

# RIGHTS OF THE DISABLED AND PROCEDURES FOR ACCOMMODATING STUDENTS WITH DISABILITIES AT EMPIRE STATE UNIVERSITY

## Rights of Students With Disabilities Policy

**Sponsor:** Accessibility Resources and Services

**Contact:** Director, Accessibility Resources and Services

**Category:** Student Affairs

**Number:** 1300.014 (<https://www.sunyempire.edu/policies/?search=cid%3D39991>)

**Effective Date:** July 1, 2006

**Keywords:** Disability, Reasonable accommodations, ADA, Section 504

**Background Information:** The policy was first implemented to be in compliance with state and federal law related to the rights of persons with disabilities, notably Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, as amended in 2008, and the New York State Human Rights Law.

### Purpose

The purpose of this policy is to assure university compliance with federal, state and local laws pertaining to the rights of prospective and current students with disabilities

### Definitions

**Disability:** A diagnosed physical or mental impairment that affects the performance of one or more major life activities. Individuals with a history of impairment or regarded as impaired also are protected from discrimination on the basis of that disability.

**Qualified individual with a disability:** A person with a disability, who with or without reasonable accommodation is able to perform the essential functions of his or her job.

**Reasonable accommodation:** A modification to a program, task or event that allows an individual with a disability to fully participate. An accommodation does not alter the learning objectives or reduce program or course standards.

**Essential functions:** Those tasks or functions that, if modified, would fundamentally change the nature of the job or occupation for which the position exists

### Statements

Empire State University complies with Section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act (ADA) of 1990. These acts state " ... no otherwise qualified handicapped individual ... shall, solely by reason of his or her handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance (29 U.S.C Sect. 706)." Regulations implementing Section 504 and ADA establish standards for employment practice, accessibility of facilities, and education programs with which institutions receiving federal funds must comply (34 CFR Part 104).

In accordance with these regulations, a qualified person with a disability who meets the academic and technical standards required to enroll in and participate in the Empire State University program shall be provided an equal opportunity to obtain a degree in the most integrated setting appropriate to that person's needs. SUNY Empire provides reasonable accommodations to meet the needs of students with disabling conditions. Reasonable accommodations do not include academic adjustments that would fundamentally alter the nature, essential requirements or academic standards of the program.

The university considers each student's individual needs through an interactive process with the Office of Accessibility Resources and Services and the student.

The Director of Accessibility Resources and Services, coordinates the university's compliance with Section 504, ADA and their implementing regulations with respect to students. Questions concerning the university's policy should be directed to:

Director of Accessibility Resources and Services

Empire State University

AppleTree Business Park

2875 Union Road, Suite 34

Cheektowaga, NY 14227-1461

716-686-7800, ext. 3880, or [Disability.Services@sunyempire.edu](mailto:Disability.Services@sunyempire.edu).

### Applicable Legislation and Regulation

- Section 504 of the Rehabilitation Act of 1973
- Americans with Disabilities Act of 1990
- Americans with Disabilities Amendments Act of 2008
- New York State Human Rights Law

### Procedure for Students Requesting Reasonable Accommodations Due to Disability

Empire State University will provide reasonable accommodations for students with disabilities in all in-person and online course offerings. To request an accommodation, students must contact the Office of Accessibility Resources and Services.

### Requesting Accommodation Through Accessibility Resources and Services

1. The student completes the Disability Declaration and Request for Accommodation form (available on the Disability Declaration and Request for Accommodation forms web page (<https://www.sunyempire.edu/accessibility/forms/>)) to provide information about his or her disability and request accommodations. In order for Accessibility Resources and Services to evaluate accommodation requests and provide implementation of those approved accommodations the office recommends students provide notice to the office in advance of when the student will need to utilize accommodation services. The student does not need to provide documentation of the disability at this stage although it may expedite the process.
  - If documentation is needed to support the requested accommodations, the student should forward supporting materials and requested documentation to Accessibility Resources and Services as soon as possible.
  - Review of the student's accommodation request is finalized when all documentation has been received. Documentation must be current, include a statement of diagnosis, illustrate the impact of the disability on the student's academic functioning and recommend accommodations.

2. The office makes evaluative judgments in accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act of 1990.
  - The office provides a written response to the student within five business days from receipt of complete documentation and supporting materials. Additional information may be requested if needed in order to make the accommodation recommendation. If the requested accommodation is denied, the office includes the reason for the denial.
  - The office provides accommodation notification to relevant faculty and mentors to facilitate the implementation of the approved accommodations as needed. The disability specialist determines appropriate accommodations, consulting with the director, the student's mentor and staff as needed. If an accommodation request cannot be easily accommodated by the faculty or mentor, or if the student is requesting an accommodation that necessitates the provision of documentation, the office may utilize a third party to deliver the accommodation. Third-party accommodations may include:
    - Eligibility for TAP awards as a part-time student
    - Alternate formatted text copies of textbooks from the publisher

### **Procedures for Requesting Textbooks in Alternative Formats**

1. Students who have a documented print disability may request copies of their textbooks in alternative formats. The university uses a variety of sources to supply these materials, including files obtained from the publishers, Access Text Network, or Bookshare, and electronic scanning of books to create electronic text. This process can take up to several weeks depending on publishers, copyright and technical formatting issues. We encourage students to begin the process as soon as they get their textbook requirements for the course. While the university will make a reasonable effort to provide the textbook in the student's preferred file format, it will provide a reasonable and effective alternative when it cannot obtain the preferred format. You must follow the procedures below to request textbooks in alternative formats:
  - Purchase the required textbooks. Whether you purchase your books online through the Empire State University Bookstore or privately, you must submit proof of purchase with your request for electronic texts. New York state law requires that students purchase a copy of the book requested in alternative format.
  - Complete the Application for Alternatively Formatted Textbooks. Submit your application six weeks before you need the books. While Accessibility Resources and Services will accept late requests, late submission reduces the likelihood that you will receive the alternative formats when you need them. You must complete this form each term you need books in alternative formats.
  - Submit your completed application with documentation of your print disability. You need only provide documentation of print disability once.

### **Textbooks Not Available From External Sources**

1. If the textbooks are not available from external sources, the Office of Accessibility Resources and Services will ask you to provide the university with hard copies of the textbooks for scanning.
  - If you must ship the books to Accessibility Resources and Services, the university will reimburse you for shipping costs.
  - The university will obtain permission from the publishers for the university to scan your books and create the electronic text. The

files can be provided to you in a digital text format to be used with text-to-speech software. Please note: The binding of your textbooks will be cut off in order to scan the book. The books will be rebound prior to shipping them back to you. In many instances, paperback books can be rebound using the original binding. Hardcover textbooks may need to be bound using other materials and will not be restored to their original condition.

### **Processing and Handling of Requests**

Upon receipt of a request, the Office of Accessibility Resources and Services will:

1. Confirm that the following has been received:
  - print disability documentation;
  - completed alternative text application;
  - proof of purchase.
2. Search the Access Text Network's online book catalog for the availability of texts.
3. Search Bookshare's inventory of electronic text files for the requested texts.
4. Locate the contact information for each publisher through the American Association of Publisher's look-up service and request the textbook in electronic format directly from the publisher.
5. After 10 business days, the Office of Accessibility Resources and Services will provide an update to the student via email regarding:
  - The availability of textbooks from the lending libraries, i.e., Bookshare, etc.
  - The response from the publishers regarding the availability of text files requested.
6. Once received, share the alternative (i.e. electronic) text with the student.

### **Americans With Disabilities Act Grievance/Appeal Process**

An ADA grievance is a complaint related to accommodation of a disability.

- **Informal resolution.** The student is strongly encouraged to seek informal resolution of a grievance by bringing it to the attention of the Office of Accessibility Resources and Services in a timely fashion. This process must begin within 30 calendar days of the concern arising.
- **Written grievance.** If the student is unsatisfied with the informal resolution, the student may make a formal, written complaint. The student should follow procedures for formal grievance in the Student Grievance Policy and Procedures (<http://catalog.esc.edu/undergraduate/academic-policies-procedures/student-grievance-policy-procedures/>).

The student may seek further redress by registering a complaint with the Office of Civil Rights or the New York State Division of Human Rights.