



## **POLICIES & PROCEDURES**

**Title: Student Policy on the Americans with Disabilities Act**

**Document Number: SS\_201**

**Effective Date: February 20, 2020**

**Revised Date: February 16, 2024**

**Department: Student Services**

### **Purpose**

The purpose of this policy is to outline Louisiana Delta Community College's standards and procedures for purposes of the Americans with Disabilities Act (ADA) compliance.

### **Scope**

This policy applies to students and applicants at Louisiana Delta Community College (LDCC). LDCC offers reasonable accommodation to students with eligible documented learning, physical and/or psychological disabilities.

### **Policy**

Louisiana Delta Community College (LDCC) is fully committed to ensuring compliance with the requirements of Section 504 of the Rehabilitation Act of 1973, as amended, ("Section 504") and the Americans with Disabilities Act and its Amending Act of 2008 (collectively "ADA") to include:

- Section 504: Provides, "No otherwise qualified individual with handicaps in the United States . . . shall, solely by reason of her or his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance...."
- Title I of the ADA: Prohibits discrimination against qualified individuals with disabilities in all employment practices, including recruitment, hiring, advancement, compensation, fringe benefits, job training and other terms, conditions, and privileges of employment. Upon request, LDCC shall engage in an interactive process and may approve a reasonable accommodation, unless the Requestor is not a qualified individual; doing so poses an undue hardship to the institution; or poses a direct threat to the health or safety of the individual with a disability or others.
- Title II of the ADA: Ensures qualified individuals with disabilities have equal access to the full range of programs, services, activities, and facilities of the agency. Upon request, LDCC may provide a reasonable accommodation, unless the Requestor is not a qualified

individual; doing so would fundamentally alter the nature of the agency's service, program, or activity; or poses a direct threat to the health or safety of the individual with a disability or others.

Accordingly, it is LDCC's policy that no qualified student or applicant shall, solely by reason of disability, be denied access to, participation in or the benefits of any program or activity offered by one of its member colleges.

## **Definitions**

A. Disability: Under the ADA, an individual with a disability is a person who:

- a. Has a physical or mental impairment that substantially limits one or more major life activities.
- b. Has a record of such impairment.
- c. Is regarded as Having such impairment as described in item #1 above; or
- d. An impairment that is episodic or in remission if it substantially limits a major life activity when it is active.

B. Impairment: Any physiological, mental, or psychological disorder or condition, including those that are episodic or in remission, that substantially limits one or more major life activities.

C. Substantially Limits: An impairment that prevents the individual's ability to perform one or more major life activities as compared to most people in the general population when taking into consideration factors such as the nature, severity, duration, and long-term impact of the condition. Such consideration must be regardless of any mitigating measures such as modifications, auxiliary aids or medications used to lessen the effects of the condition (except for use of ordinary eyeglasses or contact lenses).

D. Major Life Activities

1. Generally, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working; and
2. The operation of a major bodily function, including functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

E. Qualified Individual:

a. Under Title I, an individual with a disability who meets the requisite skill, experience, and education requirements for the position and who can perform the essential functions of the position held or applied for, with or without reasonable accommodation(s).

b. Under Title II, an individual with a disability who meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by LDCC, with or without reasonable accommodation(s).

**F. Reasonable Accommodation:**

a. Under Title I, a modification or adjustment to the work environment that will enable a qualified individual with a disability to:

- Participate in the testing, application, and/ or interview process.
- Perform the essential functions of the job; or
- Provide equal opportunity to the benefits and privileges of employment.

b. Under Title II, a modification that permits an individual with a disability to effectively communicate with LDCC and / or ensure equal opportunity relative to LDCC's programs, services, activities, and facilities.

G. Regarded as Having: An individual is regarded as having such an impairment if the individual establishes that he or she has been subjected to an action prohibited by the ADA because of an actual or perceived physical or mental impairment, whether the impairment substantially limits or is perceived to substantially limit a major life activity.

H. Student: Anyone registered for an academic course at LDCC, including but not limited to, degree or non-degree seeking individuals.

I. Undue Hardship: An accommodation that would be unduly costly, extensive, substantial, or disruptive, in light of factors such as the size of the agency, the resources available and the nature of the agency's business operations.

J. Direct Threat: A significant risk of substantial harm to the health or safety of an individual with a disability or others that cannot be eliminated or reduced by reasonable accommodation.

K. ADA Coordinator: The LDCC representative responsible for facilitating the interactive, evaluation process relative to any request for accommodation for students, whose name and contact information is provided below.

Name: Traci Clark, LPC-S

Section: Office of Student Counseling & Disability Services

Address: 7500 Millhaven Rd., Monroe, LA 71203

Phone #: 318-345-9152

Email: [traciclark@ladelta.edu](mailto:traciclark@ladelta.edu)

## **Reasonable Accommodations**

It is the responsibility of the qualified individual with a disability to request a reasonable accommodation(s) when needed. Requests should be made to the Office of Student Counseling & Disability Services under most circumstances. Accommodation plans may not be applied retroactively. Appropriate, reasonable accommodations will be made to allow each student to meet course requirements, but no fundamental or substantial alteration of academic standards will be made.

### **A. To request an accommodation, the individual:**

- a. Is encouraged to seek accommodations prior to the beginning of the term.
- b. May initiate a request either verbally or in writing. If in writing, the qualified individual with a disability should complete the LDCC Application for Disability Services. If the individual needs assistance to complete the application, the Office of Student Counseling & Disability Services staff will provide such assistance.
- c. Must submit the request to the appropriate person for the nature of the accommodation request (as further explained below); and
- d. Must timely and cooperatively participate in the interactive process (as further described therein).
- e. Provide current supporting medical and/ or psychological documentation of a disability from a licensed professional. The supporting documentation shall at minimum include:
  - i. The diagnosis(es)
  - ii. The severity of the disability or diagnosis,
  - iii. Functional limitations,
  - iv. Treatments, and
  - v. Recommendations for removing barriers to learning

**B. Service Animal:** Students with service animals shall be guided by the LDCC service animal policy.

**NOTE:** Guidelines that govern facility standards are based on the date of original construction. Additional guidelines may apply when renovations or alterations are undertaken. The appropriate LDCC office shall coordinate construction and renovation in conjunction with appropriate state departments, as well as building code, regulatory and leasing entities, as applicable.

### **C. Pregnant and Parenting Students**

Under the Department of Education's (DOE) Title IX regulations, an institution that receives federal funding "shall not discriminate against any student or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom." According to the DOE, appropriate treatment of a pregnant student includes granting the student leave "for so long a period of time as is deemed medically necessary by the student's physician," and then effectively reinstating the student to the same status as was held when the leave began. This generally means that pregnant students should be treated by LDCC the same way as someone who has a temporary disability and will be given an opportunity to make up missed work wherever possible. Extended deadlines, make-up assignments (e.g., papers, quizzes, tests, and presentations), tutoring, independent study, online course completion options, and incomplete grades that can be completed at a later date, should all be employed, in addition to any other ergonomic and assistive supports typically provided by Disability Services.

To the extent possible, LDCC will take reasonable steps to ensure that pregnant students who take a leave of absence or medical leave return to the same position of academic progress that they were in when they took leave, including access to the same course catalog that was in place when the leave began. The Title IX Coordinator has the authority to determine that such accommodations are necessary and appropriate, and to inform faculty members of the need to adjust academic parameters accordingly. The Title IX Coordinator, working in consultation with the college disabilities specialist, will determine all reasonable accommodations. Information related to accommodations, reporting, modified academic responsibilities, harassment, and retaliation can be found in LCTCS Policy #2.020 The Title IX Rights for Pregnant and Parenting Students.

Note: Accommodation requests and information collected during the associated interactive process shall be limited to only those individuals with an educational need to know.

#### D. Effective Communication (Title II)

A qualified individual with a speech, hearing or vision impairment may request an accommodation to the ADA Coordinator and shall be furnished with appropriate auxiliary aids and services so that the individual can participate equally in LDCC programs, services, and activities. Such auxiliary aids may include qualified sign language interpreters, documents in Braille and other ways of making information and communication accessible. Anyone who requires an auxiliary aid or service for effective communication should contact the ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event.

#### E. Modifications to Policies, Procedures, or Facilities (Title II)

A qualified individual with a disability seeking modifications to policies, procedures, or facilities for equal opportunity to enjoy LCTCS college programs, services and activities should contact

the ADA Coordinator. Such requests should include the specific program, service, or facility that the individual is unable to access, and the accommodation(s) requested.

### **Interactive Process- Evaluation of Accommodation Requests**

- A. Upon receipt, the individual to whom an accommodation request was submitted must, when practicable, immediately notify the ADA Coordinator. The ADA Coordinator shall:
  - 1. Document the request, if not submitted in writing by the Requestor
  - 2. Where appropriate, discuss any alternative, equally effective accommodations with the Requestor
  - 3. Notify the Requestor, in writing, of the final determination, including information regarding the internal grievance procedure.
- B. Individuals with disabilities are encouraged to suggest accommodations based upon their own life and/ or work experiences. Such requested accommodations will be duly considered. Nonetheless, LDCC reserves the right to select an equally effective accommodation that may be less expensive or impactful on educational operations. All accommodation requests will be evaluated thoroughly and objectively on a case-by-case basis.

### **Grievance Procedure**

It is the policy of Louisiana Delta Community College not to discriminate on the basis of disability. LDCC has adopted an internal grievance procedure to provide for prompt and equitable resolution of complaints alleging any actions prohibited by Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act (ADA).

Conflict resolution should be attempted at the lowest level possible. Faculty members and students with disabilities should first consult with the Office of Student Counseling & Disability Services staff when accommodation-related concerns arise. Faculty members who question the legitimacy of an accommodation recommended by the Office of Student Counseling & Disability Services should continue to provide the accommodation while the appeals procedures are implemented.

- 1. If informal discussions with the Office of Student Counseling & Disability Services staff have not resolved the issue, the individual shall submit a written complaint of the failure to accommodate to the Director of Student Counseling & Disability Services within ten (10) working days.
  - The written complaint shall include the reason for the appeal as well as any additional information the individual would like to submit regarding the disability-related need for the accommodation and the resolution sought.
- 2. The Director of Student Counseling & Disability Services shall meet with the individual within five (5) working days of the receipt of the complaint.

- During this discussion with the Director, or designee, the individual will explain why the denied accommodation is needed to address the current impacts of their disability at LDCC (having received an accommodation from a previous institution or in the K-12 system is not in itself a sufficient basis). If the individual is objecting to the approval of an implemented accommodation, they should be prepared to explain the basis of their objection on why this would not work.
  - The Director, or designee, will conduct an investigation and make a decision regarding the individual's appeal within five (5) working days. The Director's decision will be in writing and will be sent to the individual's LDCC email address. If through the appeal process the accommodation is granted, then the accommodation will be granted moving forward. Accommodations are not retroactive.
3. If the individual still feels the issue is not resolved, the individual may file an appeal with the Dean of Enrollment Management with five (5) working days of the Director's determination.
- The Dean of Enrollment Management, or designee, will make a decision regarding the individual's appeal within five (5) working days. The Dean of Students' determination will be sent to the individual's LDCC email address.

LDCC will make appropriate arrangements to ensure that disabled persons are provided accommodations, if needed, to participate in this grievance process. Such accommodations may include, but are not limited to, providing interpreters for deaf and hard of hearing, recordings of material for the blind, or assuring a physically accessible environment for the proceedings. The Director of Student Counseling & Disability Services will be responsible for modifications and accommodations.

### **Administrative Contact Information**

Once all grievance and appeal processes have been exhausted at the college level, a student, or the parent/legal guardian of a minor student, may appeal to the LCTCS Office on the grounds that the college's published procedures do not provide due process or that such procedures were carried out in an unfair or impartial manner. The appeal must be made, in writing, within 30 business days of the college's final disposition on the matter. Students may file a system-level appeal in accordance with LCTCS Policy 2.004 Student Conduct and Appeal Procedures.

### **Protections**

No individual shall be discriminated or retaliated against, coerced, intimidated, threatened, harassed, or interfere with for:

1. Making an accommodation request.
2. Opposing any act or practice made unlawful by the ADA.
3. Filing a charge, testifying, assisting, or otherwise participating in an investigation, proceeding, or hearing to enforce any provision of the ADA

4. Aiding or encouraging another individual in the exercise of any right granted or protected by the ADA; or
5. Having a family, business, social or other relationship or association with an individual with a known disability.

Any person who believes he or she has been subjected to discrimination, harassment, or retaliation on the basis of disability may file a grievance using the institution's online reporting form, the LDCC Incidence/ Grievance Reporting Form.

### **Public Notice**

To ensure accessibility by all interested persons, this policy shall be made available on the LDCC's public website at [www.ladelta.edu](http://www.ladelta.edu).

All forms, documentation, and information received will be treated confidentially.

### **Documentation**

Students with disabilities are required to provide documentation which identifies a physical or mental impairment substantially limiting one or more major life activities. The student is responsible for both furnishing the disability documentation and the cost of obtaining the disability documentation.

### **Confidentiality**

All documentation obtained as part of an accommodation request, including medical and other relevant information, shall be maintained as confidential records and subject to disclosure only as allowed by law or with the individual's permission. Student or applicant accommodations are considered confidential and shall be maintained separate from a student's or applicant's other education records.

### **Additional Resources**

For additional resources, individuals with disabilities may contact Louisiana Rehabilitation Services at (225) 219-2225 or 1(800) 737-2958 or online at [https://www.laworks.net/WorkforceDev/LRS/LRS\\_Main.asp](https://www.laworks.net/WorkforceDev/LRS/LRS_Main.asp).

Individuals may also contact or file a complaint with the following: U.S. Equal Employment Opportunity Commission (EEOC) pursuant to Title 1 (29 CFR S 1630.1 - 1630.16) at 1-800-669-4000, 1-800-669-6820 (Try for Deaf/Hard of Hearing callers only) or 1- 844-234-5122 (ASL Video Phone for Deaf/Hard of Hearing callers only).



Louisiana Commission on Human Rights pursuant to LA. R.S. 23:323 et seq at 225-342-6969; or U.S. Department of Justice (DOJ), Civil Rights Division, pursuant to Title II (28 CFR 5 35.101 - 35.190) at 202-514-3847 or 202-514-0716 (TY for Deaf/Hard of Hearing callers only).

Be advised that strict time limitations apply for filing complaints with these governmental agencies.