to the ADA Compliance Committee within 10 workdays of the resolution of the complaint.
7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by nor shall the use of this procedure be a prerequisite to the pursuit of other remedies.
8. These rules shall be constructed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the college complies with the ADA.
9. Students may further appeal any of these decisions within the hierarchy of the institution. The next chain of command above these persons and committees is the Vice-President of Student Services, Vice President of Instruction and then the President of New Mexico Junior College.
10. The student may go directly to the ADA Compliance Committee if so desired, but the procedures herein are the recommended process for the benefit of the student.

M.2 Grievances—External (OCR) Complaints

Although the student is encouraged to attempt to resolve a grievance within the campus process, he/she has the right to file any grievance directly to the Office of Civil Rights at any time. The Statute of Limitations for filing a complaint with OCR is 180 days from the time the incident occurred. Forms may be obtained from the Disability Services office.

SECTION N. ADA Compliance Committee

Using the form in the appendix, the Disability Services office and ADA Compliance Committee will collaboratively perform an informal yearly review of campus access. Due to the extent of this policy, sections have been adopted in part or in whole from the Policy Book, Guidance for Disability Service Providers, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and relevant case law.