

# **Students with Disabilities at Earlham College**

## **Policy**

### **Commitment**

Earlham College is committed to providing equal access to its programs, activities and services as covered under Section 504 of the Rehabilitation Act of 1973 (Section 504), and the Americans with Disabilities Act and Amendments Act of 2008 (ADA). The College recognizes the importance of providing reasonable accommodations in its housing policies and practices when necessary for students with disabilities to use and enjoy college housing in alignment with the Fair Housing Act (FHAct). Students with disabilities are provided accommodations through an individualized and interactive process. The College will not retaliate against students because they have requested or received reasonable accommodations.

### **Communication**

The director of the Academic Enrichment Center (AEC) is the 504 Coordinator for students and is responsible for assisting students with obtaining disability status and reasonable accommodations. The College expects students with disabilities to take an active role in communicating their needs since students can best describe their strengths and challenges. The College also recognizes that it is most effective when the disclosure of disabilities are made prior to students' arriving on campus. Early disclosure expedites the College's review process, and it usually allows students to begin receiving reasonable accommodations without delay.

### **Confidentiality and Information Release**

Earlham College is committed to ensuring that students' disability information is maintained as confidential as is required or permitted by law. The College's notification process informs faculty as to what accommodations are necessary to meet students' disability-related needs. In most instances, the College will not inform faculty members as to the nature of students' disorders unless it is necessary for providing appropriate accommodations or to protect the health and safety of students. Students may obtain a copy of their disability documentation if they wish to share their documentation with others.

The College reserves the right to release supplementary information or disability documentation when there is a need to know. The need to know is decided on a case-by-case basis. Some common circumstances when someone might need to know are:

- a request for a course substitution;
- the safety of the student and others;
- grievance cases;
- special financial aid considerations.

### **Animals in College Housing**

Earlham College recognizes the importance of "Service Animals" as defined by the (ADA)

and the broader category of "Assistance Animals" defined by the FHAct that provides physical and emotional support to students with disabilities.

The College is committed to allowing students with disabilities the use of a service animal on campus to facilitate their full participation and equal access to the College's programs and activities. The College is also committed to allowing assistance animals when necessary to provide students with disabilities an equal opportunity to use and enjoy college housing.

### **General Support**

The Academic Enrichment Center offers free peer tutoring to all students. The Director meets individually, on a limited basis, with any student to work on time management, learning strategies, and study skills.

Academic advisers collaborate with students to create academic plans and provide them with information on classes and majors.

Classroom professors are available to all students to answer questions regarding classes, specific course content, and assignments.

While the College is intentional about providing a supportive community, the College does not provide a comprehensive learning program or academic coaching.

## **Procedures for Requesting Academic Accommodations**

### **Disclosing a Disability and Identifying Reasonable Accommodations**

Students must complete Earlham's Disability Disclosure Form (Disclosure Form) and submit the required disability documentation to the Academic Enrichment Center (AEC). The AEC Director will provide assistance in completing the Disclosure Form for students who require assistance because of their disability. Disability documentation will be reviewed by the AEC Director within ten (10) business days of receipt of the documentation. Students are notified in writing once the review process is completed or when additional information is required. Students may request a modification of their accommodations when there is a change in their disabilities. Students are responsible for requesting the modification and for providing new evidence for the requested change.

### **Diagnostic Documentation**

When disabilities are not obvious, or the necessities for accommodations are not obvious, students must provide recent diagnostic documentation that denotes their functional limitations in an educational setting. Examples of appropriate documentation include a recent Individual Education Plan (IEP), 504 plan, Summary of Performance (SOP) or comprehensive psycho-educational testing. When students do not have any of the documents listed above, students should have an appropriately licensed professional complete the College's Certification Form for Disability Status and Accommodation.

### **Faculty Notification**

Students who use classroom accommodations are responsible for informing their faculty about their accommodations each semester using faculty notification memos. Students may request faculty notification memos once their requested accommodations are approved by

using the online Order Form for Faculty Notification Memos, which is located on the AEC web page. The memos should be ordered within the first two weeks of each semester or within two weeks of obtaining disability status and approved accommodations.

The AEC office produces the requested accommodation memos and sends the memos to students' Earlham mailboxes. Students are responsible for distributing the memos to their faculty members. Faculty must receive their memos before students may use academic accommodations.

### **Collaboration**

Some accommodations may dictate that the student, AEC Director, and course professor collaborate to identify an accommodation that meets the needs of the student and fulfills the course requirements. When such collaboration is necessary, it is the student's responsibility to inform the Director.

### **Difficulties**

Students who encounter difficulties with a professor or other college personnel regarding accommodations should follow the grievance procedures outlined in Earlham's Disability Grievance Procedures for Students, which may be obtained from the AEC office or website.

### **Procedures for Requesting Housing Accommodations**

The Academic Enrichment Center (AEC) is responsible for evaluating requests for reasonable accommodation in college housing. In evaluating the request to determine whether the requested accommodation is necessary and reasonable, the AEC Director consults with professional staff from the Office of Residence Life and, when necessary, the directors of Counseling Services or Health Services. This group of professionals, known as the Disability Housing Team, may also include the Title IX Coordinator on a case-by-case basis.

Students with disabilities must complete Earlham's Disability Disclosure Form (Disclosure Form) to request reasonable accommodations in college housing. The Disclosure Form is available online from the AEC web page. AEC will provide assistance in completing the Disclosure form for students who require assistance because of their disability.

The College will accept and consider requests for reasonable accommodations in college housing at any time. Students making requests for accommodations should complete and submit the Disclosure Form to AEC as soon as feasibly possible before moving into college housing. The College cannot guarantee that it will be able to meet students' accommodation needs during the first semester of occupancy when requests for accommodations are made fewer than 60 days before students intend to move into college housing.

If the need for accommodations arises when students already reside in college housing, students should contact the AEC Director and complete the Disclosure Form as soon as practicably possible. In these cases, the College cannot guarantee that it will be able to meet the accommodation needs during the semester in which the request is received.

## **Documentation for Housing**

Students making requests for accommodations must work together with the Academic Enrichment Center in a timely manner in providing all information needed to determine whether the requested accommodations are necessary.

When disabilities are not obvious, or the necessities for accommodations are not obvious, the College requires students to designate a reliable third party to complete the College's relevant Certification Form. The College shall limit its information requests to only the information necessary to certify whether the students making the requests have disabilities and to evaluate if the reasonable accommodations are necessary to provide students equal opportunities to use and enjoy college housing.

A reliable third party is someone who is familiar with a student's disability and the necessity for the requested accommodation. A reliable third party includes, but is not limited to, medical professionals, mental-health professionals, or a non-medical service agency (e.g., National Association of the Deaf).

If the third parties return the Certification Form without sufficient information for the Disability Housing Team to determine whether accommodations are necessary, the AEC Director will inform students in writing of the certifications' insufficiency within ten (10) business days of receiving the certification. The AEC director may request additional information, including asking an appropriate professional from Earlham's Health or Counseling Services to speak directly with individuals supplying the third-party certifications. The AEC Director is responsible for keeping students updated as their requests for accommodations progress.

## **Determination of Reasonableness and Notification**

The Disability Housing Team may deny accommodations if they are unreasonable. The implementation of some housing accommodation requests may be deemed unreasonable if it: (1) imposes an undue financial and/or administrative burden; (2) fundamentally alters college housing policies; (3) poses a direct threat to the health and safety of others or would cause substantial property damage to the property of others, including college property; and/or (4) is otherwise unreasonable to the operation of the College.

The AEC Director will contact students when the Disability Housing Team decides requested accommodations are necessary and reasonable. The contact will occur in writing and within ten (10) business days of the team's determination. Students will discuss the implementation of the approved accommodations during meetings or phone conversations with the AEC Director.

In the event the Disability Housing Team determines requested accommodations are necessary but unreasonable, the AEC Director will contact the students, in writing and within ten (10) business days of the team's determination. Students and the AEC Director will engage in an interactive process to determine if there are alternative accommodations that might effectively meet the disability-related needs of students.

If there are no alternative accommodations available or if students are unwilling to accept any alternative accommodations offered by the Disability Housing Team, the AEC Director will provide verbal and written notifications to students that outline the reasons for denials and their rights to file grievances. The notifications shall be made within ten (10) business days of when students notify the Disability Housing Team of their unwillingness to accept any of the alternative accommodations offered or if there are no alternative accommodations available. Students should use Earlham's Disability Grievance Procedures for Students to file a grievance.

## *Animals in College Housing*

### **General Information**

Although it is the policy of Earlham College that students are generally prohibited from having animals of any type, with the exception of small fish, in college housing, the College will consider requests by students with disabilities for reasonable accommodations from this prohibition to allow approved animals that are necessary and reasonable because of one's disability. The College reserves the right to amend these procedures at any time as circumstances require.

### **Definitions**

#### ***Service Animals***

Service animals perform some of the functions and active tasks that individuals with disabilities cannot perform for themselves. Dogs are considered service animals under the ADA, if they meet this definition, regardless of whether they have been licensed or certified by a state or local government.

#### ***Assistance Animals***

Assistance animals are a category of animals that may work, provide assistance, perform physical tasks for individuals with disabilities or provide necessary passive emotional support to individuals with mental or psychiatric disabilities that alleviates one or more identified symptoms of their disability. Assistance animals are not considered service animals under the ADA. Some assistance animals are professionally trained, but in other cases assistance animals provide the necessary support to individuals with disabilities without any formal training or certification. Dogs are commonly used as assistance animals, but any animal may serve persons with disabilities as an assistance animal.

#### ***Pets***

Pets are animals kept for ordinary use and companionship. A pet is not considered a service or an assistance animal. Students are not permitted to keep or bring pets into college housing, with the exception of fish in a 20-gallon fish tank.

#### ***Approved Animals***

Approved animals are service or assistance animals that are permitted in college housing as a reasonable accommodation.

## ***Owners***

Owners are students with disabilities who have received approval by the Disability Housing Team to bring assistance or service animals into college housing.

## **Access to College Facilities**

### **Assistance Animals**

Assistance animals must be contained within their owner's privately assigned individual living space (e.g., room, suite) except to the extent the owners are taking their animal out for natural relief. When assistance animals are outside their owner's private living space, the animals must be in animal carriers or controlled by a leashes or harnesses. Assistance animals are not allowed in any college facilities other than the residential facilities (e.g. hall, suites, apartments, houses, etc.) to which their owners are assigned.

### **Service Animals**

Service animals are usually allowed to accompany their owners anywhere their owners are permitted on campus (exceptions may exist in areas requiring protective clothing for access). If a service animal's role is not obvious, owners may be asked if their animal is a service animal because the owner has a disability and what task their animal has it been trained to perform. Owners must inform the AEC Director that a service animal will be living with them in college housing, preferably 60 days before the owner arrives on campus.

## ***Procedures for Requesting an Assistance Animal in College Housing***

The procedure for requesting assistance animals follows the general procedures set forth in the Procedures for Requesting Housing Accommodations plus the requirements set forth below. To the extent the requirements and procedures in this section conflict with the Procedures for Requesting Housing Accommodations, this section shall control. All students with disabilities must receive prior approval of an assistance animal as a reasonable accommodation before the animal is permitted in college housing. Without prior approval, students will be found in violation of College policy.

### **Criteria for Determining if the Presence of the Assistance Animal is Reasonable**

College housing is unique in several aspects including the mandate that students must share residential spaces. To ensure that the presence of assistance animals is not an undue administrative burden or fundamental alteration of college housing, the College reserves the right to assign students with an assistance animal to a single room without a roommate.

For all requests for assistance animals, the Disability Housing Team shall make determinations on a case-by-case basis of whether the presence of an assistance animal is reasonable. A request for an assistance animal may be denied as unreasonable if the presence of the animal: (1) imposes an undue financial and/or administrative burden; (2) fundamentally alters college housing policies; (3) poses a direct threat to the health and safety of others or would cause substantial property damage to the property of others,

including college property; and/or (4) is otherwise unreasonable to the operation of the College.

The College may consider the following factors, among others, as evidence in determining whether the presence of the animal is reasonable or in the making of housing assignments for students with assistance animals:

1. The size of the animal is too large for available assigned housing space;
2. The animal's presence would force another student from college housing (e.g. serious allergies);
3. The animal's presence otherwise violates students' right to peace and quiet enjoyment;
4. The animal is not housebroken or is unable to live with others in a reasonable manner;
5. The animal's vaccinations are not up-to-date;
6. The animal poses or has posed in the past a direct threat to its owner or others such as aggressive behavior towards or injuring the owner or others; or
7. The animal causes or has caused excessive damage to college housing beyond reasonable wear and tear.

The College will not limit room assignments for students with assistance animals to any particular building or buildings.

### **Owners' Responsibilities for Approved Animals Living in College Housing**

Owners are solely responsible for the custody and care of their animals and must meet the following requirements.

#### ***General Responsibilities***

1. Owners must submit evidence from their veterinary health provider that their animals have a clean bill of health and up to date vaccinations. Owners must also abide by current city, county, and state ordinances, laws, and regulations pertaining to licensing, vaccination, and other requirements for animals. It is the owners' responsibility to know and understand these ordinances, laws, and regulations. The College reserves the right to request documentation showing that animals have been licensed.
2. Owners are required to clean up after and properly dispose of animal waste in a safe and sanitary manner and, when provided, must use animal relief areas designated by Earlham College.
3. Owners are required to ensure their animals are well cared for at all times. Any evidence of mistreatment or abuse may result in immediate removal of an animal and discipline for the responsible owner.
4. Earlham College will not ask for or require owners to pay a fee or surcharge for an approved animal.
5. Owners may be charged for any damage caused by their animals beyond reasonable wear and tear to the same extent that it charges other students for damages beyond reasonable wear and tear. The owners' living space may be inspected for fleas, ticks

or other pests if necessary as part of the College's standard or routine inspections. If fleas, ticks or other pests are detected through inspection, the residence will be treated using approved methods by a College-approved pest control service. Owners will be billed for the expense of any pest treatment above and beyond standard pest management in the residence halls. The College shall have the right to bill the owner's account for unmet obligations under this provision.

6. Owners must fully cooperate with College personnel concerning meeting the terms of this section and developing procedures for the care of their animals (e.g., cleaning their animals, feeding/watering their animals, designating an outdoor relief area, disposing of feces, etc.).
7. Animals may not be left overnight in college housing to be cared for by any individual other than their owners. If owners are to be absent from their residence hall overnight or longer, animals must accompany their owners. Owners are responsible for ensuring that their animals are contained, as appropriate, when the owners are not present.
8. Owners agree to abide by all equally applicable residential policies that are unrelated to the owners' disabilities such as assuring that their animals do not unduly interfere with the routine activities of the residence or cause difficulties for the students who reside there.
9. The animals are allowed in college housing only as long as it is necessary because of the owners' disabilities. Owners must notify the Academic Enrichment Center in writing if their animals are no longer needed or are no longer in residence. To replace an approved animal, the owner must follow the procedures in this section as well as in the Procedures for Requesting a Housing Accommodations when requesting a different animal.
10. Earlham College personnel shall not be required to provide care or food for animals including, but not limited to, removing animals during emergency evacuation for events such as a fire alarm. Emergency personnel will determine whether to remove animals and may not be held responsible for the care, damage to, or loss of animals.
11. Owners must provide written consent for the Disability Housing Team to disclose information regarding the presence of their animals to those individuals who may be impacted by the presence of animals including, but not limited to, Residence Life personnel and potential and actual roommate(s)/neighbor(s). Such information shall be limited to information related to the animals and shall not include information related to the owners' disabilities.

### ***Dominion and Control***

Animals must be properly housed and restrained or otherwise under the dominion and control of their owners at all times. Owners shall not permit their animals to go loose or run at large. If animals are found running at large, the animals are subject to capture and confinement and immediate removal from college housing.

### **Removal of Animals**

The College may require owners to remove their animals from college housing if:

1. the animal poses a direct threat to the health or safety of anyone on campus or causes substantial property damage to the property of others;

2. the animal's presence results in a fundamental alteration of a college program;
3. the owner does not comply with the owner's responsibilities set forth above; or
4. the animal or its presence creates an unmanageable disturbance or interference with the College community.

The College will base such determinations on the consideration of the behavior of the particular animal at issue, and not on speculation or fear about the harm or damages an animal may cause. Any removal of the animal will be done in consultation with the AEC Director. Owners whose animals are removed are obligated to fulfill their housing contract.

### *Disability Grievance Procedures*

Earlham College strives to provide equal access to its programs, services, and activities. Nonetheless, it is reasonable to expect instances when a student with a disability believes he or she has been unjustly denied disability status and/or equal access to a program, service or activity, which may include a provision of reasonable accommodation. When such an access issue occurs, we expect the student with a disability to use our sequential Disability Grievance Procedures: Informal Resolution and Formal Resolution. Timeliness in reporting helps to expedite resolutions with minimal disruption to the student's academic progress. To be considered timely, a student is obligated to initiate the grievance process within 30 business days of when the student knew or should have known of the alleged concern. The student's disability status and/or accommodations will continue under the status quo during the resolution process.

#### **Informal Resolution**

The student is encouraged to independently meet with the person or persons involved with the access issue. Most often matters of access are resolved independently when all parties effectively communicate with one another.

When an access issue is not resolved independently, the next step is for the student to report the issue to the Director of the Academic Enrichment Center. It is important to report access issues to the AEC Director as soon as the student becomes aware that an independent resolution cannot be achieved. If the student's grievance involves a decision made by the AEC Director, the student should report the issue to the Director's immediate supervisor who will work through steps 3 and 4 of the Informal Resolution process with the student and Director.

After reviewing the access issue with the reporting individual, the AEC Director will meet with the other person or persons involved and, if possible, meet jointly with both sides to develop a solution that preserves the student's right to equal access and participation in College services, programs, and activities while maintaining the College's commitment to its academic standards within a residential community.

If the access issue remains unresolved, the student has a right to file a formal complaint as set forth below. Please note that the person initiating the complaint maintains the right to request the complaint be dropped rather than have the complaint elevated. When a complaint is dropped, the College reserves the right to address informally the specifics of the complaint and to mandate corrections, when warranted.

#### **Formal Resolution**

The Disability Grievance Group for Students (Group) will hear and resolve disability-related complaints that are not resolved through an Informal Resolution. Membership in the

Disability Grievance Group for Students is through ex-officio capacity: the Associate Academic Dean, the Title IX Coordinator, the VP and Dean of Students, and the Director of the Academic Enrichment Center, who is the 504 Coordinator for students. In the event a complaint involves a regular member of the Group, the Group has the discretion to replace the involved member with another faculty member for that particular complaint.

### **Filing the Complaint**

The student must forward his or her complaint to the Disability Grievance Group for Students within two weeks of concluding an Informal Resolution. The complaint must include the name and campus address of the student initiating the complaint, the name and address of the person or persons who allegedly denied equal access, and a descriptive statement, including facts, about the complaint and its potential impact on the student. The student is charged with the burden of proving that equal access was wrongly denied.

The student has the right to select a person of his or her choosing from within the College community to serve as a personal adviser during the Formal Resolution; however, only the student is able to present his or her complaint. The student's personal adviser is not permitted to represent or participate directly in the resolution process.<sup>1</sup>

### **Reviewing the Complaint and Notification of Outcome**

Upon receiving notification that a Formal Resolution has been requested, the Disability Grievance Group for Students has 30 business days to reach a decision and send written notification that outlines the facts and outcome to both parties. The Group may call upon either or both parties for clarification or request additional information during the review of the complaint. The Group may assign one or more members to conduct interviews of witnesses, etc.

### **Appeal**

A student may request a review by the College President of the grievance process and/or decision. To do so, the student must file a written appeal within ten (10) business days of the issuance of the decision of the Disability Grievance Group for Students. The written appeal must explain why the student believes the Group's conclusion was in error, i.e., lapse in process or misinformation. The President will review the appeal and issue a decision, and resolution when deemed necessary, within 20 business days of receipt.

### **Timelines**

The College reserves the right to alter any of the timelines for good cause, such as vacations, illness, and unavailability of witnesses.

<sup>1</sup> If the student alleges that the nature of his/her disability prevents the student from reasonably advocating for him-/herself, the Disability Grievance Group for Students will determine whether some form of accommodation, such as permitting the adviser to participate directly in the case, is warranted under the circumstances.

*The Academic Enrichment Center, along with its director, is located on the main level of Lilly Library. The office mailing address is Drawer 134, Earlham College, 801 National Road West, Richmond, Indiana 47374; its phone number is 765/983-1341. Bonita Washington-Lacey is the immediate supervisor of the AEC Director.*

*Earlham College is a member of the Association for Higher Education and Disability (AHEAD) and is in compliance with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act and Amendments Act of 2008, and the Fair Housing Act.*