



DAKOTA STATE
OFFICE OF DISABILITY SERVICES

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DSU's Office of Disability Services Mission

The mission of DSU's Office of Disability Services is to create an accessible, inclusive, sustainable learning environment, where disability is recognized as an aspect of diversity that is integral to the campus community and to society. Our primary objective is to provide inclusive learning and working environments and facilitate access to campus programs and activities for all students.

Vision

Welcoming and fully accessible campus community.

Definition of Disability

Americans with Disabilities Act

The Americans with Disabilities Act of 1990 (ADA) is the civil rights guarantee for persons with disabilities in the United States. It provides protection from discrimination for individuals on the basis of disability. The ADA extends civil rights protection for people with disabilities to employment in the private sector, transportation, public accommodations, services provided by state and local government, and telecommunication relay services.

Section 504 of the Rehabilitation Act of 1973 states that:

"No otherwise qualified individual in the United States ... shall, solely by reason of ... 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."

A "qualified person" is defined as one who meets the requisite academic and technical standards required for admission or participation in the post-secondary institution's programs and activities. Section 504 protects the civil rights of individuals who are qualified to participate and who have disabilities such as, but not limited to, the following:

- Blindness or visual impairments
- Cerebral palsy
- Chronic illnesses (to include AIDS, arthritis, cancer, diabetes)
- Deafness or hearing impairments
- Drug or alcohol additions (Section 504 covers former users and those in recovery programs)
- Epilepsy or seizure disorders
- Mental retardation
- Orthopedic limitations
- Specific learning disabilities
- Speech disorders
- Spinal cord or traumatic brain injury

Relevant Anti-discrimination Laws Related to Disability

Americans with Disabilities Act of 1990
as amended by the ADA Amendments Act of 2008
https://www.ada.gov/ada_intro.htm

Section 504 of the Rehabilitation Act of 1973
<https://www.dol.gov/oasam/regs/statutes/sec504.htm>

Section 508 of the Rehabilitation Act of 1973
<https://www.dol.gov/oasam/regs/statutes/sec508.htm>

Documentation Guide

While students provide essential information and are often experts at describing the impact of their disability, documentation from a qualifying professional is an important tool used to verify and understand the functional limitations imposed by the disability.

Functional limitations are those that impede or limit the student's ability to perform one or more major life activities. Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. Major bodily functions are also considered major life activities. Same examples include: functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions (U.S. Department of Labor listing of covered activities).

To determining eligibility for disability services at DSU, students are encouraged to submit documentation to the Office of Disability Services for review by the Disability Services Coordinator. Students are not required or encouraged to submit disability documentation directly to their instructors. They are also not required to share diagnoses with instructors.

Documentation can include:

1. A diagnosis or diagnostic impression/statement from a current care provider
2. A copy of the student's current IEP or 504
3. A letter from your service provider with printed name, title, credentials, signature, and contact information
4. The date of the most recent evaluation or treatment appointment

Student Eligibility Process

Students are responsible for self-disclosing relevant disability-related information to qualify for reasonable accommodations based on disability. The Office of Disability Services is designated

as the office at DSU where students submit this documentation for consideration to qualify for accommodations that provide equal access to the learning environment.

Here are the steps involved in notifying the Office of Disability Services:

1. Complete an application for services
<https://dsu.edu/student-life/disability-services/request-for-disability-services>
 - a. If you are currently registered for classes, please use the following link to register for services: <https://apps.dsu.edu/psychological-counseling-center/>
2. Submit documentation identifying current limitations that impair functioning in the academic environment; including those that are intermittent or re-occurring and may interfere with access
3. Schedule an appointment with the Office of Disability Services Coordinator by calling: (605) 256-5121 or emailing DSU-ADA@dsu.edu.

It's advisable to submit documentation prior to the semester for which accommodations are needed to allow adequate time for processing. The length of time it takes qualifying professionals (medical providers, counselors, etc.) to respond to requests for information or records can be highly variable. Documentation from the qualifying professional and the student's description of how they're impacted by a condition are important resources used when making a disability eligibility decision. **Accommodation requests should be made prior to the time they're needed as they are not retroactive.**

Temporary Medical Conditions

Temporary medical conditions often don't qualify as disabilities under federal law. DSU does, however, have a process in place for students seeking assistance for a temporary medical condition that does not meet the definition of a disability. To learn more about this process, please reach out to the Office of Disability Services at DSU-ADA@dsu.edu or (605) 256-5121.

Making Accommodation Requests

Students are encouraged to notify the Office of Disability Services prior to the semester for which accommodations are needed. Notification is necessary to request/receive reasonable accommodations. **Residence life requests can be submitted after a student is admitted to the university.** These requests can take more time to process; therefore, incoming students are advised to submit their requested accommodation to the Office of Disability Services at the time they submit their housing application to Residence Life to allow time for processing. More detailed information is located on the DSU website: <https://dsu.edu/student-life/residence-life/exemption-policies>

About Academic Accommodations

While students are encouraged to visit with their instructors about accommodation needs in the classroom, instructors are not required to permit or implement accommodations based on

disability if the accommodation has not yet been approved through the Office of Disability Services. **Accommodations are not retroactive, making it important to complete the eligibility process before specific requests are considered.** For students whose limitations or symptoms fluctuate or go into remission, it's advisable to notify even if accommodation needs are not an immediate concern since waiting until symptoms surface may increase the chances a student will be without accommodations when they're needed.

Testing Protocol

If you have testing accommodations that you would like to use please notify the Office of Disability Services, DSU-ADA@dsu.edu. If you are planning to take the test within the Office of Disability Services, please notify the office prior to the test so arrangements can be made.

Day of test procedure.

1. Go to the area you will be taking the test
2. Sign in at the front desk or in the college main office
3. Complete test while being proctored by staff member
4. Sign out at the front desk or in the college main office

Note Taker Protocol

If you are a note taker for a fellow student who is receiving accommodations, please follow the steps below to get set up.

1. Inform the Office of Disability Services of the class where you will be providing notes.
2. Complete the payroll paperwork with Human Resources
3. Take notes each class period
4. Send the notes to your instructor who will make sure the student receives your notes
5. Submit your hours on your timesheet

If you have any questions, please contact the Office of Disability Services at DSU-ADA@dsu.edu or call 605-256-5121.

Reasonable versus Unreasonable Accommodations

A **reasonable accommodation** is one that reduces or removes the impact of a disability to provide equal access to the learning environment, decreasing an adverse effect resulting from an interaction between a person's disability and the environment or activity.

An accommodation is not reasonable when it:

- Fundamentally alters the course or program standard
- Threatens personal or public safety
- Creates an undue financial or administrative burden

Service/Emotional Support Animals

A service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Tasks performed can include, among other things, pulling a wheelchair, retrieving dropped items, alerting a person to a sound, reminding a person to take medication, or pressing an elevator button.

ESAs are a category of animals that may work, provide assistance, or perform physical tasks for an individual with a disability and/or provide necessary emotional support to an individual with a significant mental health disability that alleviates one or more identified symptoms of an individual's disability, but which are not considered Service Animals under the ADAAA. While cats and dogs are often identified as ESAs, other animals may be considered for approval.

If you would like more information about ESA's and the American Counseling Associations position on ESA's, please look at the following link. <https://bit.ly/2MZHIV4>
Copies can also be available in the Office of Disability Services.

If you would like to have an Emotional Support Animal on the DSU campus, you must follow the steps below. Our policy is generally to approve only one ESA per unit. *****Emotional Support Animals cannot be brought to campus until the following steps have been completed*****

1. Supply medical documentation stating the student is currently under the provider's care, has a significant mental health disability that substantially limits one or more major life activities, and the person can benefit from having an emotional support animal to reduce or alleviate symptoms associated with the diagnosis or disability to the Office of Disability Services. Fax: 605-256-5854
2. Call or stop in to the Office of Disability Services to set up an appointment with the Disability Services Coordinator. Phone: 605-256-5121
3. The Disability Services Coordinator will determine need of an emotional support animal.
4. Residence Life will be made aware of the decision made by the Disability Services Coordinator and follow up with the student to cover the animal housing agreement
5. Once the student has completed all step, the students emotional support animal can be brought to campus.

Medical Single Housing Accommodations Process

While the South Dakota Board of Regents requires all unmarried students taking six credit hours or more to live on-campus during the first two years of school, some students may be granted an exemption based on needs. Medical Exemptions/Accommodations may include, but are not limited to:

1. Living off-campus
2. Accommodations to be place in single occupancy on-campus housing
3. Placement in specific location

If you would like to request an exemption based on need, please follow the following steps:

1. Complete the Exemption/Accommodation Form
2. Supply sufficient documentation to support your request
3. Return completed form to Disability Services Office
 - a. DSU-ADA@dsu.edu
 - b. Fax: 605-256-5854
 - c. Bring to office in the Counseling Center located in the Learning Engagement Center

To be considered for a housing exemption, the university requires specific diagnostic information from a licensed health care provider. Documentation from a health care provider does not, by itself, guarantee approval of the request. All submitted requests will be reviewed by the Disability Services Coordinator. The Disability Services Coordinator will contact the student, likely via e-mail, to inform them of the decision in a timely manner. If an exemption/accommodations is granted, the Disability Services Coordinator will communicate the need to Residence Life to begin the housing assignment process.

Related Considerations

Many students are proactive in completing the disability eligibility process before requesting reasonable accommodations, yet it's not uncommon for some students to wait until they're struggling academically to notify the Office of Disability Services. This can result in students asking for retroactive credit or points for missed assignments submitted after the deadline. Such accommodations are not considered reasonable. Instructors are not required to give retroactive credit for such assignments after the deadline or to allow exams to be re-taken with accommodations that were not requested and approved prior to the first administration of an exam. Students with disabilities are strongly encouraged to notify the Office of Disability Services to access accommodations, when needed, and avoid processing delays.

Confidentiality

Disability documentation is maintained confidentially in the Office of Disability Services and is not released to other personnel on campus. It's advisable for students to keep a copy of any documentation they have in their possession as this information is not released back to the student or to third parties at a later date, even at the student's request. This is significant, since some students need disability documentation to apply for accommodations for licensure or career preparatory exams.

To implement reasonable accommodations, it can be necessary to communicate limited disability-related information with DSU personnel on a need-to-know basis (ex: instructor, academic advisor, etc.) in order to coordinate the accommodation and/or effectively serve the student.

Student Rights and Responsibilities

Students have a right to:

1. Equal access to DSU programs, services and facilities.

2. Access reasonable accommodations to reduce/remove a disability-related barrier by opening a file and submitting requests to the Office of Disability Services.
3. Confidentiality of documentation submitted to the Office of Disability Services.
(Note: Documentation is not released to others on campus; however, personnel involved in implementation of an accommodation/service may have limited information about the disability to effectively provide the service).
4. Appeal decisions related to an accommodation if they feel their request has not been adequately addressed.
5. The same respect afforded to their peers and freedom from retaliation when requesting/accessing approved accommodations or engaging in a protected activity.
6. Information and advisement, fostering self-advocacy whenever appropriate/possible.

Students have a responsibility to:

1. Self-disclose the presence of a disability to be eligible for accommodations through the Office of Disability Services.
2. Participate in an intake appointment with the Disability Services Coordinator after applying for services and documentation from a qualifying professional, identifying the diagnosed condition(s) and related functional limitations.
3. Request accommodations in advance of the need each semester; accommodations are not retroactive, and some require more notice than others to process (example: alternate text for textbooks often require more lead time than other accommodations).
4. Follow procedures for requesting and accessing specific accommodations.
5. Meet the same essential standards as students without disabilities in their academic program and courses; essential standards include academic, behavioral, performance and technical standards.
6. Report any challenges related to approved accommodation(s) to the Office of Disability Services as soon as is reasonably possible to address the challenge and avoid delays in accessing the accommodation(s).

The Office of Disability Services Rights and Responsibilities

The Office of Disability Services has a right to:

1. Uphold the academic standard/integrity of courses and programs offered.
2. Expect/receive notification from the student, verifying the presence of a disability and the need for a reasonable accommodation(s).
3. Request/receive appropriate documentation that identifies the condition(s) being considered for disability eligibility, and relevant functional limitations impacting one or more major life activities
4. Receive accommodation requests in advance of the need for each semester for which accommodations are needed.
5. Timely notifications from the student regarding concerns or questions about accommodations or implementation of accommodations to allow the university to respond in a timely manner.

The Office of Disability Services has a responsibility to:

1. Facilitate equal access to academic programming and related services for students with documented disabilities, partnering with relevant personnel to ensure effective implementation.
2. Engage in an interactive process with the student and appropriate stake holders to determine reasonable accommodations.
3. Address accommodation requests from eligible students with disabilities in a timely manner, avoiding delays that may disadvantage the student.
4. Develop and communicate a clear plan of approved accommodations, generating written verification of accommodations for specifically identified courses, field experiences, or academic requirements.
5. Respond to concerns from students, instructors and other stake holders to resolve barriers to implementing reasonable accommodations.
6. Participate in professional development to stay current on trends, relevant legal issues/rulings and to communicate awareness of evolving issues impacting students and postsecondary institutions in the disability field.
7. Communicate with the ADA Coordinator regarding policies impacting students with disabilities to ensure ongoing consistency with federal/state laws and regulations.

The Office of Disability Services Problem/Complaint Procedure

The Office of Disability Services seeks to ensure access to the educational environment, opportunities and activities for students with disabilities at DSU. It is important to the Office of Disability Services to provide this access with fairness, compassion and integrity. In certain circumstances, individuals may disagree with decisions regarding the eligibility for services, the appropriateness of the accommodation(s) or the quality of services received.

Students are encouraged to use the following steps to resolve the complaint.

Steps:

1. The student is encouraged to directly communicate the problem/complaint with the Disability Services Coordinator, Learning Engagement Center, room 041E, (605) 256-5121.
2. If the problem/complaint is not resolved in step 1, the student will schedule a meeting with the Vice President of Student Affairs (605) 256-5124.

****Please note that not all complaints may be resolved in exactly the manner you prefer, but University personnel will work with you to seek the best possible outcome.**

Classroom/Building/Residence Hall Access

Students with disabilities seeking information about physical access to classrooms and/or buildings on campus are invited to contact the Office of Disability Services. Students will notify

the Office of Disability Services and are assigned to the Disability Services Coordinator who responds to access issues/needs reported by the student to resolve them. For example, a student needing an adjustable- height table in a lecture hall would inform the Office of Disability Services of the need and staff would then notify the appropriate department on campus to ensure a suitable table is added to the designated room.

Students applying for housing on campus are encouraged to review room layouts on the Residence Life website, <https://dsu.edu/student-life/residence-life/residence-halls>, and contact the Residence Life office with questions about physical living spaces to identify possible access issues or disability-related barriers.

Requests for specific room formations based on a condition that may qualify as a disability are then submitted to the Office of Disability Services by the student with supporting documentation for initial review and processing. The Office of Disability Services will provide a summary of considerations to Residence Life, so an appropriate room assignment or arrangement can be made.

While students work with the Office of Disability Services to resolve disability-related access barriers specific to the limitations of their disability, they can also contact the Physical Plant directly to report immediate concerns, such as an inoperable electronic door button or elevator issue (605) 256-5222.

Access to Grounds/Priority Snow Removal

Access to campus grounds is essential for all students. One-way DSU works to ensure access to pathways on campus is through the priority snow removal process. Students whose access may be affected by inclement weather, such as heavy snow or icy conditions are invited to share information about their typical travel routes on campus. A map of combined routes is provided to the Facilities Management department to make these areas a top priority for clearing when harsh weather hits the campus community. As is true with facility access, students are invited to report immediate concerns to the Office of Disability Services or to the Physical Plant, directly, to seek a resolution to barriers related to campus grounds.

Commonly asked Questions Regarding the ADA and Section 504:

Q: May colleges deny services if a student refused to document his or her disability?

A: Yes. A college has no obligation to provide services to a student who refused to provide documentation of his or her disability.

Q: Can a college be held liable under the ADA if it is unaware of a student's disability?

A: No. The college's obligation to provide a reasonable accommodation applies only to known disabilities.

Q: Does an institution have any obligation to lower its admissions standards for individuals with disabilities?

A: No. An applicant's disability should play no part in an admission decision and the institution has no obligation to lower its admissions standards to admit an applicant with a disability.

Q: What is the scope of the college's obligation to provide auxiliary aids or services to students with disabilities in the classroom?

A: An educational institution has a duty to provide reasonable accommodations in the classroom for students with known disabilities when services have been requested in a timely manner.

Q: Does a college have any obligation to provide personal services or devices?

A: No. An educational institution is not required to provide a student with a disability with personal or individually prescribed devices.

Q: Must an institution lower its academic standards to accommodate a student with a disability?

A: No. But it should be noted that a college may be required to take some modifications to its academic requirements to ensure that such requirements do not discriminate or have the effect of discriminating based on the student's disability.

Q: Does an institution's obligation extend to providing accommodations during a test to a student with a disability?

A: Yes. Reasonable accommodation must be provided if appropriate notice is given.

Q: Must an institution's library materials be accessible to students with disabilities?

A: Yes. The institution has an obligation to ensure that students have effective access to library materials.