

## **Berkeley College Disability Services Accommodations Policy for Students**

### **Scope**

This Policy applies to any student (or prospective student) of the College community who has a disability and participates (or seeks to participate) in Berkeley College's programs or activities, resides in the residence halls, or visits any Berkeley College campus.

### **Purpose and Commitment**

The purpose of this Policy is to reaffirm the commitment of Berkeley College to equal opportunity for all students and to maintain a diverse College community where, (1) in accordance with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Americans with Disabilities Amendments Act of 2008 and applicable state and local laws, the College's programs, services, opportunities, activities and facilities are accessible to students and prospective students affected by disabilities, and (2) unlawful discrimination or harassment based upon a person's disability (or the perception of a disability) is strictly prohibited in accordance with the College Equal Opportunity Policy [http://berkeleycollege.edu/files\\_bc/Equal\\_Opportunity\\_Policy.pdf](http://berkeleycollege.edu/files_bc/Equal_Opportunity_Policy.pdf).

The College shall provide reasonable accommodations to otherwise qualified individuals with disabilities, unless doing so would fundamentally alter the nature of the programs, services, opportunities, facilities or activities, or create an undue burden.

### **Definitions**

"Disability" - A physical, medical, psychological or mental impairment that substantially limits one or more major life activities or which is demonstrable by medically accepted clinical or laboratory diagnostic techniques. A person is considered to have a disability if he or she (1) has such an impairment, (2) has a record or history of such an impairment, or (3) is perceived by others as having such an impairment.

"Disability" under this Policy includes a temporary disability.<sup>1</sup>

"Major life activities" - Functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating. (This list is not exhaustive.)

"Otherwise qualified individual" - An individual who meets the requisite academic, physical and technical standards required for a specific program or activity, with or without reasonable accommodation.

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<sup>1</sup> Berkeley College will provide reasonable accommodations to otherwise qualified students who are experiencing a temporary disability, such as a broken limb, recovery from a medical procedure or a medical complication attributed to pregnancy, etc. The student who is experiencing a temporary disability should contact an ADA Coordinator/Personal Counselor and follow the Procedures contained in Section I (B) of this Policy.

## Unlawful Discrimination Prohibited

In accordance with its Equal Opportunity Policy, Berkeley College prohibits unlawful discrimination on the basis of disability. For example, no member of the College community shall:

- Consider a disability in evaluating the possible admission to the College of otherwise qualified students with disabilities;
- Make pre-admission inquiries as to whether an applicant has a disability;
- Exclude an otherwise qualified student with a disability from any course of study or activity at the College;
- Provide less financial aid to students with disabilities than is provided to students without disabilities;
- Assess student achievement using methods and procedures that adversely discriminate against a student with a disability; or
- Implement regulations, rules, and policies that result in limiting participation of otherwise qualified students with disabilities in educational programs or activities available at the College.

### I. Disability Services

#### A. Director of Disability Services and ADA Coordinators

The College Director of Disability Services shall manage the College's student disability program; identify requirements and resources; recommend policies and procedures to improve the College's provision of disability resources; manage program records, giving due consideration to security and privacy issues; and arrange for appropriate education and awareness activities for students and associates to promote the disability program. ADA Coordinators shall provide accommodation services to students in New Jersey, New York and in the online programs. Coordinators communicate directly with students encountering difficulties or requesting reasonable accommodations in connection with disabilities, conduct the appropriate interactive process, and grant accommodation plans to students, as appropriate.

**Disability Records:** The Director of Disability Services shall be notified promptly of any reasonable accommodation provided to students; maintain a complete file of student accommodations on behalf of the College; and, from time to time, or as otherwise requested, present statistical data and program/policy recommendations to the President for consideration.

Although they constitute "Education Records" subject to FERPA and the College Student Records Policy, disability records shall be considered confidential and maintained separate from a student's other Education Records. FERPA permits Disability Services/ADA Coordinators to share information about the impact of a disability and accommodation eligibility with other Berkeley College school officials who have a legitimate educational interest. A "school official" includes, but is not limited to, ADA Coordinators, faculty and instructional staff, residence life staff, academic deans and advisors, career services, public safety and counseling. "Legitimate educational interest" means the school official needs to review an Education Record or information derived therefrom in order to fulfill his or her professional responsibilities. Generally speaking, faculty and college staff outside the Office of Disability Services/ADA Coordinators do not have the right or need to view diagnostic information related to a student's disability; rather, they might need to know a student's accommodation eligibility and a student's accommodations. **Sharing this "need to know" information with school officials does not require student consent under FERPA.**

Student disability records shall be retained for at least seven (7) years after the student has left the College.

## B. Procedures for Requesting Reasonable Accommodations

While students are expected to meet the College's academic, physical and technical standards and requirements, Berkeley encourages any otherwise qualified student or applicant with a disability, who seeks reasonable accommodations, to submit an appropriate request and supporting documentation, as soon as the need becomes apparent, so that the circumstances may be evaluated in a timely manner.

Individual requests for reasonable accommodations may be referred to the specific campus ADA/Section 504 Coordinators: [NJ students] Sandra Coppola, Ph.D., 973-278-5400 ext. 1320 or [SEC@BerkeleyCollege.edu](mailto:SEC@BerkeleyCollege.edu); [NY students] Diane K. Georges, LMHC, 212-986-4343 ext. 4216 or [diane-georges@BerkeleyCollege.edu](mailto:diane-georges@BerkeleyCollege.edu); [Online students] Katherine Wu, Ed.M., LMHC, LPC, 973-405-2111 ext. 1394 or [KNW@BerkeleyCollege.edu](mailto:KNW@BerkeleyCollege.edu).

In addition, each individual campus has a Disability Services representative via the Personal Counseling Office. These Personal Counselors work with the ADA/Section 504 Coordinators for the purpose of reasonably accommodating students with disabilities.

A student seeking accommodations must schedule an appointment with either the above-stated ADA/504 Coordinators, or a campus Personal Counselor, in order to submit an *Application for Disability Services and Accommodations* and to confirm requested accommodations. Contact information for the College Personal Counselors can be found on the Berkeley College Health and Wellness website at: <http://berkeleycollege.edu/10231.htm>. Select "Contact Information" from the drop-down menu.

Individual requests for reasonable housing accommodations at the Westchester Residence Halls may be referred to the ADA/504 Coordinator for New York, Diane K. Georges, LMHC, 212-986-4343 ext. 4216 or [diane-georges@BerkeleyCollege.edu](mailto:diane-georges@BerkeleyCollege.edu) or to the Westchester Personal Counselor.

### **Application Documentation Guidelines:**

The student with a disability is required to fill out and sign an *Application for Disability Services and Accommodations*, which can be found on the Disability Services website located at <http://berkeleycollege.edu/disability-services.htm>. The Application includes a section requiring medical and/or psychological documentation, supporting the claim of disability, from a licensed professional. The medical and/or psychological documentation (e.g., reports, clinical notes, evaluations, etc.) must be no older than three (3) years. In addition, the medical and/or psychological documentation must include the following:

1. Diagnosis of the disability;
2. Severity of the diagnosis;
3. Functional limitations of the disability;
4. Treatments provided for the disability;
5. Recommendations for successful learning; and
6. "Must Have" accommodations.

Once a completed Application is submitted, the College will enter into a prompt interactive process with the student, which may include, but not be limited to, further discussions with the student, faculty and others, and possibly seeking additional medical documentation, all in an effort to assess how the requested accommodation, or other reasonable accommodations, may allow the student an equal opportunity to participate in school programs and activities. All such requests will be considered carefully and promptly. Accommodations will be determined based upon the level of disability, its impact on learning, and the College's ability to provide the accommodation without incurring undue burden or fundamentally altering its programs, facilities, policies or activities.

Once a decision has been made, the accommodation determination shall be provided to the student in writing, and shall describe, and specify the duration of, any approved accommodation. Specific details of the disability will remain confidential as between the student and the ADA Coordinator/Director of Disability Services, unless the student chooses to disclose, or there is a legitimate academic need for disclosure, on

a case-by-case basis. Accommodations may be offered *only* with the written approval of an ADA Coordinator. Thus, faculty should *only* honor accommodations approved by an ADA Coordinator.

Students should review the Office of Disability Services “**Student Rights and Responsibilities**” [<http://berkeleycollege.edu/disability-services.htm>] for additional important information related to accommodations and accommodation plans.

### **C. Appeals & Grievances**

Any student who wishes to appeal accommodation determinations made by an ADA Coordinator should submit a written Notice of Appeal and accompanying documentation to the Director of Disability Services no later than ten (10) calendar days after the issuance of the subject accommodation determination. The Director may request such additional documentation, investigation, or testimony as the Director deems appropriate to the decision. The Director shall endeavor to determine an appeal within seven (7) calendar days after receiving a student’s written Notice of Appeal and complete documentation. Decisions on appeal shall be in writing, and shall state the grounds for the disposition. The decision of the Director shall be final. If circumstances suggest that the Director has a conflict of interest and cannot therefore determine an appeal in an impartial manner, the Provost, or another member of executive management designated by the President, shall determine the appeal.

### **D. Emergency Management**

Berkeley College recognizes that students with disabilities might require some assistance in the case of a natural disaster, a fire emergency, and/or an unwanted intruder on campus. Therefore, at least each semester, the Director of Disability Services shall furnish the Office of Public Safety and the appropriate Campus Operating Officer with a complete and accurate list of all consenting students to whom accommodations have been granted. Promptly upon receiving such information, the Office of Public Safety shall take any steps necessary to include such information in emergency management and response planning and execution, for the health and safety of students with disabilities.

### **E. Service Animals**

If a student with a disability utilizes a service animal, the student should promptly register the service animal with an ADA Coordinator who may ask the student: 1) is the service animal required because of a disability; 2) what work or task has the service animal been trained to perform in connection with that disability; and 3) is the service animal vaccinated according to state and local laws. In the College’s sole discretion, the College may require this information from the student in writing.

## **II. Training & Awareness**

Compliance with disability requirements is a shared responsibility of every member of the Berkeley College community. Ongoing disability training is essential to the success of the College’s disability program for students.

### **A. Student Orientation**

An explanation of program requirements, student responsibilities and rights to accommodations, and procedures for seeking reasonable accommodations shall be presented in every on-site and online student orientation.

### **B. Associate Training**

The Director of Disability Services will assist the Human Resources Department in creating, implementing, and establishing a means to track completion of a comprehensive mandatory disability training program for associates.

### III. Reports and Assessment

#### Progress Reports

The Director of Disability Services shall prepare biannual Progress Reports - one by June 30<sup>th</sup> and the second by December 31<sup>st</sup> - which shall be circulated to the President, Provost and the Office of the General Counsel. The report shall include, at a minimum, the following information:

- the number of students requesting disability accommodations;
- the nature of the accommodations requested;
- the types of accommodations provided and how long it took to provide them;
- the nature of any requests for accommodations that were not fulfilled;
- any additional requirements or recommendations for future action and estimated costs, if any; and
- any other information requested by the President or Provost.

These Reports shall offer any recommendations for action in the coming fiscal year and estimated costs, if any. The contents of the Progress Reports shall be considered in the budget process for the next fiscal year and beyond. The College shall review such Reports and take any action deemed appropriate.

#### IV. Enforcement

Failure to follow this policy may subject the violator to disciplinary measures, up to and including suspension or dismissal from the college (student) or suspension or termination of employment (associate).

#### ***Related Policies and Forms:***

Equal Opportunity Policy: [http://berkeleycollege.edu/files\\_bc/Equal\\_Opportunity\\_Policy.pdf](http://berkeleycollege.edu/files_bc/Equal_Opportunity_Policy.pdf)

Student Records (FERPA) Policy: [http://berkeleycollege.edu/files\\_bc/FERPA\\_Notice\\_Berkeley\\_1099.pdf](http://berkeleycollege.edu/files_bc/FERPA_Notice_Berkeley_1099.pdf)

Westchester Housing Application/Agreement <http://wpk-inowtest4:8900/iFiller/iFiller.jsp?fref=e26ca8c6-a142-48ad-b4bd-9ae32f63f3e8>

The following documents can be found on the College Disability Services page at:

<http://berkeleycollege.edu/disability-services.htm>

Application for Disability Services and Accommodations

Disability Services Student Rights and Responsibilities

Accommodations and Services List

Disability Services Proctor Form

Disability Services Semester Form